

06-1142-BA-BIN<sup>5</sup>

**FILE**

**FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426**

OFFICE OF ENERGY PROJECTS

In Reply Refer To:  
OEP/DG2E/Gas 2  
Rockies Express Pipeline, LLC  
Docket No. CP07-208-000  
§ 375.307(e)

March 25, 2008  
Mr. T. J. Miller  
Ecological Services  
U.S. Fish and Wildlife Service  
BHW Federal Bldg.  
1 Federal Drive  
Fort Snelling, MN 55111-4056

RECEIVED-DOCKETING DIV  
2008 MAR 31 PM 2:51  
PUCO

RE: Submittal of Biological Assessment for the Rockies Express (REX) East Project and  
Request for Concurrence

Dear Mr. Miller:

In accordance with section 7 of the Endangered Species Act (ESA), as amended, the FERC has prepared the enclosed Biological Assessment (BA) for the REX East Project. The BA contains detailed project specific information, a thorough analysis of each species that occur in the project area, a complete list of mitigation/conservation measures, our conclusions and determinations, as well as a series of project maps and figures and a copy of the correspondence with the U.S. Fish and Wildlife Service (FWS).

Rockies Express Pipeline, LLC (Rockies Express), as our non-federal representative, has assisted the Federal Energy Regulatory Commission (FERC) in initiating section 7 requirements by conducting informal consultation with the appropriate FWS Field Offices in Nebraska, Wyoming, Missouri, Illinois, Indiana, and Ohio. Based on the consultations, 10 federally-listed threatened or endangered species have been determined to potentially occur in the project area and are summarized in the following table.

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business.  
Technician Sm Date Processed 3/31/08

Federally Listed Species That Potentially Occur in the Counties Crossed by the Rockies Express East Pipeline Project and the FERC Impact Determination			
Species	Federal Status	State Status	FERC Impact Determination
<b>Mammals</b>			
Indiana bat ( <i>Myotis sodalis</i> )	E	OH/E	May affect, not likely to adversely affect
<b>Birds</b>			
Whooping crane <sup>a/</sup> ( <i>Grus Americana</i> )	E	NE/E	May affect, not likely to adversely affect
<b>Mussels</b>			
Clubshell ( <i>Pleurobema clava</i> )	E	OH/E	May affect, not likely to adversely affect
Fanshell ( <i>Cyprogenia stegaria</i> )	E	OH/E	May affect, not likely to adversely affect
Fat pocketbook ( <i>Potomalus capax</i> )	E		No effect
Northern riffleshell ( <i>Epioblasma torulosa rangiana</i> )	E	OH/E	May affect, not likely to adversely affect
<b>Plants</b>			
Decurrent false aster ( <i>Boltonia decurens</i> )	T		No effect
Eastern prairie fringed orchid ( <i>Platanthera leucophaea</i> )	T	IL, OH/E	No effect
Prairie bush clover ( <i>Lespedeza leptostachya</i> )	T		No effect
Running buffalo clover ( <i>Trifolium stoloniferum</i> )	E		May affect, not likely to adversely affect
<sup>a/</sup> Includes an experimental migratory population			
T = Threatened			
E = Endangered			

We conclude that the construction and operation of the proposed Project would have *no effect* on the fat pocketbook, decurrent false aster, eastern prairie fringed orchid, and prairie bush clover, and *would not likely to adversely affect* the Indiana bat, whooping crane, clubshell, fanshell, northern riffle shell, and the running buffalo clover. We ask for your concurrence with our determinations of effect for these 10 species.

Our determinations of effect are based on the information in Rockies Express' biological survey reports, biological assessment report, subsequent filings received from Rockies Express, our analysis of the potential effects of the proposed action as reported in the enclosed Biological Assessment, and our own informal consultation with the FWS. A summary of our determinations along with the mitigation/conservation measures is presented in table 3-1 of the

**BA. Please note that the mitigation/conservation measures included in the BA will be included as recommendations in the Final Environmental Impact Statement for the REX East Project, which will be presented to the Commission for their review and adoption in whole or part as conditions in the Certificate.**

Finally, the FERC has recommended in section 3 of the BA that Rockies Express complete all surveys in all locations where access was denied along the proposed routes and any additional surveys that may be required prior to construction. The results of all surveys would be provided to FWS and the FERC for review and concurrence prior to construction.

To facilitate FWS review of our BA and determinations, we have provided a copy of the BA to the individuals copied on this correspondence. We ask that you coordinate the review of the BA with these individuals, and forward two copies of all comments/correspondence to:

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Please label one copy for the attention of Gas Branch 2, PJ 11.2. If you have any questions regarding this request, please call Laura Turner, Environmental Project Manager, at (202) 502-8916.

Sincerely,

Alisa M. Lykens, Chief  
Gas Branch 2

Enclosures (1) – Biological Assessment for the Rockies Express East Project

cc: Public Files, Docket No. CP07-208-000

Heidi Kuska (1 hard copy and 1 cd)  
U.S. Fish and Wildlife Service  
101 Park DeVille Dr., Suite A  
Columbia, MO 65203-0007

Joyce Collins (1 hard copy and 1 cd)  
U.S. Fish and Wildlife Service  
8588 Route 148  
Marion, IL 62959-4555

Forest Clark (1 hard copy and 1 cd)

U.S. Fish and Wildlife Service

620 S. Walker St.

Bloomington, IN 47403-2121

Angie Zimmerman (1 hard copy and 1 cd)

U.S. Fish and Wildlife Service

6950-H Americana Pkwy.

Reynoldsburg, OH 43068-4127

Jennifer Szymanski (1 cd)

U.S. Fish and Wildlife Service

Division of Endangered Species

555 Lester Avenue

Onalaska, WI 54650

Document Content(s)

19074780.DOC.....1-4