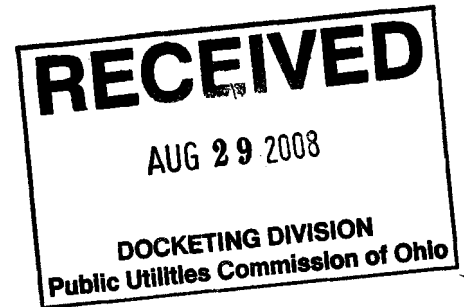


06-1142-CABIN



August 27, 2008

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



RE: Docket Nos. CP07-208-000, 001
Rockies Express Pipeline LLC, REX-East Project
Request for Notice to Proceed – Vectren Meter Station

Ms. Bose:

Rockies Express Pipeline LLC hereby respectfully requests that the Director of Office of Energy Projects provide Rockies Express with written authorization ("Notice to Proceed") to commence construction at the Vectren meter station for the REX-East project.¹ This request is made pursuant to Environmental Condition Nos. 4 & 5 to the Commission's May 30, 2008 Order ("Order")² authorizing construction of the REX-East project that require Rockies Express 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.

Rockies Express intends only to work within the areas that have cultural, biological and environmental clearances, as set forth in the table set forth below and the attached supporting data. Allowing Rockies Express to commence construction at this meter stations at this time will allow for the timely transportation of natural gas to consumers following the completion of the REX-East pipeline. **Rockies Express respectfully requests written authorization by September 5, 2008.**

¹ The REX-East project was granted a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act by the Federal Energy Regulatory Commission on May 30, 2008 in this docket. Rockies Express Pipeline LLC, 123 FERC ¶ 61,234 (2008). 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.

² Id.

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

TABLE 2-1						
Rockies Express Pipeline-East Project Vectren Meter Station Site						
Meter Station Site / Spread Access Point	Milepost	County, State	Access Road Length (feet)	Impact (acres) ^a		Land Use
				Con.	Op.	
Vectren / Spread E Access off County Road N650W ^b	360.2	Decatur, IN	20	1.1	1.1	Cultivated agricultural field
^a Includes access roads, which will be 30 feet wide.						
^b Rockies Express is only requesting Notice to Proceed with the Vectren Meter Station and its associated lateral and access road. The interconnect is not part of this request.						

As support for its Notice to Proceed request, Rockies Express submits the following data with respect to the facilities for which authorization to commence construction is sought:

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

Please direct any questions with respect to this request for authorization to proceed to Ryan Childs at (307) 760-5635.

Respectfully submitted,

/s/ Shippen Howe

Shippen Howe
Van Ness Feldman, P.C.
1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007
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
VECTREN METER STATION**

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 construction and operation of the Vectren Meter Station site and its associated lateral and access road. Section 2.0 of this Notice to Proceed request shows the requested facilities in table and text format.

Rockies Express has completed cultural resources surveys of the requested meter stations and their associated interconnects, laterals, and access roads such that the FERC's obligation to comply with section 106 of the National Historic Preservation Act (NHPA) is demonstrated through concurrence with the results of the surveys by the appropriate State Historic Preservation Offices (SHPO). In addition, compliance with section 7 of the Endangered Species Act is demonstrated through consultations and surveys with the 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 these proposed areas by **September 5, 2008**.

2.0 DESCRIPTION OF FACILITIES

Table 2-1 identifies the locations of the Vectren Meter Station and its associated access road included in this Notice to Proceed request. Maps showing the meter station construction workspace boundaries, permanent facility area, and permanent access roads are included as Attachment A, which are filed as Critical Energy Infrastructure Information.

TABLE 2-1 Rockies Express Pipeline-East Project Vectren Meter Station Site						
Meter Station Site / Spread Access Point	Milepost	County, State	Access Road Length (feet)	Impact (acres) ^a		Land Use
				Con.	Op.	
Vectren / Spread E Access off County Road N650W ^b	360.2	Decatur, IN	20	1.1	1.1	Cultivated agricultural field
^a Includes access roads, which will be 30 feet wide. ^b Rockies Express is only requesting Notice to Proceed with the Vectren Meter Station and its associated lateral and access road. The interconnect is not part of this request.						

Table 2-2 identifies the lateral (from the mainline to the meter station) associated with the Vectren Meter Station site included in this Notice to Proceed request. Note that Rockies Express is only requesting Notice to Proceed authorization with the Vectren Meter Station and its associated lateral and access road; the interconnect is not part of this request. A map

**Rockies Express Pipeline-East Project
Request for Notice to Proceed with Vectren Meter Station**

showing the lateral and its construction workspace and permanent easement is included as Attachment A.

TABLE 2-2				
Rockies Express Pipeline-East Project Lateral Associated with the Vectren Meter Station				
Meter Station Site (Milepost (MP))	Length (feet)	Area Affected (acres) ^a		Land Use
		Construction	Operation	
Vectren (MP 360.2) ^b	On line	0.0	0.0	Cultivated agricultural field
^a Construction right-of-way requirements are assumed to be 75 feet wide. Operational right-of-way requirements are assumed to be 50 feet wide for all laterals.				
^b Rockies Express is only requesting Notice to Proceed with the Vectren Meter Station and its associated lateral and access road. The interconnect is not part of this request.				

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.

Table 3-1 summarizes Rockies Express' responses to the Certificate Conditions that are applicable and specific to its Notice to Proceed request for the Vectren Meter Station and its associated lateral and access road.

TABLE 3-1	
Rockies Express Pipeline-East Project Certificate Conditions Applicable to Vectren Meter Station	
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
19	File Hydrostatic Testing Plan.
54	File locations by milepost of springs, seeps, and wells identified within 150 feet of construction work areas.
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.
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.
141	Defer construction and use of all facilities until cultural resources surveys and SHPO consultations have been completed.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with Vectren Meter Station

3.1 Certificate Condition No. 1

Rockies Express will follow construction procedures and mitigation measures described in its application, supplemental filings (including responses to staff data requests), and identified in the EIS, unless modification is requested and approved. Rockies Express is not requesting a modification to any Certificate Condition with this request for Notice to Proceed with construction of meter stations.

3.2 Certificate Condition No. 4

Rockies Express is providing herein as Attachment A (filed as Critical Energy Infrastructure Information) revised detailed alignment maps/sheets of the Vectren Meter Station requested herein at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order.

3.3 Certificate Condition No. 5

Rockies Express has modified the location of the requested Vectren Meter Station and its associated facilities from that identified in the FEIS. These modifications are the result of requests from the natural gas companies in which Rockies Express is interconnecting with. Subsequent to further coordination with the natural gas companies, Rockies Express has identified and secured easement agreements from landowners for the meter station location and associated facilities identified within this Notice to Proceed request that are also acceptable to the interconnecting natural gas companies. Table 3.3-1 describes the changes.

TABLE 3.3-1	
Rockies Express Pipeline-East Project Modifications to Vectren Meter Station Facilities	
Meter Station Site (Milepost (MP))	Change from Final Environmental Impact Statement
Vectren (MP 360.2)	The meter station moved from MP 316.2 to MP 360.2 and is located on a new site. Rockies Express is only requesting Notice to Proceed with the Vectren Meter Station, its lateral, and its associated access road. The lateral is located on the meter station facility. The interconnect is not part of this request.

In accordance with Certificate Condition No. 5, Rockies Express is requesting approval in writing by the Director of OEP before use of these areas. Tables 2-1 and 2-2 above list the existing land use/cover type associated with each new area. Rockies Express hereby certifies that it has purchased the meter station site and obtained documentation of landowner approval for their facilities, which is available upon request. Condemnation for the Vectren Meter Station site, lateral, and access road included in this Notice to Proceed request will not be required. Information regarding state- and federally threatened or endangered species is discussed in section 4.1.1, and cultural resources compliance is discussed in section 4.1.3. Maps clearly defining the area requested are included as Attachment A.

3.4 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.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with Vectren Meter Station

3.5 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. Rockies Express will obtain water for hydrostatic testing of the meter station piping, laterals, and interconnects from either a municipal source or from an on-site water well.

3.6 Certificate Condition No. 54

Rockies Express has confirmed that there are no known water well, springs, or seeps within 150 feet of the Vectren Meter Station site and its associated facilities.

3.7 Certificate Condition No. 79

Rockies Express has confirmed that no construction work areas associated with the Vectren Meter Station and its associated facilities requested herein will impact any Conservation Reserve Program lands.

3.8 Certificate Condition 82

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

3.9 Certificate Condition No. 89

Habitat review of the construction work areas associated with the Vectren Meter Station and its associated lateral and access road requested herein has determined that the site will not require Indiana bat surveys in 2008.

3.10 Certificate Condition No. 91

Due to no Indiana bat surveys being required, no construction work areas associated with the Vectren Meter Station and its associated lateral and access road requested herein require specific mitigation measures in accordance with the Biological Assessment.

3.11 Certificate Condition 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 provided in its Initial Implementation Plan a table of all of the areas where this condition applies. None of the workspaces associated with the Vectren Meter Station site and its associated facilities requested herein are in a no-burning area, and as such, Rockies Express is compliant with this Certificate Condition.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with Vectren Meter Station

3.12 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.

4.0 ENVIRONMENTAL CLEARANCES

4.1 Status of Required Permits and Authorizations

Table 4.1-1 lists the status of permits applicable to the meter stations and their associated facilities 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 meter station.

TABLE 4.1-1 Rockies Express Pipeline-East Project Status of Permits – Vectren Meter Station		
Agency/Permit	Date Application Submitted	Permit Receipt Date (or Anticipated)
FEDERAL PERMITS		
Certificate of Public Convenience and Necessity	4/30/2007	5/28/2008
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		
INDIANA		
State Listed Species, Species of Concern Consultation	Ongoing since February 2007	7/27/2007
Section 106 Clearance for Cultural Resources	Ongoing since February 2007	See table 4.1.3-1
Consultation to determine if proposed project would have any impact on receptors of cultural importance	Ongoing since February 2007	See table 4.1.3-1
Wastewater Discharge Associated with Hydrostatic Testing of Commercial Pipelines	2/29/08	4/15/08

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

Table 4.1.1-1 summarizes the status of state- and federally listed threatened or endangered species surveys at the Vectren Meter Station site and its associated lateral and access road.

TABLE 4.1.1-1 Rockies Express Pipeline-East Project Status of Listed Species Surveys at the Requested Meter Stations		
Facility (Milepost (MP)) ^a	Federally Listed Species Clearance (Yes/No, explanation)	State-Listed Species Clearance (Yes/No, explanation)
Vectren Meter Station (MP 360.2)	Yes	Yes

^a Includes meter station facility, interconnect, lateral, and access road.

Rockies Express Pipeline-East Project
Request for Notice to Proceed with Vectren Meter Station

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, in all of the workspaces associated with Spread 6 requested herein. 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 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 Indiana bat surveys in Missouri and Illinois in its acceptance of the Commission's Order Issuing Certificate dated June 2, 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. Finally, Rockies Express provided the results of 2008 Indiana bat surveys in Ohio east of MP 444 in its supplemental filing dated July 22, 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.

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

Rockies Express has consulted with the INDNR 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: bald eagle, variegate darter, and snuffbox.

Rockies Express has completed habitat review and threatened and endangered species surveys, where necessary at all of the requested meter stations and associated interconnects, laterals, and access roads for the following species: bald eagle, variegate darter, and snuffbox.

**Rockies Express Pipeline-East Project
Request for Notice to Proceed with Vectren Meter Station**

Rockies Express has completed surveys for state-listed mussel and fish species in Indiana in areas of suitable habitat as established through consultation with the INDNR. Rockies Express provided the results of Indiana mussel and fish surveys in its supplemental filing dated August 14, 2007. The surveys did not positively identify any state-listed species in the project area. Rockies Express concluded consultation for state-listed threatened and endangered species with the INDNR in an email dated July 27, 2008. Rockies Express' and state agency threatened and endangered species consultations and clearances are included as Attachment D.

Rockies Express has discussed its compliance with Certificate Condition No. 82 in its Initial Implementation Plan and acceptance of the Commission's Order Issuing Certificate (filed June 2, 2008). Through correspondence with the FWS and INDNR, Rockies Express has confirmed that the workspaces associated with the Vectren Meter Station and its associated lateral and access road requested herein will not impact any nesting bald eagles.

4.1.2 Status of Remaining Wetland and Waterbody Surveys

Rockies Express has completed wetland and waterbody surveys at the Vectren Meter Station and its associated facilities requested herein and has verified that no wetlands or waterbodies will be affected.

4.1.3 Status of Cultural Resource Surveys and Compliance with Section 106

Summary of Cultural Resource Surveys

In multiple filings in 2007 and 2008 with the FERC, Rockies Express provided evidence of completion of cultural resource surveys and concurrence with the results of those from the state SHPOs for the Vectren Meter Station and its associated facilities 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. The status of cultural resource surveys for the project is discussed in more detail below.

Table 4.1.3-1 summarizes the status of cultural resources survey and SHPO concurrence for the meter stations (including their associated access roads) 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."

Rockies Express Pipeline-East Project
Request for Notice to Proceed with Additional Meter Stations

TABLE 4.1.3-1

Rockies Express Pipeline-East Project
Status of Cultural Resources Surveys and Compliance at the Vectren Meter Station

Facility (Milepost (MP)) ^a	Report No.	Report Title	Submitted to SHPO	SHPO Comment Received	Report Filed with FERC	SHPO Comments Filed with FERC
Vectren (MP 360.2) ^b	REX-East-IN-10	Phase I Archaeological Survey for the Proposed Rockies Express Pipeline-East (REX-EAST) Project - Spreads 5 and 6, Johnson, Shelby, Decatur, and Franklin Counties, Indiana. Vol. I-III. (draft and final)	8/16/2007 final 7/8/2008	9/17/2007	8/27/2007 Final 7/17/2008	9/28/2007
	REX-East-IN-25	Phase I Archaeological Investigations, Rockies Express Pipeline-East Project, Spreads 5 and 6, Indiana - Fourth and Fifth Mobilizations. Hendricks, Morgan, Johnson, Shelby, Decatur, and Franklin Counties, Indiana. Vol. I-III. (draft and final)	5/2/2008 final 7/8/2008	6/4/2008	5/5/2008 Final 7/17/2008	6/10/2008

^a Includes meter station facility, interconnect, lateral, and access road.

^b Rockies Express is only requesting Notice to Proceed with the Vectren Meter Station and its associated lateral and access road. The interconnect is not part of this request.

ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
METER STATIONS
ATTACHMENT A
Critical Energy Infrastructure Information

ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
METER STATIONS
ATTACHMENT B

ATTACHMENT B				
Rockies Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed ^a	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.			
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				
Rockies Express Pipeline-East Project Certificate Conditions Applicability / Status				
No.	Condition Requirement (summarized)	Response Previously Filed ^a	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 Stirn 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 Scolthorn 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		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 ^a	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 IJDNR, 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		
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 *	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		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		
* 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
METER STATIONS
ATTACHMENT C

ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
METER STATIONS
ATTACHMENT D

**ROCKIES EXPRESS PIPELINE-EAST PROJECT
REQUEST FOR NOTICE TO PROCEED WITH
METER STATIONS**

ATTACHMENT E

Contains Privileged Information – Do Not Release

[illegible]



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.

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:*

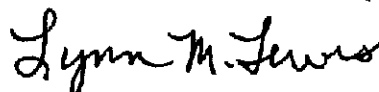
- *species;*
- *location (narrative and maps) and dates of observations;*
- *general condition and health, including injuries and state of healing;*
- *diagnostic markings, including identification numbers or markers; and*
- *locations moved from and to."*

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

3

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

1000 IDS Center
80 South Eighth Street
Minneapolis, MN 55402



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

January 4, 2007

Christie Stanifer, Environmental Coordinator
Indiana Department of Natural Resources
402 West Washington Street, Room W264
Indianapolis, Indiana, 46204

Re: Rockies Express Pipeline Project
Vermillion, Parke, Putnam, Hendricks, Morgan, Johnson, Shelby, Decatur, and
Franklin Counties, Indiana

Dear Ms. Stanifer:

As discussed during a project introductory meeting on November 13, 2006, 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. Construction of the proposed project is anticipated to begin in the spring of 2008 and it is expected to be in service by winter 2008.

The Indiana portion of the project is approximately 164.0 miles in length and crosses Vermillion, Parke, Putnam, Hendricks, Morgan, Johnson, Shelby, Decatur, and Franklin Counties. Rockies Express obtained lists of threatened or endangered species occurring in these counties from the Indiana Department of Natural Resources (INDNR) Natural Heritage Inventory (NHI). Review of the NHI data along the project corridor revealed one state-listed terrestrial plant within one-half mile of the proposed project route and five state-listed terrestrial animal species within one mile of the proposed project route. Based on a two-mile buffer for aquatic resources, there are two qualifying aquatic listings near the proposed project route. Areas identified by NHI where the bobcat, upland sandpiper, and scarlet hawthorn were previously observed near the project are unlikely to provide suitable habitat within the project area. As such, Rockies Express has eliminated these species from further consideration due to the lack of suitable habitat within the project area located near the NHI occurrence. Details of this determination are provided in the following table, followed by a discussion of the remaining five species.

Rockies Express Pipeline-East Project State-listed Endangered and Threatened Species Potentially Occurring in the Proposed Project Area				
Species	Status	Milepost(s)	Basic Habitat Association	Eliminated from Further Consideration/Discussion
Mammals				
American Badger	E	311.5 383.4 392.9	Short grass grasslands, fields, and pastures. Sometimes seen along roads, fence rows, ditches, or crop fields.	No
Bobcat	E	371.5	Large territory encompassing varied habitats from lowland swamp to mountain forest. Avoids areas with intense human habitation and agriculture.	Yes, lack of suitable habitat in area of previous observation, last observed in 1984.

Ms. Christie Stanifer
January 4, 2007
Page 2 of 4



Rockies Express Pipeline-East Project State-listed Endangered and Threatened Species Potentially Occurring in the Proposed Project Area				
Species	Status	Milepost(s)	Basic Habitat Association	Eliminated from Further Consideration/Discussion
Birds				
Upland Sandpiper	E	311.5	Dry upland plains, short-grass fields, pastures and meadows.	Yes, lack of suitable habitat in area of previous observation, last observed in 1952
Loggerhead Shrike	E	257.0	Edge habitat in agricultural regions, nests along roads and hedgerows.	No
Fish				
Variagate Darter	E	379.7 379.9 390.0 390.9 393.1 395.4	Large river riffles with swift current and substrates composed of large cobbles and small boulders.	No
Invertebrates				
Cobblestone Tiger Beetle	E	393.3	Cobblestone islands and deltas in large rivers.	No
Rabbitsfoot	E	335.3 335.7	Clear streams with swift current flowing over gravel substrates	No
Plants				
Scarlet Hawthorn	T	356.7	Light woodland, sunny edges, light shade.	Yes, lack of suitable habitat in area of previous observation, last observed in 1912

American Badger

NHI records for the American badger, a state-endangered mammal, were noted within one mile of the project area in Morgan and Franklin Counties near MP 311.5 in 1982, MP 383.4 in 1987, and MP 392.9 in 1987 (NHI Topo Map, pages 7 and 14). Badgers are grassland species, specifically favoring habitats with short grass, such as fields and pastures. The most obvious signs of badgers are their dens, which exhibit large holes that serve as entrances to burrows. The American badger resides in its burrow year-round. Badgers usually inhabit burrows solitarily, except during mating season between summer and early autumn. After mating, badgers remain sensitive to disturbance through gestation and the birth of young in late-March and April. Litters of one to five young remain with the mother as long as three months. Rockies Express currently seeks the input of the INDNR regarding locations of known dens. If it is determined that active dens are located within the project area, Rockies Express will consult with the INDNR to determine if additional field surveys for the American badger are necessary, and if so, will conduct surveys during the summer of 2007. If surveys identify individuals or active dens, Rockies Express will consult with the INDNR to discuss the need to develop conservation measures to avoid or minimize impacts on the species.

Loggerhead Shrike

The loggerhead shrike, a state-endangered bird, was noted in NHI data within one mile of the project route in Parke County, near MP 257.0 (NHI Topo Map, page 2) in 1983. The loggerhead shrike is found in open grassy areas with scattered shrubs or small trees. This species utilizes edge habitat and nests along roads and in hedgerows or

Ms. Christie Stanifer
January 4, 2007
Page 3 of 4



fence rows in agricultural regions. Rockies Express currently seeks the input of the INDNR regarding locations of known nests. If it is determined that active nests or populations are located within the project area, Rockies Express will consult with the INDNR to determine if additional field surveys for the loggerhead shrike are necessary, and if so, will conduct surveys during the summer of 2007. If surveys identify individuals, Rockies Express will consult with the INDNR to discuss the need to develop conservation measures to avoid or minimize impacts on the species.

Variegate Darter

Based on NHI data, the variegate darter, a state-endangered fish, has been identified in NHI records from 1998, 1999, and 2000, within two miles of the project route in Franklin County. Records occur at multiple locations between MPs 379.7 and 395.4, where the variegate darter has the potential to occur in Big Cedar Creek, Whitewater River, Little Cedar Creek, and any connected crossings (NHI Topo Map, pages 13 through 15). The variegate darter is most abundant in large, clean stream riffles with swift currents and substrates composed of large cobbles and small boulders. Rockies Express is currently in the process of conducting field surveys of waterbody crossings in Indiana, including a preliminary assessment of suitable habitat for the variegate darter. Once the assessment of crossing locations is complete, Rockies Express will consult with the INDNR to determine if additional field surveys for the variegate darter are necessary, and if so, will conduct surveys during the summer of 2007. If surveys identify individuals, Rockies Express will consult with the INDNR to discuss the need to develop conservation measures to avoid or minimize impacts on the species.

Cobblestone Tiger Beetle

Based on NHI data, the state-endangered cobblestone tiger beetle was noted in 1987 in Franklin County, south of MP 393.3 and along the shores of the Whitewater River (NHI Topo Map, page 14). The cobblestone tiger beetle can be found along cobblestone island heads within major rivers where water currents are strong enough to periodically scour beaches and expose cobbles and larger stones along shorelines. Adults may also be found just above the cobblestones where vegetation is sparsely intermixed with stone. Rockies Express is currently in the process of conducting field surveys of waterbody crossings in Indiana, including a preliminary assessment of suitable habitat for the cobblestone tiger beetle. Once the assessment of crossing locations is complete, Rockies Express will consult with the INDNR to determine if additional field surveys for the cobblestone tiger beetle are necessary, and if so, will conduct surveys during the summer of 2007. If surveys identify individuals, Rockies Express will consult with the INDNR to discuss the need to develop conservation measures to avoid or minimize impacts on the species.

Rabbitsfoot Mussel

Based on NHI data, the rabbitsfoot, a state-endangered mussel, was noted in the Sugar Creek system in 1998, in Johnson County, and may occur in connected streams in the vicinity of MPs 335.3 and 335.7 (NHI Topo Map, page 10). The rabbitsfoot mussel is found in clear streams with swift current flowing over gravel substrates. Rockies Express is currently in the process of conducting field surveys of waterbody crossings in Indiana, including a preliminary assessment of suitable habitat for the rabbitsfoot mussel. Once the assessment of crossing locations is complete, Rockies Express will consult with the INDNR to determine if additional field surveys for the rabbitsfoot mussel

Ms. Christie Stanifer
January 4, 2007
Page 4 of 4



are necessary, and if so, will conduct surveys during the summer of 2007. If surveys identify individuals, Rockies Express will consult with the INDNR to discuss the need to develop conservation measures to avoid or minimize impacts on the species.

Rockies Express is also consulting with the U.S. Fish and Wildlife Service (FWS) to assess potential project impacts on federally listed threatened or endangered species and their habitat. Initial habitat assessments are being conducted this fall as part of the wetland and waterbody crossing assessments and the results of these assessments will help determine where field surveys for federally listed species may be necessary. Rockies Express will be coordinating with the FWS offices in each state to finalize species-specific survey plans for the spring and summer of 2007.

We look forward to discussing these and any other issues you may have during our meeting with the Indiana DNR on January 10th.

If you have any questions, please contact me at 612-359-5678 or by e-mail at jrthommes@nrginc.com.

Thank you for your assistance.

Sincerely,

Natural Resource Group, Inc.

A handwritten signature in black ink, appearing to read "JTB 12", with a long horizontal line extending to the right.

Jeff Thommes
Natural Resource Specialist

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



LOG

LOG OF TELEPHONE CONVERSATION

CALL FROM WHOM: Catie Smith	PHONE NO.: 317-232-4080
COMPANY: Indiana DNR – Division of Fish and Wildlife	
NRG CONTACT: Carly Lapin	PHONE NO.: 612-215-6085
DATE: 7/25/2007	NRG OFFICE LOCATION: Minneapolis
RE: Status of state-listed species consultation	

LOG OF CONVERSATION:

Carly called Catie to inquire about the status of the state-listed threatened and endangered species consultation with the Indiana DNR. Catie was not aware of the Rockies Express Project, and had only heard about it in passing. Carly quickly summarized the project for Catie and also summarized the consultation that had occurred between NRG and the Indiana DNR. Catie said that she was responsible for decisions regarding state-listed threatened and endangered species, but that she usually only worked on smaller projects. Carly offered to send Catie copies of all of the listed-species consultation that had occurred, and Catie agree that that would be a good idea. Carly would also send a copy of the Mussel Survey Report for Indiana and a set of aerial maps depicting the most recent route in Indiana. Carly told Catie that the outstanding species in the consultation are the American badger, loggerhead shrike, and cobblestone tiger beetle. Catie did not believe that it was likely that the badger or shrike would be adversely affected by the project, but wanted to review the materials before making an official decision. Catie agree to review the materials and respond.

From: Smith, Katie G
To: Carly Lapin;
CC: Buffington, Matt; Stanifer, Christie; Huffman, Hank;
Swinford, Tom;
Subject: RE: REX East Project Consultation Summary
Date: Friday, July 27, 2007 2:43:26 PM
Attachments:

Carly,

Thank you for quickly providing the materials I needed to assess the potential impacts of the Rockies Express pipeline project (REX-pipeline) on the American badger, loggerhead shrike, and cobblestone tiger beetle.

The American badger is no longer on the state endangered species list. However the badger is a species of special concern, and badger occurrences are still monitored in Indiana. Activities associated with the REX-pipeline are unlikely adversely impact this highly mobile animal. Active badgers use a different den almost every day, except when young are present. In the unlikely event that a badger den is encountered within the REX-pipeline workspace boundary, the den should be left undisturbed for one to two days while other site activities continue. This will encourage the badger to move to a different location. During cold periods badgers tend to use the same den for longer periods of time.

The loggerhead shrike is a state endangered species. This shrike inhabits shrub lands and open country with scattered trees. It is the most predatory of Indiana's song birds and is remarkable for its habit of impaling prey items (small insects, amphibians, reptiles, birds and mammals) on thorns and barbed wire fences. Shrikes are found in greatest concentration in southwestern Indiana. They are often associated with large Amish Communities that provide more abundant fence row habitat adjacent to pastures and hayfields. Based on the 1998 Atlas of Breeding Birds in Indiana, it is unlikely that a nesting shrike would be encountered within the REX-pipeline workspace boundary.

The Division of Fish and Wildlife does not have statutory authority over insects. I consulted with the Division of Nature Preserves on the status of the Cobblestone tiger beetle. The Cobblestone tiger beetle is a state endangered insect and inhabits sandbar and beach habitat associated with rivers. Many rivers and streams have been impounded and altered causing tiger beetle habitat to

dwindled and cobblestone tiger beetles populations to declined. Cobblestone tiger beetles are known from the Whitewater River valley in Indiana, which includes portions of Franklin County. Sand beaches in the vicinity of wb-in-392-bbb REX-pipeline crossing appear to be suitable tiger beetle habitat. Underground crossing of the Whitewater River at that site would be protective of this important habitat.

I believe that this e-mail covers the covers the outstanding species and concludes the consultation. If you have any questions or concerns please do not hesitate to contact me.

Sincerely,
Katie Smith

Catherine (Katie) Gremillion-Smith, Ph.D.
Chief Wildlife Diversity Section
Endangered Species Coordinator
Indiana Division of Fish and Wildlife
Room W-273 IGCS
402 W. Washington Street
Indianapolis, IN 46204
317-232-8160

-----Original Message-----

From: Carly Lapin [mailto:cnlapin@nrginc.com]
Sent: Friday, July 27, 2007 9:10 AM
To: Smith, Katie G
Cc: Carly Lapin
Subject: FW: REX East Project Consultation Summary

Hello Katie,
Here is all of the consultation that we have had with the Indiana DNR regarding state-listed species. I have included the NHI response that we received from Ron Hellmich (as well as the spreadsheets with the Indiana data on them) , the consultation letter sent in January, the response from Linnea Petercheff, various pieces of consultation regarding aquatic species, and a project overview map. Aerial maps of the project in Indiana should arrive at your office today.

Based on our original consultation letter and the mussel surveys that have already occurred, the species that remain outstanding for this project include the American badger, loggerhead shrike, and cobblestone tiger beetle.

I appreciate your cooperation with this project and look forward wrapping up consultation regarding state-listed species in Indiana.

Thank you,
Carly



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Document Content(s)

REX EAST Aug 27 Vectran Meter Station.PDF.....	1-2
NTP with Vectren Meter Station_August 2008.PDF.....	3-21
Attach C_Gantt for Add'tl MS.PDF.....	22-22
Attach D_T&E Clearance.PDF.....	23-33