

06-1142GA-BIN

FILE



July 25, 2008

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1A
Washington, DC 20426

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RE: Docket Nos. CP07-208-000,001
Rockies Express Pipeline LLC, REX-East Project
Request for Notice to Proceed – HDD Sites for Illinois River

Ms. Bose:

On May 30, 2008, the Federal Energy Regulatory Commission ("FERC" or "Commission"), pursuant to Section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, issued Rockies Express Pipeline LLC ("Rockies Express") a certificate of public convenience and necessity to construct and operate the REX-East project ("May 30 Order" or "Order").¹ On June 2, 2008, Rockies Express, pursuant to Section 157.20(a) of the Commission's Regulations, 18 C.F.R. § 157.20(a), notified the Commission that it accepted the Commission's Order.

The May 30 Order authorizes Rockies Express to construct and operate the REX-East project subject to identified environmental conditions contained in the Appendix to the Order. In accordance with Condition Nos. 4 & 5 to the Order, Rockies Express is required to file detailed survey alignment maps/sheets for all facilities approved by the Order and to receive written authorization to commence construction prior to actually commencing construction.

Pursuant to Condition Nos. 4 & 5 of the May 30 Order, Rockies Express hereby requests that the Director of Office of Energy Projects provide Rockies Express with written authorization ("Notice to Proceed" or "NTP") to commence construction at the Illinois River Horizontal Directional Drill ("HDD") site. As set forth in the attachments, Rockies Express believes that it has received all environmental, biological and cultural clearances required to commence construction at these HDD sites. Rockies Express respectfully requests written authorization by August 1, 2008.

¹ Rockies Express Pipeline LLC, 123 FERC ¶ 61,234 (2008)

Rockies Express requests written authorization to commence construction at the following HDD locations:

TABLE 2-1							
Rockies Express Pipeline-East Project							
Location of Requested Horizontal Directional Drill Crossings							
HDD / Waterbody Name (Milepost (MP))	Spread	Crossing Site Approx. Mileposts (Area Requested in NTP)	Drill Entry Point (MP)	Drill Exit Point (MP)	Crossing Site Length (feet)	Western Access Road Name	Eastern Access Road Name
Illinois River (MP 71.2)	A-2	MP 70.9 to MP 72.4	71.0	71.5	2,768	County Road 4152E	Montezuma Road
							July 28

As support for its NTP request, Rockies Express submits the following data, including:

- Aerial photo map for each site;
- Supporting data for each site, including
 - Cultural resource information (privileged and confidential)
 - Satisfaction of specific conditions

Please direct any questions with respect to this initial implementation plan to Ryan Childs at (307) 760-5635.

Respectfully submitted,



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 Attorneys for
 Rockies Express Pipeline LLC

Attachments

cc: Alisa Lykens (without attachments)
 Laura Turner
 John Peconom
 All Parties

**ROCKIES EXPRESS PIPELINE LLC
DOCKET NO. CP07-208-000
REQUEST FOR NOTICE TO PROCEED
ILLINOIS RIVER HORIZONTAL DIRECTIONAL DRILL**

1.0 INTRODUCTION

Rockies Express Pipeline LLC (Rockies Express) is requesting a Notice to Proceed from the Federal Energy Regulatory Commission (FERC) to commence certain construction activities associated with the Rockies Express Pipeline-East (REX-East) Project that have been authorized in this docket. Specifically and as more fully described herein, Rockies Express requests approval to proceed with the horizontal directional drill (HDD) crossing of the Illinois River. Section 2.0 of this Notice to Proceed request shows the requested facilities in table and text format.

In summary, Rockies Express has completed cultural resources surveys of the areas requested to conduct the HDD crossings such that the FERC's obligation to the comply with section 106 of the National Historic Preservation Act (NHPA) can be demonstrated through concurrence with the results of the surveys by the various appropriate State Historic Preservation Offices (SHPO). In addition, compliance with section 7 of the Endangered Species Act can be demonstrated through consultations and surveys with the various appropriate U.S. Fish and Wildlife Service (FWS) field offices. Sections 4.1.1, 4.1.2, and 4.1.3 of this Notice to Proceed discuss section 7 compliance, biological surveys, and cultural resources surveys and SHPO concurrence, respectively.

Rockies Express respectfully requests issuance of the Notice to Proceed for the proposed area by **August 1, 2008**.

As shown in table 4.1-1, Rockies Express has not yet received the permit for hydrostatic test water discharges and anticipates that they will be obtained on or before August 19, 2008. **While Rockies Express has not yet obtained these permits, it will not be conducting the activity(ies) associated with this permit until a later date, when the necessary agency approval has been received.**

2.0 DESCRIPTION OF FACILITIES

Table 2-1 summarizes the location and crossing length of the requested HDD. The area specifically requested (start to stop milepost (MPs)) are listed under the Crossing Site Approx. Mileposts in table 2-1. The areas requested include the temporary additional workspaces for the drill entry and exit points and pipe layout areas. Maps and alignment sheets showing the requested area, including the beginning and ending Notice to Proceed areas (flagged), construction and permanent right-of-way, drill entry and exit points, pipe laydown areas, and access roads are included as Attachment A.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

TABLE 2-1								
Rockies Express Pipeline-East Project								
Location of Requested Horizontal Directional Drill Crossings								
HDD / Waterbody Name (Milepost (MP))	Spread	Crossing Site Approx. Mileposts (Area Requested in NTP)	Drill Entry Point (MP)	Drill Exit Point (MP)	Crossing Site Length (feet)	Western Access Road Name	Eastern Access Road Name	Con- struction Start Date
Illinois River (MP 71.2)	A-2	MP 70.9 to MP 72.4	71.0	71.5	2,768	County Road 4152E	Montezuma Road	July 28

3.0 CERTIFICATE CONDITIONS

Attachment B summarizes Rockies Express' compliance with each of the FERC's 147 Certificate Conditions for the REX-East Project, and it identifies where Rockies Express has addressed its compliance with each (i.e., in a prior filing or in this Request for Notice to Proceed). Note that Rockies Express filed its Initial Implementation Plan in compliance with Certificate Condition No. 6 on June 2, 2008.

The following sections discuss each HDD requested and their applicable Certificate Conditions applicable to the Illinois River

Table 3.1-1 describes the Certificate Conditions that are applicable and specific to this Notice to Proceed request for the Illinois River HDD area requested. Rockies Express responses are provided herein.

TABLE 3.1-1	
Rockies Express Pipeline-East Project	
Certificate Conditions Applicable to the Requested Horizontal Directional Drill Crossings	
No.	Condition Requirement (summarized)
1	Follow construction procedures and mitigation measures described in application, supplemental filings (including responses to staff data requests), and identified in the EIS, unless modification is requested and approved.
4	Authorized facility locations are shown in the EIS, as supplemented by filed alignment sheets. Modifications or site-specific clearances must be written and reference locations on alignment maps/sheets.
5	File alignment maps/sheets and aerial photographs at 1:6,000-scale identifying all route realignments or facility relocations, and areas that would be used or disturbed and have not been previously identified for approval.
6	Implementation Plan – Gantt chart
14	File use and site-specific justification for size of each additional temporary workspace.
17	File site-specific justification for each additional workspace within 50 feet of a wetland or waterbody.
19	File Hydrostatic Testing Plan.
20	Revise Procedures and alignment sheets for a 75-foot-wide construction right-of-way in wetlands; file site-specific justification for additional workspace.
54	File locations by milepost of springs, seeps, and wells identified within 150 feet of construction work areas.
74	No tree clearing between HDD drill entry site and HDD drill exit site.
79	File CRP locations, agency correspondence, and mitigation measures to protect CRP lands.
82	File documentation of consultations with FWS to determine need for bald eagle surveys. If surveys are required, file survey reports along with FWS comments.
89	Complete bat surveys prior to construction and implement mitigation measures for 2008 surveys.
91	File specific mitigation measures in accordance with BA that apply within an identified habitat unit ID.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

TABLE 3.1-1 Rockies Express Pipeline-East Project Certificate Conditions Applicable to the Requested Horizontal Directional Drill Crossings	
No.	Condition Requirement (summarized)
92	Do not burn trees, limbs, brush, and debris in the right-of way within 500 feet of suitable habitat associated with each habitat unit ID.
131	Provide archaeological monitor in vicinity of Montezuma Mound Group (11PK1245) from HDD exit point west to about MP 69.7.
141	Defer construction and use of all facilities until cultural resources surveys and SHPO consultations have been completed.
143	File updated site-specific plans for each HDD entry or exit site where noise mitigation is proposed.
144	File noise analysis for HDD sites not evaluated in the EIS.

3.1.1 Certificate Condition No. 1

Rockies Express does not require any modifications to the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the FEIS and the Certificate for the construction of the HDD areas requested herein.

3.1.2 Certificate Condition No. 4

Rockies Express is providing herein as Attachment A revised detailed alignment maps/sheets of the requested HDD areas at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order.

3.1.3 Certificate Condition No. 5

Rockies Express has modified the Illinois River HDD as a result of sensitive resources located in this area. In an effort to avoid the significant sensitive resource, Rockies Express elected to move the drill pad about 1,000 feet to the east and conduct two drills, referred to as the Illinois River HDD and the 200th Avenue HDD. The location of the new drill pad is on property that has always been associated with the project and affects no new landowners. Rockies Express has negotiated an easement with the landowner. The new drill pad is located in an area that was previously disturbed and is currently used for livestock operations. There are no new wetlands or waterbodies associated with the new drill construction work areas.

3.1.4 Certificate Condition No. 6

Rockies Express filed its Initial Implementation Plan, items a. through f. in its acceptance of the Commission's Order. As required by item f. of Certificate Condition No. 6, Rockies Express is filing as Attachment C a Gantt chart showing the completion of all required surveys and reports; the mitigation training of on-site personnel; the start of construction; and the start and completion of restoration.

3.1.5 Certificate Condition No. 14

Rockies Express will use its designated drill pads, pipe stringing areas, and access roads for constructing these work areas. These additional temporary workspace areas are necessary for the installation of the pipeline using the HDD method and are shown on the alignment sheets.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

3.1.6 Certificate Condition No. 17

Rockies Express has modified its additional temporary workspace areas required to complete the Illinois River HDD crossing such that none are within 50 feet of a wetland or waterbody.

3.1.7 Certificate Condition No. 19

Rockies Express has identified the sources for hydrostatic test water and is in the process of coordinating with the appropriate agencies to obtain authorization for testing activities (see table 3.1.7-1). Rockies Express will obtain water for hydrostatic testing of the horizontal directional drill strings from a municipal source or the waterbodies being crossed. Rockies Express will screen the intake hose (100 mesh screen size) to prevent the entrainment of fish and debris and will suspend the intake above the bottom of the waterbody to minimize disturbance. The following table provides a summary of the hydrostatic test requirements.

TABLE 3.1.7-1				
Rockies Express Pipeline – East Project				
Hydrostatic Test Requirements – Illinois River Horizontal Directional Drill				
Waterbody Name	Milepost	Volume (gallons)	Source of Hydrostatic Test Water	Discharge Location (Alternate)
Illinois River	71.2	185,000	Big Sandy Creek	Big Sandy Creek

3.1.8 Certificate Condition No. 20

There are two wetlands located between the drill entry and exit points for the Illinois River HDD (see table 4.1.2-1). Both will be avoided by the HDD method. Therefore, reducing the construction right-of-way to 75 feet or providing site-specific justification of a greater than 75-foot-wide construction right-of-way in wetlands does not apply to this area.

3.1.9 Certificate Condition No. 54

The construction work areas associated with the Illinois River HDD location is within 150 feet of one well located south of the drill access pad. Alignment sheet 1280-D-110-026 shows the well and the 200 foot buffer zone.

3.1.10 Certificate Condition No. 74

As stated in its acceptance of the Commission's Order Issuing Certificate (filed on June 2, 2008), Rockies Express will not clear any trees between the workspace for the drill entry site and the workspace for the exit site during construction. Any right-of-way or other workspace depicted on the alignment sheets will be used solely by foot or small vehicle traffic in order place a pump in the waterbody to obtain hydrostatic test water for the HDD strings, where necessary; no tree clearing will occur. Rockies Express will screen the intake hose (100 mesh screen size) to prevent the entrainment of fish and debris and will suspend the intake above the bottom of the waterbody to minimize disturbance. Rockies Express understands that minor brush clearing, less than 3 feet wide, using hand tools is allowed to facilitate the use of the HDD tracking system wires.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

3.1.11 Certificate Condition No. 79

Rockies Express has confirmed that no construction work areas associated with the Illinois River HDD will impact any Conservation Reserve Program lands.

3.1.12 Certificate Condition No. 82

Rockies Express has discussed its compliance with Certificate Condition No. 82 in its acceptance of the Commission's Order Issuing Certificate (filed on June 2, 2008). Through correspondence with the FWS and Illinois Department of Natural Resources (ILDNR), Rockies Express has confirmed that the workspaces associated with the Illinois HDD requested herein will not impact any nesting bald eagles.

3.1.13 Certificate Condition No. 89

Rockies Express has surveyed for Indiana bats in areas that were not surveyed in 2007 in accordance with FWS-approved 2007 survey procedures to locate nursery roost trees. All required Indiana bat surveys have been completed. More information regarding these surveys is discussed in the response to Certificate Condition No. 91 below.

3.1.14 Certificate Condition No. 91

Rockies Express has completed all survey work and requirements relating to the Indiana bat for the REX-East Project. It has filed reports summarizing survey results and all mitigation measures in accordance with the Biological Assessment (BA) with the FWS offices in Marion, Illinois, Bloomington, Indiana, and Reynoldsburg, Ohio. Documentation of Illinois correspondence and survey reports were included in Rockies Express' acceptance of the Commission's order Issuing Certificate filed on June 2, 2008.

3.1.15 Certificate Condition No. 92

As stated in its acceptance of the Commission's Order Issuing Certificate (filed June 2, 2008), Rockies Express has committed to not burning trees, limbs, brush, and debris in the right-of-way within 500 feet of the entire area of suitable habitat associated with each Indiana Bat Habitat Unit. Rockies Express also provided a table of all of the areas where this condition applies. The workspaces associated with the Illinois River HDD requested herein are in no-burning areas.

3.1.16 Certificate Condition No. 131

Rockies Express will provide an archaeological monitor during grading activities in the vicinity of the Montezuma Mound Group (11PK1245) at the eastern HDD drill pad for the Illinois River.

3.1.17 Certificate Condition No. 141

Information regarding compliance with section 106 of the NHPA and the status of cultural resources surveys and SHPO correspondence is discussed in section 4.1.4 of this Notice to Proceed request.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

3.1.18 Certificate Condition No. 143

The Illinois River is listed in table 4.11.2-1 of the FEIS and, therefore, the alignment sheets attached as Attachment A show the noise mitigation measures Rockies Express intends to implement during construction at this waterbody. Rockies Express proposes to monitor its noise levels and will install additional noise mitigation measures or take action if the noise levels at the HDD sites exceed the regulatory level.

3.1.19 Certificate Condition No. 144

In its April 30, 2007 application (Resource Report 9, Appendix 9E), Rockies Express filed a noise analyses for the Illinois River. Rockies Express has revised its drill pad location at the Illinois River about 1,000 feet to the east of its previous location. A desktop review of the aerial photographs show that the noise receptors identified in the April 30, 2007 are similar and, therefore, Rockies Express intends to implement the mitigation measures previously identified at the new drill pad location. No new HDD crossings are proposed in this request and, therefore, this Certificate Condition has been fulfilled.

ENVIRONMENTAL CLEARANCES**3.2 Status of Required Permits and Authorizations**

Table 4.1-1 lists the status of permits applicable to the HDD areas included in this Notice to Proceed request. Permits or authorizations not listed are not required for or are exempt from the activities requested at the HDD crossings. As discussed in section 1.0, Rockies Express has not yet received its General Permits for Hydrostatic Test Water Discharges. These permits should be received by August 1, 1008. Rockies Express will not conduct its hydrostatic testing until a later date, when the necessary agency approval has been received.

TABLE 4.1-1 Rockies Express Pipeline-East Project Status of Permits – Horizontal Directional Drills		
Permit	Date Application Submitted	Permit Receipt Date (or Anticipated)
FEDERAL PERMITS		
Certificate of Public Convenience and Necessity Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act	4/30/2007	5/30/2008
Illinois River HDD (St. Louis COE District)	August 14, 2007	7/16/08
Section 7 Consultations (All States)	Ongoing since February 2007	4/24/2008
U.S. Fish and Wildlife Service Migratory Bird Treaty Act - Conservation Agreement	Ongoing since February 2007	3/25/2008
STATE PERMITS		
NPDES Permit for Hydrostatic Test Water Discharges	2/1/2008	(8/19/2008) ^a
State Listed Species, Species of Concern Consultation	Ongoing since February 2007	3/19/2007 4/9/2008
Section 106 Clearance for Cultural Resources	Ongoing since February 2007	See table 4.1.3-1
^a While Rockies Express has not yet obtained this permit, it will not be conducting the activity(ies) authorized by the permit until a later date, when the necessary agency approval has been received.		

Rockies Express Pipeline-East Project
Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

3.2.1 Status of Listed Species Surveys

The following table summarizes the status of listed species surveys at the requested HDD areas for the REX-East Project.

TABLE X		
Rockies Express Pipeline-East Project Status of Listed Species Surveys at Requested Horizontal Directional Drill (HDD) Crossings		
HDD	Federally Listed Species Clearance (Yes/No, explanation)	State-Listed Species Clearance (Yes/No, explanation)
Illinois River	Yes	Yes

Status of Surveys and Consultations Under Section 7 of the Endangered Species Act

Rockies Express consulted with the FWS, Columbia, Missouri; Marion, Illinois; Bloomington, Indiana; and Reynoldsburg, Ohio Field Offices, regarding potential effects of the REX-East Project on federally listed threatened and endangered species. As noted in the FEIS, the Indiana bat, whooping crane, clubshell, fanshell, fat pocketbook, northern riffleshell, decurrent false aster, eastern prairie fringed orchid, prairie bush clover, and running buffalo clover were identified by the FWS as federally listed species potentially occurring within the project area. As further noted in the FEIS, three candidate species for federal listing, the Eastern massassauga, rayed bean, and spectaclecase, were also identified by the FWS as potentially occurring within the project area. The FWS concluded that the REX-East Project would have *no effect* on 4 of the 10 federally listed threatened or endangered species (clubshell, decurrent false aster, eastern prairie fringed orchid, and prairie bush clover) and *may affect*, but *would not be likely to adversely affect* the remaining 6 federally listed threatened or endangered species (Indiana bat, whooping crane, fanshell, fat pocketbook, northern riffleshell, and running buffalo clover). The FWS also concluded that the REX-East Project *would not be likely to adversely affect* the Eastern massassauga, rayed bean, or spectaclecase.

Rockies Express has completed habitat review and threatened and endangered species surveys, where necessary, at all of the requested HDD locations. Rockies Express conducted surveys in the summers of 2007 and 2008 for Indiana bats, federally listed mussel species, the running buffalo clover, and the Eastern massassauga in areas of suitable habitat as established through consultation with the FWS. Rockies Express provided the results of 2007 Indiana bat surveys in its supplemental filing dated September 28, 2007, the results of 2008 Indiana bat surveys in Missouri and Illinois in its acceptance of the Commission's Order Issuing Certificate dated June 2, 2008, the results of 2007 mussel surveys in its supplemental filing dated August 27, 2007, the results of 2007 running buffalo clover surveys in its supplemental filing dated July 27, 2007, and the results of 2007 Eastern massassauga surveys in its FERC environmental information request dated February 8, 2008. Rockies Express provided the results of 2008 Eastern massassauga surveys, 2008 Indiana bat surveys in Indiana and Butler County, Ohio, 2008 mussel surveys, and 2008 running buffalo clover surveys in a supplemental filing dated June 25, 2008. With the exception of the Indiana bat, no federally listed species were found during surveys.

As stipulated in the FWS's concurrence letter to the Commission, dated April 24, 2008, section 7 consultation for the REX-East Project has been concluded. Rockies Express' and the FWS' threatened and endangered species consultations and clearances are included as Attachment D.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

Status of State-listed Threatened and Endangered Species Surveys and Consultations

Rockies Express has consulted with the Illinois Department of Natural Resources (ILDNR), regarding impacts on state-listed threatened and endangered species potentially affected by the project. As noted in the FEIS, these consultations resulted in the following state-listed species potentially affected by the project in Illinois: bald eagle (IL, IN, OH).

Rockies Express concluded consultation for state-listed threatened and endangered species with the ILDNR in a letter dated March 19, 2007, with the INDNR in an email dated July 27, 2007. Rockies Express' and state agency threatened and endangered species consultations and clearances are included as Attachment D.

3.2.2 Status of Wetland and Waterbody Surveys

Rockies Express has completed wetland and waterbody surveys for the requested HDD areas, and table 4.1.2-1 summarizes the survey results.

TABLE 4.1.2-1					
Rockies Express Pipeline-East Project					
Status of Wetland and Waterbody Surveys at the Requested Horizontal Directional Drill (HDD) Crossings					
HDD	Survey Status	Waterbody ID	Acres Affected	Wetland ID	Acres Affected
Illinois River (WB-IL-69-B)	Complete	WB-IL-69-B ^a	N/A	WL-IL-70-A ^a WL-IL-70-B ^a	N/A N/A
^a Feature is avoided by use of HDD crossing method.					

Rockies Express will adhere to the mitigation measures outlined in its Wetland and Waterbody Construction and Restoration Procedures. These include placing silt fences around the perimeter of wetlands and near the waterbodies and construction activities will be prohibited from occurring within 50 feet of these areas, except where the adjacent upland consists of actively cultivated or rotated cropland or other disturbed land. In addition, Rockies Express will adhere to the measure outlined in its SPCC Plan during construction in the event of an inadvertent release of hazardous materials. These include restricting refuelling and lubricating of construction equipment to upland areas at least 100 feet from the edge of any streams, wetlands, ditches, and other waterbodies; storing fuel containers in a secondary containment structure or in an upland area at least 200 feet from wetlands and/or waterbodies; and adhering to the response measures discussed in sections 4.2 and 4.3 of the SPCC Plan.

3.2.3 Status of Cultural Resource Surveys and Compliance with Section 106

Summary of Cultural Resource Surveys

In several FERC filings between April 2007 and July 2008, Rockies Express provided evidence of completion of cultural resource surveys and concurrence with the results of those from the state SHPOs for the areas associated with the HDD locations being requested for Notice to Proceed. In accordance with Certificate Condition No. 141, Rockies Express is providing with this filing a summary of the status of its cultural resource surveys for the facilities for which it seeks Notice to Proceed in this request. The status of cultural resource surveys for the project can be summarized in four categories: i) surveys completed with SHPO concurrence; ii) Phase III data recovery not completed; iii) status of treatment plans for historic properties; and iv)

Rockies Express Pipeline-East Project

Request for Notice to Proceed with the Illinois River Horizontal Directional Drills

treatment plan completed with SHPO concurrence pending. Each of these categories is described in more detail below.

Table 4.1.3-1 summarizes the status of cultural resources survey and SHPO concurrence for the HDDs requested herein. Copies of the applicable cultural report and SHPO concurrence letters are included as Attachment E. This information is being filed under separate cover and has been marked "Contains Privileged Information – Do Not Release."

Surveys Completed - SHPO Concurrence Previously Filed with FERC

Rockies Express has completed surveys of and received concurrence from the appropriate state SHPO for the Illinois River.

Rockies Express has also identified in Attachment E ("Contains Privileged Information – Do Not Release") the nearest cultural resource to the proposed begin and end point of its requested HDD areas. Rockies Express will not affect these sensitive resources during HDD activities.

Phase III Data Recovery Not Yet Completed

One Phase III data recovery is pending for the Illinois River HDD. Rockies Express began the data recovery July 9, 2008. Rockies Express anticipates completion of the data recovery within two weeks of start of fieldwork, which is expected by July 25, 2008. Rockies Express will file with the FERC notification of completion of the data recovery, as well as SHPO comments, as soon as they are received.

Illinois Treatment Plan – Memorandum of Agreement (MOA) Status

Rockies Express has developed treatment plans detailing the cultural resources mitigation of potential historic properties Illinois. The Illinois Treatment Plan was submitted to SHPO and FERC on May 9, 2008 with an addendum submitted to SHPO on June 3, 2008 and to FERC on June 4, 2008. Illinois SHPO concurrence of the treatment plan was received June 26, 2008. Rockies Express, the Illinois SHPO, and FERC have executed the MOA for Illinois on June 27, 2008.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with Six Additional Horizontal Directional Drills

TABLE 4.1.3-1

Status of Cultural Resources Surveys and Compliance at Six Additional Horizontal Directional Drills						
Facility	Report No.	Report Title	Submitted to SHPO	SHPO Comment Received	Report Filed with FERC	SHPO Comments Filed with FERC
Illinois River (79.0 - 72.4)	REX-EAST-IL-05	Supplemental Phase I Archaeological Investigations and Phase I Reconnaissance Survey of Above-Ground Resources Rockies Express Pipeline-East (REX-East) Project, Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas, and Edgar Counties, Illinois.	8/21/2007	9/10/2007 Structures 03/11/08	8/27/2007	9/28/2007
	REX-EAST-IL-08	Supplemental Phase I Archaeological and Deep Test Investigations Rockies Express Pipeline-East (REX-East) Project, Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas, and Edgar Counties, Illinois. Vol. I-II	12/27/2007	1/25/2008	12/21/07	2/1/2008
	REX-EAST-IL-11	Supplemental Phase I Archaeological and Deep Test Investigations Rockies Express Pipeline-East (REX-East) Project, Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas, and Edgar Counties, Illinois. Vol. I-II	4/7/2008	4/30/2008	4/11/2008	5/9/2008
	REX-EAST-IL-13	Supplemental Phase I Archaeological and Deep Test Investigations Rockies Express Pipeline-East (REX-East) Project, Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas, and Edgar Counties, Illinois.	5/1/2008	5/13/2008	5/5/2008	5/21/2008
	REX-EAST-IL-14	Illinois Treatment Plan Pike, Scott, Sangamon, and Edgar Counties, Illinois. Rockies Express Pipeline-East (REX-East) Project Addendum to Treatment Plan (11PK1245)	5/9/2008 Addendum 6/3/2008	6/28/2008	5/9/2008 Addendum 6/4/2008	7/3/2008
	REX-EAST-IL-16	Management summary of investigations at 11PK1245 at the Horizontal Directional Drill Pad at Base of Slope Northwest of Intersection of Bedford and 1022 North Roads	5/23/2008	6/19/2008	6/4/2008	6/23/2008
	REX-EAST-IL-17	Phase II investigations at 11PK1733, 11PK1722, 11PK1597, 11PK1607, 11PK1675, 11PK817, 11PK1692, 11PK1702, 11PK1706, 11PK1674, 11PK1672, 11PK1710, 11PK1655, 11PK1656, 11PK272, 11PK1245, 11ST520, 11ST622, 11ST635, 11ST627, 11MG424, 11MG423, 11MG405, 11SG1351, 11MT252, 11DO189; Rockies Express Pipeline-East (REX-EAST) Project; Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas, and Edgar Counties, Illinois. Vol. I-II.	6/3/2008	6/17/2008	6/4/2008	6/23/2008

ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
ILLINOIS RIVER HORIZONTAL DIRECTIONAL DRILL
ATTACHMENT A

ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
ILLINOIS RIVER HORIZONTAL DIRECTIONAL DRILL
ATTACHMENT B

ATTACHMENT B				
Rockies Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed *	Addressed In Current Request	NA
1	Follow construction procedures and mitigation measures described in application, supplemental filings (including responses to staff data requests), and identified in the EIS, unless modification is requested and approved.	X	X	
2	The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the REX-East Project.	X		
3	File affirmative statement that company personnel, EIs, and contractor personnel will be informed of EI's authority and have been trained on the environmental mitigation measures appropriate to their jobs.	X		
4	Authorized facility locations are shown in the EIS, as supplemented by filed alignment sheets. Modifications or site-specific clearances must be written and reference locations on alignment maps/sheets.	X	X	
5	File alignment maps/sheets and aerial photographs at 1:6,000-scale identifying all route realignments or facility relocations, and areas that would be used or disturbed and have not been previously identified for approval.		X	
6	File initial Implementation Plan.	X	X	
7	File updated weekly status reports prepared by the lead EI.	X		
8	Implement an environmental complaint resolution procedure to remain active for 3 years following construction.	X		
9	Receive written authorization from the Director of OEP before commencing service of the Project.	X		
10	File an affirmative statement that facilities have been constructed in compliance with all applicable conditions.	X		
11	Defer service from Duke Energy's planned transmission line until Ohio SHPO and FWS comments are filed and approval is obtained from Director of OEP.	X		
12	Where pipeline parallels PEPL's 300 and 400 lines, revise construction plans to overlap 15 feet of the existing PEPL permanent right-of-way.	X		
13	File revised construction plans to center pipeline within permanent right-of-way unless this decreases distance between pipeline and PEPL to less than 65 feet.	X		
14	File use and site-specific justification for size of each additional temporary workspace.		X	
15	Do not exercise eminent domain authority to acquire additional workspace for topsoil storage.	X		
16	File revised Plan and Procedures to be consistent with tables 2.3-1 and 2.3-2 of the EIS.	X		
17	File site-specific justification for each additional workspace within 50 feet of a wetland or waterbody.		X	
18	File bulk material disposal plan for excess rock, trees, brush, and other construction debris.	X		
19	File Hydrostatic Testing Plan.		X	
20	Revise Procedures and alignment sheets for a 75-foot-wide construction right-of-way in wetlands; file site-specific justification for additional workspace.		X	
21	File list of fluids used during micortunneling process.	X		
22	File construction plan for locations where pipeline crosses or would be constructed along or with power line rights-of-way, and additional mitigation measures to prevent damage from fault currents and induced voltages.	X		
23	File draft third-party environmental monitoring program; obtain proposals to provide monitoring services.	X		
24	Incorporate variation from MP 291.0 to MP 291.3 (McCarroll property) and file updated alignment sheets.			X
25	Incorporate variation from MP 300.5 to MP 301.0 (Rogers property) and file updated alignment sheets.			X

ATTACHMENT B				
Rockles Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed *	Addressed In Current Request	NA
26	Incorporate variation from MP 318.1 to MP 318.5 (Parker property) and file updated alignment sheets.			X
27	Incorporate variation from MP 370.0 to MP 370.6 (Alverson properties) and file updated alignment sheets.			X
28	Incorporate variation from MP 376.3 to MP 376.8 (Brattain property) and file update alignment sheets.			X
29	Incorporate variation from MP 380.4 to MP 380.6 (Yane property), and file updated alignment sheets and site-specific erosion and spill control measures to protect pond from contamination and siltation.			X
30	Incorporate variation from MP 383.1 to MP 384.0 (Morgan property) and file updated alignment sheets.			X
31	File site-specific construction plan for extended bore of Walnut Fork Creek and Pipe Creek Road.			X
32	Incorporate variation from MP 395.1 to MP 395.8 (White property) and file updated alignment sheets.			X
33	File documentation of easement agreements for variation from MP 401.5 to MP 402.4, or documentation of consultation with Schulte, Oetzel, and Stim of route variation that addresses their concerns. File revised alignment sheets, and a summary of environmental resources affected by revised route.			X
34	Incorporate variation from MP 405.1 to MP 405.9 (Minges and Schoenhart properties) and file updated alignment sheets.			X
35	Incorporate variation from MP 406.2 to MP 406.5 (Maus property) and file updated alignment sheets.			X
36	File documentation of easement agreements for variation from MP 417.8 to MP 418.4, or documentation of consultation with Storck-Stump and Hesford of route variation that addresses their concerns. File revised alignment sheets, and a summary of environmental resources affected by revised route.			X
37	Incorporate variation from MP 426.1 to MP 426.3 (Chase variation) and file updated alignment sheets.			X
38	Incorporate variation from MP 452.7 to MP 453.8 (Frye variation), file updated alignment sheets, and submit information to Village of Waynesville, Ohio Waste and Water Division of the Utilities Department, and other applicable agencies regarding construction in the WPA.			X
39	Incorporate variation from MP 458.1 to MP 458.9 (Mowrey and Jones properties) and file updated alignment sheets.			X
40	Incorporate variation from MP 459.8 to MP 460.0 (Rowe variation) and file updated alignment sheets.			X
41	Incorporate variation from MP 477.1 to MP 477.5 (Kile property) and file updated alignment sheets.			X
42	File documentation of easement agreements for variation from MP 521.9 to MP 523.3, or documentation of consultation with Scothorn and Petty of route variation that addresses their concerns. File revised alignment sheets, and a summary of environmental resources affected by revised route.			X
43	File revised alignment sheets of variation from MP 555.4 to MP 557.3 (Noll Route Variation).			X
44	File documentation of easement agreements for variation from MP 623.3 to MP 624.4, or documentation of consultation with Shaffer of route variation that addresses their concerns. File revised alignment sheets, and a summary of environmental resources affected by revised route.			X
45	Incorporate variation from MP 384.0 to MP 384.4 (Revised MP 384 Variation for residences, but starts at MP 384.0) and file updated alignment sheets.			X
46	Incorporate variation from MP 446.5 to MP 447.4 (FERC's Revised McCarty Variation), file updated alignment sheets, and provide landowner notification package to the newly affected landowner(s).			X

ATTACHMENT B				
Rockies Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed *	Addressed In Current Request	NA
47	File site-specific plan for oil or gas wells within the construction work area, both active and abandoned.	X		
48	File plan for identification of karst features and mitigation for crossing features during construction.	X		
49	File contingency plan for HDDs in the karst areas.	X		
50	File Mining Subsidence Plan.	X		
51	File consultations with INDNR and ODNR regarding scour susceptibility of waterbodies crossed, and list of scour-prone areas.	X		
52	File High Water Contingency Plan for construction of Mississippi River crossing.			X
53	File Agricultural Wet Weather Contingency Plan.	X		
54	File locations by milepost of springs, seeps, and wells identified within 150 feet of construction work areas.		X	
55	File revised SPCC Plan to restrict refueling near wetlands and waterbodies, and private and municipal water supply wells.	X		
56	File site-specific spill plan to reduce spills/leaks from construction-related equipment at Hoosier Hills WPA.			X
57	File water quality testing plan for Hoosier Hills Regional Water District's existing wells; provide copies to Hoosier Hills.			X
58	Notify Hoosier Hills at least 48 hours prior to the start of construction between MPs 393 and 394.	X		
59	File agency consultations regarding construction in WPAs or other groundwater management areas crossed.	X		
60	File report identifying all water supply wells/systems damaged by construction and how repaired.			X
61	File documentation of consultation with organizations/individuals that withdraw potable water within 3 miles of Flatrock River (MP 362.7) and Somerset Creek (MP 553.2), and final consultations with City of Louisiana in Missouri.			X
62	File HDD geotechnical feasibility investigations, revised site-specific construction diagrams, and contingency plans for Embarras and Muskingum Rivers.			X
63	Cross all dry intermittent waterbodies using open-cut method and mitigation measures v(B)(2) through v(B)(4) of Procedures.	X		
64	File revised site-specific crossing plans showing restoration and mitigation measures for waterbodies listed in tables 4.3.5-1 and 4.6.2-1 of the EIS and applicable agency consultations.			X
65	File agency consultations prior to initiating alternative crossing method at Paint Creek or White River.			X
66	Successfully complete HDD or microtunneling of Little Miami River between MP 432.9 and MP 467.2.	X		
67	Successfully complete HDD or microtunneling of Big Darby Creek between MP 494.1 and MP 533.9.	X		
68	File site-specific plans that identify the source and discharge locations of hydrostatic test water for HDD of Little Miami River and Big Darby Creek.		X	
69	Provide Hoosier Hills Regional Water District copy of hydrostatic test water analysis prior to Whitewater River discharge.			X
70	File site-specific blasting plans for each wetland with shallow bedrock prior to blasting.			X
71	File site-specific wetland restoration plan for Blackburn Island in consultation with COE, FWS, and MODNR.			X
72	Consult with COE, FWS, and appropriate agencies regarding forested wetlands and revise Wetland Mitigation Plan.	X		
73	File consultations with COE, FWS, and appropriate agencies, and final Wetland Mitigation Plan.	X		
74	No tree clearing between HDD drill entry site and HDD drill exit site.	X		

ATTACHMENT B				
Rockies Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed *	Addressed In Current Request	NA
75	Use onsite markers along permanent right-of-way to identify "no clearing" zones within vegetated riparian strips adjacent to waterbodies avoided during maintenance activities.	X		
76	File site-specific construction plan showing 75-foot right-of-way at classified forest from MP 331.9 and MP 332.2; justify any tree removal.			X
77	File Compensatory Mitigation Plan for classified forest areas in Indiana.			X
78	File Flood Control Permit from INDNR.			X
79	File CRP locations, agency correspondence, and mitigation measures to protect CRP lands.		X	
80	Use only certified weed-free straw or hay bales for sediment barriers or mulch during construction and revegetation of disturbed areas.	X		
81	File documentation of correspondence with Comprehensive Wildlife Conservation Strategy Coordinators for Missouri, Indiana, and Ohio.	X		
82	File documentation of consultations with FWS to determine need for bald eagle surveys. If surveys are required, file survey reports along with FWS comments.	X	X	
83	Comply with Conservation Guidelines.	X		
84	Develop construction schedules for Grassy Creek and the Upper Mississippi COA.			X
85	Comply with waterbody crossing time windows established by the ILDNR, INDNR, and OPSB.	X		
86	Use dry-ditch method at waterbodies considered fisheries of special concern and < 30 feet wide; request approval for wet crossing method.	X		
87	Implement measures for habitat unit IDs surveyed in 2007 and for which Indiana bats were identified but no nursery roost trees were identified.	X		
88	Implement measures for habitat unit IDs surveyed in 2007 and for which Indiana bats were identified and nursery roost trees were identified.	X		
89	Complete bat surveys prior to construction and implement mitigation measures for 2008 surveys.		X	
90	File updated list of areas to be surveyed for Indiana bats identifying the habitat unit IDs by milepost.	X		
91	File specific mitigation measures in accordance with BA that apply within an identified habitat unit ID.		X	
92	Do not burn trees, limbs, brush, and debris in the right-of-way within 500 feet of suitable habitat associated with each habitat unit ID.	X	X	
93	Do not use herbicides or pesticides for maintenance of the permanent right-of-way or adjacent forested areas.	X		
94	If Mississippi River, Wabash River, Big Walnut Creek, or Big Darby Creek crossing fails, halt construction activities and file site-specific alternate waterbody crossing plans in consultation with FERC, COE, and FWS.	X		
95	Do not begin alternative crossing of the Mississippi River, Wabash River, Big Walnut Creek, or Big Darby Creek until FERC consults with FWS and COE, and approval is received in writing.	X		
96	Use dry-ditch crossing method at Sugar Creek (MP 484.3).			X
97	Limit specific construction activities within 300 feet of documented nursery roost trees and alternative roost trees identified.	X		
98	Have FWS-qualified biologist supervise tree clearing operations in Indiana bat habitat.	X		
99	Implement mitigation measures if whooping cranes are encountered in vicinity of construction work area.	X		
100	File mussel survey reports for Anderson Fork, East Fork Paint Creek, Little Walnut Creek, Tributary to Burley Run, Brush Creek, Buffalo Fork, Tributary to Crabapple Creek, and Cat Run in Ohio, documentation of consultation with FWS and ODNR, and conservation measures.			X

ATTACHMENT B				
Rockies Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed *	Addressed In Current Request	NA
101	Do not withdraw hydrostatic test water from Sugar Creek, the Scioto River, Deer Creek, and Big Darby Creek or their tributaries.	X		
102	If Scioto River, Deer Creek in Deer Creek State Park, or Big Darby Creek cross fails, halt construction and file site-specific alternate waterbody crossing plans in consultation with FERC, COE, and FWS.	X	X	
103	Do not begin alternative crossing of Scioto River, Deer Creek in Deer Creek State Park, or Big Darby Creek until FERC consults with FWS and COE, and approval is received in writing.	X		
104	File running buffalo clover survey reports and documentation of FWS consultation, and implement mitigation measures.	X		
105	Develop and implement 5-year post-construction monitoring program to evaluate crop productivity; file quarterly reports for 5 years following construction.	X		
106	Employ two Agricultural Inspectors for Spreads 1, 2, 3, 4, and 5.	X		
107	Hire local drain tile contractors to install/repair drain tiles damaged or rerouted due to construction activities.	X		
108	Identify and mark damaged tile lines, provide information to landowner and local Soil and Water Conservation District, and keep in company's landowner records.	X		
109	Bury pipeline 5 feet deep where crossing agricultural fields unless otherwise negotiated with landowners.	X		
110	File documentation that landowners with 3 feet of cover in agricultural fields were offered opportunity of 5 feet of cover.			X
111	File site-specific plans in consultation with affected landowners describing how horse and operation impacts would be avoided, minimized, or mitigated between MP 523 and MP 524, and at MP 460.			X
112	Reduce construction right-of-way to 75 feet through forested portion of Wilson Friendly Maple Farm.			X
113	Develop plan to maintain safe egress at the Chester Township Fire Station.			X
114	File site-specific residential plans and evidence of landowner concurrence if construction/fencing are located within 10 feet of residence.			X
115	Identify septic systems and provide Septic System Contingency Plan to property owners.			X
116	File consultations with Federal Aviation Administration and the Ohio Department of Transportation Office of Aviation about any restrictions in the vicinity of the Fairfield County Airport.			X
117	Maintain access or file mitigation plan for boat ramp adjacent to HDD exit site of the Mississippi River crossing.			X
118	File plan for canoe portage at West Fork White River during construction.			X
119	Maintain public access to B&O trail and avoid tree cutting at the crossing location.			X
120	File consultations with Camp Woodsmoke regarding crossing schedule and additional safety mitigation.			X
121	File and provide to NPS site-specific plan for each tributary of the Little Miami River.			X
122	File consultations with NPS regarding need for mussel and fish spawning surveys at tributaries of Big Darby Creek crossed; file results of any required surveys.			X
123	File plan for construction and restoration of the Little Miami Scenic State Park, maintaining safe public access through construction area, and revegetating disturbed areas.			X
124	File site-specific crossing, mitigation, and restoration plan for Caesar Creek State Park and Wildlife Area, maintaining safe public access through construction area, and revegetating the disturbed areas.			X
125	File site-specific crossing (including the HDD crossing of Deer Creek Lake), mitigation, and restoration plan for Deer Creek State Park and Wildlife Area, and maintaining safe public access through construction area.			X

ATTACHMENT B				
Rockies Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed ^a	Addressed In Current Request	NA
126	File site-specific crossing, mitigation, and restoration plan for pipeline construction activities in Perry State Forest and Blue Rock State Forest.			X
127	Work with White Oak Exotic Hunting Preserve to determine construction timing.			X
128	File plans for avoidance or mitigation at sites 23PI365 and 23PI294, and Missouri SHPO comments documentation.			X
129	Provide quarterly updates of consultations between Rockies Express, Missouri SHPO, Native American tribes, and landowner concerning human remains identified in Missouri.			X
130	Provide archaeological monitor between Missouri State Road AD and Salt River HDD exit point.			X
131	Provide archaeological monitor in vicinity of Montezuma Mound Group (11PK1245) from HDD exit point west to about MP 69.7.			X
132	File plans for crossing prehistoric mound sites 11PK89, 11PK1709 and 11PK1733, and Illinois SHPO comments.			X
133	Submit research plans to Indiana SHPO for additional testing in vicinity of 12FR125b, and file reports and SHPO comments.			X
134	Provide archaeological monitor in vicinity of former mound site 12SH12 from Van Pelt Ditch to County Road S 25 E.			X
135	Provide Indiana SHPO with project documents requested to evaluate historic properties, and file SHPO comments.			X
136	File treatment plan for Wabash & Erie Canal and Indiana SHPO comments.			X
137	File site-specific construction plan for horizontal bore of Whitewater Canal, developed with Indiana SHPO.			X
138	File assessment of project effects on Hunt-Forman Farm, treatment plan for the property, and Ohio SHPO comments.			X
139	Provide documentation/alignment sheets showing avoidance or Phase II testing of site 33FE293; file Phase II report and Ohio SHPO comments.			X
140	File plans for avoidance or mitigation and documentation of SHPO comments on plans for several sites.			X
141	Defer construction and use of all facilities until cultural resources surveys and SHPO consultations have been completed.		X	
142	File plan for Indianapolis, Indiana and Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment regions regarding monitoring compliance with Tier 2 and Tier 3 emissions, and emissions remain under General Conformity Thresholds.	X		
143	File updated site-specific plans for each HDD entry or exit site where noise mitigation is proposed.		X	
144	File noise analysis for HDD sites not evaluated in the EIS.		X	
145	Make all reasonable efforts to ensure predicted noise levels from compressor stations are not exceeded at nearby NSAs, and file noise surveys no later than 60 days after placing each station.			X
146	File survey results for Sny Levee District levee settlement monitoring every 6 months for 5 years after installation.	X		
^a Response to Certificate Condition was previously provided with Rockies Express' Initial Implementation Plan and acceptance of the Order Issuing Certificate, filed with the Federal Energy Regulatory Commission in June 2008.				

ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
ILLINOIS RIVER HORIZONTAL DIRECTIONAL DRILL
ATTACHMENT C

ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
ILLINOIS RIVER HORIZONTAL DIRECTIONAL DRILL
ATTACHMENT D

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
ILLINOIS RIVER HORIZONTAL DIRECTIONAL DRILL**

ATTACHMENT E

Contains Privileged Information – Do Not Release

[illegible]

Rockies Express Pipeline-East Project Illinois River Horizontal Directional Drill											
ID	Task Name	Start	Finish	May	June	July	August	September	October	November	December
1	Surveys and Reports	Fri 5/30/08	Thu 7/3/08								
2	Cultural Resources	Thu 7/3/08	Thu 7/3/08		7/3						
3	Waterbody and Wetland	Fri 5/30/08	Fri 5/30/08		5/30						
4	Biological	Fri 5/30/08	Fri 5/30/08		5/30						
5	Noise	Fri 5/30/08	Fri 5/30/08		5/30						
6	Environmental Training	Wed 7/23/08	Mon 8/6/08								
7	Construction	Fri 8/1/08	Wed 12/17/08								
8	Restoration	Mon 12/1/08	Wed 12/31/08								

Task	Milestone	External Tasks
Split	Summary	External Milestone
Progress	Project Summary	Deadline

Rockies Express Pipeline - East Project
Illinois River Horizontal Directional Drill
FERC Certificate Condition No. 6



IN REPLY REFER TO:
FWS/ES-TE

United States Department of the Interior

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

APR 24 2008

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

Re: Request for concurrence on the findings presented in the Rockies Express (REX) East Project Biological Assessment

Dear Ms. Bose:

We have reviewed the subject document dated March 25, 2008, pursuant to section 7 of the Endangered Species Act of 1973 as amended. Our review was for the purpose of determining whether we concur with your determination of "not likely to adversely" for seven federally listed species.

We concur with a "not likely to adversely affect" finding for all species. However, we would like to make a few points of clarification. As you know, the consultation effort on this project has involved multiple conference calls and meetings with REX, their consultant (Natural Resource Group), and us, as well as, several coordination calls among your staff and us. Through these informal consultation discussions, REX made step-wise progress in incorporating conservation measures to minimize the likelihood of adverse effects occurring to listed species. Because of this step-wise process, important background information is not explicitly discussed in the Biological Assessment. The following comments are to provide this background and make our understanding of the conservation measures lucid.

First and foremost, as we have repeatedly stated in writing and verbally, the best approach to ensure adverse effects are avoided is to restrict tree removal to the inactive season. The conservation measures proposed by REX are, we believe, adequate and likely to minimize the chances of adverse effects occurring, but obviously not to the extent that seasonal tree-cutting restrictions would.

Second, the conservation measures for the Indiana bat target direct effects to individuals. We conclude that adverse indirect effects due to habitat manipulation are unlikely to occur. Based on the consultant's analysis of habitat availability pre and post-construction, we concur with their findings that the essential character of the suitable Indiana bat habitat will not be degraded following construction activities. That is, sufficient foraging, roosting, and travel habitat will remain available to Indiana bats within all known occupied areas. Hence, we do not believe there will be detectable indirect effects due to habitat loss or manipulation.

1000 IDS Center
80 South Eighth Street
Minneapolis, MN 55402



telephone (612) 347-6789
facsimile (612) 347-6780
www.NRGINC.com

January 23, 2007

Mr. Rick Pietruszka
Program Manager – Impact Assessment Division
Springfield Office of Water Resources
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702

Re: Rockies Express Pipeline – East Project
Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas, and Edgar
Counties, Illinois

Dear Mr. Pietruszka:

As you are aware, Rockies Express Pipeline LLP (Rockies Express) is proposing to construct a 42-inch-diameter natural gas pipeline from northeastern Colorado to Clarington, Ohio. The eastern segment of the proposed pipeline (REX-East) crosses Missouri, Illinois, Indiana, and Ohio. The Illinois portion of the project is approximately 195 miles in length and crosses Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas, and Edgar Counties. Construction of the proposed project is anticipated to begin spring 2008 and it is expected to be in service by winter 2008.

In a letter to the Illinois Department of Natural Resources (ILDNR) dated December 14, 2006, Rockies Express explained that it had obtained the Illinois Natural Heritage Inventory (NHI) data and had evaluated the information to determine potential species and areas of concern. During the project meeting held on January 9, 2007, Rockies Express and the ILDNR collectively reviewed the route maps for the Illinois portion of the proposed project, including NHI data. During the meeting, you indicated that the ILDNR's primary concern was at the Embarras River crossing. As discussed during the meeting, Rockies Express proposes to cross the Embarras River using the horizontal directional drill (HDD) method. This method will avoid impacts on the bed and banks of the river. Rockies Express indicated that the entry and exit locations of the HDD will be located outside of the forested areas adjacent to the river.

Rockies Express also indicated during the meeting that the proposed crossing method for the Mississippi and Illinois Rivers will be the HDD method. Unless otherwise authorized, in waterbodies where instream disturbance is required, per the ILDNR's recommendation, Rockies Express will avoid the fish spawning period, generally considered mid-March through June 1.

It is Rockies Express' understanding that the ILDNR field staff have reviewed the proposed project and, with the implementation of the measures discussed above, has no additional concerns regarding the project.

Mr. Rick Pietruszka
January 23, 2007
Page 2 of 2



As such, with this letter, Rockies Express respectfully requests concurrence from the ILDNR that construction of the proposed project, along with implementation of the above-reference measures, is not expected to have adverse impacts on sensitive resources in Illinois. Providing a response with 30 days will allow Rockies Express time to include the appropriate discussions in project planning and application materials.

Per your request during the January 9 meeting, attached to this letter are 3 sets of topographic map-based route maps showing both the April 2006 route (preliminary) and December 2006 route (currently proposed).

We appreciate your ongoing cooperation and assistance with the project. If you have any questions or require additional information, please contact me at 612-359-5678 or by e-mail at jrthommes@nrginc.com.

Sincerely,

Natural Resource Group, Inc.

A handwritten signature in black ink, appearing to read "JH 12", written over a horizontal line.

Jeff Thommes
Natural Resource Specialist

Enclosures

cc: Elizabeth Dolezal, NRG
Bart Jensen, NRG
Jim Thompson, Rockies Express Pipeline
Charlie Bertram, Rockies Express Pipeline



**Project Update Meeting – January 9, 2007
Illinois Department of Natural Resources**

Attendees

Rick Pietruszka – Program Manager, Div. of Review and Coordination (217) 785-5500
Karen Miller – Manager, Impact Assessment Section (217) 785-5500
Jim Thompson – Rockies Express Pipeline
Charlie Bertram – Rockies Express Pipeline
Bart Jensen – Natural Resource Group, Inc.
Jeff Thommes – Natural Resource Group, Inc.

Jim Thompson explained that the project generally follows the existing Panhandle Eastern Pipeline (PEPL) route through Illinois with the Rockies Express construction right-of-way generally abutting the existing PEPL right-of-way.

Jim Thompson described Rockies Express' proposal to complete the crossing of the Mississippi River using the horizontal directional drill (HDD) method. Specifically, Rockies Express proposes to stage the drill from a site on Blackburn Island in the Mississippi River. Rockies Express is proposing to drill from Blackburn Island in both and east and west direction to complete the installation under the Mississippi River. Jim Thompson indicated that Rockies Express has been coordinating this process with the applicable Missouri and federal agencies and those agencies are familiar with the proposal.

Jim Thompson explained that Rockies Express also expects to complete the crossing of the Illinois and Embarras Rivers using the HDD method. Rick Pietruszka stated that using this crossing method would account for the concerns of the ILDNR which are focused primarily on aquatic resources within the Embarras River system.

Rick Pietruszka also indicated that the ILDNR recommends that Rockies Express avoid the fish spawning period (roughly March up to June 1st) for crossings of all waterbodies within the state. That is consistent with the FERC guidelines included in the Wetland Waterbody Construction and Mitigation Procedures. Rockies Express stated that it will accommodate this request.

Rick Pietruszka stated that the project avoids sensitive areas throughout Illinois and that field staff have reviewed the project alignment and not identified additional areas of potential concern. Rick Pietruszka requested that Rockies Express provide three copies of route maps with the latest project alignment overlaid on topographic maps to the ILDNR.

Jeff Thommes then proposed to Rick Pietruszka that the process for completing consultation be conducted as follows: Rockies Express will provide a letter indicating that it plans to install the pipeline under the Mississippi, Illinois, and Embarras Rivers using the HDD method and that trenching/construction within waterbodies will be conducted outside of the spawning period (see above). Rick Pietruszka would then provide a written response to Rockies Express stating that such measures are



acceptable in avoiding impacts on sensitive resources within Illinois and that additional consultation is only required if the route changes or additional resources may be affected. Rick Pietruszka agreed with this approach.

Statewide General Permit Number 8

Rockies Express inquired into other potential permit requirements from the ILDNR including Statewide General Permit No. 8. Rick Pietruszka and Karen Miller stated that Rockies Express should coordinate with Paul Mauer regarding the applicability of the general permit. Karen Miller stepped away from the meeting and briefly discussed the permit requirements with Paul Mauer. According to Karen Miller, Paul Mauer indicated that as long as Rockies Express adheres to the requirements outlined in the general permit, the project would be covered under the permit. Rockies Express agreed to review the requirements but expected that the project would adhere to the necessary requirements to qualify for coverage under the general permit.

Action Item: Submit letter summarizing meeting discussion and provide 1:48,000-scale topographic maps that include the April 2006 pipeline route, the December 2006 pipeline route, and the GIS overlay of the Illinois Natural Heritage data.



Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

Sam Flood, Acting Director

March 19, 2007

Mr. Jeff Thommes
Natural Resource Group, Inc.
1000 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

**RE: FERC Pre-Filing Docket No. PF-06-30
Rockies Express Pipeline - East Project
Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie,
Douglas and Edgar Counties
Endangered Species Consultation Program
Natural Heritage Database Review # 0712161**

Dear Mr. Thommes:

This correspondence confirms that the Illinois Department of Natural Resources has reviewed the proposed pipeline alignment through Illinois with respect to potential project impacts to or upon protected Illinois resources within or in the nearby vicinity of the proposed corridor. The Natural Heritage Database identified that the proposed alignment (Milepost 202-203) crosses the Embarrass River Illinois Natural Area in Douglas County. The Department acknowledges the commitment of the Rockies Express Project to directionally bore under this Illinois Natural Area. In addition, the Project's commitment to directionally drill under the Mississippi and Illinois Rivers is also acknowledged. Provided the project proceeds as discussed during our summary meeting of January 9, 2007 the Department offers no objection. However, should the project be substantially modified or revised, the Department reserves the right to further review and discussion. Thank you for the opportunity to comment.

Sincerely,

Rick Pietruszka, Project Manager
Endangered Species Consultation Program
Division of Natural Resource Review and Coordination
Ph. (217) 785-5500
Fax (217) 524-4177

Ms. Kimberly Bose

2

Third, in concurring with a "not likely to adversely affect" finding we assume that one or more Indiana bat captures within large contiguous blocks of suitable habitat (i.e., blocks of habitat that contained more than one survey site) indicate Indiana bat presence for the entire block of contiguous habitat. Thus, the conservation measures identified on Table 3-1 will be applied throughout the contiguous block of habitat, not just in areas where bats were captured.

Fourth, the conservation measures identified for areas with no known nursery trees (Conservation Measure 2 on Table 3-1) are for the purpose of minimizing the chances of cutting down an occupied but unknown alternate roost tree. Bats occupying alternate roosts are likely to be volant bats (non-volant bats are confined to nursery roost trees), and are likely to depart the roost tree every night, in which environmental conditions are suitable, to forage. Hence, we believe that restricting disturbance and tree-removal activities to periods when bats are foraging is very unlikely to result in disturbance of a roosting bat.

Fifth, Conservation Measure 3.a.ii(3) should be corrected to state the following: "Identify potential nursery roost trees and conduct exit counts to determine whether it is an occupied nursery roost if 20 or more bats are observed"

Sixth, pertaining to the conservation measure, "*All encounters with listed species would be reported to the EI, who would record the following information:*

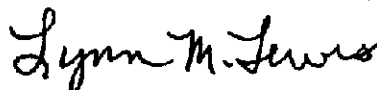
- *species;*
- *location (narrative and maps) and dates of observations;*
- *general condition and health, including injuries and state of healing;*
- *diagnostic markings, including identification numbers or markers; and*
- *locations moved from and to."*

On page 37 of the Biological Assessment, please clarify that no handling of such species will occur without authorization from the U.S. Fish and Wildlife Service.

Lastly, our concurrence is predicated on the assumption that the Federal Energy Regulatory Commission will ensure that REX strictly adheres to all conservation measures listed on Table 3-1 and the text within the Biological Assessment.

This concludes section 7 consultation on the REX project. If you have any questions or concerns about the conditions specified within this letter or any other aspect of the consultation, please contact Mr. T.J. Miller at 612-713-5334 or Ms. Jennifer Szymanski, of my staff, at 608-783-8455.

Sincerely,



Lynn Lewis
Assistant Regional Director
Ecological Services

cc: FERC, Gas Branch 2, PJ 11.2

Ms. Kimberly Bose

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**bcc: Jeff Thommes, NRG-LLC
Forest Clark, BFO
Angels Boyer, ROFO
Joyce Collins, RIFO
Heldi Kuska, CMFO
TJ Miller, RO
Jennifer Szymanski, RO**

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