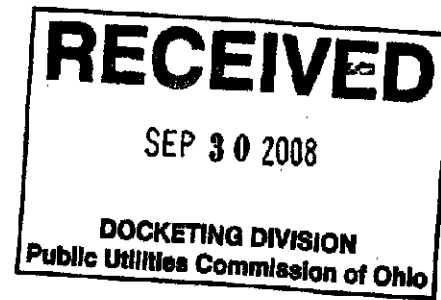


06-1142-GA-BIN



September 30, 2008

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



RE: Docket No. CP07-208-000
Rockies Express Pipeline LLC, REX-East Project
**Request to Proceed for Construction in Exclusion Zone and Clarification for
Construction Activity on Tract with Travel Lane - Spread A-1, Missouri, Illinois
and Spread D, Indiana**

Ms. Bose:

Rockies Express hereby files with the Commission a request for a Notice to Proceed (NTP) for previously identified Exclusion Zones in Spreads A-1 and D of the REX-East Project¹ and requests clarification for construction activity across tracts with a travel lane. The Federal Energy Regulatory Commission (FERC) granted NTP for Spreads A-1 and D on July 22, 2008 and August 1, 2008, respectively, identifying exclusion zones in both areas.

For the specific areas set forth below, Rockies Express has completed the outstanding environmental surveys and has received agency clearance for portions of the Spreads A-1 and D construction exclusion areas. The necessary documentations to support this request from the Missouri, Illinois, and Indiana State Historic Preservation Offices (SHPOs) are provided in attachment A. The drawings depicting the requested clearance areas are provided in attachment B. Attachment B also includes a table listing the clearance areas for this request, as well as previously submitted requests that are outstanding. Due to the information provided in the table and drawings, attachment B is privileged and confidential.

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.

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Spread A-1

In Spread A-1, the Commission identified two exclusion zones between MPs 29.4 and 29.6 and MPs 49.9 and 52.3 that were established to protect several sensitive resources requiring mitigation (See Commission July 22, 2008, NTP Order for Spread A-1). Having received the Missouri and Illinois SHPO concurrences, Rockies Express respectfully requests notice to proceed with construction commencing at MP 29.4 and clarification of use of the travel lane across tract IL-PK-034.000 as approved in the Illinois Treatment Plan No. 3. Specifically:

- 1) Commence construction between the western boundary of tract MO-PI-038.000 (MP 29.4) and the eastern boundary of tract MO-PI-038.000 (MP 29.6) (see attached drawing D-1280-105-011; SHPO concurrence on report REX-EAST-MO-17, received 9/29/08);
- 2) Commence construction between the western boundary of tract IL-PK-034.000 (MP 51.1) and the field ditch and exclusion fencing for the sensitive resource starting at the center of tract IL-PK-034.000 (MP 51.3) (see attached drawings D-1280-105-019 and 1280-A-SR-060; SHPO concurrence on report REX-EAST-IL-30, received 9/5/08); and
- 3) Rockies Express requests use of the travel lane from the field ditch and exclusion fencing for the sensitive resource starting at the center of tract IL-PK-034.000 (MP 51.3) to the western edge of County Road 2445 (MP 51.6) which road will be used to facilitate the "move-around" of the construction spread (see attached drawings D-1280-105-019 and 1280-A-SR-060; SHPO concurrence on report REX-EAST-IL-30, received 9/5/08).

Spread D

- 1) Commence construction between the north side of County Road 400S (MP 295.5) and the south side of County Road 500S at MP 296.7, including MLV-15 (see attached drawings D-1280-105-109; SHPO concurrence on report REX-EAST-IN-45, received 9/25/08); and
- 2) On August 17, 2008, Rockies Express requested notice to proceed with construction across from MPs 299.4 to 301.1; however the NTP received on September 23 granted construction from MPs 299.6 to 301.1. Rockies Express request to commence construction between the west side of Mud Creek (MP 299.4) to the swale in the middle of tract IN-HE-236.000 (MP 299.6) (see attached drawing 1280-D-105-110).

To summarize, Rockies Express requests approval to construct across the following areas:

- The western boundary of tract MO-PI-038.000 (MP 29.4) and the eastern boundary of tract MO-PI-038.000 (MP 29.6);
- The western boundary of tract IL-PK-034.000 (MP 51.1) and the field ditch and exclusion fencing for the sensitive resource starting at the center of tract IL-PK-034.000 (MP 51.3);
- The north side of County Road 400S (MP 295.5) and the south side of County Road 500S at MP 296.7, including MLV-15; and
- The west side of Mud Creek (MP 299.4) to the swale in the middle of tract IN-HE-236.000 (MP 299.6).

Rockies Express also requests approval for use of the travel lane between:

- MPs 51.3 to 51.6 where the sensitive resource site will be fenced and the area will be crossed using a travel lane as shown in the Illinois SHPO approved Illinois Treatment Plan No. 3 (REX-EAST-IL-30).

Rockies Express requests approval of these areas as soon as possible due to construction activities which would require a move around if timely approval is not granted. 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, NW
Washington, DC 20007
202-298-1800

Attorney for
Rockies Express Pipeline LLC

Attachments

cc: Laura Turner, FERC
Ellen Saint Onge, FERC
All Parties

Rockies Express Pipeline LLC

REX-East Project

CP07-208

ATTACHMENT A

Rockies Express Pipeline LLC

REX-East Project

CP07-208

ATTACHMENT B

CONTAINS PRIVILEGED INFORMATION –

DO NOT RELEASE

REX-EAST-MO-17

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

September 29, 2008

Seth Mitchell
AK Environmental, LLC
1811 Executive Drive,
Suite O
Indianapolis, Indiana 66241

Re: REX East 23PI381 Management Summary (FERC) Pike County, Missouri

Dear Mr. Mitchell:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which requires identification and evaluation of cultural resources.

We have reviewed the September 2008 report entitled *Management Summary Phase III Data Recovery of Site 23PI381, for the Rockies Express East Pipeline Project (REX-East) in Pike County, Missouri* by Gray & Pape, Inc. Based on this review it is evident that the Data Recovery Plan for this site has been successfully completed.

Please be advised that, should project plans change, information documenting the revisions should be submitted to this office for further review. In the event that cultural materials are encountered during project activities, all construction should be halted, and this office notified as soon as possible in order to determine the appropriate course of action.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (007-MLT-06) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE



Mark A. Miles
Director and Deputy
State Historic Preservation Officer

MAM:jd

c Laurie Boros, FERC

REX-EAST-IL-30



Illinois Historic Preservation Agency

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • www.illinois-history.gov

Regional

PLEASE REFER TO: IHPA LOG #004051506

Mid-Central Illinois

Pike, Scott, Morgan, Sangamon, Christian, Macon, Moultrie, Douglas and Edgar; Milepost 755.8 along the Mississippi River and terminate at Milepost 949.0 near Raven,

FERC

Rockies Express East Pipeline Project (REX-East)/Kinder Morgan Pipeline Energy Partners, L.P.

CCRG REX-East-IL-30

September 5, 2008

Kari Krause, M.S., R.P.A.
Natural Resource Group, Inc.
1000 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

Dear Ms. Krause:

We are in receipt of *Illinois Treatment Plan No. 3; Pike, Scott, and Douglas Counties; Illinois Rockies Express Pipeline-East (REX-East) Project* submitted on your behalf by Commonwealth Cultural Resources Group, Inc. It is understood that archaeological site 11PK1664 will be avoided by the proposed pipeline through a re-route and that the proposed undertaking will have no effect on these sites.

The Data Recovery plans for archaeological sites 11PK1791/11PK1792, 11PK1759, 11ST540/11ST541, 11DO201, and 11E151 are acceptable to this office and may be carried out at your convenience. It should be noted that bisecting cultural features and potential cultural features as opposed to initially excavating one-quarter of features also is acceptable to this office.

Please contact our office during the fieldwork for each of the sites so that we may arrange field visits. Contact David J. Kalpin, Staff Archaeologist, at 217-785-4998 if you have questions.

Sincerely,

Anne E. Haaker

Anne E. Haaker
Deputy State Historic
Preservation Officer
AEH:DJH

cc: Laura L. Turner, Federal Energy Regulatory Commission
Seth Mitchell, Rockies Express Pipeline
Jim Thompson, Rockies Express Pipeline
Kathryn C. Egan-Bruhy, Commonwealth Cultural Resources Group, Inc.

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



September 25, 2008

Kari Krause
Natural Resource Group, Inc.
80 South Eighth Street
Minneapolis, MN 55402

Federal Agency: Federal Energy Regulatory Commission

Re: Phase II testing results for sites 12He294, 12He347, 12Fr333, 12Fr334, 12Fr377, 12Fr472, and 12Fr481
pertaining to the Rockies Express Pipeline LLC's installation of a 622 mile long natural gas pipeline through
Illinois, Indiana, and Ohio (FERC Docket #PF06-30-000; DHPA#1562)

Dear Ms. Krause:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials received on August 26, 2008, for the above indicated project in Hendricks and Franklin counties, Indiana.

In terms of archaeological resources in the phase II reports, we concur with the recommendations that sites 12He347, 12Fr377, and 12Fr472 are eligible for inclusion in the National Register of Historic Places. Therefore, these sites must be avoided by all project activities or subjected to Phase III data recovery. It is our understanding that site 12He347 will be avoided by all project activities as per Treatment Plan 2. If avoidance is not feasible, a plan for the archaeological investigations must be submitted to the Department of Natural Resources for review and comment prior to the initiation of fieldwork. The investigations must be done in accordance with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716).

We also concur that sites 12He294, 12Fr333, 12Fr334, and 12Fr481 do not appear eligible for inclusion in the National Register of Historic Places. Therefore, no further archaeological investigations are necessary for these sites. If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

We appreciate the levels of effort for identifying and evaluating cultural resources for this project and look forward to continuing our review. *A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference.* If you have questions about archaeological issues please contact Cathy Draeger at (317) 234-3791. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #1562.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:CLD:eld

cc: Kimberly Bose, Federal Energy Regulatory Commission
emc: Ellen Saint Onge, Federal Energy Regulatory Commission
Thomas Chadderton, Louis Berger Group
Seth Mitchell, AK Environmental, LLC

Document Content(s)

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