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United States Department of the Interior

National Park Service

Midwest Region
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FEDERAL ENERGY
REGULATORY COMMISSION

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE., Room 1A
Washington, D.C. 20426

Subject: Proposed Rockies Express Pipeline (REX) Project, Eastern Phase, Colorado, Ohio, Missouri, Illinois, and Indiana; FERC Docket Number PF06-30-000

Dear Ms. Salas:

The National Park Service (NPS) was invited to participate in a project coordination meeting held on December 13, 2006, in Columbus, Ohio. Participants included representatives from REX, Natural Resources Group, Inc., Ohio Department of Natural Resources, Ohio Environmental Protection Agency, and the U.S. Fish and Wildlife Service (FWS). The purpose of the meeting was to provide a project update to Agency staff regarding the proposed crossing of Big Darby Creek (BDC) and to discuss Horizontal Directional Drill (HDD) methods. As a result of the meeting, the NPS offers these additional comments and recommendations to assist in project planning:

General Comments: Before any Federal permits can be issued for the project on the BDC, or tributaries to the BDC, the NPS is required to prepare a section 7(a) determination of effect, pursuant to the Wild and Scenic Rivers Act (Act). Projects found to have a "direct and adverse" affect on the values for which the rivers were included in the National Wild and Scenic River's System are prohibited. This project has the potential to cause a "direct and adverse" affect to these resource values and therefore should be properly planned to ensure all avoidance and/or minimization measures are fully in place throughout the duration of the project.

Additional information is required for the NPS to prepare a section 7(a) determination for the BDC Crossing. As such, the NPS requests a complete description of the project (site-specific drawings, schematics, timing/sequencing of all operational phase, biological/hydrological survey results, and description of all Best Management Practices). Once the project planning is complete, upon request, the NPS can provide a preliminary section 7(a) determination. A preliminary section 7(a) determination is used to give an early indication whether the proposal is compatible with the Act. Recommendations for avoiding a "direct and adverse" finding may also be provided. The final section 7(a) determination will be issued in response to processing of any Federal permits associated with this project, normally during U.S. Army Corps of Engineers review process for section 401/404 (Clean Water Act) or section 10 (Rivers and Harbors Act) permits.

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Specific Comments: The following items and topics should be fully addressed in project environmental planning documents submitted for the NPS section 7(a) review:


1. **Water withdrawal associated with hydrostatic testing and/or drilling operations.** These activities have the potential to impact sensitive aquatic species in the BDC. River hydrology (bank width, slope/elevation, velocity, discharge, riffle/run areas, project timing, withdrawal rates, etc.) should be included in the analysis of impacts. A discussion interpreting hydrological data collected should demonstrate the proposal would not result in a significant drop in river stage, flow, or otherwise adversely impact aquatic resources. If water withdrawal from the BDC is feasible, structure design plans should include provisions to prevent fish entrainment and/or excessive sedimentation. Absent provisions to prevent fish entrainment during withdrawal operations or avoid negative impacts to instream flow, the NPS recommends trucking in water and storing in tanks located onsite.
2. **Avoidance of pilot bores.** The location of pilot test bores associated with this or other similar project and/or other such activity in this corridor crossing should be identified and avoided prior to HDD operations.
3. **Maintenance/protection of the riparian corridor and stream banks.** Removal of trees should be kept to a minimum and fully coordinated with the FWS; any removal efforts should use cutting rather than bulldozers to knock down standing trees that are within 10-feet of the top of the bank or located on the bank slope. Removed trees must be replaced in kind with native species appropriate to the site (2:1 ratio if diameter at breast height exceeds a predetermined size). Measures to prevent tree damage from equipment should be in place prior to earth moving activities. Damaged/removed mature trees must also be replaced in kind. Bank/slopes that are disturbed must be stabilized at the completion of the project (pre-construction slope elevations should be collected). Bank stabilization may not include rock riprap.
4. **Drill Entry/Exit Holes.** Drill holes must be located an ample distance away from the river and properly bermed/fenced to avoid discharge of drilling fluids down slope to the river or seepage into ground water. Proper sealing/plugging of the holes should be provided. The use of drill slurry to seal the holes should be avoided unless it can be demonstrated a proper seal can be achieved without leaks to surface/ground water/river. Project documents should describe the source/type of borrow material used.
5. **Contingency plan for frac-out and discharge to the BDC.** A contingency plan is required. Development of this plan should include NPS input. The plan should address onsite monitors, necessary onsite equipment, training, drilling procedures, drilling logs, field response to frac-out; reporting/documentation, and outline provisions for construction restart, bore abandonment, mitigation, and site restoration. Automatic pressure valves should be located at the entry and exit bores (this will also allow engineers to calculate the amount of slurry that may have escaped into the environment).
6. **Proper Disposal of Drilling Fluids.** Drill fluids must be properly contained onsite and removed to an authorized disposal facility. Vacuum trucks are recommended.
7. **Best Management Practices (BMPs).** Sediment Controls and appropriate BMPs to address erosion, and prevent equipment fluids (fuel, oils, hydraulic fluids, transmission fluids, etc.) from leaking and/or spilling should be fully described and meet State requirements. Daily maintenance checks/corrections should be fully incorporated into the project.

8. **Biological/Aquatic Surveys.** Fish and mussel surveys should be conducted during appropriate time of year by a skilled professional fisheries biologist and malacologist. Mussel surveys should include methods that will detect rare species and should be conducted upstream and downstream of the primary and secondary impact area. A mussel relocation using appropriate protocols may be required as part of this project or as part of the contingency plan for frac-out (to be determined by the NPS as more project information becomes available).
9. **Site Conditions:** All construction debris must be contained daily and completely removed at the end of the project.

These comments have been provided as early technical assistance and do not necessarily indicate the NPS's or the Department of the Interior's responses to future environmental documents prepared in association with the project. 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 information regarding the Act, please contact Wild and Scenic Rivers Coordinator Sue Jennings at 402-661-1848.

We appreciate the opportunity to provide these comments.

Sincerely,



Ernest Quintana
Regional Director

cc:

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