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United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



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The Honorable Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, NE.
Washington, D.C. 20426

ORIGINAL

Subject: Review of Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Rockies Express Pipeline Project, Eastern Phase, FERC No. PF06-30-000, Colorado, Ohio, Missouri, Illinois, and Indiana.

Dear Madame Secretary:

Thank you for the opportunity to review the Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Rockies Express Pipeline Project, Eastern Phase. The Department of the Interior (Department) has reviewed the application and offers the following comments and recommendations:

General Comments

The project has the potential to affect a number of resources of interest to the National Park Service (NPS), including federally designated Wild and Scenic Rivers, rivers listed on the Nationwide Rivers Inventory (NRI), projects funded with assistance from the Land and Water Conservation Fund (LWCF), National Natural Landmark (NNL) properties, and properties designated as National Historic Landmarks (NHL). These resources are discussed under the appropriate heading below.

Wild and Scenic Rivers Act

The Little Miami River and Big Darby Creeks in Ohio, and the Middle Fork of the Vermilion in Illinois are components of Wild and Scenic Rivers System (System), pursuant to section 2(a)(ii) of the Wild and Scenic Rivers Act (Act). The NPS, on behalf of the Department, retains section 7(a) responsibilities under the Act and works cooperatively with the State of Ohio and the State of Illinois to ensure other provisions of the Act are fully implemented.

Section 1(b) of the Act contains the Congressional declaration of policy and states:

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

Section 7(a) of the Act provides substantial protection to designated rivers. It states, in part, that:

No Department or Agency of the United States shall assist by loan, grant, and license or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration.

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A section 7(a) evaluation, pursuant to the Act, is used to analyze impacts of a proposed water resources project and determine whether any impacts would have a direct and adverse effect on the values for which the river was established, namely its free-flowing condition, water quality, and Outstandingly Remarkable Values (ORVs). Federal water resources projects that are determined to have a direct and adverse effect on the values for which designated rivers were added to the System are prohibited. Water resources projects include, but are not limited to dams, water diversion projects, dredging projects, fisheries habitat restoration/enhancement projects, bridge construction or demolition, bank stabilization projects, channelization projects, boat ramps, and other activities that require a section 404 permit from the U.S. Army Corps of Engineers (COE). Water resources projects located within the designated reach or upstream/downstream or on tributaries to the designated reach may be subject to section 7(a) review.

The ORVs for the Big Darby Creek include fish and mussels (federally listed and non-listed species) resources; on the Little Miami River, the ORVs include aquatic and terrestrial flora and fauna, historic, archeological, geologic, scenic, and recreational resources. The ORVs on the Middle Fork of the Vermillion River include scenic, geologic, fish and wildlife, ecological, recreational, and historic resources. Section 1 and section 10(a) responsibilities under the Act provide the context for evaluating potential environmental impacts to nationally significant resource and should be properly considered in your site planning and impact analysis.

In summary, each component of the System is to be preserved in its free-flowing condition, preserving its water quality and its ORVs. State administered components of the System must meet the same standards of resource protection as congressionally designated rivers. To assist you in your planning efforts, upon request, and if necessary, the NPS will provide a preliminary section 7 document, assuming all necessary information is provided to the Agency. Once the project specifications are finalized and Federal Energy Regulatory Commission and/or section 404 permits through the COE are applied for, the NPS will prepare a final section 7(a) determination for any water resource development projects described in all permit application(s).

Nationwide Rivers Inventory

Section 5(d) of the Act requires that:

In all planning for the use and development of water and related land resources, consideration shall be given by all Federal Agencies involved to potential national wild, scenic and recreational river areas.

In partial fulfillment of the section 5(d) requirements, the NPS has compiled and maintains the NRI, which is a register of rivers and river segments that may be eligible for inclusion in the System. These rivers were included on the NRI based on the degree to which they are free-flowing, the degree to which the rivers and their corridors are undeveloped, and the outstanding natural and cultural characteristics of the rivers and their immediate environments.

The intent of the NRI is to provide information to assist in making balanced decisions regarding use of the nation's river resources. An Executive order and subsequent instructions issued by the Council on Environmental Quality requires that each Federal Agency, as part of its normal planning and environmental review processes, take care to avoid or mitigate adverse effects on rivers identified in the NRI. Further, all Agencies are required to consult with the NPS prior to taking actions that could effectively foreclose wild, scenic, or recreational status for rivers listed on the inventory. For more information on the NRI, including a State-by-State listing of rivers in the program, please see <http://www.nps.gov/nrcr/programs/rtrca/nri/>.

Land and Water Conservation Fund Act

Section 6(f)(3) of the LWCF Act (Public Law 88-578) states:

No property acquired or developed with assistance under this section shall, without the approval of the Secretary (of the Interior), be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if (s)he finds it to be in accord with the then existing comprehensive Statewide outdoor recreation plan and only upon such conditions as (s)he deems necessary to assure the substitution of other recreation

properties of at least equal fair market value and of reasonably equivalent usefulness and location.

A conversion occurs when the scope of a project is changed to other than public outdoor recreation uses. The question whether there is a change to other than public outdoor recreation use is based upon a comparison of the public outdoor recreation assets provided by the original LWCF agreement and the impact of any proposed changes thereto. If the changes provide for other than public outdoor recreation as originally agreed to, in all or in part, a conversion exists.

Similarly, the Urban Park and Recreation Recovery (UPARR) program was established in November 1978 by Public Law 95-625 and stipulates that, "No property improved or developed with assistance under this title shall, without the approval of the Secretary (of the Interior), be converted to other than public recreation uses."

Conversions can be approved if substitute sites or facilities of reasonably equivalent location and usefulness are provided and the recipient has explored all practical alternatives.

Because of the length of the project, the number of counties that the project crosses, and the number of projects in those counties that may be affected by the project, the NPS suggests you consult directly with the contacts for each State listed below in order to better define the potential for impacts to these projects.

Illinois
Director
Office of Capital Development
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62701
Telephone: 217-782-1807
<http://dnr.state.il.us/ocd/newoslad1.htm>

Indiana
Chief
State and Community Outdoor Recreation
Planning Section
Department of Natural Resources
402 West Washington
Indianapolis, Indiana 46204
Telephone: 317-232-4070
<http://www.in.gov/dnr/outdoor/grants/lwcf.html>

Missouri
Director
Division of State Parks and
Historic Preservation
Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176
Telephone: 573-751-2479
<http://www.mostateparks.com/grantinfo.htm>

Ohio
Grants Administrator
Department of Natural Resources
1952 Belcher Drive, Building C-4
Columbus, Ohio 43224-1386
Telephone: 614-265-6646
<http://www.dnr.state.oh.us/grants.htm>

National Natural Landmarks

Established in 1962, the NNL program aims to encourage and support voluntary preservation of sites that illustrate the geological and ecological history of the United States, and to strengthen the public's appreciation of America's natural heritage. The NNL sites are nationally significant sites owned by a variety of land stewards.

The NNL designation is made by the Secretary after in-depth scientific study of a potential site; all new designations must have owner permission. The NPS administers the program and regularly reports on the condition of the NNLs. The NNLs potentially affected by this project are listed below by State and county, including ownership.

State	County	National Natural Landmark	Ownership
Indiana	Putnam	Big Walnut Creek	State and Private
	Putnam	Fern Cliff	Private
	Shelby	Meltzer Woods	Private
	Parke	Rocky Hollow-Falls Canyon Nature Preserve	State
Ohio	Fairfield	Blacklick Woods	County
	Greene	Clifton Gorge State Park	State
	Greene	Glen Helen Natural Area	Private
	Belmont	Dysart Woods	State
	Butler	Hueston Woods	State

National Historic Landmarks

The NHLs are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Today, fewer than 2,500 historic places bear this national distinction. The NHL program draws upon the expertise of the NPS staff who works to nominate new landmarks and provide assistance to existing landmarks. The NHLs potentially affected by this project are listed below by State and county, including the city or town where they are located.

State	County	National Historic Landmark	City/Town
Missouri	Pike	"Champ" Clark House	Bowling Green
Illinois	Sangamon	Susan Lawrence Dana House	Springfield
	Sangamon	Abraham Lincoln Home	Springfield
	Sangamon	Lincoln Tomb	Springfield
	Sangamon	Vachel Lindsay House	Springfield
	Sangamon	Old State Capitol	Springfield
Ohio	Butler	Langstroth Cottage	Oxford
	Butler	William H. McGuffey House	Oxford
	Butler	John B. Tytus House	Middletown
	Warren	Fort Ancient	Lebanon
	Greene	Huffman Prairie Flying Field	Fairborn
	Greene	Colonel Charles Young House	Wilberforce
	Fairfield	Sherman Birthplace	Lancaster
	Guernsey	South Bridge, National Road	Old Washington

The NPS has a continuing interest in working with the Federal Energy Regulatory Commission to ensure that project impacts to resources of concern to the NPS are adequately addressed. For general issues concerning these comments, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska, 68102, telephone 402-661-1844. For information regarding Wild and Scenic Rivers or rivers listed on the NRI, please contact Wild and Scenic Rivers Coordinator Sue Jennings at 402-661-1848. For information on the NHL properties in Ohio, please contact Mr. Brian McCutchen, at 402-661-1940; for Illinois, Ms. Carol Ahlgren, at 402-661-1912; or for Missouri, Ms. Rachel Franklin-Weekley, at 402-661-1928. For information on the NNL properties, please contact Chief of Natural Resource Stewardship, and Science Steve Cinnamon at 402-661-1864.

We appreciate the opportunity to provide these comments.

Sincerely,



Ernest Quintana
Midwest Regional Director

cc:

Mr. Bob Gable, Scenic River Services Group
Division of Natural Areas & Preserves
Ohio Department of Natural Resources
1889 Fountain Square Ct, Bldg. F-1
Columbus, Ohio 43224

Director Joel Brunsvold
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

Dr. Mary Knapp
U.S. Fish and Wildlife Service
Ecological Services
6950 Americana Parkway, Suite H
Renoldsburg, Ohio 43068-4127

U.S. Army Corps of Engineers
Attn: Doug Shelton
P.O. Box 59
Louisville, Kentucky 40201-0059

Project Manager Ryan H. Childs
Rockies Express Pipeline, LLC
500 Dallas Street, Suite 1000
Houston, Texas 77002

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