

APPENDIX A
SCOPING REPORT AND NOI

**NISOURCE
HABITAT CONSERVATION PLAN/
INCIDENTAL TAKE PERMIT
ENVIRONMENTAL IMPACT STATEMENT
SCOPING REPORT**



April 2008

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1.0 INTRODUCTION

The U.S. Department of the Interior, Fish and Wildlife Service (hereafter referred to as the “Service”) is preparing an environmental impact statement (EIS) in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) to evaluate the environmental impacts associated with a multi-species/multi-state Habitat Conservation Plan (HCP) and the issuance of an associated Incidental Take Permit (ITP). The applicant, NiSource, is developing the HCP and ITP application to comply with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). The HCP will likely address impacts associated with construction, operation, and maintenance activities along its approximate 15,000-mile network of natural gas pipelines, storage fields, appurtenant facility sites, and associated access roads in 17 states throughout the eastern United States.

As part of the NEPA EIS process, the Service conducted public scoping meetings, and consulted with various Federal and state agencies, including active participants at the time of this scoping effort - the U.S. Army Corps of Engineers (USACE), and Federal Energy Regulatory Commission (FERC). The purpose of these meetings and consultations was to solicit input from the general public, government agencies, and non-governmental organizations to assist the Service in identifying issues to be addressed in the EIS, as well as to develop a reasonable range of alternatives to be analyzed in the EIS. This report has been prepared to document the scoping process and to report on any feedback obtained from the scoping process. As such, this report includes the following information related to the scoping process and development of the draft EIS:

- Background information on the regulatory framework relative to the issuance of an ITP to NiSource or any of its interstate natural gas transmission subsidiaries;
- Definition, and Purpose and Need for the Proposed Action;
- Description of the proposed alternatives, including the no-action alternative;
- Summary of the scoping process and comments received; and,
- Summary of impact areas and issues to be addressed in the EIS.

2.0 BACKGROUND

NiSource's interstate natural gas transmission system is currently maintained and operated by Columbia Gas Transmission Corporation, Columbia Gulf Transmission Corporation, Granite State Gas Transmission Corporation, and Crossroads Pipeline Corporation. These four subsidiaries currently maintain and operate approximately 15,000 miles of onshore and offshore interstate natural gas transmission pipelines and appurtenant facilities in Louisiana, Mississippi, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, New Hampshire, Maine, Maryland, and Massachusetts. In addition, they operate and maintain 36 underground natural gas storage fields in conjunction with its pipeline system comprised of approximately 3,600 individual storage wells in West Virginia, Ohio, Pennsylvania, and New York.

Currently, as part of its annual natural gas pipeline operations, NiSource regularly undertakes construction and maintenance projects on its natural gas transmission system. Many such projects are located in habitats occupied by Federally-listed or proposed species and/or critical habitat that trigger ESA review. Many of these projects involve Federal agency (e.g., USACE, or FERC) authorizations and thereby require consultation pursuant to Section 7 of the ESA. However, some actions do not involve any Federal agency involvement. Under Section 9 of the ESA, NiSource is obligated to ensure that no unauthorized "take" of Federally-listed species occurs regardless of whether any Federal agencies are involved with the action. "Take" is defined in the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction) (16 U.S.C. 1538). Section 10(a)(1)(B) of the ESA establishes a program, whereby persons seeking to pursue activities that otherwise could give rise to liability for unlawful "take" of federally protected species, may receive an ITP that protects them from such liability.

NiSource is seeking a 50-year ITP from the Service to more efficiently address their ESA requirements for construction, operation, and maintenance activities in the future (whether Federal agencies are involved or not). An application for an ITP must be accompanied by a habitat conservation plan (HCP) that specifies: the impact which will likely result from the taking of a listed species; the steps they take to minimize and mitigate the impacts; the funding that will be available to implement such steps; alternative actions to such taking they considered; and reasons why such alternatives were not utilized. The Service has elected to prepare an EIS to disclose and review its decision regarding NiSource's ITP request based on its long-term and far-reaching intent, and the potential precedence set by such a decision. As part of the requirements of the EIS, input is solicited from the public on the potential environmental impacts associated with issuance of the permit.

3.0 PURPOSE AND NEED FOR AGENCY ACTION

To avoid future liability, NiSource is applying for an ITP under Section 10 (1)(a)(B) of the ESA. The permit would be issued by the Service for incidental take of federally listed (i.e., threatened

or endangered) species within a one-mile corridor centered upon the location of NiSource's existing facilities (i.e., ½ mile on each side of the right-of-way center line) in 17 states for up to 50 years. NiSource is currently preparing a draft HCP, which identifies conservation measures intended to minimize and mitigate impacts to federally listed species, some candidate species, and the recently de-listed bald eagle which would result from the activities covered by the ITP.

3.1 Purpose

The purpose of the EIS is to analyze the impacts of the proposed action and other alternatives, in response to an application for an ITP related to activities that have the potential to result in take, pursuant to Section 10(1)(a)(B) of the ESA and its implementing regulations and policies. The purpose of the ITP is to provide for broader protection and conservation of the listed species under the ESA while enabling NiSource, through its subsidiaries, to construct, operate, maintain or additionally respond to emergency activities. The decision whether to issue the ITP will be based on the Service's NEPA and ESA compliance determinations. These determinations will be documented in the ESA Section 10 Findings document, the NEPA Record of Decision, and the intra-Service Section 7 Biological Opinion, which will be developed at the conclusion of the NEPA and ESA permit issuance processes.

3.2 Need

Under Section 9 of the ESA, unauthorized impacts to listed species (threatened or endangered) may constitute a "take" and are prohibited. The need for the proposed action is based on the potential that otherwise lawful activities conducted by NiSource could result in the take of listed species, thus providing the impetus for an ITP. Take of a listed species, that is incidental to otherwise lawful activities, can be authorized under Section 10 of the ESA with preparation of an HCP and issuance of an ITP. The HCP will establish acceptable levels of incidental take of listed species that may occur as the unintended result of NiSource covered activities, will identify conservation measures to ensure that NiSource covered activities will not appreciably reduce the likelihood of survival or recovery of the species in the wild, and will minimize and mitigate the impacts to federally listed species to the maximum extent practicable.

3.3 Proposed Federal Action

The proposed federal action is the issuance of an ITP pursuant to Section 10(1)(a)(B) of the ESA for the take of Federally-listed species as described in the NiSource's HCP.

3.4 Resources Summary

In addition to the covered species, the EIS will address the following general categories of resources:

- Surface and ground water quality

- Geology
- Soils
- Hazardous materials
- Air quality
- Climate
- Vegetation/land cover
- Wetlands
- Wildlife
- Land use
- Socioeconomics
- Transportation and utilities
- Cultural, archaeological, historic resources
- Recreation
- Visual resources
- Noise

4.0 SUMMARY OF SCOPING PROCESS

This section summarizes the scoping process the Service conducted for the EIS. Through the scoping process, the Service solicited input from the public; from federal, state, and local agencies in Louisiana, Mississippi, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, New Hampshire, Maine, Maryland, and Massachusetts, and from other interested parties regarding the scope of the EIS and the range of reasonable alternatives.

4.1 Public and Agency Outreach and Notification

The Service used several media to notify the public and potentially interested parties to provide them with the opportunity to participate in the scoping process.

Agency Notification

On May 17, 2007, formal invitations were sent to both the FERC in Washington, DC, and to the USACE in Washington, DC, inviting them to become cooperating agencies as per regulations set forth in 40 CFR 1501.6. **Appendix A** contains copies of these letters.

Federal Register – Notice of Intent

The Service's formal scoping process began on October 11, 2007, with the publication in the Federal Register of a *Notice of Intent to Prepare an Environmental Impact Statement, Announcement of Public Scoping Meetings, and Request for Comments* (Federal Register, Vol. 72, No. 196 [October 11, 2007]). **Appendix B** contains a copy of the Notice of Intent (NOI). The notice provided information about:

- The project and the EIS;

- Species proposed for inclusion in the NiSource HCP; and,
- The website link for specific locations, dates, and times of the 13 public scoping meetings; how comments could be mailed, faxed, or e-mailed to the Service until December 8, 2007; and contact information for two key Service representatives for further information (their names, e-mail addresses, and telephone numbers).

In addition, both the NOI and the public scoping/*Dear Interested Party* letter (see details below) sent to over 1,300 known interested parties, contained a paragraph that asked for ‘federal, state, tribal, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with [the Service] in the preparation of the EIS’.

Persons needing reasonable accommodations in order to attend and participate in the scoping meetings were asked to contact the Service a minimum of one week in advance of the meeting such that appropriate arrangements could be made.

Local Newspaper Announcements

Both a legal notice and an open house/public scoping meeting notification were published in the following local newspapers one to two weeks prior to the public scoping meetings:

- *Binghamton Press* (Binghamton, NY);
- *Charleston Gazette* (legal notice only); *Charleston Daily Mail* (Open House/Public Scoping Meeting notification) (Charleston, WV);
- *Cleveland Sun* (Cleveland, OH);
- *All Around Cleveland* (Cleveland, OH);
- *The Daily Legal News* (Cleveland, OH);
- *The Plain Dealer* (Cleveland, OH);
- *Cleveland Free Times* (Cleveland, OH);
- *The Clarion-Ledger* (Jackson, MS);
- *The Advertiser* (Lafayette, LA);
- *Lexington Herald-Leader* (Lexington, KY);
- *The Tennessean* (Nashville, TN);
- *The City Paper* (Nashville, TN);
- *Philadelphia Daily News* (Philadelphia, PA);
- *Pittsburgh Tribune-Review* (Pittsburgh, PA);
- *New Pittsburgh Courier* (Pittsburgh, PA);
- *Pittsburgh Post Gazette* (Pittsburgh, PA);
- *Portsmouth Herald* (Portsmouth, NH);
- *Richmond Times-Dispatch* (Richmond, VA);
- *The Hill* (Washington, DC);

- *The Examiner* (Washington, DC);
- *Washington City Paper* (Washington, DC); and
- *Washington Times* (Washington, DC).

Appendix C contains a copy of the legal notice while **Appendix D** contains a copy of the notification for the open houses/public scoping meetings.

Public Scoping Letter

On October 18, 2007, a public scoping/*Dear Interested Party* letter was sent to over 1,300 known interested parties (see **Appendix E** for the list of interested parties). In addition, the public scoping letter was sent to federally recognized Native American Tribes in each of Louisiana, Maine, Massachusetts, Mississippi, and New York. The letter provided information on the project and the EIS, and included the dates of the 13 scoping meetings with the times and locations of the scoping meetings provided on a separate enclosed “*Venues for Open Houses*” document. In addition, notification was given that written comments would be received until December 8, 2007 through either U.S. Postal Mail, facsimile or the Service website.

For those people requiring further information, the names, e-mail addresses, and telephone numbers of two key Service representatives, along with a 1-800 number, were also provided.

A copy of the public scoping letter is included in **Appendix F**.

Website

To support distribution of the NOI and notice of the public meetings, these documents and the meeting information was posted on the Service – Region 3 website at the following link:
http://www.fws.gov/midwest/Endangered/permits/hcp/hcp_nisource.html

4.2 Open Houses/Public Scoping Meetings

The Service conducted 13 open houses/public scoping meetings to solicit input on the scope of the EIS associated with the issuance of an ITP to NiSource and approval of the associated HCP. The meetings took place in 11 states across the East, Southeast, and Midwest regions (see Section 4.2.1.2 and Figure 1) from 4:00 to 8:00 p.m. (local time) during the period from November 5 through November 16, 2007. The Washington, D.C. open house was held from 1:00 to 5:00 p.m.

Three teams worked concurrently to deliver the scoping meetings over a two-week period. Each team consisted of representatives from the Service and AMEC Earth & Environmental (AMEC) (contractor for completion of the EIS). NiSource was also allowed space during the scoping meetings in order to provide information regarding their operations and the HCP. Wherever possible, local representatives of the Service and/or AMEC were asked to staff the open house to bring local knowledge about the state and/or stakeholders to the project team. It was

important to deliver the scoping meetings with consistent information presented in the same manner. This methodology is described in the following section.

4.2.1 Methodology

At each open house/public scoping meeting, there were six information ‘stations’ arranged around the periphery of the room. Tables and easels at each station were used to display project information. Each station was attended by one or two project team members (see Section 4.2.1.2). Light refreshments were available at each of the scoping meetings.

4.2.1.1 Information Stations

Directional signage in each meeting venue guided attendees to the meeting room. Once at the meeting room, attendees were met at a Welcome and Registration desk. The information provided at each station is summarized below.

Station One – Welcome and Registration

At this station each attendee was asked to register (providing his/her name, mailing address, email address) and asked whether he/she would like to be added to the mailing list. He/she was then given three handouts—an overview/text ‘map’ of the stations, a colored brochure explaining the permitting process, and a comment form asking for comments on the scope of the EIS. Attendees were encouraged to complete and return the comment form at the open house and deposit it in a comment form box supplied; but were also presented the option of mailing the form later to the Service – Region 3 using the postage paid reply located on the back of the comment form. Station One was staffed by a local Service Field Office representative or AMEC staff.

Figure 1: NiSource Pipeline Overview Map – EIS Scoping Meetings



Station Two – Overview of the HCP/ITP and NEPA Processes

Station Two presented general information about permitting under the ESA and defined “take” within the context of an ITP, the HCP/ITP Process, and compliance under the NEPA (for copies of all Display Boards, see **Appendix G**).

A fact sheet providing an overview of HCPs (Section 10 of the ESA) was available to attendees as a handout. This station was staffed by one or two regional staff from the Service (for copies of all hand-out materials see **Appendix H**).

Station Three – NiSource

Station Three was provided to allow NiSource to present background information about the company, its operations, and additional information about its HCP preparation. Handouts at this station included:

- Newsletter for the NiSource MSHCP Project;
- NiSource HCP Fact Sheet;
- NiSource HCP Frequently Asked Questions (FAQs); and,
- NiSource Environmental, Health & Safety Environmental Challenge Fund handout.

One or two NiSource representatives staffed this station.

Station Four – NEPA and the EIS

Station Four included information about NEPA and preparation of the EIS. A schematic displayed an overview of the NEPA process, and another display showed types of impacts that may be considered in the HCP and EIS. Handouts included a NEPA Fact Sheet and NEPA Frequently Asked Questions (FAQs). Station Four was staffed by an EIS project manager from AMEC.

Station Five – Proposed Covered Lands, Species and Activities

Station Five presented information that could be covered in the HCP/ITP Application, including the proposed lands (or geographical area), the wildlife species, and the types of activities that NiSource may engage in as part of its interstate natural gas transmission and storage business. Station Five also included a large map of the region corresponding to that particular scoping meeting and the endangered species lists for that specific region. Handouts at Station Five consisted of a potential partial list of covered species for the HCP and EIS. Attendees also had the option of requesting a colored copy of any of the regional maps. Station Five was staffed by an AMEC professional tasked with preparing a biophysical discipline-specific component of the EIS.

Station Six - Comments

Tables and chairs were arranged near the refreshments so that attendees could sit and complete the comment form. Instructions on filling out the comment form and extra copies of the form were available at this station.

4.2.1.2 Locations and Project Personnel for the Open Houses/Public Scoping Meetings

The respective Project Team in attendance and the locations of each of the Open Houses/Public Scoping Meetings are provided in **Appendix I**.

4.3 Agency Communication

4.3.1 Federal Agency Communication

Communication/written responses were received from the following federal agencies:

- U.S. Department of Housing and Urban Development (Ohio State [Columbus] Office);
- Natural Resources Conservation Service (Jackson, Mississippi Office);
- U.S. Environmental Protection Agency (Region 6 – Dallas, Texas);
- USDA Forest Service, Wayne National Forest (Nelsonville, Ohio);
- U.S. Fish & Wildlife Service – Cookeville, TN Field Office;
- U.S. Fish & Wildlife Service – Lafayette, LA Field Office;
- U.S. Fish & Wildlife Service – Wells, Maine Field Office;
- U.S. Environmental Protection Agency – Office of Science, Ecosystems and Communities, NEPA Implementation Section (Chicago, Illinois);
- U.S. Department of Homeland Security (Natural Hazards Program, Denton, Texas);
- U.S. Department of Interior – National Park Service (NPS) (Northeast Region, Philadelphia, PA); and
- Great Bay National Estuarine Research Reserve (Greenland, NH).

4.3.2 State Agency Communication

Communication/written responses were received from the following state agencies:

- State of Louisiana, Department of Transportation and Development (Baton Rouge, LA Office);
- Commonwealth of Virginia, Department of Environmental Quality (Richmond, VA Office);
- Commonwealth of Virginia, Department of Conservation and Recreation (Richmond, VA);

- Maryland Department of Natural Resources (Annapolis, MD);
- Kentucky State Nature Preserves Commission (Frankfort, KY);
- Virginia Department of Game and Inland Fisheries (Richmond, VA);
- Virginia Department of Game and Inland Fisheries (Snelling, MN);
- Lexington-Fayette Urban County Government (LFUCG) Division of Planning: Transportation Planning Section and Lexington Area Municipal Planning Office (MPO) (Lexington, KY);
- Louisiana Department of Wildlife and Fisheries – Ecological Investigations (Baton Rouge, LA); and
- Pennsylvania Department of Environmental Protection (Harrisburg, PA).

4.3.3 Local Government Organizations

- Monroe County Planning Commission (Stroudsburg, PA);
- Harrison County Commission (Clarksburg, West Virginia);
- County of Fauquier, Warrenton, VA; and
- Fairfax County, Department of Planning and Zoning (Fairfax, VA).

4.3.4 Local Non-Government Organization/Private Sector

Communication/written responses were received from the following private sector agencies:

- Conservation Fisheries Inc. (Knoxville, TN);
- Town of Wells, ME;
- Wells Conservation Commission (Wells, ME);
- West Virginia Trout Unlimited (Elkview, WV);
- Wells National Estuarine Research Reserve;
- Brian Farkas – Associated Press;
- Broome County Environmental Management Council (Port Crane, NY);
- Broome County Environmental Management Council (Binghamton, NY);
- Concerned citizen – Blanca Campos;
- Concerned citizen – James A. Garner;
- Concerned citizen – Mark Sellers;
- Concerned citizen – Sean Smith;

- Concerned citizen – Duncan St. Clair;
- Concerned citizen – Alice Supa;
- Concerned citizen – Bob Weinhold;
- Concerned citizen – Adrianna Woltman;
- Normandeau Associates (Environmental Consultants – Stowe, PA); and
- Great Works Regional Land Trust (South Berwick, ME);

5.0 PUBLIC SCOPING RESULTS

Written comments were accepted through December 8, 2007. Each of these comments was included in this analysis. A total of 46 written responses were received. Most submissions contained comments on multiple issues. Approximately 26 percent of the comments received dealt with the temporal length of the permit and the width of the mile-wide corridor (either too wide or not wide enough). Many of the comments focused on the need to permanently protect the 300 acres of land owned by NiSource located in Wells, ME.

Based on the input received during the scoping process, the comments were categorized as follows:

5.1 Biological and Physical Environment

5.1.1 Habitat

- Concerns expressed that the EIS should analyze habitat needs for each species and adjust the size of the covered lands. One example was that of black bears requiring more than a mile-wide corridor for their natural habitat.
- Concern that NiSource activities may impact the habitats of endangered species. Example given of chimney crayfish burrows providing habitat for two endangered species documented to occur in northwest Ohio and Northern Indiana.
- Comments that NiSource activities may also impact coastal projects designed to enhance, restore, or create wetlands in Louisiana.
- Concern expressed for the potential loss of hardwood forests and the possible loss of species dependent on such forests.

5.1.2 Vegetation

- Concerns about whether the EIS and HCP would address invasive plant and animal species.
- Comment that the proposed actions by NiSource could negatively impact the threatened small whorled pogonia population in Fairfax County, VA. Recommendation that habitats for the small whorled pogonia should be protected to the extent possible. Avoidance of the plant and its habitat were strongly recommended.

5.1.3 Wildlife

- Concern that eight species in Louisiana listed as endangered or threatened will be affected by actions included in the proposed permit.
- Concern that not enough species within the pipeline corridor have been identified by NiSource for inclusion in the HCP. Suggestion that state-listed species (including sensitive wildlife species) need to be included in addition to those already under consideration.

- Recommendation from the Virginia Department of Game and Inland Fisheries that the Virginia Wildlife Action Plan be reviewed as well as the Wildlife Action Plans for each state) as guidance to reduce impacts to imperiled species and their habitats.
- Suggestion from the Service (Lafayette, LA field office) that NiSource and its subsidiaries identify, avoid and immediately report bald eagle nests to the LA field office.
- Recommendation that NiSource, their subsidiaries, and their on-site contract personnel regularly inspect proposed work areas for the presence of undocumented nesting colonies (such as brown pelicans, herons, egrets, etc.) to minimize disturbance to colonial nesting birds.

5.1.4 Water and Fish

- Trout-related issues included the following:
 - Identify what road construction is required.
 - Identify any stream riparian disruption and remediation plans.
 - Identify stream crossings for pipes and roads.
 - Determine what disturbance of stream/streambed is needed/planned.
 - Identify any disturbance of springs.
 - Identify any disturbance of Karst areas.
 - Barriers to fish passage must not be allowed.
 - Sedimentation created by stream or riparian disturbance must be avoided and appropriate control techniques utilized.
 - Any discharges from operations to streams must meet the requirements of the Clean Water Act.
- Concern that NiSource activities will impact forested and/or emergent wetlands associated with major stream and river crossings in Louisiana.
- Recommendation that the 300 acres of land owned by NiSource in Wells, ME be permanently protected or conserved because the land contain portions of two headwater streams of significantly high quality. The land also contains numerous national and recreational resources identified as significant.
- Recommendation that NiSource and/or its subsidiaries incorporate the use of horizontal directional drilling methods at all major stream and/or river crossings.

5.2 Socio-Economic Environment

5.2.1 Tourism

- Concern expressed by the Monroe County Planning Commission (Stroudsburg, PA) that potential project impacts may disrupt the economy thereby affecting tourism.

5.2.2 Archaeological Resources

- Concern with impacts to potential archaeological resources at the Sully Historic Site and Cub Run Stream Valley Parks in Virginia. Potential areas to be impacted should be tested for the presence of archaeological resources.

5.2.3 Infrastructure

- Recommendation from the Service (Lafayette, LA Field Office) of avoidance of infrastructure coastal projects such as canal plugs, rock dikes, levees, water control structures, diversion canals, etc.
- Concern regarding the National Flood Insurance Program and the possible negative impact of the project upon identified special flood hazard areas within the project locations/study area.

5.2.4 Monitoring

- Question raised about who would be monitoring private land through the NiSource RoW during NiSource activities.
- Suggestion that monitoring protocols be evaluated and a plan developed that includes a process that allows for changes in management techniques and practices to meet multi-species HCP goals.

5.2.5 Property Rights

- Question regarding the use of herbicides or pesticides in pipeline management or maintenance and, if so, if the use would be disclosed to the landowners whose properties are crossed by the pipeline or are adjacent to the pipeline right-of-ways.

5.2.6 Roadways

- Anticipation from the Louisiana Department of Transportation and Development (DOTD) that roadway crossing permits will be needed from appropriate DOTD District Offices.

5.3 Other

5.3.1 Mapping

- Suggestion that the EIS should contain U.S. Geological Survey topographic maps.

5.3.2 The Habitat Conservation Plan

- Request from Wayne National Forest (WNF) that NiSource work with them during project planning for any project work that would affect the National Forest. WNF would like to be considered as a potential partner for the implementation of conservation measures and prescribed mitigations using Best Management Practices for the HCP.
- Request from the Town of Wells, ME that they be kept apprised of any developments on the project. Made mention that they are ready to cooperate should any conservation opportunities arise.

5.3.3 Permitting

- Suggested that the EIS should include analysis of requirements for monitoring and enforcement measures to ensure that the conditions of any permit are met.
- Suggested that the EIS should address provisions to add species and for other potential changes determined to be needed in habitat conservation that become apparent during the permit period.
- Suggested that the EIS should provide information on lessons learned from any such long-term permits already issued.
- Suggestion to expand the temporal environmental review (of this project) if this information is to be the basis for an agreement that will be in place for 50 years—concern that issuance of a take permit for 50 years is not warranted with the deficiency in information at present.
- Suggestion that the timeframe for the permit be reduced since the commenter felt that it is not possible to ensure that any recovery strategy or mitigation will be adequate for a project spanning 50 years, including decisions on take issues.
- Comment that it is not clear what aspects of the issued ITP will be negotiable during the subsequent review periods. An issue of whether the one-mile area included in the HCP would allow for expansion within this footprint or if the HCP would only cover maintenance actions of existing pipes. Suggested that there be well established benchmarks incorporated into the timeframe of this proposal that will trigger reviews and an open assessment of the conditions of the ITP and HCP.
- Recommendation that the length of the permit be changed to 10 years.
- Question whether activities in the one-mile-wide corridor by non-federal and private landowners (other than NiSource) would legally be able to proceed with an activity that would otherwise result in the illegal take of a listed species.
- Concern that because permitting for the HCP and ITP will happen at the federal level, there will be no opportunity for the Virginia Department of Game and Inland Fisheries to review maintenance activities within the pipeline corridor that may impact state-listed species.

- Recommendation that for any proposed NiSource activities that may affect National Wildlife Refuges (NWRs), Wildlife Management Areas or State Refuges, contact be made with the appropriate NWR manager to determine whether a Compatible Use Determination and/or Special Use Permit is necessary.
 - Suggestion that any development within floodplains be reviewed and appropriate permits issued to ensure compliance with the community's adopted Flood Damage Prevention Ordinance.
 - Concerns raised regarding approval of a permit that authorizes the taking of wildlife one-half mile from the centerline; a half-mile-wide buffer on either side (total of one-mile-wide corridor is too wide).
 - Comment that major new activities should be required to address conditions as they exist when the activity occurs, and should accommodate advancements in the science of preservation and protection of threatened and endangered species.
 - County of Fairfax, Virginia suggested that any actions taken by NiSource during its operations to repair, upgrade, replace, or expand its facilities should be in accordance with all Fairfax County Development policies. Operations and, if necessary, mitigation should adhere to the Chesapeake Bay Preservation Ordinance.
 - Preference for the following mitigation strategies:
 - modifications of land use practices and restrictions on access;
 - preservation of the existing habitat;
 - establishment of buffer areas, particularly around streams; and
 - application of best management practices that reduce or eliminate potential adverse effects.
- Secondary strategies (should the above strategies be unsuccessful):
- enhancement or restoration of damages or degraded habitat;
 - establishment of new habitat; and
 - funds dedicated to research with the intention of enhancing habitat or recovery of a species.
- Potential for misunderstanding what the EIS and subsequent ITP will and will not cover—specifically, that the issuance of the permit may be perceived (by gas companies) as a replacement for the NPS approval process. It was recommended that the EIS clearly state the purpose, scope, and application of the required permit, and that the permit clearly states that issuance of the ITP does not replace or otherwise change existing right-of-way or approval processes for sections of gas pipelines that cross NPS land.
 - Particular concern that the one-mile-wide corridor covered by the permit greatly exceeds the typical right-of-way width.

5.3.4 Adequacy of the HCP Process

- Comment that a lack of field surveys prior to the development of this particular HCP process significantly limits its ability to be considered a comprehensive analysis.
- Comment that a survey area limited to the one-mile-wide corridor is too narrow for certain species.
- Suggestion that specific guidelines on the activities that may be included under the header “maintenance” be included in the EIS.
- Concern noted with the EIS and the multi-state HCP being written simultaneously and that the public may not be able to provide meaningful input if they don’t fully know the scope, goal, or objectives of the HCP.
- Suggestion that the EIS needs to identify protocols should natural disasters cause modifications to the HCP or ITP.
- Question of how ‘adequacy’ in implementation of an approved HCP will be addressed.
- Recommended that further surveys of wildlife and land cover be considered—not enough information has been gathered to do an adequate environmental assessment.
- Recommended that the HCP address water quality issues.
- Suggested that determination of mitigation for potential impacts to resources needs to more adequately address where those resources occur using a combination of three methods:
 - use existing information as the baseline by which mitigation can be developed;
 - survey all impacted areas to determine what populations are present; and
 - delineate potential habitat using predictive analysis on the probability of occurrences of an endangered species within the potential habitat.

5.3.5 Adaptive Management

- It was suggested that the EIS should cite examples and layout thresholds, and describe the process that would be followed should adaptive management techniques be employed.

6.0 PRELIMINARY ALTERNATIVES

Based on comments received during the scoping period, several preliminary alternatives are currently being considered for inclusion in the EIS. In addition to the No Action Alternative, and the Proposed Action, these include the following:

- Modified Permit Duration
 - To be responsive to commentor concerns over the proposed 50-year permit duration an alternative may be considered that analyzes potential impacts associated with a shorter permit duration.
- Modified List of Covered Species
 - An alternative may be considered that responds to comments relative to a desire to include additional covered species (e.g., state listed species not covered under the ESA) in the permit.
- Modified Description of Covered Lands
 - An alternative may be considered that analyzes potential impacts of covered activities within a narrower covered lands corridor.
- Modified List of Covered Activities
 - An alternative that includes only those activities associated with regular operations and maintenance of Nisource's existing pipeline facilities may be considered.
- Alternative Implementation Strategies
 - An alternative may be considered that specifically addresses options relative to implementation of the HCP and ITP (e.g., procedures for notification, monitoring, and reporting of covered activities, mitigation actions, and conservation measures) during the life of the permit.

Analysis during the development of the EIS will determine which of these preliminary alternatives will be subject to detailed analysis and which, if any, may be dropped from further consideration in the EIS based on a relevance to, or compatibility with, the Purpose of and Need for Action and/or or the Proposed Action.

SUMMARY OF FUTURE ACTIONS

The Service will accept public input during development of the HCP and EIS. All written public comments will become part of the administrative record.

The next formal comment period will open when the Notice of Availability of the draft EIS and draft HCP is published. The Service and formal cooperating agencies will circulate a notice of the draft EIS and draft HCP to interested parties. The draft documents will be available to the public on the Service website, and by request from the Service. Availability of the draft EIS will be announced by publication of a notice in the Federal Register. Following the release of the drafts, there will be a minimum 60-day public comment period.

At the conclusion of this second public comment period, the draft EIS and draft HCP will be revised, and the proposed final EIS and final HCP will be prepared. Availability of the proposed final EIS will be announced by publication of a notice in the Federal Register, at which time a 30-day waiting period will commence. Notification will also be sent to all persons who provided comments during any phase of the public comment process.

Appendix A

Letters to FERC and USACE

Appendix B

Notice of Intent

period. These persons will be allocated time as it permits.

FOR FURTHER INFORMATION CONTACT:

Anyone requiring information regarding the ACCV should contact Michelle Herzog, DVIC, HSB, HRSA, Room 11C-26, 5600 Fishers Lane, Rockville, MD 20857; telephone (301) 443-6593 or e-mail: mherzog@hrsa.gov.

Dated: October 4, 2007.

Alexandra Huttinger,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. E7-20073 Filed 10-10-07; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; revision of a currently approved collection OMB No. 1660-0047, FEMA Form 90-129, Mission Assignment, and FEMA Form 90-136, Action Request.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the Mission Assignment (MA) form that is used to record requests for Federal assistance by State and Federal entities to FEMA, and the Action Request (AR) form which is used to request Federal assistance.

Title: Request for Federal Assistance Form—How to Process Mission Assignments in Federal Disaster Operations.

OMB Number: 1660-0047.

Abstract: The MA form is used to record a request for Federal assistance by States and Federal entities to FEMA, and may become the official FEMA obligating document if a mission assignment to another Federal agency results from the request. Mission assignments are directives provided by FEMA to another agency to perform specific work in disaster operations, on a reimbursable basis and are defined in

the 44 CFR 206.2(a)(18) and to record Federal approving signatures.

Affected Public: State, local or tribal governments and Federal Government.

Number of Respondents: 56.

Estimated Time per Respondent: 8 hours and 23 minutes.

Estimated Total Annual Burden Hours: 1,739.

Estimated Cost: Cost to respondent is estimated to be approximately \$61,195.41 annually.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Nathan Lesser, Desk Officer, Department of Homeland Security/FEMA, and sent via electronic mail to oira_submission@omb.eop.gov or faxed to (202) 395-6974. Comments must be submitted on or before November 13, 2007.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection should be made to Director, Records Management, FEMA, 500 C Street, SW., Room 609, Washington, DC 20472, facsimile number (202) 646-3347, or e-mail address FEMA-Information-Collections@dhs.gov.

Dated: October 3, 2007.

John A. Sharets-Sullivan,

Director, Records Management and Privacy, Office of Management Directorate, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7-19994 Filed 10-10-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-3277-EM]

Texas; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Texas (FEMA-3277-EM), dated August 18, 2007, and related determinations.

DATES: *Effective Date:* September 5, 2007.

FOR FURTHER INFORMATION CONTACT:

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 5, 2007.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E7-19987 Filed 10-10-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

NiSource Inc. Application for an Incidental Take Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement, announcement of public scoping meetings, and request for comments.

SUMMARY: Pursuant the National Environmental Policy Act (NEPA) of 1969, as amended, we, the Fish and Wildlife Service (Service), as lead agency, are advising the public that we intend to prepare an Environmental Impact Statement (EIS) on a proposed application from NiSource Inc. (Applicant) for an Incidental Take Permit (ITP) issued under Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The ITP would potentially include multiple federally listed species across 17 States and cover NiSource operations, maintenance, construction, and emergency response activities associated with the company's interstate natural gas transmission and storage business.

We provide this notice to (1) describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, potentially affected tribal interests, and the public of our intent to prepare an EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues to be included in the EIS.

DATES: To ensure consideration, we must receive your written comments on or before November 30, 2007. For approximate public meeting dates, see "Public Meetings."

ADDRESSES: Send your comments or request for information by any one of the following methods:

- *U.S. Mail:* Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services, 1 Federal Drive, Fort Snelling, MN 55111-4056.
- *Facsimile:* 612-713-5292.
- *E-Mail:* http://infoman.amec.com/SIMS_PublicComment/.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Magnuson, at 612-713-5467 or tom_magnuson@fws.gov, or Mr. Forest Clark, at 812-334-4261 ext. 206 or forest_clark@fws.gov.

SUPPLEMENTARY INFORMATION:

Public Meetings

To facilitate information transfer, we will hold public meetings in the following cities between November 5, 2007, and November 16, 2007: Lafayette, LA; Jackson, MS; Nashville TN; Lexington, KY; Philadelphia, PA; Pittsburgh, PA; Columbus, OH; Cleveland, OH; Charleston, WV; Richmond, VA; Washington, D.C.; Binghamton, NY; and Portsmouth, NH. Specific locations, dates, and times of public meetings can be found at the following Web site: http://www.fws.gov/midwest/Endangered/permits/hcp/hcp_nisource.html.

Reasonable Accommodations

Persons needing reasonable accommodations in order to attend and participate in the public meetings should contact the Service at the address above no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Background

The operations conducted by the Applicant's subject subsidiaries—Columbia Gas Transmission Corporation, Columbia Gulf Transmission Corporation, Granite State Gas Transmission Corporation and Crossroads Pipeline Corporation—are specific only to the interstate natural gas

transmission and storage business. The Applicant's primary operations are subject to the Natural Gas Act (15 U.S.C. 717, *et seq.*) (NGA), and fall under the direct jurisdiction of the Federal Energy Regulatory Commission (FERC) and the U.S. Department of Transportation (USDOT). The proposed ITP would be granted for those activities undertaken by the four Applicant subsidiaries noted above.

The Applicant currently maintains and operates approximately 17,000 miles of onshore and offshore interstate natural gas transmission pipelines and appurtenant facilities in Louisiana, Mississippi, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, New Hampshire, Maine, Maryland, and Massachusetts. In addition, the Applicant operates and maintains underground natural gas storage fields (36) in conjunction with its pipeline system which are comprised of approximately 3,600 individual storage wells in West Virginia, Ohio, Pennsylvania, and New York.

The Applicant currently addresses listed species-related concerns pursuant to Section 7 of the Act (16 U.S.C. 1531, *et seq.*), as well as associated NGA regulations which are under the purview of the FERC and/or associated with U.S. Army Corps of Engineers' (USACE) permitting requirements.

Section 9 of the Act and its implementing regulations prohibit the take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). We have certain responsibilities for the conservation and protection of threatened and endangered species under the Act. Section 10 of the Act, 16 U.S.C. 1539, establishes a program whereby persons seeking to pursue activities that otherwise could give rise to liability for unlawful "take" of federally protected species may receive an ITP, which protects them from such liability. To obtain an ITP, an applicant must submit a Habitat Conservation Plan (HCP) containing appropriate

minimization and mitigation measures and ensure that the taking is incidental to, and not the purpose of, an otherwise lawful activity (16 U.S.C. 1539(a)(1)(B) and 1539(a)(2)(A)). Once we have determined that the applicant has satisfied these and other statutory criteria, we may issue the ITP.

The Applicant has entered into discussions with us to explore ways to more efficiently address their Act obligations, while also maximizing the conservation and mitigation that they undertake on a yearly basis through the traditional Section 7 process. The Applicant has also initiated discussions with FERC and USACE, and other stakeholders (States, non-governmental organizations, etc.). Accordingly, both FERC and USACE will be cooperating agencies for the environmental review process.

If successful, the Applicant's HCP and subsequent ITP would allow take authorization for otherwise lawful activities, such as the Applicant's facility construction, maintenance, operation, and emergency response activities inherent to its interstate natural gas transmission and storage business. The HCP will contain a multifaceted approach, including but not limited to take avoidance, minimization (*e.g.*, through proven and defined best management practices), and mitigation through potential preservation, restoration, and enhancement measures. The Applicant must also ensure that adequate funding for implementation and compliance monitoring be provided.

Species the Applicant has proposed for inclusion in the HCP are species that are currently listed as federally threatened or endangered or have the potential to become listed during the life of this HCP, and have some likelihood of occurring within the project area (as defined in Table 1 below). Only those species under the purview of the Service will be assessed in the EIS and included in the ITP.

The project area (*i.e.*, proposed "covered lands") is hereby defined as a 1-mile wide corridor centered upon the Applicant's existing facilities (*i.e.*, 1/2 mile on each side of the right-of-way center line).

TABLE 1.—SPECIES PROPOSED FOR INCLUSION IN THE NISOURCE HCP

Common name	Scientific name	Federal status	Where listed	Final listing rule
Gray Bat	<i>Myotis grisescens</i>	E	AL, AR, FL, GA, IL, IN, KS, KY, MO, OK, TN, VA, WV.	41 FR 17736.

TABLE 1.—SPECIES PROPOSED FOR INCLUSION IN THE NISOURCE HCP—Continued

Common name	Scientific name	Federal status	Where listed	Final listing rule
Indiana bat	<i>Myotis sodalist</i>	E	AL, AR, CT, GA, IL, IN, IA, KY, MD, MI, MS, MO, NJ, NC, OH, OK, PA, TN, VT, VA, WV.	32 FR 4001.
Louisiana black bear	<i>Ursus americanus luteolus</i>	T	LA, MS, TX	57 FR 588.
Virginia big-eared bat	<i>Plecotus townsendii virginianus</i>	E	KY, NC, VA, WV	44 FR 69206.
Virginia northern flying squirrel	<i>Glaucomys sabrinus fuscus</i>	E	VA, WV	50 FR 26999.
New England Cottontail	<i>Sylvilagus transitionalis</i>	C.		
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	Delisted	72 FR 37346.
Brown pelican	<i>Pelecanus occidentalis Linnaeus</i> ..	E	CA, LA, MS, OR, PR, TX, VI, WA	35 FR 16047.
Interior least tern	<i>Sterna antillarum</i>	E	AR, CO, IL, IA, KS, KY, LA, MS, MO, MT, NE, NM, ND, OK, SD, TN, TX.	50 FR 21784.
Piping plover	<i>Charadrius melodus</i>	E/T/CH	Great Lakes E—IL, IN, MI, MN, NY, OH, PA, WI; Remaining T—AL, CO, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PR, RI, SC, TX, VA, WV.	50 FR 50726, Critical Habitat—66 FR 57637 Northern Great Plains, 66 FR 22938 Great Lakes.
Red cockaded woodpecker	<i>Picoides borealis</i>	E	AL, AR, FL, GA, LA, MS, NC, OK, SC, TX, VA.	35 FR 16047.
Bog turtle	<i>Glyptemys muhlenbergii</i>	T	GA, NC, SC, VA, CT, DE, MD, MA, NJ.	62 FR 59605.
Copperbelly watersnake	<i>Nerodia erthrogaster neglecta</i>	T	IN, MI, OH	62 FR 4183.
Eastern Massasauga	<i>Sistrurus catenatus catenatus</i>	C.		
Louisiana pine snake	<i>Pituophis ruthveni</i>	C.		
Cheat mountain salamander	<i>Plethodon nettingi</i>	T	WV	54 FR 34464.
Shenandoah salamander	<i>Plethodon Shenandoah</i>	E	VA	54 FR 34464.
Maryland darter	<i>Etheostoma sellare</i>	E	MD	32 FR 4001.
Pallid sturgeon	<i>Scaphirhynchus albus</i>	E	AR, IL, IA, KS, KY, LA, MS, MO, MT, NE, ND, SD, TN.	55 FR 36641.
Roanoke logperch	<i>Percina rex</i>	E	VA	54 FR 34464.
Spotfin chub	<i>Erimonax monachus</i>	T	TN	42 FR 45526.
Madison cave isopod	<i>Antrolana lira</i>	T	VA, WV	47 FR 43699.
Nashville crayfish	<i>Orconectes shoupi</i>	E	TN	51 FR 34410.
Clubshell	<i>Pleurobema clava</i>	E	IN, KY, MI, OH, PA, WV	58 FR 5638.
Birdwing pearlymussel	<i>Lemiox rimosus</i>	E	TN, VA.	
Cracking pearlymussel	<i>Hemistena lata</i>	E	AL, IN, KY, PA, TN, VA	54 FR 39850.
Cumberland monkeyface pearlymussel.	<i>Quadrula Rafinesque</i>	E	AL, TN, VA	41 FR 24062.
Dwarf wedgemussel	<i>Alasmidonta heterodon</i>	E	CT, MD, MA, NH, NJ, NC, PA, VT, VA.	55 FR 9447.
Fanshell	<i>Cyprogenia stegaria</i>	E	AL, IL, IN, KY, OH, TN, VA, WV ...	55 FR 25591.
Fat pocketbook	<i>Potamilus capax</i>	E	AR, IL, IN, KY, MS, MO	41 FR 24062.
James spinymussel	<i>Pleurobema collina</i>	E	NC, VA, WV	53 FR 27693.
Louisiana pearlshell	<i>Margaritifera hembeli</i>	T	LA	58 FR 49935.
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	IN, KY, MI, OH, PA, WV	58 FR 5638.
Orangefoot pimpleback pearlymussel.	<i>Plethobasus cooperianus</i>	E	AL, IL, IN, KY, PA, TN	41 FR 24062.
Oyster mussel	<i>Epioblasma capsaeformis</i>	E/CH	AL, KY, TN, VA	62 FR 1647.
Pink mucket pearlymussel	<i>Lampsilis orbiculata</i>	E	AL, AR, IL, IN, KY, LA, MO, OH, PA, TN, VA, WV.	41 FR 24026.
Purple catspaw pearlymussel	<i>Epioblasma obliquata</i>	E	AL, KY, OH, TN	55 FR 28209.
Rayed bean	<i>Villosa fabalis</i>	C.		
Ring pink mussel	<i>Obovaria retusa</i>	E	AL, IN, KY, PA, TN	54 FR 40109.
Rough pigtoe	<i>Pleurobema plenum</i>	E	AL, IN, KY, PA, TN, VA	42 FR 24062.
Sheepnose	<i>Plethobasus cyphus</i>	C.		
Slabside pearlymussel	<i>Lexingtonia dolabelloides</i>	C.		
Spectaclecase	<i>Cumberlandia monodonta</i>	C.		
Tan riffleshell	<i>Epioblasma florentina walkeri</i>	E	KY, TN, VA	42 FR 42351.
White cat's paw pearlymussel	<i>Epioblasma obliquata perobliqua</i> ..	E	IN, OH	41 FR 24062.
White wartyback pearlymussel	<i>Plethobasus cicatricosus</i>	E	AL, IN, KY, TN	41 FR 24062.
American burying beetle	<i>Nicrophorus americanus</i>	E	AR, MA, MI, NE, OH, OK, RI, SD	54 FR 29652.
Karner blue butterfly	<i>Lycaeides melissa Samuelis</i>	E	IL, IN, MI, MN, NH, NY, OH, WI ...	57 FR 59236.
American chaffseed	<i>Schwalbea americana L</i>	E	AL, FL, GA, LA, MS, NJ, NC, SC	57 FR 44703.
Eastern prairie fringed orchid	<i>Platanthera leucophaea</i>	T	AR, IL, IA, ME, MI, OH, OK, VA, WI.	54 FR 39857.
Globe bladderpod (previously Short's bladderpod).	<i>Lesquerella globosa</i>	C.		
Harperella	<i>Ptilimnium nodosum</i>	E	AL, AR, GA, MD, NC, SC, VA, WV	53 FR 37978.

TABLE 1.—SPECIES PROPOSED FOR INCLUSION IN THE NISOURCE HCP—Continued

Common name	Scientific name	Federal status	Where listed	Final listing rule
Lakeside daisy	<i>Tetraneuris herbacea</i>	E	IL, MI, OH	53 FR 23742.
Leafy prairie clover	<i>Dalea foliosa</i>	E	AL, IL, TN	56 FR 19953.
Leedy's roseroot	<i>Rhodiola integrifolia</i> ssp. <i>Leedyi</i>	T	MN, NY	57 FR 14649.
Mead's milkweed	<i>Asclepias meadii</i>	T	IL, IN, IA, KS, MO	53 FR 33992.
Michaux's sumac	<i>Rhus michauxii</i>	T	GA, NC, SC, VA	54 FR 39850.
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	MD, MA, NH, PA, VT, VA, WV	56 FR 21091.
Northern Monkshood	<i>Aconitum noveboracense</i>	E	IA, NY, OH, WI	43 FR 17910.
Pondberry	<i>Lindera melissifolia</i>	E	AR, GA, MS, MO, NC, SC	51 FR 27495.
Price's potato bean	<i>Apios priceana</i>	T	AL, IL, KY, MS, TN	55 FR 429.
Running buffalo clover	<i>Trifolium stoloniferum</i>	E	AR, IN, KY, MO, OH, WV	52 FR 21478.
Sandplain gerardia	<i>Agalinis acuta</i>	E	CT, MD, MA, NY, RI	53 FR 34701.
Sensitive joint-vetch	<i>Aeschynomene sensitive</i>	T	MD, NJ, NC, VA	57 FR 21569.
Shale barren rockcross	<i>Arabis serotina</i>	E	VA, WV	54 FR 29655.
Short's goldenrod	<i>Solidago shortii</i>	E	IN, KY	50 FR 36085.
Small whorled pogonia	<i>Isotria medeoloides</i>	T	CT, DE, GA, IL, ME, MA, MI, NH, NJ, NC, OH, PA, RI, SC, TN, VA, WV.	59 FR 50852.
Smooth coneflower	<i>Echinacea laevigata</i>	E	GA, NC, SC, VA	57 FR 46340.
Spring Creek bladderpod	<i>Lesquerella perforate</i>	E	TN	61 FR 67493.
Swamp pink	<i>Helonias bullata</i> L	T	DE, GA, MD, NJ, NC, SC, VA	53 FR 35076.
Tennessee purple coneflower	<i>Echinacea tennesseensis</i>	E	TN	44 FR 32604.
Tennessee yellow-eyed grass	<i>Xyris tennesseensis</i> kral	E		56 FR 34151.
Virginia sneezeweed	<i>Helenium virginicum</i>	T	MD, VA	63 FR 59239.
Virginia spiraea	<i>Spiraea virginiana</i>	T	GA, KY, NC, OH, PA, TN, VA, WV	55 FR 24241.
White Fringeless Orchid	<i>Platanthera integrilabia</i>	C.		
White-haired goldenrod	<i>Solidago albobilosa</i>	T	KY	53 FR 11612.

Environmental Impact Statement

We will be the lead Federal agency in the preparation of an EIS that will satisfy the requirements of the National Environmental Policy Act (NEPA; (42 U.S.C. 4321, *et seq.*). USACE and FERC will serve as cooperating agencies during the preparation of the EIS. With this NOI, we ask other Federal, State, and local agencies with jurisdiction and/or special expertise with respect to environmental issues, in addition to those agencies that have already agreed to serve as cooperating agencies (as noted above), to formally cooperate with us in the preparation of the EIS. Agencies that would like to request cooperating agency status on the EIS should follow the instructions for filing comments provided under the Addresses section of this NOI.

The EIS will consider the proposed action (i.e., the issuance of a Section 10(a)(1)(B) permit under the Act, as supported by an HCP), no action (no HCP/no Section 10 permit), and a reasonable range of alternatives that accomplish the purpose and need of the proposal. A detailed description of the proposed action and alternatives will be included in the EIS. The alternatives to be considered for analysis in the EIS may include, but not be limited to, modified lists of covered species, land coverage areas, and activities coverage. The EIS will also identify potentially significant impacts on biological

resources, land use, air quality, water quality, water resources, economics, and other environmental/historical resources that may occur directly or indirectly as a result of implementing the proposed action or any of the alternatives. Various strategies for avoiding, minimizing, and mitigating the impacts of incidental take may also be considered.

Environmental review of the EIS will be conducted in accordance with the requirements of NEPA, its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and our procedures for compliance with those regulations. We furnish this notice in accordance with 40 CFR 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives they believe need to be addressed in the EIS. The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action. Written comments from interested parties are invited to ensure that the full range of issues related to the proposed permit application is identified. Comments will only be accepted in written form.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 19, 2007.

Wendi Weber,

Assistant Regional Director, Great Lakes-Big Rivers Region.

[FR Doc. E7–20039 Filed 10–10–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14830–A and F–14830–A2, AK–962–1410–KC–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Nerklikmute Native Corporation, for lands in the vicinity of the Native village of Andreafski, Alaska, and are located in:

Appendix C

Legal Notice

Appendix D

Notification for Open Houses/Public Scoping Meetings

Appendix E

List of Interested Parties (Received Public Scoping Letter)

Appendix F

Public Scoping Letter

Appendix G

Open House/Scoping Meeting Display Boards

Appendix H

Open House/Scoping Meetings Handouts

Appendix I

Open House/Scoping Meetings Project Teams

Appendix I

Open House/Scoping Meetings – Project Teams

Three project teams were in attendance in the East, Southeast and Midwest regions concurrently. The respective Project Team in attendance and the locations of each of the Open Houses/Public Scoping Meetings are listed below.

Eastern Region

- **Portsmouth, NH – November 5, 2007**

The Scoping Meeting was held at the Portsmouth Courtyard by Marriott. Project representatives included Tony Tur (Service Field Office Representative – Station One), Glenn Smith (Service Regional Manager – Station Two), Rick Hall Jr. (NiSource Representative – Station Three), Pam Chan (AMEC Project Manager – Station Four), and Phil Perhamus (AMEC Biophysical Specialist – Station Five). Caroline Burgess (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Binghamton, NY – November 6, 2007**

The scoping meeting was held at the Binghamton Regency Hotel and Conference Center. Project representatives included Ann Rafter (AMEC Local Representative – Station One), Robyn Niver (Service Regional Manager – Station Two), Rick Hall Jr., Joe Kopalek, and Rich Yench (NiSource Representatives – Station Three), Pam Chan (AMEC Project Manager – Station Four), and Chuck Harman (AMEC Biophysical Specialist – Station Five). Caroline Burgess (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Philadelphia, PA – November 7, 2007**

The scoping meeting was held at the Holiday Inn Express. Project representatives included Annette Scherer (Service Field Office Representative – Station One), Robyn Niver (Service Regional Manager – Station Two), Rick Hall Jr. (NiSource Representative – Station Three), Pam Chan (AMEC Project Manager – Station Four), and Chuck Harman (AMEC Biophysical Specialist – Station Five). Caroline Burgess (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Richmond, VA – November 14, 2007**

The scoping meeting was held at the Richmond Marriott Hotel. Project representatives included Kim Smith (Service Field Office Representative – Station One), TJ Miller (Service Regional Manager – Station Two), John Shafer (NiSource Representative – Station Three), Pat Mullen (AMEC Project Manager – Station Four), and Chuck Harman (AMEC Biophysical Specialist – Station Five). Katherine Zilm (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Washington, D.C. – November 15, 2007**

The scoping meeting was held at the Service Offices – Department of the Interior. Because the open house/public scoping meeting was held in the nation's capital, the assumption was that there would be a large turnout so the decision was made to send two teams into Washington, DC. Thus, project representatives included Caroline Burgess and Katherine Zilm (AMEC Representatives – Station One), TJ Miller and Tom Magnuson (Service Regional Managers – Station Two), Rick Hall Jr. and John Shafer (NiSource Representatives – Station Three), Pam Chan and Pat Mullen (AMEC Project Managers – Station Four), and Chuck Harman (AMEC Biophysical Specialist – Station Five).

Southeastern Region

- **Lafayette, LA – November 6, 2007**

The scoping meeting was held at the Best Western Hotel Acadiana & Conference Center. Project representatives included Benjamin Thatcher (Service Field Office Representative – Station One), Lee Andrews (Service Regional Manager – Station Two), Ann Schoolcraft (NiSource Representative – Station Three), Pat Mullen (AMEC Project Manager – Station Four), and Mary Motte Fikri (AMEC Biophysical Specialist – Station Five). Jim Boggs, Debbie Fuller and Bridget Firmin provided additional Service support. Katherine Zilm (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Jackson, MS – November 7, 2007**

The scoping meeting was held at the Telcom Center. Project representatives included Ray Aycock, Kathy Lunceford, and Shauna Ginger (Service Field Office Representative – Station One), Lee Andrews (Service Regional Manager – Station Two), Ann Schoolcraft (NiSource Representative – Station Three), Pat Mullen (AMEC Project Manager – Station Four), and Mary Motte Fikri (AMEC Biophysical Specialist – Station Five). Katherine Zilm (AMEC) was the Public Outreach Team Lead and circulated amongst the stations. Jimmy Fowler with Columbia Gulf Transmission was also in attendance to provide support to Station Three.

- **Nashville, TN – November 8, 2007**

The scoping meeting was held at the Radisson Hotel at Opryland. Project representatives included David Pelren (Service Field Office Representative – Station One), Mike Armstrong (Service Regional Manager – Station Two), Scott Burnsworth (NiSource Representative – Station Three), Pat Mullen (AMEC Project Manager – Station Four), and Mary Motte Fikri (AMEC Biophysical Specialist – Station Five). Katherine Zilm (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

Midwest Region

- **Lexington, KY – November 6, 2007**

The scoping meeting was held at the Ramada Conference Center. Project representatives included Carrie Lona (Service, KY Field Office – Station One), Mike Armstrong (Service Regional Manager – Station Two), Kim McNeil (NiSource Representative – Station Three), Brandon Kish (AMEC Project Manager – Station Four), and Marty Marchaterre (AMEC

Biophysical Specialist – Station Five). Cheryl McArthur (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Columbus, OH – November 7, 2007**

The scoping meeting was held at the University Plaza Hotel. Project representatives included Angela Zimmerman (Service Field Office Representative – Station One), TJ Miller (Service Regional Manager – Station Two), Dale Helmers and Tom Lamadue (NiSource Representatives – Station Three), Brandon Kish (AMEC Project Manager – Station Four), and Marty Marchaterre (AMEC Biophysical Specialist – Station Five). Cheryl McArthur (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Charleston, WV – November 8, 2007**

The scoping meeting was held at the Ramada Plaza (South Charleston). Project representatives included Tom Chapman (Service Field Office Representative – Station One), Forest Clark (Service Regional Manager – Station Two), Kim McNeil, Beverly Johnson, and Roger Givens (NiSource Representatives – Station Three), Brandon Kish (AMEC Project Manager – Station Four and Station Five). Cheryl McArthur (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Cleveland, OH – November 13, 2007**

The scoping meeting was held at the Renaissance Cleveland Hotel. Project representatives included Mary Knapp (Service Field Office Representative – Station One), Tom Magnuson (Service Regional Manager – Station Two), Dale Helmers (NiSource Representative – Station Three), Brandon Kish (AMEC Project Manager – Station Four), and Marty Marchaterre (AMEC Biophysical Specialist – Station Five). Cheryl McArthur (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.

- **Pittsburgh, PA – November 14, 2007**

The scoping meeting was held at the Doubletree Hotel and Suites, Pittsburg City Center. Project representatives included Jaime Johnson (AMEC Local Representative – Station One), Tom Magnuson (Service Regional Manager – Station Two), Rick Hall Jr. and John Knapp (NiSource Representatives – Station Three), Brandon Kish (AMEC Project Manager – Station Four), and Marty Marchaterre (AMEC Biophysical Specialist – Station Five). Cheryl McArthur (AMEC) was the Public Outreach Team Lead and circulated amongst the stations.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/ES

APR - 8 2008

Dear Interested Party:

The U.S. Fish and Wildlife Service (Service) is pleased to provide you with the Scoping Report for the Environmental Impact Statement (EIS) being prepared by the Service for the potential issuance of a 50-year Incidental Take Permit (ITP) to NiSource Inc. ITPs allow the take of federally threatened and endangered species. NiSource Inc. has applied for an ITP and is in the process of developing a multi-species Habitat Conservation Plan for its pipeline network in 14 Midwestern states. Scoping is part of the process required under the National Environmental Policy Act (NEPA) to develop an EIS. The NEPA requires full public disclosure and analysis of environmental impacts of a proposed federal action – which in this case is the potential issuance of an ITP to NiSource Inc.

As part of this NEPA process, the Service conducted 13 public scoping meetings between November 5 and November 13, 2007. We have consulted with various Federal, State, tribal and local agencies in Louisiana, Mississippi, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, New Hampshire, Maine, Maryland, Massachusetts, and other interested parties regarding the scope of the EIS and the range of reasonable alternatives. The purpose of these meetings and consultations was to solicit input from the general public, tribes, government agencies, and non-governmental organizations to assist the Service in identifying issues to be addressed in the EIS, as well as to develop a reasonable range of alternatives to be analyzed in the EIS. The Scoping Report documents the scoping process and presents feedback obtained from the scoping process.

The Scoping Report includes the following information related to the scoping process and development of the draft EIS:

- Background information on the regulatory framework relative to the issuance of an ITP to NiSource Inc. or any of its interstate natural gas transmission subsidiaries;
- Definition, and purpose and need for the proposed action;
- Description of the proposed alternatives, including the no-action alternative;
- Summary of the scoping process and comments received; and,
- Summary of impact areas and issues to be addressed in the EIS.

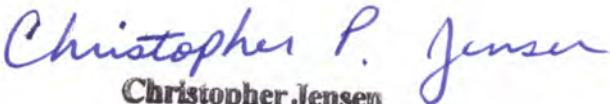
Interested Party

2

The Scoping Report, including appendices, can also be found on our website at:
http://www.fws.gov/midwest/Endangered/permits/hcp/hcp_nisource.html.

For additional information or if you have any questions about the Scoping Report, EIS, or the NiSource Habitat Conservation Plan, please contact Mr. Thomas Magnuson, (612) 713-5467, tom_magnuson@fws.gov; or Mr. Forest Clark, (812) 334-4261 ext. 206, forest_clark@fws.gov.

Sincerely,


Christopher Jensen
Acting Regional Director

Enclosure



KENTUCKY STATE NATURE PRESERVES COMMISSION

Ernie Fletcher
Governor

801 Schenkel Lane
Frankfort, Kentucky 40601-1132
Phone (502) 573-2886
Fax (502) 573-2355
www.naturepreserves.ky.gov

Teresa J. Hill
Secretary
Environmental and
Public Protection
Cabinet

December 7, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

Donald S. Dott, Jr.
Director

RECEIVED
2007 DEC 11 11 A 8:45
WILDLIFE/NR/NTI/OTM

Dear Regional Director,

The Kentucky State Nature Preserves Commission (KSNPC) has reviewed the proposal to establish a Habitat Conservation Plan (HCP) and issue a take permit for selected properties of Nisource Inc. We have the following comments:

Overall, the lack of field surveys prior to the development of this particular HCP process significantly limits its ability to be considered a comprehensive analysis. Information available in the Kentucky Natural Heritage Database demonstrates that there is habitat for both federally and state-listed species. A candid look at the habitat for these species with some field verification within the proposed area of take is needed prior to formulating final plans for this project. Ascertaining impacts and proper mitigation without assessment of extant sites results in decisions based on insufficient information.

In order to conduct a reliable environmental review, a search area limited to the one mile corridor as requested by Nisource Inc., is too narrow for certain species. For instance, gray bats were not found in the one mile corridor in Kentucky. They would have been found using a search area of 2 miles or 10 miles, the standard radius used by KSNPC. Recent surveys confirm that this species actually does occur in the one mile corridor but using the original methodology suggested by Nisource; this federally listed species would not have been detected. It is especially important to expand the environmental review if this information is to be the basis for an agreement that will be in place for fifty years.

Our agency received a request to comment and to participate in this project in May with the request for data arriving in August. The time period allotted to formulate a plan to participate and understand the state's role in this project was too short.

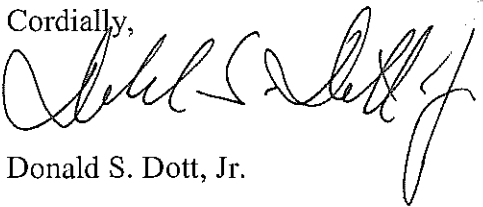
Issuance of a take permit for fifty years is not warranted, especially with the information available at present. KSNPC recommends reduction of this timeframe. It is not possible to ensure that any recovery strategy or mitigation will be adequate for a project spanning fifty years including decisions on take issues.

In addition, specific guidelines on the activities that may be included under "maintenance" are needed. Also, it is not clear what aspects of the issued take permit will be negotiable during the subsequent review periods. One in particular is the question of whether the 1 mile area included in the HCP would allow for expansion within this footprint or if the HCP would only cover maintenance actions of existing pipes. Expansion of operations should not be allowed in this HCP on a 50 year time frame. There should at least be well established benchmarks incorporated into the timeframe of this proposal that will trigger reviews and an open assessment of the conditions of the take permit and Habitat Conservation Plan.

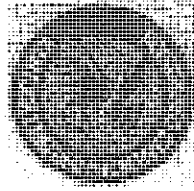
Because this kind of permit will likely set precedence for others of its kind, a solid understanding of the amount of Service staff time saved should be included in an analysis of the agreement's effectiveness since this is one argument for their establishment. As we understand it, Service staff are being supported by the company that they are evaluating. This relationship begs the question: Is it appropriate for federal agency personnel to be supported by the industry they regulate? While we are not questioning the integrity of the Service staff, we are concerned that United States Fish and Wildlife Service will become dependent on funding of this kind to support their staff. Additionally, the appearance of a conflict of interest can be just as damaging to the public perception, whether a true conflict exists or not.

We appreciate the opportunity to comment and if you have further questions please contact us.

Cordially,



Donald S. Dott, Jr.



KENTUCKY STATE NATURE PRESERVES COMMISSION
 801 SCHENKEL LANE, FRANKFORT, KY 40601-1403
 PHONE: 502-573-2886 - FAX: 502-573-2355
 www.naturepreserves.ky.gov
 e-mail: naturepreserves@ky.gov
 FACSIMILE TRANSMISSION

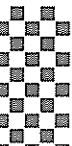
TO: Regional Director, US Fish & Wildlife

FROM: Donald S. Dott, Director

SUBJECT: NiSource and Habitat Conservation Pla

DATE: Dec. 7, 2007

PAGE 1 OF 3





KENTUCKY STATE NATURE PRESERVES COMMISSION

Ernie Fletcher
Governor

801 Schenkel Lane
Frankfort, Kentucky 40601-1132
Phone (502) 573-2886
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www.naturepreserves.ky.gov

Teresa J. Hill
Secretary
Environmental and
Public Protection
Cabinet

December 7, 2007

Donald S. Dott, Jr.
Director

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

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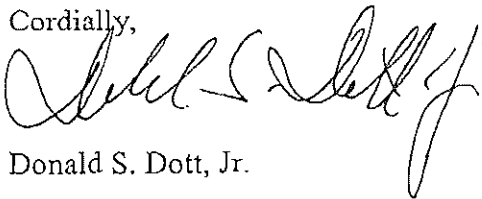
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Cordially,



Donald S. Dott, Jr.



12/26
Charli
ES
Tom M.

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

December 7, 2007

Regional Director
US Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling MO 55111-4056

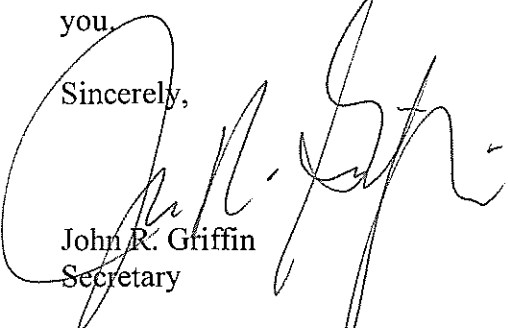
To Whom It May Concern:

Thank you for your letter to Governor Martin O'Malley regarding the potential issuance of a 50-year Incidental Take Permit to NiSource, Inc. The Governor has reviewed your letter and asked me to respond on his behalf.

The Maryland Department of Natural Resources is well aware of the NiSource, Inc. Habitat Conservation Plan development. NiSource officials and their environmental consultant briefed our endangered species staff about the project. The Maryland Department of Natural Resources has chosen to not be a cooperating partner in this effort.

Thank you again for offering us the opportunity to comment. If I may be of further assistance, please do not hesitate to contact me at 410-260-8100 or Glenn Therres, Associate Director for the Wildlife and Heritage Service, at 410-260-8572, toll-free at 877-620-8367, extension 8572, or email gtherres@dnr.state.md.us. He will be happy to assist you.

Sincerely,


John R. Griffin
Secretary

cc: Glenn Therres, Associate Director, Wildlife & Heritage Service, DNR



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

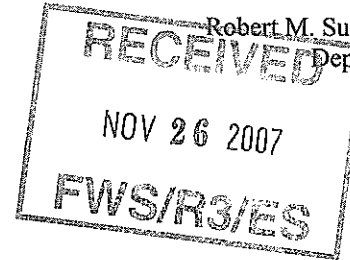
410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Shari T. Wilson
Secretary

NOV 19 2007



Robert M. Summers, Ph.D.
Deputy Secretary

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling MN 55111-4056
(ATTN: Mr. Thomas Magnusson
Mr. Forest Clark)

Dear Messrs. Magnusson and Clark:

Thank you for your letter to Secretary Shari T. Wilson regarding the preparation of an Environmental Impact Statement (EIS) on the potential issuance of a 50-year Incidental Take Permit (ITP) to NiSource, Inc., including U.S. Fish and Wildlife Service (Service) approval of NiSource's associated Habitat Conservation Plan. The Secretary received your letter and asked me to respond on her behalf.

The Service is requesting input as part of the scoping process for preparation of the EIS pursuant to the National Environmental Policy Act. If approved, the ITP would be issued to NiSource under Section 10 (1)(a)(B) of the Endangered Species Act of 1973, as amended, specific to its interstate natural gas transmission activities in numerous eastern and northeastern states of the U.S., including Maryland. The ITP would potentially include multiple federally listed species, and cover NiSource operations, maintenance and construction activities conducted by its interstate natural gas transmission subsidiaries: Columbia Gas Transmission Corporation, Columbia Gulf Transmission Corporation, Granite State Gas Transmission Corporation, and Crossroads Pipeline Corporation. The "project area" is defined as a 1-mile wide corridor centered upon the location of NiSource's existing facilities.

The Maryland Department of the Environment is responsible for implementing the State of Maryland's environmental regulatory requirements related to water, air, and waste management. If any activities covered by the ITP result in impacts to these resources, authorization may be required from the Department. In particular, any activities impacting wetlands, waterways, and/or the 100-year nontidal floodplain, would require authorization from the Wetlands and Waterways Program of the Water Management Administration.



Mr. Thomas Magnuson
Mr. Forest Clark
Page Two

Thank you again for your letter. The Secretary appreciates hearing from you and, on her behalf, I thank you for your interest in this very important issue. If I may be of further assistance, please contact me at 410-537-3567, toll-free at 800-633-6101, by mail at 1800 Washington Boulevard, Baltimore, Maryland or by e-mail at jsakai@mde.state.md.us.

Sincerely,



Jay G. Sakai, Director
Water Management Administration

cc: Shari T. Wilson, Secretary
Elder Ghigiarelli, Jr., Deputy Administrator, Wetlands and Waterways Program



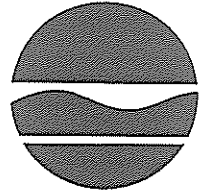
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

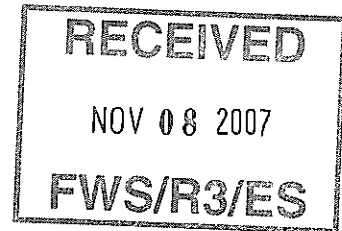
Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

October 31, 2007



Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

Dear Sir:

**NISOURCE INC'S REQUEST FOR A
FEDERAL INCIDENTAL TAKE PERMIT
FOR FUTURE PIPELINE MAINTENANCE
AND OPERATIONAL ACTIVITIES**

Reference is made to your October 18, 2007 letter to Ms. Abby Snyder, Regional Director, regarding the above noted which involves your agency's decision to require a draft and final NEPA impact statement for a fifty-year Incidental Take Permit that includes a habitat conservation plan necessary to mitigate adverse natural resource impacts throughout 17 states, including New York State.

I discussed this project with Mr. Thomas Magnuson from your agency and it is apparent that you have been in contact with our Albany Main Office on this matter. Among others, Mr. Jeffrey Sama, Director of the Division of Environmental Permits, Mr. John Ferguson and Mr. Jeffrey Gregg of that Division and Mr. Gerry Bernhart, Director of the Division of Fish, Wildlife and Marine Resources, are involved and met with your agency staff earlier this year.

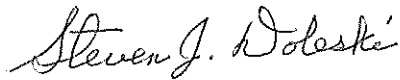
On large, complicated projects, which involve more than one regional DEC office, it is customary for our Albany Main Office to manage and provide consolidated comments and input for proposals which would require impact statement procedures. I believe that guidance and decisions will be made at our Albany office related to future efficient communication and coordination and the designation of a project manager, who will be responsible for our interaction with your agency.

Regional Director
U.S. Fish and Wildlife Service
October 31, 2007
Page 2

If it becomes necessary to communicate with Region 9 staff directly in respect to possible permitting, and natural resource concerns, including possible impacts to rare, threatened, endangered and species of special concern, you may contact me and/or Mr. Russell Biss, Natural Resources Supervisor at this office.

Thank you very much for providing this information for our review.

Sincerely,



Steven J. Doleski
Regional Permit Administrator

SJD:jaf

cc: Ms. Abby Snyder, NYSDEC, Regional Director
Mr. Russell Biss, NYSDEC, Natural Resources Supervisor
Mr. Jeffrey Sama, NYSDEC, Division of Environmental Permits, Albany
Mr. John Ferguson, NYSDEC, Division of Environmental Permits, Albany
Mr. Jeffrey Gregg, NYSDEC, Division of Environmental Permits, Albany
Mr. Gerry Bernhart, NYSDEC, Division of Fish, Wildlife and Marine Resources, Albany
Mr. Thomas Magnuson, U.S. Fish and Wildlife Service

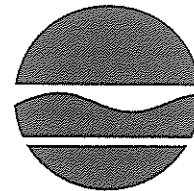
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

October 31, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

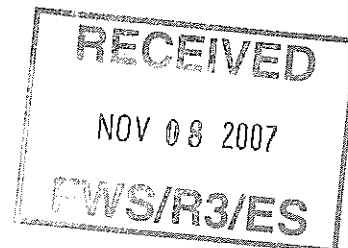
Dear Sir:

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FEDERAL INCIDENTAL TAKE PERMIT
FOR FUTURE PIPELINE MAINTENANCE
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Regional Director
U.S. Fish and Wildlife Service
October 31, 2007
Page 2

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Sincerely,



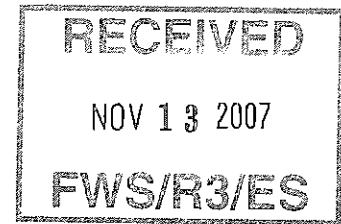
Steven J. Doleski
Regional Permit Administrator

SJD:jaf

cc: Ms. Abby Snyder, NYSDEC, Regional Director
Mr. Russell Biss, NYSDEC, Natural Resources Supervisor
Mr. Jeffrey Sama, NYSDEC, Division of Environmental Permits, Albany
Mr. John Ferguson, NYSDEC, Division of Environmental Permits, Albany
Mr. Jeffrey Gregg, NYSDEC, Division of Environmental Permits, Albany
Mr. Gerry Bernhart, NYSDEC, Division of Fish, Wildlife and Marine Resources, Albany
Mr. Thomas Magnuson, U.S. Fish and Wildlife Service



Natural Resources Conservation Service
Suite 1321, Federal Building
100 West Capitol Street
Jackson, MS 39269
Telephone: 601-965-5205
Fax: 601-965-4940



November 5, 2007

Regional Director
U. S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

Dear Sir:

Thank you for the opportunity to comment on the preparation of the environmental impact statement (EIS) regarding issuance of a 50-year Incidental Take Permit (ITP) to NiSource, Inc. It would cover federally listed threatened and endangered species along an interstate natural gas transmission line across northern Mississippi.

The Natural Resources Conservation Service in Mississippi has no concerns due to the issuance of this permit.

Sincerely,

A handwritten signature in cursive script that reads "Homer L. Wilkes acting".

Homer L. Wilkes
State Conservationist

cc: Kim Harris, State Conservation Engineer, NRCS, Jackson, MS
James Garner, Planning Biologist, NRCS, Jackson, MS

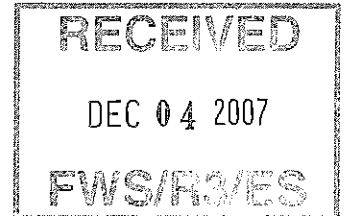


Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
November 28, 2007

Office of Field Operations

717-787-5028

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056



Dear Regional Director,

Thank you for your recent letter regarding your initial scoping process and related effort to prepare an Environmental Impact Statement (EIS) for the 50-year Incidental Take Permit with NiSource, Inc. The Department of Environmental Protection (DEP) is committed to habitat and species protection during the stated construction and/or maintenance activities listed within this scoping process. Please note, in Pennsylvania, DEP does not have jurisdiction over threatened or endangered plant, mammal, fish and reptile species. Rather, these responsibilities are charged to the Department of Conservation and Natural Resources, the Pennsylvania Game Commission, and the Pennsylvania Fish and Boat Commission, respectively. DEP works in conjunction with these jurisdictional agencies during permit application review and approval. Accordingly, when you have prepared the draft EIS, we request that you provide a copy of the draft EIS to DEP for our review and comment.

If you have any further questions, please contact me by e-mail at msherman@state.pa.us or by phone at 717-787-5028

Sincerely,

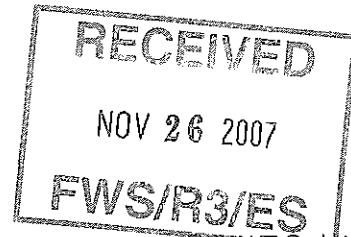
Michael D. Sherman
Deputy Secretary
Office of Field Operations



KATHLEEN BABINEAUX BLANCO
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES



BRYANT O. HAMMETT, JR.
SECRETARY

November 16, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

RE: NiSource Inc. Multi-Species Habitat Conservation Plan

Dear Regional Director:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF), Office of Wildlife, have reviewed the information provided by the U.S. Fish and Wildlife Service (Service) regarding the notice of intent to prepare an Environmental Impact Statement (EIS) regarding the potential issuance of a 50-year Incidental Take Permit (ITP) to NiSource Inc., including Service approval of NiSource's associated Habitat Conservation Plan (HCP).

LDWF looks forward to reviewing the Service's draft EIS, NiSource's proposed draft HCP and associated ITP, as well as participating in interagency meetings and site visits. LDWF would like to be considered a commenting agency with regards to the draft EIS, HCP and ITP. It is the intent of LDWF to avoid and/or minimize, to the greatest extent practicable, adverse project impacts to wetlands, stream crossings, riparian corridors, designated Natural and Scenic Rivers, Wildlife Management Areas, and other fish and wildlife resources.

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding the proposed activity. Please do not hesitate to contact me at 225-765-2819 should you need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle F. Balkum".

Kyle F. Balkum
Biologist Program Manager

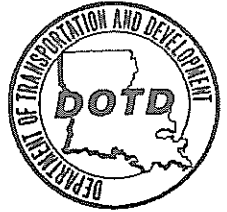
eb

c: Jimmy Anthony, Division Administrator
Eric Baka, Biologist Manager



KATHLEEN BABINEAUX BLANCO
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
P.O. Box 94245
Baton Rouge, Louisiana 70804-9245
www.dotd.louisiana.gov



JOHNNY B. BRADBERRY
SECRETARY

November 5, 2007

Regional Director
U. S. Fish and Wildlife Service
Division of Ecological Service
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

SUBJECT: EIS regarding Incidental Take Permit to NiSource Inc.

Dear Sir,

Please reference your October 18, 2007 letter to the Louisiana Department of Transportation and Development (DOTD) Secretary Johnny Bradberry. We have reviewed the information you sent to us. The proposed natural gas transmission activities by NiSource Inc. will cross DOTD roadways. It is anticipated that roadway crossing permits will be needed from appropriate DOTD District Offices.

We thank you for the opportunity to comment on this EIS. If you have any questions or comments, please contact Lei Jin at 225-242-4510.

Sincerely,

for Noel Ardoin
Environmental Engineer Administrator

NA/lj
cc: Secretary Johnny Bradberry



KATHLEEN BABINEAUX BLANCO
GOVERNOR

State of Louisiana

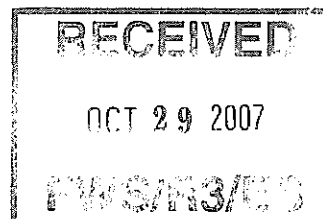
OFFICE OF THE GOVERNOR

Baton Rouge

70804-9004

POST OFFICE BOX 94004
(225) 342-7015

October 22, 2007



Mr. Thomas Magnuson
Fish and Wildlife Service
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

Dear Mr. Magnuson:

Thank you for your letter to Governor Kathleen Blanco. Since your issue falls under the direction of the Department of Wildlife and Fisheries, I am taking the liberty of forwarding your letter to that office. Should you have any additional questions regarding your correspondence, you may contact:

Bryant O. Hammett Jr., Secretary
Louisiana Department of Wildlife and Fisheries
2000 Quail Dr.
Baton Rouge, LA 70808
(225) 765-2623

Again, thank you for writing. If this office can be of further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Shuffield".

Cheryl Shuffield
Constituent Services

jn

cc: Dept. of Wildlife and Fisheries, (w/attachment)



Lee E. Perry
Executive Director

State of New Hampshire
Fish and Game Department
Region 3

225 Main Street, Durham, NH 03824-4732
(603)- 868-1095
(603) 868-3305 FAX

Headquarters
11 Hazen Drive
Concord, NH 03301

TDD Access: Relay NH 1-800-735-2964
Fish and Game Headquarters (603) 271-3421

From: Rachel Steven



GREAT BAY
NATIONAL
ESTUARINE
RESEARCH
RESERVE

Great Bay Discovery Center
Great Bay NERR
89 Depot Road
Greenland, NH 03840

Phone: (603) 778-0015
FAX: (603) 778-7398

FAX

To: _____

Of: _____

Address: _____

Fax #: 612-718-5292

Number of pages (including cover sheet): 2

MESSAGE

*I tried to submit the attached
comment on line but
received runtime error - sorry*

NiSource Public Comment Form

Required Fields*

First Name*	Rachel
Last Name*	Stevens
Organization	Great Bay National Estuarine Research Reserve
Title	Land Stewardship Coordinator
Address*	89 Depot Road
City*	Greenland
State*	NH
Zip Code*	03840
Email*	rachel@greatbay.org
Phone*	6037780015

Completing this form will automatically add you to the mailing list for project updates and notices of document availability. If you prefer to not be on the mailing list, check the box to the right.

Comment Box:

GBNERR would welcome any opportunity to have mitigation or off set land within its watershed. Our partners at Wells NERR suggest the former "Granite State LNG Project" lands in Wells Maine as a good candidate. Thank you.

 Stiles

Type the two words:
Type the eight numbers:
Incorrect. Try again.





State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Division of Parks and Forestry
Office of Natural Lands Management
Natural Heritage Program
P.O. Box 404
Trenton, NJ 08625-0404
Tel. #609-984-1339
Fax. #609-984-1427

LISA P. JACKSON
Commissioner

October 25, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

Re: NiSource, Inc. Incidental Take Permit

Dear Director:

We have received your request for input regarding the above referenced permit. It is my understanding that the New Jersey Department of Environmental Protection applied for a grant under Section 6 of the ESA to assist NiSource in developing a Habitat Conservation Plan for this project in New Jersey, but I do not know the status of this grant application.

If you would like to request information on threatened or endangered species from the New Jersey Natural Heritage Database for this project, we suggest that either your office or NiSource please send a completed Natural Heritage Data Request form to the Office of Natural Lands Management. Natural Heritage Data Request forms can be downloaded from the internet at

<http://www.nj.gov/dep/parksandforests/natural/heritage/#datarequest>,

or can be mailed to you upon request by telephoning the office at 609-984-1339.

If you have any questions, feel free to call.

Sincerely,

A handwritten signature in black ink that reads "Herbert A. Lord".

Herbert Lord
Natural Heritage Program



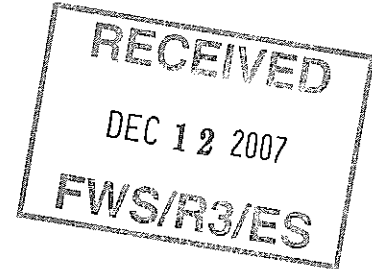
12/12/07
-Charlie
-ES

The Wells Reserve
342 Laudholm Farm Road
Wells, Maine 04090
Telephone: 207-646-1555
Fax: 207-646-2930

www.wellsreserve.org

December 4, 2007

Regional Director
US Fish and Wildlife Service
Division of Ecological Services
Bishop Henry Wipple Federal Building
1 Federal Drive, Suite 530
Fort Snelling MN 55111-9919



RE: NiSource Habitat Conservation Plan / NEPA EIS

Dear Mr. or Ms.:

NiSource owns a pipeline through several coastal watersheds of concern to the Reserve. In addition it owns a 300 acre tract of land in the western part of Wells Maine that contains resources of both natural and recreational significance.

The National Estuarine Research Reserve system is a federal/state/private partnership investigating, protecting, and providing information on the nation's estuaries. We are concerned about the degrading water quality of many of the coastal rivers in the southwestern portion of the state. Much of the degradation has been linked to land use changes through non-point source pollution due to development. The Reserve is currently working with several communities and non-profit organizations to address these issues through both protection and restoration.

We would like the Habitat Conservation Plan to address water quality issues as they affect almost all of the threatened and endangered species of concern listed. In addition the Reserve recommends that the 300 acres of land owned by NiSource in Wells be permanently protected as it contains portions of two headwater streams of significantly high quality.

Please contact me with any questions at 207.646.1555 (extension 124).

Sincerely,

Paul M. Dest
Reserve Manager

RECEIVED

DEC 11 2007

FWS/R3/E NEPA EIS Scoping Meeting Comment Form



Please give us your comments!

Comments can also be provided through the link on the U.S. Fish and Wildlife Service website, located at: http://www.fws.gov/midwest/Endangered/permits/hcp/hcp_nisource.html.

* Required fields. Please print clearly.

Name (First and Last)*		TIN SMITH	
Organization		GREAT WOODS REGIONAL LAND TRUST	
Title		BOARD MEMBER	
Address*		P.O. BOX 151	
City*	SOUTH BEARWICK	State*	ME
Zip Code*	03908		
E-mail	TJSMITH@GLWT.NET	Phone*	207-676-2209

Completing this form will automatically add you to the mailing list for project updates and notices of document availability. If you prefer to not be on the mailing list, check this box

Comments on the Scope of the Environmental Impact Statement:

THE GREAT WOODS REGIONAL LAND TRUST SERVES SIX TOWNS IN SOUTHWESTERN MAINE. N. SOURCE OWNS A 300 ACRE PARCEL IN WELLS, MAINE. THIS SITE WAS FORMERLY PROPOSED FOR A LNG STORAGE FACILITY BY GRANITE STATE GAS. THE PROPERTY CONTAINS NUMEROUS NATURAL AND RECREATION RESOURCE VALUES THAT HAVE BEEN IDENTIFIED AS SIGNIFICANT. THESE INCLUDE TWO STREAMS WITH NATURAL REPRODUCING NATIVE BROOK TROUT, CONTIGUOUS FOREST LAND, URBAN POOLS, WETLANDS, AND SEVERAL RARE + ENDANGERED SPECIES (COTTONTAIL RABBIT, BLACK RACER SNAKE, BLANDING'S AND SPOTTED TURTLE). THE LAND IS ALSO STRATEGICALLY LOCATED IN REGIONAL EFFORTS TO CREATE A WILDLIFE AND TRAIL CORRIDOR FROM THE KENNEBUNK PLAINS TO THE GREATER MT. AGAMENTICUS AREA. WE WOULD LIKE TO SEE THIS LAND CONSERVED IN THE HABITAT CONSERVATION PLAN.

How did you hear about the Open House / Scoping Meeting?

- Newspaper ad
 Website
 Notice of Intent
 Word of mouth
 Other: RADIO NEWS

Did you find the Open House / Scoping Meeting informative?

- Yes
 Somewhat
 No
 Don't know / no opinion

Were the location and time of the Open House / Scoping Meeting good for you?

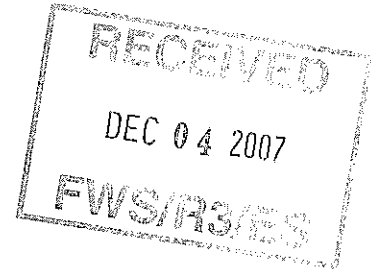
- Yes
 Somewhat
 No
 Don't know / no opinion

Privacy Notice: Please be aware that names and addresses of respondents may be released if requested under the Freedom of Information Act. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your written comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.



FEMA

November 28, 2007



Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

Re: NiSource Inc., Incidental Take Permit

Dear Director:

We have received your letter dated October 18, 2007. Thank you for the opportunity to comment on the above-proposed project.

The concerns of the Federal Emergency Management Agency (FEMA) Region VI are directed toward the National Flood Insurance Program (NFIP) and the possible negative impact upon identified special flood hazard areas within the project locations.

Communities that participate in the National Flood Insurance Program (NFIP) must regulate their floodplains according to the published floodplain maps for the community. Therefore, any development within the floodplain must be reviewed and appropriate permits issued to ensure compliance with the community's adopted Flood Damage Prevention Ordinance.

Coordination with the Floodplain Administrator for the community where the pipeline will be crossing will ensure that this project is in compliance with the community's Flood Damage Prevention Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy B. McClure".

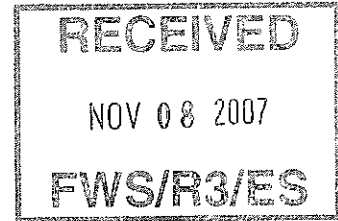
Roy B. McClure, CFM
Natural Hazards
Program Specialist



U.S. Department of Housing and Urban Development

Ohio State (Columbus) Office
Office of Community Planning and Development
200 North High Street
Columbus, Ohio 43215-2499

October 31, 2007



Regional Director
Department of the Army
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

To Whom It May Concern:

This is in response to the request for input as part of the scoping process in the preparation of an Environmental Impact Statement (EIS) for the project listed below. The U.S. Department of Housing and Urban Development has determined that the project does not present any special interests or concerns to HUD.

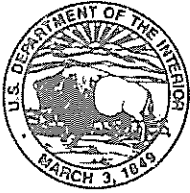
**50-YEAR INCIDENTAL TAKE PERMIT (ITP)
NISOURCE INC. (NISOURCE)**

Thank you for the opportunity to comment. If you should require any further input from HUD, I may be reached at (614) 469-5737, x8252 or by email at ross_carlson@hud.gov.

Sincerely,

A handwritten signature in cursive script that reads "Ross S. Carlson".

Ross S. Carlson
Environmental Officer



United States Department of the Interior

FISH AND WILDLIFE SERVICE

646 Cajundome Blvd.

Suite 400

Lafayette, Louisiana 70506

November 29, 2007

RECEIVED DEC 10 2007

Memorandum

To: Regional Director, FWS, Ecological Services, Fort Snelling, MN

From: Acting Field Supervisor, FWS, Ecological Services, Lafayette, LA

Subject: U.S. Fish and Wildlife Service's (Service) October 18, 2007, letter regarding the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) regarding the potential issuance of a 50-year Incidental Take Permit (ITP) to NiSource Inc. (NiSource), including Service approval of NiSource's associated Habitat Conservation Plan (HCP).

According to the Service's October 18, 2007, letter, the proposed ITP would potentially include multiple federally listed species and would cover NiSource operations, maintenance, and construction activities conducted on their existing pipeline systems by their interstate natural gas transmission subsidiaries: Columbia Gas Transmission Corporation, Columbia Gulf Transmission Corporation, Granite State Gas Transmission Corporation, and Crossroads Pipeline Corporation. The proposed project area has been defined as a 1-mile-wide corridor centered upon the location of NiSource's existing facilities in Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

The Service's Lafayette, Louisiana, Field Office has reviewed the information provided and offers the following comments, on the Louisiana portion of the proposed project only, in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d), the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Existing NiSource facilities (including the 1-mile-wide corridor) are located within Acadia, Assumption, Avoyelles, Cameron, Catahoula, East Carroll, Evangeline, Franklin, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, LaSalle, Madison, Plaquemines, Rapides, Richland, St. Charles, St. Landry, St. Mary, Terrebonne, and Vermilion Parishes, Louisiana. The Service's Lafayette, Louisiana, Field Office reviewed a proposed list of federally threatened and endangered species that occur in those Parishes and provided comments to the Service's Midwest Regional Office and NiSource on March 15, 2007. A copy of that list is enclosed (Table 1), and no new species have been listed since that time. The bald eagle (*Haliaeetus leucocephalus*), however, has officially been removed from the List of Endangered and Threatened Species as of August 8, 2007.

Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in mature trees (e.g., bald cypress, sycamore, willow, etc.) near fresh to intermediate marshes or open water in the

southeastern Parishes. Areas with high numbers of nests include the Lake Verret Basin south to Houma, the marsh/ridge complex south of Houma to Bayou Vista, the north shore of Lake Pontchartrain, and the Lake Salvador area. Eagles also winter, and infrequently nest in mature pine trees near large lakes in central and northern Louisiana. Major threats to this species include habitat alteration, human disturbance, and environmental contaminants (i.e., organochlorine pesticides and lead). Although the bald eagle has been removed from the threatened and endangered species list, it continues to be protected under the MBTA and the BGEPA. The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute “disturbance,” which is prohibited by the BGEPA. Those guidelines recommend maintaining: (1) a specified distance between the activity and the nest (buffer area); (2) natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.

We recommend, therefore, that NiSource and its subsidiaries be informed of the recent status change of that species and the availability of the Service’s NBEM Guidelines so that they can inform on-site personnel of the possible presence of nesting bald eagles within the project boundary. We further recommend that NiSource and/or its subsidiaries should identify, avoid, and immediately report any such nests in Louisiana to the Service’s Lafayette, Louisiana, Field Office (337/291-3100). A copy of the NBEM Guidelines is available at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

If after consulting those guidelines NiSource and/or its subsidiaries need further assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest in Louisiana, they can contact the Service’s Lafayette, Louisiana, Field Office.

Existing NiSource facilities (including the 1-mile-wide corridor) would also be located in areas where colonial nesting waterbirds may be present. Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s. Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established nesting colonies, we recommend that NiSource and/or its subsidiaries routinely employ a qualified biologist to inspect proposed work sites for the presence of undocumented nesting colonies during the nesting season. To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

1. For colonies containing nesting brown pelicans, all activity occurring within 2,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 15 through March 31). Nesting periods vary considerably among the endangered brown pelican colonies in Louisiana, however, so it is possible that this activity window could be altered based upon the dynamics of the individual colony. The Louisiana Department of Wildlife and Fisheries’ Fur and Refuge Division should be contacted to obtain the most current information about the nesting chronology of individual brown pelican colonies. Brown pelicans are known to nest on barrier islands and other coastal islands in St. Bernard, Plaquemines, Jefferson, Lafourche, and Terrebonne Parishes, and on Rabbit Island in lower Calcasieu Lake, in Cameron Parish. Please note that NiSource and/or its subsidiaries should contact the Service’s Lafayette, Louisiana,

Field Office (337/291-3100) for further coordination should any activities encroach within 2,000 feet of a brown pelican nesting colony.

2. For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills), anhingas, and/or cormorants, all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, depending on species present).
3. For colonies containing nesting gulls, terns, and/or black skimmers, all activity occurring within 650 feet of a rookery should be restricted to the non-nesting period (i.e., September 16 through April 1, depending on species present). Please note that NiSource and/or its subsidiaries should contact the Service's Lafayette, Louisiana, Field Office (337/291-3100) for further coordination should any activities encroach within 650 feet of an interior least tern nesting colony along the Red and Mississippi Rivers in Louisiana.

In addition, we recommend that NiSource and/or its subsidiaries routinely inform on-site contract personnel of the need to identify colonial nesting birds and their nests and to avoid affecting them during the breeding season.

Should any proposed NiSource activities associated with the subject ITP or HCP have the potential to affect any of the following National Wildlife Refuges (NWRs) managed by the Service, NiSource and/or its subsidiaries should contact the appropriate NWR manager or complex to determine whether a Compatible Use Determination and/or Special Use Permit are required for such activities. Fact sheets (including specific locations) for the NWRs can be found at <http://www.fws.gov/southeast/maps/la.html>.

National Wildlife Refuge	Parishes	Contact Information
Bayou Teche NWR	St. Mary	Paul Yakupzack, 337/828-0092
Breton NWR	Plaquemines	Jack Bohannon, 985/882-2000
Cameron Prairie NWR	Cameron	Glenn Harris, 337/598-2216
Catahoula NWR	Catahoula, LaSalle	Greg Harper, 318/992-5261
Delta NWR	Plaquemines	Jack Bohannon, 985/882-2000
Grand Cote NWR	Avoyelles	Brett Werhle, 318/253-4238
Lacassine NWR	Cameron, Evangeline	Larry Narcisse, 337/774-5923
Lake Ophelia NWR	Avoyelles	Brett Werhle, 318/253-4238
Mandalay NWR	Terrebonne	Paul Yakupzack, 337/828-0092
Sabine NWR	Cameron	Terrence Delaine, 337/558-5574
Shell Keys NWR	Iberia	Terrence Delaine, 337/558-5574
Tensas NWR	Franklin	Kelly Purkey, 318/574-2664

Should any proposed NiSource activities associated with the subject ITP and HCP have the potential to affect any Wildlife Management Areas (WMAs) or State Refuges managed by the Louisiana Department of Wildlife and Fisheries LDWF, NiSource and/or its subsidiaries should contact the appropriate LDWF office to determine whether a Compatible Use Determination and/or Special Use Permit are required for such activities. Specific information regarding WMAs can be found at <http://www.wlf.louisiana.gov/hunting/wmas/wmas>. Specific information regarding State Refuges can be found at <http://www.wlf.louisiana.gov/hunting/wmas/refuges>.

The Service and NiSource should also consider potential impacts to coastal projects that are designed to enhance, restore, or create wetlands in Louisiana. Coastal projects may be authorized by the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA), the Coastal Impact Assistance Program (CIAP), or the Louisiana Coastal Area – Ecosystem Restoration Study (LCA). The status of any particular project can be found at the following websites:

- For locations and/or details on specific CWPPRA projects in Louisiana, please visit <http://www.lacoast.gov/projects/index.htm>. Please be aware that Section 303(d) of the CWPPRA requires that all Federal activities be consistent with the purposes of that Act. Since those activities would also include permits issued by any Federal, State, and/or local agencies, we recommend that the design and onshore features of any proposed activities are consistent with the need to protect the public investment in a CWPPRA project.
- For locations and/or details on specific CIAP projects in Louisiana, please visit <http://dnr.louisiana.gov/crm/ciap/ciap.asp>.
- For locations and/or details on specific LCA projects in Louisiana, please visit <http://lca.gov>.

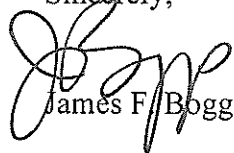
The Service recommends avoiding direct and/or indirect impacts to specific project features (e.g., canal plugs, rock dikes, levees, water control structures, diversion canals, etc.) associated with any coastal projects, and we recommend that NiSource and/or its subsidiaries coordinate directly with the appropriate agency sponsors of a project in developing their proposed activities.

Finally, routine pipeline operation, maintenance, and construction activities can result in potential impacts to wetlands in Louisiana. Forested and/or emergent wetlands associated with major stream and river crossings are of high concern to the Service's Lafayette, Louisiana, Field Office. Those wetlands provide valuable habitat for wildlife within Federal trusteeship, and are likely to support resident and migratory waterfowl, wading birds, and songbirds. Some avian species expected to occur in floodplain and riparian forested wetlands have experienced population declines due to habitat loss and fragmentation, and are of special management concern to the Service. The potentially affected perennial streams and rivers are also expected to support a variety of freshwater fishes of recreational and commercial importance, including buffalo, channel catfish, largemouth bass, white and black crappie, and an assortment of sunfishes. Mammals, such as swamp rabbit, mink, raccoon, opossum, nutria, and white-tailed deer, also utilize forested wetlands. In addition to those habitat values, the wetlands along the pipeline route provide floodwater storage and perform important water quality functions by reducing dissolved nutrient levels and removing suspended sediments. To minimize impacts to forested wetlands, the Service recommends that NiSource and/or its subsidiaries incorporate the use of the horizontal directional drilling method at all major stream and/or river crossings (including their adjacent floodplains), and that they consider the least damaging alternative(s) when planning and developing the pipeline activities.

For a complete jurisdictional wetland delineation of any proposed activities within Louisiana, please contact Mr. Ken Moseley (601/631-5289) at the Vicksburg District Corps of Engineers (Corps) or Mr. John Bruza (504/862-1288) at the New Orleans District Corps. If the Corps determines that the proposed activities are within their regulatory jurisdiction, official Service comments will be provided in response to the corresponding Public Notice(s).

We appreciate the opportunity to provide these scoping-level comments in response to the Service's NOI. If you have any questions or require additional information regarding the subject matter, please contact Ms. Brigitte Firmin (337/291-3108) of this office.

Sincerely,



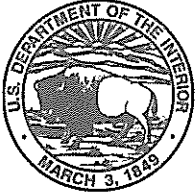
James F. Boggs

Enclosure

cc: FWS, Atlanta, GA (ES/SHA; Attn: Mr. Ken Graham)
FWS, Frankfort, KY (Attn: Mr. Mike Armstrong)
FWS, Southeast Louisiana Refuges Complex, Lacombe, LA
FWS, Southwest Louisiana Refuges Complex, Bell City, LA
FWS, Catahoula NWR, Rhinehart, LA
FWS, Central Louisiana Refuges Complex, Marksville, LA
FWS, Tensas NWR, Tallulah, LA

Table 1. Federally listed threatened, endangered, and candidate species within the NiSource Inc. project areas in Louisiana.

SPECIES	GROUP	STATUS	PARISH
Louisiana black bear (<i>Ursus americanus luteolus</i>)	Mammal	Threatened	Avoyelles, East Carroll, Iberia, Madison, Richland, St. Landry, St. Mary
West Indian manatee (<i>Trichechus manatus</i>)	Mammal	Endangered	Cameron, Jefferson, Lafourche, Plaquemines, St. Charles, Terrebonne
Brown pelican (<i>Pelecanus occidentalis</i>)	Bird	Endangered	Cameron, Jefferson, Lafourche, Plaquemines, St. Charles, St. Mary, Terrebonne, Vermilion
Piping plover* (<i>Charadrius melodus</i>)	Bird	Threatened	Cameron, Jefferson, Lafourche, Plaquemines, St. Mary, Terrebonne, Vermilion
Interior least tern (<i>Sterna antillarum</i>)	Bird	Endangered	East Carroll, Madison
Red-cockaded woodpecker (RCW, <i>Picoides borealis</i>)	Bird	Endangered	Calcasieu, Catahoula, Evangeline, LaSalle, Rapides
Gulf sturgeon* (<i>Acipenser oxyrhynchus desotoi</i>)	Fish	Threatened	Cameron, Iberia, Jefferson, Lafourche, Plaquemines, St. Mary, Terrebonne, Vermilion
Pallid sturgeon (<i>Scaphirhynchus albus</i>)	Fish	Endangered	Avoyelles, Catahoula, East Carroll, Iberia, Jefferson, Madison, Plaquemines, Rapides, St. Charles, St. Landry, St. Mary
Louisiana pearlshell mussel (<i>Margaritifera hembeli</i>)	Mollusk	Threatened	Rapides
Fat pocketbook pearly mussel (<i>Potamilus capax</i>)	Mollusk	Endangered	East Carroll
Louisiana pine snake (<i>Pituophis ruthveni</i>)	Reptile	Candidate	Rapides
* These species may also have designated critical habitat within portions of the listed Parishes.			

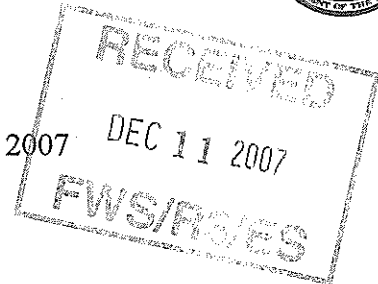


United States Department of the Interior



FISH AND WILDLIFE SERVICE
Rachel Carson NWR
321 Port Road
Wells, Maine 04090

December 5, 2007



Regional Director, U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

Sirs:

Thank you for the opportunity to comment on the NiSource Habitat Conservation Plan. Our comments are very specific and focused on one of NiSource's many holdings.

Through a complicated, contentious fifteen year transaction, NiSource emerged as the owner of a 288 acre parcel in Wells, Maine. The unimproved land is part of a wildlife corridor spanning ten miles of southern Maine and including the largest maritime forest between Acadia and the New Jersey pine barrens.

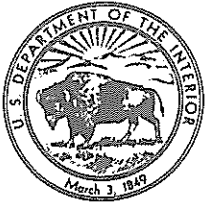
We propose that NiSource identify this parcel for mitigation and conservation purposes as a part of their Habitat Conservation Plan. In-so-far as we have been able to determine, the parcel is not central to the corporation's plans. The land is well suited as wildlife habitat and its location provided connectivity with over two thousand acres of conserved habitat.

Please feel free to contact me for additional information.

Sincerely,

Ward Feurt

Refuge Manager



United States Department of the Interior

NATIONAL PARK SERVICE
Northeast Region
U.S. Custom House
200 Chestnut Street
Philadelphia, PA 19106-2878

RECEIVED
DEC 18 2007
FWS/R3/

IN REPLY REFER TO:

L76(NER/RP&C)

DEC 11 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

Re: Notice of Intent to prepare an Environmental Impact Statement (EIS) on NiSource Inc.'s proposal to apply for an Incidental Take Permit under the Endangered Species Act

Dear Sir/Madam:

The National Park Service (NPS) has reviewed the Notice of Intent to prepare an EIS for the purpose of determining whether or not to issue an incidental take permit (ITP) to NiSource, Inc. under Section 10 of the Endangered Species Act. We respectfully submit the following comments regarding NPS interests for your consideration.

NiSource, Inc. subsidiaries currently own and operate a number of gas pipelines within rights-of-way (ROWs) across NPS lands in the Northeast Region. The NPS has an existing process for reviewing and approving activities within these pipeline ROWs. We are concerned that there is potential for misunderstanding about what the EIS and subsequent ITP will and will not cover; specifically, that issuance of the ITP may be perceived by the gas companies as a replacement for the existing NPS approval process. This is of particular concern because of the one-mile wide corridor that would be covered by the permit, which greatly exceeds the typical ROW width of 50 feet to 150 feet (25 feet to 75 feet each side of pipe centerline).

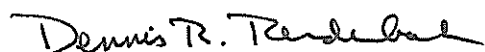
The NPS recommends that the EIS clearly state the purpose, scope, and application of the ITP, should one be issued. Further, that the EIS clearly state that issuance of the ITP does not replace or otherwise change existing ROWs or approval processes for sections of gas pipelines that cross NPS lands.

We appreciate the opportunity to submit these preliminary comments and look forward to reviewing the Draft EIS. A copy can be sent to:

Jacki Katzmire
Regional Environmental Coordinator, Northeast Region
National Park Service
200 Chestnut Street
Philadelphia, PA 19106
Phone: 215-597-1903
Email: jacki_katzmire@nps.gov

If you have questions or require any additional information, please contact Ms. Katzmire at the phone or email address listed above.

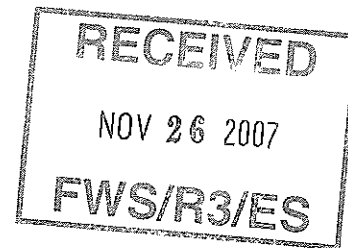
Sincerely,



Dennis R. Reidenbach
Regional Director
Northeast Region

cc:

Chief, NPS-WASO Environmental Quality Division
Superintendent, Gettysburg National Military Park
Superintendent, Delaware Water Gap National Recreation Area



Nov. 21, 2007
104 Hillcrest Ave.
Elkview, WV 25071 – 9514

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

To Whom It May Concern:

This letter is in response to your Oct. 18, 2007 request for the West Virginia Council of Trout Unlimited (WVCTU) to provide comments on the scope of the Environmental Impact Statement (EIS) to be prepared for the potential issuance by the U.S. Fish and Wildlife Service (Service) of an Incidental Take Permit (ITP) to NiSource, including approval of NiSource's associated Habitat Conservation Plan (HCP).

This ITP would be issued to NiSource under Section 10(1)(a)(B) of the Endangered Species Act and would cover a 1-mile corridor centered upon the location of NiSource's existing facilities in 17 states, including West Virginia.

The mission of WVCTU is to conserve, protect and restore the coldwater fisheries of West Virginia and their watersheds. We have 1700 members and eight active chapters throughout the state. Our comments on the scope of the EIS relate to trout, which are not on the endangered species list, but do share the same habitat as many of the listed species. Discussions with Service personnel indicate these trout related comments are appropriate and will be considered.

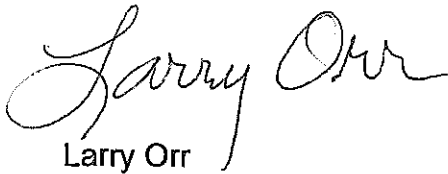
Questions and comments that WVCTU feels should be considered in the scope of the NiSource ITP/HCP are listed below:

- Identify what road construction is required.
- Identify any stream riparian disruption and remediation plans.
- Identify stream crossings for pipe and roads.
- What disturbance of stream/streambed is needed/planned?
- Identify any disturbance of springs.
- Identify any disturbance of Karst areas.

- Barriers to fish passage must not be allowed.
- Sedimentation created by stream or riparian disturbance must be avoided and appropriate control techniques utilized.
- Any discharges from operations to streams must meet the requirements of the Clean Water Act.

WVCTU appreciates this opportunity to comment on the scope of this important document. Please let me know if there are any questions that I can answer.

Sincerely,

A handwritten signature in black ink that reads "Larry Orr". The signature is written in a cursive, flowing style.

Larry Orr
Chairman, WVCTU
304 965 7185
edhorse@suddenlink.net

NEPA EIS Scoping Meeting Comment Form



Please give us your comments!

Comments can also be provided through the link on the U.S. Fish and Wildlife Service website, located at: http://www.fws.gov/midwest/Endangered/permits/hcp/hcp_nisource.html.

* Required fields. Please print clearly.

Name (First and Last)*		Alice Supa			
Organization		Landowner			
Title					
Address*		48 Harrington Road			
City*	Johnson City	State*	New York	Zip Code*	13790
E-mail	pf.supa@aol.com			Phone*	607-754-3812

Completing this form will automatically add you to the mailing list for project updates and notices of document availability. If you prefer to not be on the mailing list, check this box

Comments on the Scope of the Environmental Impact Statement:

Thank you for having the meeting and encouraging public input. We are the people that deal with the gas companies. I have many examples of incompetence but will only make a few comments. —

1. The meeting was not well publicized
2. I am very concerned about communication in the company. How are sub contractors supervised? Need a wildlife inspector on jobs!
3. Because of the size of the "area" (several states) many different conditions need to be considered. One size does not fit all
4. Need more personnel at the federal level.
5. Make the "company" pay more of the expenses. It's all about money.

How did you hear about the Open House / Scoping Meeting?

- Newspaper ad
 Website
 Notice of Intent
 Word of mouth
 Other: Newspaper - short item sent to Press and Sun Bulletin for the "Our Town" section. Stated, Nisource was having the meeting (Nisource is not a common name in this area)

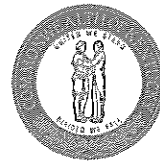
Did you find the Open House / Scoping Meeting informative?

- Yes
 Somewhat
 No
 Don't know / no opinion

Were the location and time of the Open House / Scoping Meeting good for you?

- Yes
 Somewhat
 No
 Don't know / no opinion

Privacy Notice: Please be aware that names and addresses of respondents may be released if requested under the Freedom of Information Act. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your written comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

ERNIE FLETCHER
GOVERNOR

700 CAPITAL AVENUE
SUITE 100
FRANKFORT, KY 40601
(502) 564-2611
FAX: (502) 564-2517

November 5, 2007

Mr. Mark Magnuson
United States Department of the Interior
1 Federal Drive
Fort Snelling, MN 55111-4056

Dear Mr. Magnuson:

Thank you for contacting Governor Fletcher regarding assistance with preparation of an Environmental Impact Statement. We appreciate your concerns and your taking the time to contact our office with this issue.

In order to give this matter the attention it deserves, I have forwarded your concerns to the Commerce Cabinet's Division of Fish and Wildlife Resources for review and response.

If in the meantime, you have additional questions or comments, please feel free to contact our office at 502-564-2611.

Sincerely,

A handwritten signature in cursive script that reads "Darlene Simpson".

Darlene Simpson
Constituent Services
Office of the Governor



L. Preston Bryant, Jr.
Secretary of Natural Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

217 Governor Street
Richmond, Virginia 23219-2010
(804) 786-7951 FAX (804) 371-2674

FACSIMILE TRANSMISSION

DATE: 12/7/07

TO: REGIONAL DIRECTOR

COMPANY: USFWS - DIVISION OF ECOLOGICAL SERVICES

FAX #: 612-713-5292

FROM: S. RENEE HYPES

FAX # (804) 371-2674

TOTAL PAGES: 10

(INCLUDES COVER PAGE)

DESCRIPTION:

VA DCR - DNH COMMENTS ON
NRSOURCE HABITAT CONSERVATION PLAN

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (804) 786-7951



L. Preston Bryant, Jr.
Secretary of Natural Resources

Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

217 Governor Street
Richmond, Virginia 23219-2010
(804) 786-7951 FAX (804) 371-2674

December 7, 2007

Regional Director, U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Snelling, MN 55111-4056

Re: NiSource Multi-Species Habitat Conservation Plan (MSHCP)-Notice of Intent to Prepare an EIS

Dear Regional Director:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the submitted shapefile. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, there are 258 natural heritage resource occurrences documented within the proposed half-mile pipeline corridor (see Table 1). The proposed activities as outlined in the "Notice of Intent to Prepare an Environmental Impact Statement for the NiSource Multi-Species Habitat Conservation Plan (MSHCP)" could potentially impact a subset of these resources (see Table 2).

The pipeline corridor also intersects the Elklick Woodlands Natural Area Preserve in Fairfax County. This preserve is one of over fifty preserves in the Virginia Natural Area Preserves System which was established in the late 1980's to protect some of the most significant natural areas in the Commonwealth. A site becomes a component of the preserve system once it is dedicated as a natural area preserve by the Director of the Department of Conservation & Recreation. Natural area dedication works in much the same way as a conservation easement by placing legally binding restrictions on future activities on a property.

The Elklick Woodlands Natural Area Preserve is owned by the Fairfax County Park Authority and was established through the cooperative efforts of the county, DCR and the Northern Virginia Conservation Trust (NVCT). The property has been dedicated as a state natural area preserve pursuant to the Virginia Natural Area Preserves Act, Section 10.1-209 through Section 10.1-217 of the Code of Virginia (1950) as amended, and the property is also designated to be retained and used for the preservation and provision of open-space land for conservation of its natural heritage resources in accordance with the Open-Space Land Act Sections 10.1-1700 through 10.1-1705 of the Code of Virginia, (1950), as amended, and shall be protected from conversion to inappropriate uses. The property is further protected with a conservation easement held by NVCT. The site supports one of the best remaining examples of a globally rare natural

community known as a northern hardpan basic oak-hickory forest. This forest type, characterized by white oak, pignut hickory, white ash and redbud, occurs on diabase soil underlain by dense plastic clay, commonly referred to as shrink-swell soil. Under these conditions, water ponds easily during wet periods but evaporates quickly during dry spells. Such fluctuation in soil moisture results in stunted, open-canopy trees but encourages a wide variety of grasses and herbs to occupy the sunlit understory. With a natural range restricted to just a few counties in the northern Virginia and Maryland Piedmont, most examples of this forest-type have disappeared due to the rapid urban and suburban growth of the area. In addition to the significant community, two rare plants associated with the natural area preserve, Torrey's Mountain-mint (*Pycnanthemum torrei*, G2/S27/SOC/NL) and Grove Sandwort (*Moehringia lateriflora*, G5/S1/NL/NL) are within the pipeline corridor and may be adversely impacted dependent on the proposed activity.

As an agency charged with conserving the natural diversity of biological resources of the Commonwealth, DCR recommends state listed and rare species be included in the MSHCP. The current list of proposed species for the MSHCP (Notice of Intent -Table 1 – Species Proposed for Inclusion in the Natural Heritage Program) only addresses current federally listed species and does not include state species. Please note under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

DCR also recommends the duration of the MSHCP be reduced from 50 years to 10 years. It is impossible to predict species variability over a 50-year period. Some animals that are currently listed may become extinct and some common species may become rare over the next 50 years with pending climate change. Many of these variables are uncertain such as the loss of marshes and islands in the Chesapeake Bay possibly eliminating species occurrences, altering migratory bird pathways and changing natural communities. Coupling regional subsidence with IPCC Third Assessment projections of global sea-level rise, Wood et al. (2002) projected an increase of relative sea levels for the Chesapeake Bay region of 38–87 cm (15–34 inches) by the last decade in the 21st century. Assuming a central estimate of approximately 60 cm (24 inches), this increase is twice the locally observed rise in sea level during the 20th century and would increase the volume of the bay by 9 percent (Boesch et al. 2007). Geographic ranges of natural heritage resources will be impacted by a shift in climatic factors such as temperature, precipitation, soil moisture, humidity, and wind. Species that are sensitive to temperature will respond to a warmer climate by moving to higher latitudes or elevations, or simply winking out. In addition, species will be impacted by invasive species habitat encroachment and the spread of disease, also resulting in modification of their current range and status.

In determining sufficient mitigation for future impacts to natural heritage resources from the proposed activities covered in the MSHCP, this process needs to determine where those species occur in areas that may be impacted. There are three ways to do this. First, the least expensive method is to use existing information (available through state Heritage Programs) as the baseline by which mitigation can be developed. This is insufficient however because almost all areas to be impacted have never been surveyed, thus only a tiny percentage of the populations to be impacted will be known and mitigated for.

The second method would be to survey all potentially impacted areas to determine what populations are present. This would take multiple years and costs could be high. The third method would be to delineate potential habitat using predictive analysis and base mitigation on the probability of occurrence of an Endangered Species within the potential habitat. We would highly recommend a combination of these methods based on the particular species and habitat conditions of the areas within scope.

As part of the identification of these mitigation sites for the proposed HCP, DCR strongly recommends the use of the Virginia Conservation Lands Needs Assessment (VCLNA). The VCLNA is a flexible,

widely applicable tool for integrating and coordinating the needs and strategies of different conservation interests, using GIS (Geographic Information System) to model and map land conservation priorities and actions in Virginia. The VCLNA allows the manipulation of issue-specific data sets that can be weighted and overlaid to reflect the needs and concerns of a variety of conservation partners issues such as unfragmented natural habitats, natural heritage resources and cultural and historic resources just to name a few. This tool will be a valuable addition to Natural Heritage Resource data already provided to ENSR for this project. The VCLNA analysis was just completed for the entire state of Virginia in November 2007.

In order to determine if the biological goals and objectives of the MSHCP have been meet, monitoring is a necessity. DCR recommends a monitoring plan be developed, implemented and "linked to a decision-making process that results in appropriate changes in management to meet the MSHCP goals." Staff resources and funding are key components for both monitoring and mitigation and should be guaranteed as part of the plan's development.

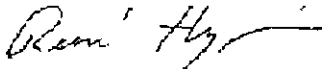
The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, that may contain information not documented in this letter. Their database may be accessed from www.dgif.virginia.gov/wildlife/info_map/index.html, or contact Shirl Dressler at (804) 367-6913.

Please note, due to current state budget constraints DCR-DNH's participation in the design and development of the MSHCP's mitigation sites including participation in the January 23-25 meeting will be dependent upon available funding by the USFWS grant.

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this NiSource Multi-Species Habitat Conservation Plan (MSHCP)-Notice of Intent to Prepare an EIS.

Sincerely,



S. Rene' Hypes
Project Review Coordinator

Cc: Amy Ewing, VDGIF
Kim Smith, USFWS
Keith Tignor, VDACS
Wil Orndoff, DCR-Karst

Literature Cited

Donald F. Boesch, D.F., V.J. Coles, D.G. Kimmel, W.D. Miller. 2007. Regional Impacts of Climate Change: Four Case Studies in the United States. Prepared for the Pew Center on Global Climate Change Coastal Dead Zones & Global climate change. University of Maryland, Center of Environmental Science

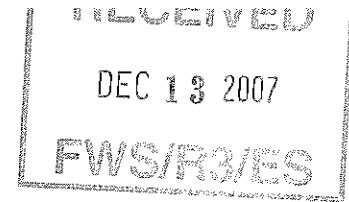
Wood, R.J., D.F. Boesch, and V.S. Kennedy. 2002. Future consequences of climate change for the Chesapeake Bay ecosystem and its fisheries. American Fisheries Society Symposium 32:171-184.

Table 1- Natural Heritage Resources within half-miles buffer

Species	Date	Location	Code	Category	Notes
<i>Gentiana autumnalis</i>	10/17/1952-1952-	Pine-barns, Gentian	S1	G	
<i>Triosteema setaceum</i>	8/22/1936	8/22/1936	G5	M	
<i>Carex crinita</i>	8/11/2002	8/11/2002	G5	M	CLARESVILLE BOTTOMLANDS
<i>Scirpus flaccidifolius</i>	8/11/2002	8/11/2002	G5	M	CLARESVILLE BOTTOMLANDS
<i>Quercus hamiphaea</i>	8/22/2002	8/22/2002	G5	M	SOUTHAMPTON CO. RT 742 HABITAT ZONE
<i>Carex lupulinifera</i>	8/22/2002	8/22/2002	G5	M	CLARESVILLE BOTTOMLANDS
<i>Carex reniformis</i>	6/3/1973	6/3/1973	G4	G	
<i>Funulus lineolatus</i>	9/25/1986	9/25/1986	G5	M	
<i>Basic Mesic Forest</i>	8/22/2002	8/22/2002	G5	M	CLARESVILLE BOTTOMLANDS
<i>Asteria plicata</i>	8/23/1949	8/23/1949	G5	M	GREAT DISMAL SWAMP YADKIN HABITAT ZONE
<i>Crataegus mollis</i>	8/23/1949	8/23/1949	G5	M	GREAT DISMAL SWAMP
<i>Xyris fliribrata</i>	8/23/1949	8/23/1949	G5	M	GREAT DISMAL SWAMP
<i>Ludwigia plicata</i>	8/23/1949	8/23/1949	G5	M	GREAT DISMAL SWAMP
<i>Ludwigia plicata</i>	8/23/1949	8/23/1949	G5	M	GREAT DISMAL SWAMP
<i>Paspalum distachyum</i>	8/23/1949	8/23/1949	G5	M	GREAT DISMAL SWAMP
<i>Solidago latifolia</i>	10/21/1995	10/21/1995	G5	M	GREAT DISMAL SWAMP
<i>Cladonia arachnoides</i>	6/6/2001	6/6/2001	G4	S	PEACH ROAD POWERLINE HABITAT ZONE
<i>Solidago latifolia</i>	10/25/2001	10/25/2001	G5	M	PEACH ROAD POWERLINE HABITAT ZONE
<i>Linum catharticum</i>	5/9/1996	5/9/1996	G4	S	GREAT DISMAL SWAMP NORTHWEST SECTION
<i>Solidago latifolia</i>	9/3/1996	9/3/1996	G5	M	GREAT DISMAL SWAMP NORTHWEST SECTION
<i>Ludwigia plicata</i>	9/3/1996	9/3/1996	G5	M	GREAT DISMAL SWAMP NORTHWEST SECTION
<i>Iliax conzasa</i>	10/18/1995	10/18/1995	G5	M	GREAT DISMAL SWAMP YADKIN HABITAT ZONE
<i>Chelone obliqua</i>	1948	1948	G4	S	
<i>Chamaea caryocarpa</i>	1948-06	1948-06	G30.5	M	
<i>Campanula trachelium</i>	10/4/1988	10/4/1988	G4	S	
<i>Salix virginiana</i>	IND	IND	G4	S	
<i>Sorex longirostris</i>	12/14/1993	12/14/1993	G5	M	YADKIN HABITAT ZONE
<i>Kalmia latifolia</i>	4/14/1981	4/14/1981	G4	S	BLACKWATER RIVER MAINSTEM
<i>Ludwigia arvensis</i>	IND	IND	G1G3	S	
<i>Helianthus scaberrimus</i>	IND	IND	G1G3	S	
<i>Lachnolobium angustifolium</i>	8/25/1936	8/25/1936	G5	M	
<i>Emmenanthe thymifolia</i>	5/13/1973	5/13/1973	G5	M	
<i>Thalictrum macrostylum</i>	8/25/1936	8/25/1936	G3G4	S	
<i>Cirsium virginianum</i>	10/19/1936	10/19/1936	G3	S	
<i>Eriogonum fasciculatum</i>	10/19/1936	10/19/1936	G5	M	
<i>Carex brachyura</i>	4/10/1938	4/10/1938	G4	S	
<i>Poa annua</i>	5/30/1952	5/30/1952	G5	M	
<i>Juncus torreyi</i>	8/19/1973	8/19/1973	G5	M	
<i>Quercus prinus</i>	9/27/1866	9/27/1866	G5	M	
<i>Asteris aurea</i>	8/22/1937	8/22/1937	G5	M	
<i>Pinus palustris</i>	1999-01	1999-01	G5	M	
<i>Juncus torreyi</i>	8/22/1973	8/22/1973	G5	M	
<i>Falco peregrinus</i>	1998	1998	G4	S	
<i>Buchera americana</i>	8/25/1936	8/25/1936	G5	M	
<i>Toifedia racemosa</i>	7/18/1936	7/18/1936	G5	M	
<i>Trillium puberulum</i>	4/12/1933	4/12/1933	G3,7	S	
<i>Saracenia flava</i>	8/28/1946	8/28/1946	G3	S	
<i>Chelone cultbertii</i>	8/29/1936	8/29/1936	G3	S	
<i>Juncus catanzensis</i>	8/25/1933	8/25/1933	G2	S	
<i>Juncus nodosus</i>	9/5/1982	9/5/1982	G5	M	
<i>Rhaxia petiolata</i>	8/25/1936	8/25/1936	G5	M	
<i>Lytium alatum</i>	8/19/1973	8/19/1973	G5	M	
<i>Paspalum distachyum</i>	1988	1978	G5	M	
<i>Significant cave</i>	10/8/1999	10/8/1999	G4	S	SOUTH RIVER WET MEADOW
<i>Syngonium podocarpum</i>	1985	1970	G3	S	
<i>Halesternus bairdii</i>	4/17/1985	4/17/1985	G2G3	S	
<i>Wet Prairie / Prairie Fen</i>	2002	10/8/1999	G5	S	WALTON HABITAT ZONE
<i>Wet Prairie / Prairie Fen</i>	10/8/1999	10/8/1999	G5	S	SOUTH RIVER WET MEADOW
<i>Wet Prairie / Prairie Fen</i>	10/3/1995	10/3/1995	G5	S	SOUTH RIVER WET MEADOW
<i>Cuscuta pygmaea</i>	7/8/1978	7/8/1978	G5	S	
<i>Basic Mesic Forest</i>	8/11/1990	8/11/1990	G5	M	GRICES RUN NATURAL AREA HABITAT ZONE
<i>Buchnera americana</i>	8/24/2000	8/24/2000	G5	M	MANASSAS DIABASE UPLANDS
<i>Spartina pectinata</i>	10/8/1999	10/8/1999	G5	S	SOUTH RIVER WET MEADOW
<i>Eriogonum fasciculatum</i>	8/24/1990	8/24/1990	G4	S	LOVES RUN PONDS
<i>Buchnera americana</i>	7/11/2000	7/11/2000	G5	S	MANASSAS DIABASE UPLANDS
<i>Chelone cultbertii</i>	8/31/1995	8/31/1995	G3	S	OAK GROVE CHURCH POWERLINES
<i>Basic Mesic Forest</i>	8/11/1990	8/11/1990	G5	M	GRICES RUN NATURAL AREA HABITAT ZONE
<i>Ranunculus laxifolius</i>	8/14/1991	8/14/1991	G5	M	BERRYMAN'S CORNER

Table 1. Natural Heritage Resources within half-mile buffer

Species	Location	Date	County	State	Category	Priority	Notes
<i>Clethrionomys r. pallidus</i>	Spreading Pogonia	6/22/1937	6/13/1938	GA	S1		
<i>Colinus cognatus</i>	Slimy Sculpin	8/30/1989	1989	GA	S2		
<i>Hesperis semperpar</i>	Roughhead Shiner	10/12/1988	1958	GA	S2S3		
<i>Masopoda lateralis</i>	Grove Sandwort	5/15/1993	5/19/1993	GA	S1		ELKLICK DIABASE FLATWOODS
<i>Isotria medeolae</i>	Engelmann's Quilwort	9/1/1997	1997	GA	S2		MANASSAS DIABASE UPLANDS
<i>Isotria medeolae</i>	Engelmann's Quilwort	5/27/1997	1997	GA	S2		MANASSAS DIABASE UPLANDS
<i>Isotria medeolae</i>	Engelmann's Quilwort	5/28/1997	1997	GA	S2		MANASSAS DIABASE UPLANDS
<i>Trichium reflexum</i>	Buffalo Clover	6/28/1997	1997	GA	S1		MANASSAS DIABASE UPLANDS
<i>Stachys plicata</i>	March Hedge-nettle	9/25/1997	5/10/1993	GA	S1		MANASSAS DIABASE UPLANDS
<i>Stachys plicata</i>	March Hedge-nettle	9/25/1997	5/10/1993	GA	S1		MANASSAS DIABASE UPLANDS
<i>Asplenium platyneuron</i>	Dwarf Watermoss	ND	ND	GA	S1		
<i>Asplenium platyneuron</i>	Brook Flecker	1981-08	1981	GA	S1		
<i>Asplenium platyneuron</i>	Virginia Spiderweed	8/24/2006	8/20/1990	GA	S2		PINE RUN
<i>Asplenium platyneuron</i>	Virginia Spiderweed	9/13/1997	1990	GA	S2		LOVES RUN PONDS
<i>Asplenium platyneuron</i>	Virginia Spiderweed	8/13/2006	8/30/1992	GA	S2		GRASSY POND
<i>Asplenium platyneuron</i>	Pine Snake	ND	ND	GA	S1S3		
<i>Asplenium platyneuron</i>	Platy Spine	9/26/1937	9/26/1937	GA	S1		
<i>Asplenium platyneuron</i>	Prarie White-fringed Orchid	1950	1978	GA	S1		
<i>Asplenium platyneuron</i>	Swarzo Pink	5/29/1998	1975	GA	S2S3		
<i>Asplenium platyneuron</i>	Northern St. John's-wort	8/24/2006	9/23/1995	GA	S2		
<i>Asplenium platyneuron</i>	A Rose Beetle	ND	1975	GA	S2		
<i>Asplenium platyneuron</i>	Significant Cave	1985	1975	GA	S2		
<i>Asplenium platyneuron</i>	A Cave Amphipod (Shenandoah County)	3/15/1992	3/15/1992	GA	S1		
<i>Asplenium platyneuron</i>	A Cave Amphipod (Shenandoah County)	3/26/1992	3/26/1992	GA	S1		
<i>Asplenium platyneuron</i>	Shenandoah Valley Cave Amphipod	6/7/1998	1998	GA	S2S3		
<i>Asplenium platyneuron</i>	Thin-neck Cave Enella	1980	10/7/1928	GA	S1		
<i>Asplenium platyneuron</i>	Lury Caverns Blind Cave Millipede	ND	ND	GA	S2		
<i>Asplenium platyneuron</i>	Indiana Bat	1947	1947	GA	S2		
<i>Asplenium platyneuron</i>	Mud-dwelling Cave Beetle	1931-1992	1931-1992	GA	S1		
<i>Asplenium platyneuron</i>	A Cave Pseudoscorpion	1980	1961	GA	S1		
<i>Asplenium platyneuron</i>	Significant Cave	1985	1940	GA	S1		
<i>Asplenium platyneuron</i>	Shenandoah Valley Cave Amphipod	11/7/1976	1976	GA	S2S3		
<i>Asplenium platyneuron</i>	Lury Caverns Blind Cave Millipede	ND	1876	GA	S2		
<i>Asplenium platyneuron</i>	Avenus Cave Beetle	2/18/1995	7/24/1937	GA	S2		
<i>Asplenium platyneuron</i>	Montane Dry Calcareous Forest / Woodland	6/3/2004	5/20/2004	GA	SNR		
<i>Asplenium platyneuron</i>	Bent Minkwech	5/18/1933	6/2/1929	GA	S1		
<i>Asplenium platyneuron</i>	Significant Cave	1959/1937	1932/1937	GA	SNR		
<i>Asplenium platyneuron</i>	Blood Witchgrass	1935/1937	1935/1937	GA	S17		
<i>Asplenium platyneuron</i>	Rough-hair Witchgrass	7/5/2005	7/5/2005	GA	S1		
<i>Asplenium platyneuron</i>	Leafy Grape-fern	6/25/1978	6/25/1978	GA	S1		
<i>Asplenium platyneuron</i>	Regal Frillary	1947	1947	GA	S1		
<i>Asplenium platyneuron</i>	Savannah Beskrush	7/18/1938	1936	GA	S1		
<i>Asplenium platyneuron</i>	Brook Floater	ND	ND	GA	S1		
<i>Asplenium platyneuron</i>	Bald Cypress - Tupelo Swamp	11/15/2005	7/30/2002	GA	SNR		CYPRESS BRIDGE SWAMPS
<i>Asplenium platyneuron</i>	Oakes Pondweed	9/29/2001	7/18/1989	GA	S2		LOVES RUN PONDS
<i>Asplenium platyneuron</i>	Montane Depression Wetlands	9/1/2001	8/23/1990	GA	SNR		PEETERS MOUNTAIN NORTH
<i>Asplenium platyneuron</i>	Oak / Heath Forest	11/16/1994	1994	GA	SNR		PARTNER I
<i>Asplenium platyneuron</i>	Carby's Mountain-lyer	6/3/2004	1951	GA	S2		JANTOCH SWAMP SCU
<i>Asplenium platyneuron</i>	Lex Hornpod	8/31/2005	9/14/1993	GA	S1		BLACKWATER RIVER MAIRSTEM
<i>Asplenium platyneuron</i>	Mirafra pelosa	10/9/2001	9/14/1993	GA	S1		ELKLICK DIABASE FLATWOODS
<i>Asplenium platyneuron</i>	Hemiphaea micrantha	10/16/2001	10/17/1998	GA	S1		
<i>Asplenium platyneuron</i>	Microthorum umbrosum	6/25/2003	10/18/1999	GA	SNR		
<i>Asplenium platyneuron</i>	Basic Oak - Hickory Forest	3/13/2007	3/13/2007	GA	S1		
<i>Asplenium platyneuron</i>	Tiger Salamander	8/24/2008	8/24/2008	GA	S2		
<i>Asplenium platyneuron</i>	Northern St. John's-wort						



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Game and Inland Fisheries

J. Carlton Courter, III
Director

December 7, 2007

Robyn Thorson
Regional Director, US Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056

RE: NiSource Multi-Species Habitat
Conservation Plan
ESSLog # 23807

Dear Ms. Thorson:

We received notification of intent to develop an Environmental Impact Statement (EIS) regarding the potential issuance of a 50-year Incidental Take Permit (ITP) to NiSource Inc. (NiSource); including US Fish and Wildlife Service (FWS) approval of NiSource's associated Habitat Conservation Plan (HCP). We offer the following comments and recommendations: The Virginia Department of Game and Inland Fisheries (VDGIF), as the Commonwealth's wildlife and freshwater fish management agency, exercises full law enforcement and regulatory jurisdiction over those resources, inclusive of State or Federally *Endangered* or *Threatened* species, but excluding listed insects. We are a consulting agency under the U. S. Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), and we provide environmental analysis of projects or permit applications coordinated through the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, the Virginia Department of Transportation, the U. S. Army Corps of Engineers, and other state or federal agencies. Our role in these procedures is to determine likely impacts upon fish and wildlife resources and habitats, and to recommend appropriate measures to avoid, reduce, or compensate for those impacts.

NiSource provided a shape file to us that included the location of their current pipelines and facilities in Virginia and a one mile buffer to each side of the locations (pipeline corridor). At that time, we were asked to compile a list of listed species known from or likely to occur within this pipeline corridor and for which we have concerns that maintenance activities performed within this corridor may result in adverse impacts upon them. We were also asked to consider

the possible duration of the ITP (50 years) and include in our list species that we determined may become listed or highly imperiled within that time frame. We searched our data records for sensitive wildlife species known from the pipeline corridor area and determined that a total of 120 sensitive wildlife species are known from or likely to occur within the pipeline corridor and may be adversely impacted by maintenance activities within that corridor. This resulting species list (Table 1) included both state and federally listed species, imperiled species known to be experiencing population declines, and species for which we foresee increased imperilment that may result in them being listed as threatened or endangered over the next 50 years.

Of these 120 species, only those currently retaining legal federal status were considered by NiSource. Of the 37 federally listed (including species of concern) species that we identified as likely to be located within the pipeline corridor, NiSource only included 8 of them (Table 2) in their final species list. This fact, and that there has been no consideration of state listed species for inclusion in the HCP is of concern to our agency. It is our understanding that because the ITP and HCP will be permitted at a federal level, all maintenance activities within the pipeline corridor, including those that incur water and wetland impacts, may be covered under Nationwide Permits issued by the Army Corps of Engineers. In Virginia, this may result in no opportunity for VDGIF review of maintenance activities within the pipeline corridor for evaluation of impacts upon state listed species, other sensitive species or other wildlife resources. Without the ability to review these maintenance activities for impacts upon listed wildlife under our jurisdiction, we are unable to ensure that activities performed within the corridor will not result in adverse impacts upon them. We would also not be afforded the opportunity to recommend ways to avoid, minimize or mitigate impacts upon other wildlife resources under our jurisdiction such as trout streams, important fisheries, colonial waterbird colonies and our landholdings. We recommend serious consideration of this and that the EIS address this concern.

In addition to the listed species and wildlife resources mentioned above, a number of species included as species of greatest conservation need in Virginia's Wildlife Action Plan are likely to occur, if suitable habitat exists, in and around the pipeline corridor. We recommend that the Virginia Wildlife Action Plan (available through www.bewildvirginia.gov) be reviewed to determine what threats are known to these species, what suitable habitat for these species consists of and how to best protect them and their habitats from harm. This document was developed as a requirement by the FWS to secure State Wildlife Grants to state wildlife agencies. We recommend the Wildlife Action Plans for each state be used as guidance to reduce impacts upon imperiled species and their habitats.

We further recommend that the proposed duration of the ITP, 50 years, be re-evaluated. It is nearly impossible to determine which species and habitats will be imperiled over the next 50 years. We cannot effectively assess development pressures, climate changes or other environmental alterations that may lead to new pressures upon Virginia's wildlife species over such a long duration and so far into the future. We recommend that the ITP limits be changed to ten years. Ten years is a much more reasonable time period for making determinations about environmental and land use change effects upon Virginia's wildlife.

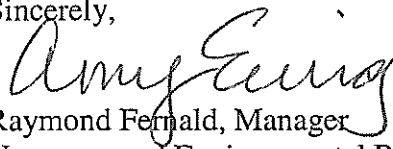
Robyn Thorson
12/07/2007
Page 3 of 3

In order to fully develop alternatives to avoid, minimize or mitigate impacts upon listed species known from or likely to occur within the pipeline, more information will need to be gathered. Although we have information about species locations and habitats within Virginia, the entire pipeline corridor has not been surveyed for wildlife or land cover. Without the collection of new data, VDGIF would be required to make decisions about species impact levels and potential mitigation techniques or sites from the data currently on hand. Depending on the final permit duration, current information may not be enough to effectively come up with mitigation alternatives, a determination of impact levels or sites available and appropriate for use as mitigation sites. Even if we were able to make determinations about these, they may no longer be valid in the distant future. We recommend that the EIS address our concerns about the data gaps that need to be filled in order for the states to effectively understand and mitigate impacts upon listed species under their jurisdictions. We are happy to work with The Conservation Fund, the consultant hired to develop the mitigation plans, to evaluate where mitigation is needed and how it should be performed in Virginia, but recommend that further surveys of wildlife and land cover within the pipeline corridor be considered.

To determine whether the goals of the HCP are being met, monitoring of the areas contained within the HCP will be necessary. We recommend that monitoring protocols be evaluated within the EIS and that a plan be developed which will include a process that allows for changes in management techniques and practices, if needed, to ensure the biological integrity of the HCP and the protection of wildlife.

Thank you for the opportunity to provide input and recommendations on the development of the EIS for this project. Please contact Amy Ewing or me at (804) 367-6913 if we may be of further assistance.

Sincerely,


Raymond Fernald, Manager
Nongame and Environmental Programs

Fer

CC: Ms. Ellie Irons, VDEQ
Ms. Kim Smith, USFWS
Ms. Rene Hypes, VDCR-DNH

Table 1: VDGIF Recommended Species List

common name	scientific name	status	WAP tier*
Mammals:			
Indiana bat	<i>Myotis sodalis</i>	FESE	I
eastern small footed myotis	<i>Myotis leibii</i>	FS	III
Rafinesque's eastern big-eared bat	<i>Corynorhinus rafinesquii macrotis</i>	FSSE	I
Virginia big-eared bat	<i>Corynorhinus townsendii virginianus</i>	FESE	II
Dismal Swamp southeastern shrew	<i>Sorex longirostris fisheri</i>	ST	IV
northern river otter	<i>Lontra canadensis lataxina</i>	SS	
Allegheny woodrat	<i>Neotoma magister</i>	FS	IV
Appalachian cottontail	<i>Sylvilagus obscurus</i>	FS	IV
southeastern fox squirrel	<i>Sciurus niger</i>		III
southeastern myotis	<i>Myotis austroriparius</i>		IV
Birds:			
little blue heron	<i>Egretta caerulea caerulea</i>	SS	II
great egret	<i>Ardea alba egretta</i>	SS	
yellow-crowned night heron	<i>Nyctanassa violacea violacea</i>	SS	III
bald eagle	<i>Haliaeetus leucocephalus</i>	FTST	II
northern harrier	<i>Circus cyaneus</i>	SS	III
peregrine falcon	<i>Falco peregrinus</i>	ST	I
common moorhen	<i>Gallinula chloropus cachinnans</i>	SS	
upland sandpiper	<i>Bartramia longicauda</i>	ST	I
piping plover	<i>Charadrius melodus</i>	FTST	I
Forster's tern	<i>Sterna forsteri</i>	SS	IV
least tern	<i>Sterna antillarum</i>	SS	II
Caspian tern	<i>Sterna caspia</i>	SS	
gull-billed tern	<i>Sterna nilotica</i>	ST	I
barn owl	<i>Tyto alba pratincola</i>	SS	III
red-cockaded woodpecker	<i>Picoides borealis</i>	FESE	I
red-breasted nuthatch	<i>Sitta canadensis</i>	SS	
brown creeper	<i>Certhia americana</i>	SS	IV
winter wren	<i>Troglodytes troglodytes</i>	SS	II
loggerhead shrike	<i>Lanius ludovicianus</i>	ST	I
Swainson's warbler	<i>Limnothlypis swainsonii</i>	SS	II
golden-winged warbler	<i>Vermivora chrysoptera</i>	SS	I
cerulean warbler	<i>Dendroica cerulea</i>	FS	II
Henslow's sparrow	<i>Ammodramus henslowii</i>	FSST	I
black-billed cuckoo	<i>Coccyzus erythrophthalmus</i>		
ruffed grouse	<i>Bonasa umbellus</i>		
green heron	<i>Butorides virescens</i>		IV
least bittern	<i>Ixobrychus exilis</i>		III
American bittern	<i>Botaurus lentiginosus</i>		II
American black duck	<i>Anas rubripes</i>		II
greater scaup	<i>Aythya marila</i>		IV
northern bobwhite	<i>Colinus virginianus</i>		IV
king rail	<i>Rallus elegans</i>		II
clapper rail	<i>Rallus longirostris</i>		IV
Virginia rail	<i>Rallus limicola</i>		IV
American woodcock	<i>Scolopax minor</i>		IV
yellow-billed cuckoo	<i>Coccyzus americanus</i>		IV
northern saw-whet owl	<i>Aegolius acadicus</i>	SS	II

Chuck-will's-widow	Caprimulgus carolinensis	IV
Whip-poor-will	Caprimulgus vociferus	IV
chimney swift	Chaetura pelagica	IV
yellow-bellied sapsucker	Sphyrapicus varius	I
eastern kingbird	Tyrannus tyrannus	IV
willow flycatcher	Empidonax traillii	IV
eastern wood pewee	Contopus virens	IV
northern rough-winged swallow	Stelgidopteryx serripennis	IV
brown-headed nuthatch	Sitta pusilla	IV
marsh wren	Cistothorus palustris	IV
gray catbird	Dumetella carolinensis	IV
brown thrasher	Toxostoma rufum	IV
wood thrush	Hylocichla mustelina	IV
yellow-throated vireo	Vireo falvifrons	IV
black-and-white warbler	Mniotilta varia	IV
prothonotary warbler	Protonotaria citrea	IV
worm-eating warbler	Helmitheros vermivorus	IV
northern parula	Parula americana	IV
yellow warbler	Dendroica petechia	IV
black-throated green warbler	Dendroica virens	I
prairie warbler	Dendroica discolor	IV
Ovenbird	Seiurus aurocapilla	IV
Louisiana waterthrush	Seiurus motacilla	IV
Kentucky warbler	Oporornis formosus	IV
yellow-breasted chat	Icteria virens	IV
Canada warbler	Wilsonia canadensis	IV
eastern meadowlark	Sturnella magna	IV
scarlet tanager	Piranga olivacea	IV
rose-breasted grosbeak	Pheucticus ludovicianus	IV
eastern towhee	Pipilo erythrophthalmus	IV
grasshopper sparrow	Ammodramus savannarum	IV
Bachman's sparrow	Aimophila aestivalis	FSST I
field sparrow	Spizella pusilla	IV

Fishes:

Atlantic sturgeon	Acipenser oxyrinchus	FSSS II
whitemouth shiner	Notropis alborus	ST IV
Roanoke hog sucker	Hypentelium roanokense	FS IV
orange-fin madtom	Noturus gilberti	FSST II
Roanoke bass	Ambloplites cavifrons	FSSS II
riverweed darter	Etheostoma podostemone	FS IV
Roanoke logperch	Percina rex	FESE I
roughhead shiner	Notropis semperasper	FSSS II
blackbanded sunfish	Enneacanthus chaetodon	SE I
Carolina darter	Etheostoma collis	FSST II
Candy darter	Etheostoma osburni	FSSS II
bridle shiner	Notropis bifrenatus	SS I

Reptiles:

timber (=canebrake) rattlesnake	Crotalus horridus	SE II
wood turtle	Glyptemys insculpta	ST II

Table 2: VDGIF Recommended Species List (federal only)

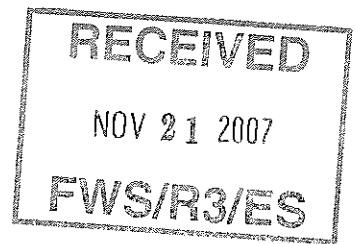
common name	scientific name	status	WAP tier*
Mammals:			
Indiana bat	<i>Myotis sodalis</i>	FESE	I
eastern small footed myotis	<i>Myotis leibii</i>	FS	III
Rafinesque's eastern big-eared	<i>Corynorhinus rafinesquii macrotis</i>	FSSE	I
Virginia big-eared bat	<i>Corynorhinus townsendii virginianus</i>	FESE	II
Allegheny woodrat	<i>Neotoma magister</i>	FS	IV
Appalachian cottontail	<i>Sylvilagus obscurus</i>	FS	IV
Birds:			
bald eagle	<i>Haliaeetus leucocephalus</i>	FTST	II
piping plover	<i>Charadrius melodus</i>	FTST	I
red-cockaded woodpecker	<i>Picoides borealis</i>	FESE	I
cerulean warbler	<i>Dendroica cerulea</i>	FS	II
Henslow's sparrow	<i>Ammodramus henslowii</i>	FSST	I
Bachman's sparrow	<i>Aimophila aestivalis</i>	FSST	I
Fishes:			
Atlantic sturgeon	<i>Acipenser oxyrinchus</i>	FSSS	II
Roanoke hog sucker	<i>Hypentelium roanokense</i>	FS	IV
orange-fin madtom	<i>Noturus gilberti</i>	FSST	II
Roanoke bass	<i>Ambloplites cavifrons</i>	FSSS	II
riverweed darter	<i>Etheostoma podostemone</i>	FS	IV
Roanoke logperch	<i>Percina rex</i>	FESE	I
roughhead shiner	<i>Notropis semperasper</i>	FSSS	II
Carolina darter	<i>Etheostoma collis</i>	FSST	II
Candy darter	<i>Etheostoma osburni</i>	FSSS	II
Reptiles:			
northern diamond-backed terrapin	<i>Malaclemys terrapin terrapin</i>	FSCC	II
loggerhead sea turtle	<i>Caretta caretta</i>	FTST	II
Amphibians:			
Cow Knob salamander	<i>Plethodon punctatus</i>	FSSS	II
Shenandoah salamander	<i>Plethodon shenandoah</i>	FESE	I
eastern hellbender	<i>Cryptobranchus alleganiensis alleganiensis</i>	FSSS	II
Molluscs:			
green floater	<i>Lasmigona subviridis</i>	FSST	II
yellow lampmussel	<i>Lampsilis cariosa</i>	FSSS	III
brook floater	<i>Alasmidonta varicosa</i>	FSSE	II
yellow lance	<i>Elliptio lanceolata</i>	FSSS	III
Atlantic pigtoe	<i>Fusconaia masoni</i>	FSST	II
dwarf wedgemussel	<i>Alasmidonta heterodon</i>	FESE	II
James spiny mussel	<i>Pleurobema collina</i>	FESE	I
shaggy coil	<i>Helicodiscus diadema</i>	FSSE	I
rubble coil	<i>Helicodiscus lirellus</i>	FSSE	I
Crustaceans:			

Madison Cave isopod
Chowanoke crayfish

Antrolana lira
Orconectes virginianus

FTST II
FS III

included by NiSource for VA
Included by NiSource, but not for VA
not listed by NiSource



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural
Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

November 13, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4506

RE: U.S. Department of the Interior, Fish and Wildlife Service (Service), Environmental Impact Statement (EIS) for the potential issuance of a 50-year Incidental Take Permit (ITP) to Ni Source, Inc. (NiSource), including Service approval of NiSource's associated Habitat Conservation Plan (HCP).

Dear Regional Director:

This is in response to the U.S. Department of the Interior, Fish and Wildlife Service's October 18, 2007 letter (received by DEQ on November 8, 2007) announcing the preparation of an Environmental Impact Statement, and soliciting comments on the scope of the document.

According to the letter, the U.S. Department of the Interior, Fish and Wildlife Service (Service) proposes to develop an Environmental Impact Statement (EIS) for the potential issuance of a 50-year Incidental Take Permit (ITP) to NiSource, Inc. (NiSource), under Section 10(1)(a)(B) of the Endangered Species Act of 1973, as amended, including approval of NiSource's associated Habitat Conservation Plan (HCP). The project area/s are 1-mile corridors surrounding existing (NiSource) facilities, nationwide, including those in Virginia (a schematic map was provided, however, precise locations were not identified).

The role of the Virginia Department of Environmental Quality (DEQ) in relation to the project under consideration is that DEQ's Office of Environmental Impact Review (this Office) will coordinate Virginia's review of any environmental document prepared pursuant to the National Environmental Policy Act (NEPA) and comment to the on behalf of the Commonwealth.

Environmental Review and Scoping

We are sharing your request with the following state and local Virginia agencies:

- Department of Environmental Quality:
 - Office of Environmental Impact Review
 - Southwest Regional Office
 - West Central Regional Office
 - South Central Regional Office
 - Valley Regional Office
 - Northern Virginia Regional Office
 - Piedmont Regional Office
 - Tidewater Regional Office
 - Air Division
 - Waste Division
- Department of Game and Inland Fisheries
- Department of Conservation and Recreation:
 - Division of Soil and Water Conservation
 - Division of Planning and Recreation Resources
 - Division of Natural Heritage
- Department of Agriculture and Consumer Services
- Department of Transportation
- Marine Resources Commission
- Department of Historic Resources
- LENOWISCO Planning District Commission (PDC)
- Cumberland Plateau PDC
- Mount Rogers PDC
- New River Valley PDC
- West Piedmont PDC
- Roanoke Valley-Alleghany Regional Commission
- Virginia's Region 2000 Local Government Council
- Central Shenandoah PDC
- Thomas Jefferson PDC
- Southside PDC
- 2007 Commonwealth Regional Commission
- Richmond Regional PDC
- George Washington Regional Commission
- Northern Neck PDC
- Middle Peninsula PDC
- Crater PDC
- Hampton Roads PDC

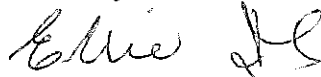
We have already distributed notification of the upcoming scoping meeting scheduled for November 14, 2007 in Richmond, Virginia.

In order to ensure an effective coordinated review of the Environmental Assessment, we will require 24 copies of the document when it is published. The document should include U.S. Geological Survey topographic maps as part of its information. We recommend, as well, that project details unfamiliar to people outside the NPS be adequately described. While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the NEPA document for the proposed project.

If you have questions about the environmental review process, please feel free to call me at (804) 698-4325 or Ernie Aschenbach of this Office at (804) 698-4326.

I hope this information is helpful to you.

Sincerely,

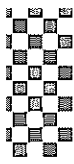


Ellie L. Irons, Manager
Office of Environmental Impact Review

cc: Michael Overstreet, DEQ-SWRO
Kevin Harlow, DEQ-WCRO
Amanda Gray, DEQ-SCRO
Ronald Phillips, DEQ-VRO
Kotur S. Narasimhan, DEQ-Air
Paul Kohler, DEQ-Waste
Amy Ewing, DGIF
Robbie Rhur, DCR
Tony Watkinson, MRC
Ethel R. Eaton, DHR
Keith Tignor, VDACS
Mary Stanley, VDOT
Ronald C. Flanary, LENOWISCO PDC
Andrew Chafin, Cumberland Plateau PDC
David Barrett, Mount Rogers PDC
Robert Dowd, West Piedmont PDC
Annette Perking, New River Valley PDC
Wayne Strickland, Roanoke Valley-Alleghany Regional Commission
Gary Christie, Virginia's Region 2000 Local Government Council
A. Ray Griffin Jr., Central Shenandoah PDC
Harrison Bright Rue, Thomas Jefferson PDC
Joyce I. French, Southside PDC
Danny Fore, 2007 Commonwealth Regional Commission
Paul E. Fisher, Richmond Regional PDC
Robert H. Wilson, George Washington Regional Commission
Jerry W. Davis, Northern Neck PDC
Dan Kavanaugh, Middle Peninsula PDC

Regional Director
U.S. Fish and Wildlife Service
Div. of Ecological Services
Page 4

Dennis K. Morris, Crater PDC
Arthur L. Collins, Hampton Roads PDC



**COUNTY OF FAUQUIER
OFFICE OF THE COUNTY ADMINISTRATOR**

*PAUL S. McCULLA
County Administrator*

10 Hotel Street, Suite 204

Warrenton, Virginia 20186

PHONE 540-347-8680 FAX 540-349-2331

E-mail: paul.mcculla@fauquiercounty.gov

*ANTHONY I. HOOPER
Deputy County Administrator*

*CATHERINE M. HERITAGE
Assistant County Administrator*

December 5, 2007

United States Department of the Interior
Fish and Wildlife Service
Bishop Henry Whipple Federal Bldg.
1 Federal Drive
Fort Snelling, MN 55111-4056

Via facsimile and regular mail (612) 713-5292

REF: NiSource 50-year Incidental Take Permit Request

Dear Regional Director:

Thank you for the opportunity to comment upon the above-referenced Environmental Impact Statement related to the request by NiSource for a 50-year Incidental Take Permit. Fauquier County is traversed by two Columbia Gas pipelines and as such, this proposed permit has the potential to have a significant impact upon the County.

It is our understanding that this is one of the largest Incidental Take Permits ever requested. Given the scope and duration of this Permit and the one mile width of the affected area, the County asks that you consider alternatives as outlined in the request for comments, including a permit of a shorter duration and for a narrower width. The advance approval of a permit which authorizes the taking of wildlife one-half mile from the centerline of existing pipelines for a period of 50 years is very broad given the activities typically undertaken by NiSource. We have serious concerns regarding the short and long term implications of the proposal.

Page 2

In many instances, there may be new species affected by this permit during the time frame outlined. Major new activities should be required to address conditions as they exist when the activity occurs and should accommodate advancements in the science of preservation and protection of threatened and endangered species. These changes would be far better addressed by a shorter permit which affects a narrower strip of land, coupled with traditional environmental review of activities such as new construction, expansion and major maintenance. The County and the 17 states affected by this proposed permit should not be bound for half a century to current levels of knowledge and technology when improvements are inevitable and will afford greater protection to these scarce resources.

Very truly yours,



Paul S. McCulla
County Administrator

cc: Fauquier County Board of Supervisors reading file

COUNTY OF PRINCE GEORGE, VIRGINIA

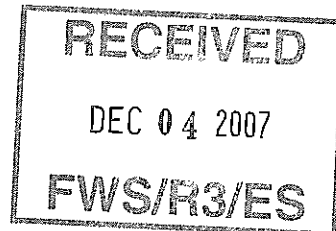
Brenda G. Garton
County Administrator
bgarton@princegeorgeva.org

Pamela K. Thompson
Deputy County Administrator
pthompson@princegeorgeva.org



County Administration Building
6602 Courts Drive - Third Floor
P. O. Box 68
Prince George, VA 23875-0068

Phone: (804) 722-8600
Facsimile: (804) 732-3604



November 20, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

RE: Comments on Incidental Take Permit for NiSource

Dear Regional Director:

Thank you for allowing Prince George County to comment on the Environmental Impact Statement on NiSource Inc.'s proposal to apply for an Incidental Take Permit under the Endangered Species Act. The primary purpose of the project is to potentially include multiple federally listed species across 17 States and possibly cover NiSource's operations, maintenance, construction and emergency response activities associated with the company's interstate natural gas transmission and storage business.

Prince George County does not have any comments or concerns about the plan at this time.

Thank you again for the opportunity to comment on this plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda G. Garton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brenda G. Garton
County Administrator

COUNTY OF PRINCE GEORGE, VIRGINIA

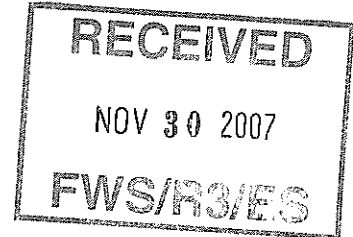


Brenda G. Garton
County Administrator
bgarton@princegeorgeva.org

Pamela K. Thompson
Deputy County Administrator
pthompson@princegeorgeva.org

County Administration Building
6602 Courts Drive - Third Floor
P. O. Box 68
Prince George, VA 23875-0068

Phone: (804) 722-8600
Facsimile: (804) 732-3604



November 20, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

RE: Comments on Incidental Take Permit for NiSource

Dear Regional Director:

Thank you for allowing Prince George County to comment on the Environmental Impact Statement on NiSource Inc.'s proposal to apply for an Incidental Take Permit under the Endangered Species Act. The primary purpose of the project is to potentially include multiple federally listed species across 17 States and possibly cover NiSource's operations, maintenance, construction and emergency response activities associated with the company's interstate natural gas transmission and storage business.

Prince George County does not have any comments or concerns about the plan at this time.

Thank you again for the opportunity to comment on this plan.

Sincerely,

Brenda G. Garton
County Administrator



FAIRFAX COUNTY

Department of Planning & Zoning
Director's Office
12055 Government Center Parkway
Suite 730
Fairfax, Virginia 22035-5506

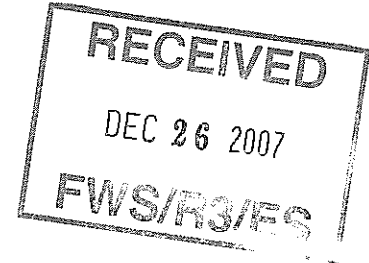
(703) 324-1325

Fax (703) 324-3924

V I R G I N I A

December 7, 2007

Regional Director
U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056



Dear Regional Director:

It is our understanding that NiSource, an umbrella company for several natural gas pipeline companies, is applying for a 50-year Incidental Take Permit (ITP) from the U.S. Fish and Wildlife Service to cover actions associated with construction and maintenance along 17,500 miles in 17 states. A portion of pipeline proposed for coverage under the ITP runs along the northwestern edge of Fairfax County within the Dranesville, Hunter Mill and Sully Magisterial Districts. As part of this process, Fairfax County is pleased to provide the following comments on the proposed NiSource Habitat Conservation Plan (HCP) and ITP. Given that the specifics of the HCP have not been established, these are general comments and concerns. Staff would be pleased to review the final HCP upon completion to provide additional comments.

Staff from the Department of Planning and Zoning, Department of Public Works and Environmental Services, Fairfax County Park Authority and the Fire and Rescue Department have reviewed the provided information. Comments for each department are broken out below:

Department of Planning and Zoning

- Staff is concerned that a half-mile wide buffer on either side of the pipeline, for a total of a one mile wide corridor for the entire length of the pipeline, is unnecessarily wide. While it is understood that the half-mile buffer represents a potential area of impact and that it is not anticipated that the impact will be felt for that entire width, we encourage practices that will restrict the area of impact, and therefore the width of area granted under the ITP.
- Staff feels that fifty years may not be the appropriate length of time to grant an Incidental Take Permit (ITP), given evolving changes in land use, and species ranges. We encourage a shorter time limit, such as 15 or 20 years, or a predetermined review during the permit coverage period as a condition of retaining the permit.
- Staff encourages coordination with Virginia Department of Environmental Quality (DEQ) and Department of Game and Inland Fisheries (DGIF) to ensure that all state-listed species are protected and discussed in the HCP as well as federally-listed species.

- Any actions taken by NiSource during their operations to repair, upgrade, replace, and expand their facilities should be in accordance with all Fairfax County development policies, including environmental review. All operations and, if necessary, mitigation should adhere to the Chesapeake Bay Preservation Ordinance, if applicable.
- Staff realizes that take associated with NiSource's operations is unavoidable, and mitigation will be both necessary and required. Staff prefers the following mitigation strategies:
 - Modifications of land use practices and restrictions on access.
 - Preservation of the existing habitat.
 - Establishment of buffer areas, particularly around streams.
 - Application of best management practices that reduce or eliminate potential adverse effects.

If these mitigation strategies are ineffective or unemployable in a specific situation or location, staff suggests the following strategies as a secondary plan of action:

- Enhancement or restoration of damaged or degraded habitat.
- Establishment of new habitat.
- Funds dedicated to research with the intention of enhancing habitat or recovery of a species.
- The Environment section of the Policy Plan volume of the Comprehensive Plan provides guidance and clearly defines the environmental protection goals and objectives of Fairfax County. The Environmental section of the Plan Policy volume of the Comprehensive Plan is available online at: <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/policyplan/>. Any mitigation measures should be in conformance with the Fairfax County Comprehensive Plan.

If you have any questions regarding the Department of Planning and Zoning comments, please call Dawn Dhavale, Environmental Planner, at (703) 324-1380, or by email at Dawn.Dhavale@fairfaxcounty.gov.

Department of Public Works and Environmental Services

Fairfax County's Stormwater Planning Division (SWPD) welcomes the opportunity to give the U.S. Fish and Wildlife Service (Service) comments on the scope of its Environmental Impact Statement (EIS) for the proposed issuance of a 50-year Incidental Take Permit to NiSource Inc. (NiSource) and approval of the applicant's associated Habitat Conservation Plan. The proposed permit would cover activities of NiSource and its subsidiaries related to transmission and storage of natural gas in 17 States. Roughly 20 miles of the interstate transmission line passes through six watersheds in the western portion of Fairfax County: Bull Run, Cub Run, Horsepen Creek, Sugarland Run, Difficult Run and Nichol Run watersheds. SWPD encourages cooperative efforts and information exchange among the Service, the applicant and the county to help meet state and local watershed protection goals in the affected watersheds.

Impact of the Proposed Action on Federally Listed Species

The proposed action could negatively impact the threatened small whorled pogonia (*Isotria medeoloides*) population in Fairfax County. The presence of our threatened and endangered species is often indicative of environmental health, and preservation of their habitat can be viewed as preservation of higher quality ecosystems. Areas that might serve as suitable habitat for the small whorled pogonia should be protected to the extent possible.

Avoidance of the plant and its habitat is preferred, and SWPD encourages the Service and the applicant to explore alternatives that minimize the land area covered by the proposed incidental take permit (ITP) as one means of reducing potential impacts on the small whorled pogonia. NiSource's proposed 1-mile-wide "project area" is excessively wide for routine operation and maintenance of the interstate pipeline through Fairfax County. SWPD strongly recommends a narrower project area comparable in size to the existing easement for routine activities. The Service could also consider limiting permitted incidental takes to certain activities such as periods of active construction or emergency response. Permitted incidental takes over a project area up to 1-mile-wide should be reserved for exceptional events (i.e., emergencies that threaten public safety).

SWPD is concerned about the lengthy 50-year term for the proposed ITP. SWPD recommends a significantly shorter term for the permit (if issued) in order to give affected State and local governments more opportunities to provide timely information about the realized impacts of the ITP on federally listed species in their jurisdictions and recommend reasonable adjustments to permit requirements.

Condition of Fairfax County Watersheds

With input from residents and other stakeholders, Fairfax County is developing watershed management plans to address a variety of issues contributing to the overall health of its watersheds. One of the county's watershed management objectives is to protect ecological resources like threatened and endangered species. The Service and the applicant are encouraged to learn more about county watersheds through the watershed planning web site:

www.fairfaxcounty.gov/dpwes/watersheds/

The *Cub Run and Bull Run Watershed Management Plan* and the *Difficult Run Watershed Management Plan* were both adopted by the County Board of Supervisors in February 2007 and are available upon request. Efforts to develop watershed management plans covering Horsepen Creek, Sugarland Run and Nichol Run watersheds were initiated in 2007 with anticipated completion in 2009.

SWPD urges the Service to consider the compromised condition of the county's urban watersheds. In recent years, the county has characterized approximately 60 to 70 percent of the county's streams as being in poor or very poor condition based on biological monitoring data. Some of the watersheds traversed by NiSource's transmission line include waters and surrounding areas that are targeted by State and/or local governments for special protection or improvement.

- Bull Run, Cub Run, Difficult Run, and Sugarland Run watersheds include stream segments that are listed as impaired under Virginia's Section 303(d) program.
- Numerous points along the existing transmission line and the proposed project area cross Resource Protection Areas (RPAs) as identified by the Code of Fairfax County, Virginia, Chesapeake Bay Preservation Ordinance, Chapter 118.
- The existing transmission line is adjacent to several county conservation easements, and the proposed mile-wide project area would certainly encompass many of those easements. There are several conservation easements in the Horsepen Creek watershed and a few others in Cub Run and Sugarland Run watersheds that could be affected.

SWPD appreciates being given this opportunity to comment on the proposed action. As details about proposed work on the transmission line become available, SWPD looks forward to providing input on project area boundaries that are protective of the threatened species as well as recommendations on stormwater best management practices protective of the county's water resources. The Service is encouraged to contact SWPD with questions concerning these comments.

If you have any questions regarding the Department of Public Works and Environmental Services comments, please call Takisha Cannon, Ecologist, at (703) 324-5500, or by email at Takisha.Cannon@fairfaxcounty.gov.

Fairfax County Park Authority

The Fairfax County Park Authority has reviewed the data provided on the Environmental Impact Statement for the proposed 50 year Incidental Take Permit for NiSource Inc.

The Fairfax County Park Authority owns twenty parks in close proximity to the proposed project area, which contain sensitive environmental and cultural features. As a result of construction activity along this pipeline, six of these parks could be directly impacted. While the extent of this proposal's impact to Fairfax County Park Authority property is difficult to assess based on the limited information provided, this project has a high potential to affect Stratton Woods, Sully Historic Site, Sully Woodlands, Cub Run Stream Valley, and Horsepen Run Stream Valley parks. The Cub Run Stream Valley Park is integrally linked to the Cub Run RECenter and the Sully Woodlands Assemblage. Other parks included in the 1 mile wide project area are: BOS Transfer 13, Cub Run RECenter, Flatlick Run Stream Valley, Folly Lick Stream Valley, Franklin Farm, Frying Pan Farm, Great Falls Nike, Lockmeade, Quinn Farm, Reston North, Reston Town Green, Richard W. Jones, Shaker Woods, Stuart Road, and Sugarland Run Stream Valley parks.

These parks could experience direct impacts of disruption of park service and damage park facilities, particularly trails. Other possible impacts include; loss of land, vegetation, and habitat areas, increased storm water discharge, and negative impacts to the existent wildlife and wetland areas. Therefore, the Fairfax County Park Authority must review engineering drawings for any proposed projects on park property. These engineering drawings should illustrate changes to grading, hydrology, facilities, and the extent of disturbance. Several of these parks contain significant wetland areas which may be impacted by activities related to work along the gas line.

The endangered species of highest potential impact are *Glyptemys insculpta* (Wood Turtle), *Asclepias purpurascens* (Purple Milkweed), *Moehringia lateriflora* (Grove Sandwort), and *Alasmidonta varicose* (Brook Floater).

In order to perform any surveying, clearing, or grading, on park property the applicant must first acquire a Right of Entry License, Easement and/or Construction Permit from the Fairfax County Park Authority. The applicant will need to demonstrate that there are no feasible alternatives to impacting parkland and that parkland impacts have been minimized and mitigated. The Fairfax County Park Authority may request additional information (i.e. survey, topography, tree survey, archeological studies, cultural resource studies, etc.) in order to evaluate an easement or construction permit request. Conditions and/or fees may be required for Park Authority license, easements or permits.

Applications are available from the Easement Coordinator, Fairfax County Park Authority, Planning and Development Division, 12055 Government Center Parkway, Suite 406, Fairfax, Virginia 22035. The main telephone number is (703) 324-8741.

The Park Authority is concerned with impacts to archaeological resources at the Sully Historic Site and Cub Run Stream Valley parks. The area to be impacted should be archaeologically tested to determine the presence or absence of archaeological resources. The Park Authority requests that one copy of the Archaeology Report be provided to the Fairfax County Park Authority, Resource Management Division (Attention: Liz Crowell) within 30 days of completion of the study or survey. Should significant archaeological resources be discovered, the Fairfax County Park Authority requests that further archaeological studies be conducted and copies of the reports be provided to the Cultural Resource Management and Protection section (CRMP). At the completion of any cultural resource studies, field notes, photographs and artifacts should be submitted to CRMP within 30 days. Existing archaeological reports should be cited in future reports.

If there are any questions on the Park Authority's staff comments, please contact Andy Galusha, Park Planner, at 703-324-8755 or email at Andrew.Galusha@fairfaxcounty.gov.

Fire and Rescue Department

No comments from the Fire and Rescue Department are transmitted at this time for this specific review. However, any pipeline testing, maintenance and construction efforts should be coordinated with the Fire and Rescue Department.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Zook". The signature is fluid and cursive, with a large loop at the end.

James P. Zook
Director

JPZ:DMD

cc:

Board of Supervisors

Anthony H. Griffin, County Executive

Robert A. Stalzer, Deputy County Executive

Sandra Stallman, Park Authority

Andrew Galusha, Park Authority

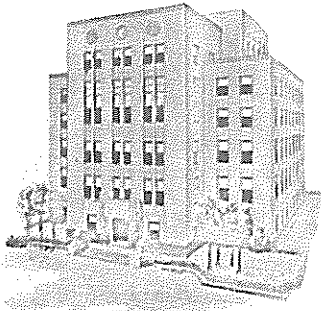
Michelle Brickner, Department of Public Works and Environmental Services

Takisha Cannon, Department of Public Works and Environmental Services

Ron Mastin, Fire and Rescue Department

Pamela G. Nee, Department of Planning and Zoning

Dawn Dhavale, Department of Planning and Zoning



HARRISON COUNTY COURT HOUSE

Harrison County Commission

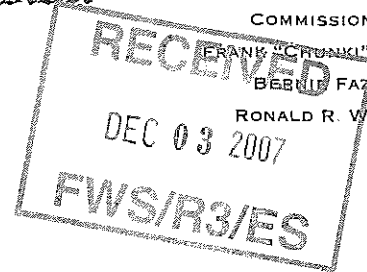
301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
304-624-8500
FAX (304) 624-8673

COMMISSIONERS

FRANK "CRUNKI" ANGOTTI

BEBBI FAZZINI

RONALD R. WATSON



November 27, 2007

Regional Director
US Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, Minnesota 55111-4056

Dear Sir:

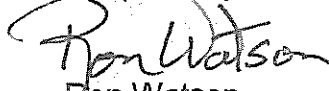
Subject: Environmental Impact Statement
50-Year Incidental Take Permit (ITP)
Ni Source, Inc.

Your letter dated October 18, 2007, indicated that a proposed federal action – issuance of an ITP to various interstate natural gas transmission activities – will require the preparation of an Environmental Impact Statement and the solicitation of input from interested parties regarding the scope of the Statement.

Upon further investigation, Harrison County, although located in West Virginia, will not be impacted by the proposed activity. Therefore, we are not providing any comments regarding alternatives, mitigation measures, adverse impacts, licenses, approvals and permits.

Thank you for inviting the County to participate.

Respectfully,


Ron Watson
President



NEPA EIS Scoping Meeting Comment Form



Please give us your comments!

Comments can also be provided through the link on the U.S. Fish and Wildlife Service website, located at: http://www.fws.gov/midwest/Endangered/permits/hcp/hcp_nisource.html.

* Required fields. Please print clearly.

Name (First and Last)*		James A. Garner			
Organization					
Title		Citizen			
Address*		136 Jamison Ct.			
City*	Brandon	State*	MS	Zip Code*	39042
E-mail	jgarnerms@yahoo.com (Not preferred)			Phone*	601-824-5999

Completing this form will automatically add you to the mailing list for project updates and notices of document availability. If you prefer to not be on the mailing list, check this box

Comments on the Scope of the Environmental Impact Statement:

Hardwood forest are extremely valuable wildlife habitat. Due to their conversion to development, pine forest, agriculture, roads & highways, etc., this habitat is becoming diminished. Its short supply has become critical for some species. Federal agencies are mitigating more and more for lost hardwood on their projects. USDA was doing this several years ago in at least some states, and today even more. I believe more hardwood mitigation should be done and FERC sanctioned projects should do so now. Any project affecting state or federal listed T/E species dependant upon hardwood forest should fully mitigate its lost values.

How did you hear about the Open House / Scoping Meeting?

- Newspaper ad
 Website
 Notice of Intent
 Word of mouth
 Other: _____

Did you find the Open House / Scoping Meeting informative?

- Yes
 Somewhat
 No
 Don't know / no opinion

Were the location and time of the Open House / Scoping Meeting good for you?

- Yes
 Somewhat
 No
 Don't know / no opinion

Privacy Notice: Please be aware that names and addresses of respondents may be released if requested under the Freedom of Information Act. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There are also some circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your written comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.


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- <Person>
  <FirstName>Richard</FirstName>
  <LastName>Clark</LastName>
- <ContactInfo>
  <JobTitle>Chairman, Wells Board of Selectmen</JobTitle>
  <E-Mail>rclark06@maine.rr.com</E-Mail>
  <Phone>207 646-2788</Phone>
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</Office>
<Comments>I am writing in regard to the NiSource application for a permit for "incidental take" and their proposed conservation plan. At the December 4, 2007 regular meeting of the Wells Board of Selectmen, the majority of the Board approved a motion that the Town comment on the proposed conservation plan. We would like to bring to your attention that NiSource owns a large parcel, approximately 300 (three hundred) acres of land in western part of Wells. This land had originally been acquired as the site of a proposed large Liquified Natural Gas storage facility that was never built. This land is largely forested and with the exception of some logging, over the years, remains largely undisturbed. This parcel contains many wetlands and feeds both Perkins Brook and the West River which support a native trout population. The area also contains two identified deer wintering yards. As an unfragmented and largely undisturbed parcel of this size, this land provides habitat for nearly all of the large and small mammals found in this region. Numerous birds, both our year round residents and seasonal visitors find food, shelter and breeding sites here. Reptiles and amphibians are also found here in the vernal pools, wetlands and on the forest floor. This area may be suitable habitat for the Blandings turtle and the Black Racer snake, both of which are listed by the state of Maine as threatened or endangered. Both species have been identified nearby. The

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Town of Wells, and all of Southern Maine, has experienced an unprecedented building boom over the last twenty years which shows no sign of abating. Rural lands are rapidly becoming suburbs. The Town has worked diligently through its Conservation Commission to preserve habitat where ever possible and the Town's people have generously supported our conservation efforts. The Town has cooperated with US Fish and Wildlife (Rachel Carson lands), NOAA (Wells National Estuarine Research Reserve and associated lands), the Nature Conservancy, the Land for Maine's Future program, the Great works Regional Land Trust, and others in the preservation and conservation of land The Town currently holds over 400 (four hundred) acres in conservation land within about a mile of the boundary of the NiSource land. If the NiSource land were protected the opportunities for wildlife protection, water quality protection and human enjoyment of these lands would be improved by their proximity to acreage which is already protected. The Town of Wells believes that this parcel should be considered for conservation or mitigation purposes. The Town would like to be kept apprised of developments with this process and stands ready to cooperate if any conservation opportunities arise. Thank you for your attention to this matter. Richard Clark Chairman, Wells Board of Selectmen

<WithholdPersonalInfo />

<Date>12/8/2007 11:22:32 AM</Date>

</PUBLIC_COMMENT>

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- <Person>
  <FirstName>Stacy</FirstName>
  <LastName>Merola</LastName>
- <ContactInfo>
  <JobTitle>Sr. Envi Plnr/ EMC Director</JobTitle>
  <E-Mail>smerola@co.broome.ny.us</E-Mail>
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<Comments>December 8, 2007 Regional Director US Fish & Wildlife Service Division of Ecological Services 1 Federal Drive Fort Snelling, MN 55111-4056 Re: Draft Environmental Impact Statement (DEIS) Scope for NiSource companies' Habitat Conservation Plan (HCP) and Incidental Take Permit (ITP) Dear Regional Director: Staff of the Broome County Environmental Management Council, a citizen's advisory group to county government, offers the following comments on the scope of a DEIS for the proposed multi-species, multi-state Habitat Conservation Plan (HCP) issuance of NiSource's Habitat Conservation Plan Incidental Take Permit (ITP) and related (HCP). NEPA Public Scoping Will the public have opportunity to review the scope of the Draft Environmental Impact Statement (DEIS) for the NiSource Habitat Conservation Plan (HCP) and Incidental Take Permit (ITP) before a DEIS is released? On November 5, the BCEMC received mail notice of the November 6 public meeting in Binghamton. The public learned of the scoping meeting the day of the event through the local newspaper, The Press & Sun-Bulletin (The Press). The Press published incorrectly that the scoping meeting would occur over a two days beginning with Election Day. Unless one visits the USFWS website regularly, the opportunity to learn about this proposal was poorly

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promoted. The EIS will look at possible environmental impacts of implementing NiSource's MSHCP and the potential effects of granting an incidental take permit. However, the EIS and the MSHCP will be written simultaneously. How can the public provide meaningful input not fully knowing the scope, goal or objectives of the MSHCP? Length of coverage An ITP effective for fifty-years seems very long. Why not consider a shorter range HCP and ITP? NiSource benefits related to other compliance The benefits of an HCP and ITP noted are 1) to reduce the administrative burden of ESA compliance efforts without reducing conservation of protected species, and 2) to redirect NiSource funds currently spent on administrative compliance to conservation and mitigation measures that can be seen or measured. Why seek administrative and budgetary relief from addressing only the Endangered Species Act? Why not develop a comprehensive plan that addresses other federal and state compliance obligations (wetlands acts, clean water act, etc)? Changing Circumstances Will the EIS, HCP and permit address changing technologies, policies, techniques, etc? Adaptive Management is noted throughout the literature. The EIS should site examples, layout thresholds, and describe the process that would follow should adaptive management techniques be employed. The EIS should identify and evaluate protocol that ensues should natural disasters, for example, cause modifications to the HCP or ITP. Supplements Would supplements to the HCP and ITP be needed and if so what would trigger a supplemental EIS? If so, then the advantages of getting a 50-year ITP may not be so, adding just as much procedural delay as NiSource hopes to avoid. Non-Federal landowners and private landowners Does non-Federal landowner include parties not involved with NiSource activities? NiSource is proposing a one-mile wide corridor in which to have coverage for their HCP and ITP. Would non-federal landowners other than NiSource that fall within that one-mile corridor be legally able to proceed with an activity that would otherwise result in the illegal take of a listed species? How would individual acts of private landowners impact the HCP? Who would be monitoring those private landowners? Adequacy Who will and what mechanisms will be used to measure the "adequacy" of implementing an approved HCP? What happens if the permittee is not adequately implementing their approved plan? Budget analysis Will the EIS have a budget impact analysis for each alternative? The EIS should clearly provide and reference the scope and magnitude of the typical or atypical "range of individual projects" since NiSource covers territory spanning 15 states. The public is not expected to be privy to what "range of individual projects" means. Invasive species Will the EIS and HCP address invasive plant and animal species? Thank you for the opportunity to provide some input into the scope of this EIS. Sincerely, Stacy Merola, Sr. Environmental Planner Broome County Environmental Management Council Director</Comments>

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<Date>12/9/2007 12:01:03 AM</Date>

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<Comments>December 8, 2007 I wish to comment on the "Granite State LNG Lands" in Wells, Maine. This property would be an excellent site to be preserved as part of the NIS Conservation Plan. The parcel is a large forest block that lies within about a mile of two "Wildlife Commons," conservation holdings of the Town of Wells, each over 500 acres. The Fenderson Wildlife Commons, established in 1985, is a conservation area with use limited to habitat preservation, low-impact human traditional outdoor recreation (e.g., hunting fishing, hiking, snowshoeing), and environmental education. The lands and uses are protected by Town ordinances, and destined to continue growing along the riparian zones of the rivers that flow through it. The "Granite State LNG Lands" would make a keystone connection between this parcel, the Great Heath Conservation Area (Town of Wells), the Wells Blueberry Barrens (TNC and Wells Water District), the Kennebunk Blueberry Barrens (2100a--ME Inland Fisheries), the "Fenderson Corp property (total 525a, privately owned but earmarked for conservation with 159 already preserved by mititation agreements, which will add it the Fenderson Wildlife Commons), the Massabesic Experimental Forest (Univ of New Hampshire), and other holdings of the Great Works Regional Land Trust, TNC, and other conservation organizations. In other words, "Granite State LNG Lands" if conserved would extend the corridor of a Greenway

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of significant size and habitat value, one that enjoys intensive support from public and private conservation partners and citizens of the Town of Wells. Thank you for your consideration. Owen Grumbling Chair, Conservation Commission (Official body of)Town of Wells, Maine

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<Date>12/8/2007 11:54:32 AM</Date>

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  <JobTitle>Environmental Services Biologist</JobTitle>
  <E-Mail>amy.ewing@dgif.virginia.gov</E-Mail>
  <Phone>804-367-2211</Phone>
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<Comments>We are sending comments via postal mail. They may not arrive by December 8, but we are confident that you will still consider them. Thank you.</Comments>
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  <E-Mail>alewis@co.monroe.pa.us</E-Mail>
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<Comments>December 3, 2007 Regional Director U.S. Fish and Wildlife Service Division of
Ecological Services 1 Federal Drive Fort Snelling, Minnesota 55111-4056 RE: Request for
Comments for NiSource, Environmental Impact Statement This letter is in response to
the letter dated October 18th, 2007 which was sent to the Monroe County
Commissioners for the above mentioned project regarding the 50 year incidental taking
permit (ITP) for NiSource, Inc. and the associated Habitat Conservation Plan (HCP). The
following comments are offered: 1. All activities should be conducted in strict
conformity with the permit. 2. The County should be informed of all proposed projects,
and all possible steps should be taken to avoid adverse impacts. 3. Potential projects
impact not only flora and fauna, but will have an economic impact related to tourism.
The Delaware Water Gap National Recreation Area hosts approximately 5 million visitors
annually and is an integral part of the county's economy. 4. The Monroe County Natural
Areas Inventory (original 1991, update 1999) is available as a reference to assist in
preparation of the EIS. Please contact this office for detailed information. Thank you for
the opportunity to comment on this action. Sincerely, Amy Lewis Environmental
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<Comments>Is there any Invasive Species management or mitigation associated with this plan? Is it correct to assume that the Take permit authorizes the 'harvest' of plant species only, in the process of maintaining the pipeline right-of-ways? Are any herbicides or pesticides used in the pipeline management or maintenance? If so, are these disclosed to the landowners whose properties are crossed by the pipeline or are adjacent to the pipeline right-of-ways?</Comments>
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  <JobTitle>Director</JobTitle>
  <E-Mail>Don.Dott@ky.gov</E-Mail>
  <Phone>502-573-2886</Phone>
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  <OrganizationName>Kentucky State Nature Preserves Commission</OrganizationName>
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<Comments>December 7, 2007 Regional Director U.S. Fish and Wildlife Service Division of Ecological Services 1 Federal Drive Fort Snelling, MN 55111-4056 Dear Regional Director, The Kentucky State Nature Preserves Commission (KSNPC) has reviewed the proposal to establish a Habitat Conservation Plan (HCP) and issue a take permit for selected properties of Nisource Inc. We have the following comments: Overall, the lack of field surveys prior to the development of this particular HCP process significantly limits its ability to be considered a comprehensive analysis. Information available in the Kentucky Natural Heritage Database demonstrates that there is habitat for both federally and state-listed species. A candid look at the habitat for these species with some field verification within the proposed area of take is needed prior to formulating final plans for this project. Ascertaining impacts and proper mitigation without assessment of extant sites results in decisions based on insufficient information. In order to conduct a reliable environmental review, a search area limited to the one mile corridor as requested by Nisource Inc., is too narrow for certain species. For instance, gray bats were not found in the one mile corridor in Kentucky. They would have been found using a search area of 2 miles or 10 miles, the standard radius used by KSNPC. Recent surveys confirm that this species actually does occur in the one mile corridor but

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using the original methodology suggested by Nisource; this federally listed species would not have been detected. It is especially important to expand the environmental review if this information is to be the basis for an agreement that will be in place for fifty years. Our agency received a request to comment and to participate in this project in May with the request for data arriving in August. The time period allotted to formulate a plan to participate and understand the state's role in this project was too short. Issuance of a take permit for fifty years is not warranted, especially with the information available at present. KSNPC recommends reduction of this timeframe. It is not possible to ensure that any recovery strategy or mitigation will be adequate for a project spanning fifty years including decisions on take issues. In addition, specific guidelines on the activities that may be included under "maintenance" are needed. Also, it is not clear what aspects of the issued take permit will be negotiable during the subsequent review periods. One in particular is the question of whether the 1 mile area included in the HCP would allow for expansion within this footprint or if the HCP would only cover maintenance actions of existing pipes. Expansion of operations should not be allowed in this HCP on a 50 year time frame. There should at least be well established benchmarks incorporated into the timeframe of this proposal that will trigger reviews and an open assessment of the conditions of the take permit and Habitat Conservation Plan. Because this kind of permit will likely set precedence for others of its kind, a solid understanding of the amount of Service staff time saved should be included in an analysis of the agreement's effectiveness since this is one argument for their establishment. As we understand it, Service staff are being supported by the company that they are evaluating. This relationship begs the question: Is it appropriate for federal agency personnel to be supported by the industry they regulate? While we are not questioning the integrity of the Service staff, we are concerned that United States Fish and Wildlife Service will become dependent on funding of this kind to support their staff. Additionally, the appearance of a conflict of interest can be just as damaging to the public perception, whether a true conflict exists or not. We appreciate the opportunity to comment and if you have further questions please contact us at 502-573-2886. Cordially, Donald S.

Dott, Jr.</Comments>

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<Comments>Permitting this type of activity is another gross display of malfeasance.
Allowing the continual degradation of species - especially those federally protected - is
just another way the federal government has showed its true allegiance - and it is not to
the citizens of America, nor to the flag. It is to those who wish to subvert over two
centuries of progress on promoting the general safety, health, and welfare of all of
America. It is a slight against the Constitution. It is an impairment of judgment.
Builders of this pipeline should not be allowed to grossly subvert the rule of law. Those
who might even consider allowing this perversion should resign or grow a pair. I am
ashamed this is even being considered!</Comments>
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  <E-Mail>peckham.jeanene@epa.gov</E-Mail>
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<Comments>Thank you for the invitation to the scoping meeting held in Lafayette, LA for
the EIS to be prepared on potential issuance of a 50-Year Incidental Take Permit to
NiSourceInc. EPA, Region 6, is concerned with areas impacted by such a proposed
permit within the State of Louisiana.Informal discussions with the FWS staff and
contractors were appreciated.EPA will review the Draft EIS and provide comments in
accordance with responsibilities and requirements associated with the National
Environmental Policy Act. In Louisiana, eight species listed as endangered or
threatened, plus one candidate specie (the Louisiana pine snake), will be affected by
actions provided for in a proposed permit. The EIS should analyze habitat needs for
each species, as well as alternative corridors for protective actions for the different
species; for example, the Black Bear may require more than a mile-wide corridor. The
EIS should also include analysis of requirements for monitoring and enforcement
measures to ensure that conditions of any permit are met. The EIS should address
provisions for addition of species and for possible changes determined to be needed in
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<Comments>Please do all you can to fund and support a multi-state conservation plan. We
are losing precious open space daily, and we need to protect it now so we will have
clean water, wildlife habitat, etc in the years ahead - for us and our children and their
children. But this costs money. Please support this big time! Thanks, Judi</Comments>
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<Comments>In response to the request for comments for the scoping process for the EIS regarding the potential issuance of a 50-year Incidental Take Permit to NiSource Inc., the Wayne National Forest would like to submit comments. The Wayne NF is a part of the USDA Forest Service located in southeast Ohio. As a federal agency, the Wayne NF is bound by laws and policies dictating our NEPA process, as well as our method for consulting with USFWS regarding effects to threatened and endangered species (TES). Regardless of NiSource Inc's consultation with USFWS, we must still consult on projects that cross the Wayne NF that may have effects on TES, as determined by our staff. The species on which the Forest consults with USFWS include Indiana bat, bald eagle, American burying beetle, Fanshell mussel, pink mucket pearly mussel, northern monkshood, running buffalo clover, small whorled pogonia, and Virginia spiraea. We also consider 21 wildlife and 22 plant species designated as Regional Forester Sensitive Species during effects analyses for projects occurring on Wayne NF lands. Thus, it is imperative that NiSource work with the Wayne NF during project planning for any project work, as it arises, that would affect the national forest. It is our understanding that NiSource intends to develop a Habitat Conservation Plan and that this will include established Best Management Practices. A Habitat Conservation Plan may also present a

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partnership opportunity through implementation of conservation measures and prescribed mitigations. The Wayne NF would like to be considered as a potential partner for planning such measures. Please contact Katrina Schultes (740-753-0901) for additional information.

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<Comments>As an endangered species surveyer midwest-wide for 25 years, I fully
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<Comments>The only concern about the pipeline and other development is the impacts on
NW Ohio and Northern Indiana. Two Endangered Species are documented to occur in
the areas cited. Both rely on chimney crayfish burrows to hibernate and seek cover.
Both can be adversely affected by the developmental processes in their habitats. My
Final Answer: Be very careful in any activities that may destroy habitats where
Endangered Species are documented to occur.</Comments>
<WithholdPersonalInfo />
<Date>11/30/2007 11:41:15 AM</Date>
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- <PUBLIC_COMMENT>
- <Person>
  <FirstName>Patrick</FirstName>
  <LastName>Patrick</LastName>
- <ContactInfo>
  <JobTitle>Director</JobTitle>
  <E-Mail>xenisma@aol.com</E-Mail>
  <Phone>865-521-6665</Phone>
  <Cell />
  <Fax />
</ContactInfo>
</Person>
- <Organization>
  <OrganizationName>Conservation Fisheries, Inc.</OrganizationName>
  <DepartmentName />
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- <Office>
  <OfficeName />
- <MailingAddress>
  <Address1>3424 Division Street</Address1>
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  <Postal>37919</Postal>
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<Comments>I would like more information/details regarding the proposed HCP,
  particularly regarding the affected fish species...</Comments>
<WithholdPersonalInfo />
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- <PUBLIC_COMMENT>
- <Person>
  <FirstName>Ray</FirstName>
  <LastName>Dintaman</LastName>
- <ContactInfo>
  <JobTitle>Director, Environemntal Review Unit</JobTitle>
  <E-Mail>rdintaman@dnr.state.md.us</E-Mail>
  <Phone>410-260-8331</Phone>
  <Cell />
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- <Organization>
  <OrganizationName>Maryland Department of Natural Resources</OrganizationName>
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- <Office>
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- <MailingAddress>
  <Address1>580 Taylor Avenue Tawes State Office Bldg.</Address1>
  <Address2 />
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  <Province>Maryland</Province>
  <Postal>21401</Postal>
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</Office>
<Comments>The Department's Wildlife & Heritage Service has been coordinating directly with NiSource and the USFWS on this project. Although the Department has no specific comments at this time, we request that NiSource continue to coordinate project activities with the Maryland Department of Natural Resources as this project moves forward. Your contact with the Department's Natural Heritage Program should be: Tim Larney Operations Manager Natural Heritage Program 410-260-8567 Thank you, Ray Dintaman</Comments>
<WithholdPersonalInfo />
<Date>11/26/2007 9:06:59 AM</Date>
</PUBLIC_COMMENT>

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