



United States Department of the Interior
Fish and Wildlife Service
Ecological Services Field Office
6950 Americana Parkway, Suite H
Reynoldsburg, Ohio 43068-4127



Phone: (614) 469-6923

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FAX COVER SHEET

Date: August 15, 2006

Total pages (including cover sheet) 5

TO: Jeff Thommes 612-347-6780

FROM: Angie Zimmerman

COMMENTS: letter from our office

FOR YOUR INFORMATION: _____

AS YOU REQUESTED: _____

U.S. Fish and Wildlife Service / Nebraska Game and Parks Commission; Nebraska U.S. Fish and Wildlife Service Field Office, Grand Island, NE

August 23, 2006. 10:00am – 12:30pm

Attendees:

John Cochnar (USFWS)
Carey Grell (NGPC)
Rick Schneider (NGPC)
Patti Lorenz (ENSR)
Dirk Peterson (REX-West Mgt.)

Meeting Objectives

ENSR met with the USFWS and NGPC to discuss issues pertaining to wildlife and special status species that could potentially occur along the Rockies Express Pipeline Project route. The goal of this discussion was to verify ENSR's habitat assessment approach, species occurrence information, and to discuss required surveys.

Introduction and Project Overview

ENSR and REX-West Management discussed the proposed construction schedule that would likely begin in early May 2007 and would conclude January 2008, including possible winter construction.

REX also reviewed the EIS schedule. The draft EIS is scheduled to be available for review September 15, 2006.

Special Status Species

Black-footed Ferret

All prairie dog towns in Laramie, Weld, Logan, and Sedgwick Counties have been block-cleared for Black-footed ferrets. No surveys will be required in these counties. John deferred to Sandy Vana-Miller (Colorado USFWS Office), Kathleen Erwin (Cheyenne USFWS Office) and Mike Fritz (NGPC) for survey requirements for the additional counties in Wyoming and Nebraska.

Conclusion: *Consultations with the USFWS for Sweetwater County, Wyoming and Mike Fritz (NGPC) for Nebraska counties still on-going. Surveys would be required if prairie dog towns fit size and density requirements outlined in the USFWS 1989 Ferret Criteria.*

Gray Bat

No suitable cave habitat has been documented along the proposed route.

Conclusion: *No surveys would be required.*

Indiana Bat

John indicated that he had deferred any discussions relative to these species to Rick Hansen with the Columbia, Missouri USFWS office.

Conclusion: *Surveys would be required. Russ Romme with BHE Environmental has drafted a study plan that has been approved by Rick Hansen with the Columbia USFWS Office. Habitat assessments for the species will begin on August 28, 2006.*

Preble's Meadow Jumping Mouse

John, previous to the meeting, deferred Preble's meadow jumping mouse (PMJM) issues to Peter Plage (USFWS Colorado Office). ENSR provided habitat photos and data sheets from the wetland and waterbody field surveys to Peter. Peter Plage and Sandy Vana-Miller (USFWS Colorado Office) both agreed that no suitable habitat exists within the project area and surveys are not required for this species.

Conclusion: *No surveys would be required.*

Swift Fox

Den surveys would be required in 2007 before construction. The breeding season is February to May but NGPC recommends survey a month before construction begins. Contact the NGPC if a den is found for further consultation.

Conclusion: *Surveys would be required.*

Black-tailed Prairie Dog

Towns were identified during aerial surveys. No further surveys are recommended but a humane removal prior to construction is required.

Conclusion: *No surveys would be required.*

Bald Eagle

Conduct breeding and winter roost surveys, if construction occurs during the breeding season / winter roost season along river corridors only (project-wide).

Based on the information provided by Rick Schneider (NGPC T&E) nesting habitat in NE occurs along the Little Blue River.

Conclusion: *Conduct breeding and winter roost surveys if construction along river corridors would occur during the breeding and winter roosting season for bald eagles.*

Mountain Plover

Nesting surveys will be required before construction in 2007. The nesting season is April through early July. Agricultural fields with crop less than 6 inches high will require surveys. If the land owner does not plow the ROW that year, surveys will not be necessary in that area. Surveys will not be necessary if constructing outside of the nesting season.

Conclusion: *Surveys would be required. Contact Joel Jorgensen (NGPC) for survey protocol.*

Eskimo Curlew

Due to the rarity of this species, the USFWS does not think that this species would be impacted by the project. If this species is documented during construction, immediately contact the USFWS to determine if any additional protection would be required.

Conclusion: *No surveys would be required. Immediately contact USFWS if this species is identified during construction.*

Peregrine Falcon

Only foraging habitat is found along the proposed route.

Conclusion: *Surveys would be required.*

Interior Least Tern/ Piping Plover

Suitable habitat for these species does not exist along the proposed route. The crossing of the South Platte River is too far West for these species range.

Conclusion: *No surveys would be required.*

Whooping Crane

The proposed pipeline route crosses the South Platte River further west than the known migration routes for this species. No surveys would be required for this species. However, if this species is observed during project construction, the USFWS should be immediately contacted and protection measures would be discussed.

Conclusion: *No surveys would be required. Immediately stop construction and contact USFWS if whooping cranes are identified during construction.*

Pallid Sturgeon/ Sturgeon Chub/ Sicklefin Chub

These species would either be restricted to the Missouri River or would not occur within the project area. Since the construction method at this river crossing would be HDD, the agencies concluded that these species would not be impacted.

Conclusion: *No surveys would be required.*

Topeka Shiner

The NGPC concluded that these species would not be impacted in Nebraska.

The USFWS indicated that if stream channels identified as having potential Topeka shiner populations are dry, open cut methods would be approved. If the channels are running or if pools of water occur at the crossings, further habitat analysis may be required to determine if the channel could be open-cut or if it should be drilled. Other potential measures could include surveys to determine presence along the stream, salvage and relocate measures if presence is determined, and constructing outside of the spawning period.

Conclusion: *Determine habitat conditions at time of construction. Re-consult if necessary.*

Eastern Massasauga

John deferred issues with this species to the Missouri Department of Conservation. Jeff Briggler is requiring surveys if suitable habitat exists within the project area. ENSR received a list of experts from Jeff and is working to subcontract an expert for habitat assessments.

Conclusion: *Conduct field habitat assessments to determine if surveys are necessary.*

Western Massasauga

The NGPC would require biological monitors to move snakes off of the construction ROW ahead of construction activities.

Conclusion: *No surveys required. Identify experts as biological monitors to move individuals off of the ROW.*

American Burying Beetle

Surveys would be required. Dr. Wyatt Hoback has been contracted and began surveys on 8/13/06.

Conclusion: *Surveys are required. Dr. Wyatt Hoback is currently conducting field surveys.*

Colorado Butterfly Plant

Surveys will be required if suitable habitat is found along the proposed route. John deferred to Kathleen Erwin (Cheyenne USFWS Office) and Ellen Mayo (Grand Junction USFWS Office) for specific survey requirements. No suitable habitat exists along the portions of the route that were surveyed during the wetland and waterbody field efforts. We will have to assume presence in areas where there is no permission for access. Mitigation for these areas will be determined by the USFWS. One possibility may require off-sight mitigation fund.

Conclusion: *Surveys would be required if suitable habitat is found along the proposed route. Presence will have to be assumed in areas where we are not able to survey due to no access. Contact the USFWS for mitigation for those areas.*

Running Buffalo Clover

Surveys will be required. The flowering period is April to June. Defer to the Missouri Department of Conservation and the Missouri USFWS office for specific survey protocols.

Conclusion: *Surveys would be required. Contact the Missouri USFWS Office for survey protocols and a list of Running Buffalo Clover experts.*

Ute Ladies'-tresses Orchid

Surveys will be required if suitable habitat is found along the proposed route. John deferred to Kathleen Erwin (Cheyenne USFWS Office) and Ellen Mayo (Grand Junction USFWS Office) for specific survey requirements. No suitable habitat exists along the portions of the route that were surveyed during the wetland and waterbody field efforts. We will have to assume presence in areas where there is no permission for access. Mitigation for these areas will be determined by the USFWS. One possibility may require off-sight mitigation fund.

Conclusion: *Surveys would be required if suitable habitat is found along the proposed route. Presence will have to be assumed in areas where we are not able to survey due to no access. Contact the USFWS for mitigation for those areas.*

Reclamation Seed Mixtures

Rick inquired about what seed mixtures would be used along the proposed route and if the NGPC could make recommendations. REX explained that landowners have priority on private land but NGPC recommendations will be taken into consideration and used when the landowner does not provide specific mixtures.

Migratory Bird Treaty Act

If construction would occur during the breeding season for migratory bird species, the USFWS recommended that REX to clear vegetation from the construction ROW outside of the breeding season for migratory bird species, prior to construction.

Because the majority of the project area would consist of previously disturbed agricultural lands and rangeland, ENSR proposed the option to limit surveys to those migratory bird species that are identified as USFWS Birds of Conservation Concern (BCC) and Partner In Flight "high priority bird species (PIF) to address the MBTA issue pertaining to breeding birds along the project route. ENSR will provide John with the BCC/PIF list for REX-West. John will identify "hot spots" after reviewing the aerial maps.

USFWS Response:

Because the USFWS Migratory Bird Office has discontinued the issuance of depredation permits for road project, it may be difficult to obtain a depredation permit for the project.

John indicated that he would arrange a meeting with regional USFWS special agents and the USFWS Migratory Bird Office to discuss the options listed above (depredation permit, limited breeding bird surveys to BCC and PIF species) and other options to minimize impacts to nesting bird species. John will talk to the USFWS regional coordinator to discuss the best way to set up meetings.

If required, surveys for nesting bird species would focus on wetlands, forests/riparian habitats, upland grasslands and agricultural areas with alfalfa and hay (these areas provide nesting habitat for many migratory bird species). Although focusing surveys efforts on BCC and PIF species seemed reasonable, he would like to discuss these options further with regional USFWS special agents and the USFWS Migratory Bird Office.

Issues to be resolved:

John Cochnar will set up meeting with USFWS special agents and the USFWS Migratory Bird Office to discuss MBTA issues.

ENSR will send John Cochnar the PIF/BCC list of species impacted by the REX-West Pipeline Project.

Wildlife Management Areas (WMA's)

Even though the agencies (USFWS and NGPC) have no issues with winter construction, hunting may be an issue during fall/winter. Contact Jeff Hoffman (NGPC) for further information regarding hunting on the WMA's.

Carrie Grell asked about the current status of permitting to cross the Rose Creek WMA. Rose Creek WMA is funded by federal monies. ENSR will follow up on this request.

Elwood Reservoir WMA is land leased by the NGPC. REX-West will have to contact the actual land owner for specifics on how to cross this property. ENSR has the contact information for the current landowner.

Wetland Crossings

The NGPC has concerns regarding construction and reclamation of wetlands (particularly within the Rainwater Basin area) following construction.

Carey Grell provided ENSR with construction and reclamation recommendations.

South Platte River Water Depletions

If water would be used from the Platte River drainage for hydrostatic testing, consultation with the USFWS would be necessary to determine whether water withdrawals would result in a net depletion of water. John commented that the plan for mitigation would be simple if the amount of water taken from the South Platte River is under 25 acre/feet.



LOG

LOG OF TELEPHONE CONVERSATION

CALL TO/FROM WHOM: Charlie Scott	PHONE NO.: 573-234-2132
COMPANY: United States Fish and Wildlife, Columbia Missouri	
NRG CONTACT: Delia Kelly	PHONE NO.: 612-347-6794
DATE: September 14, 2006	NRG OFFICE LOCATION: Minneapolis
RE: Threatened and Endangered Species Survey Plans Letter – Follow Up	

LOG OF CONVERSATION:

I called Mr. Scott to follow up on the letter sent to him from Jeff Thommes on July 5, 2006, requesting that his office provide input into the survey plans for species of concern in Missouri. Mr. Scott said that he had the information and apologized for not replying sooner. He stated that they do not have many concerns, and that there was nothing in the letter that appeared erroneous at first glance. For the Indiana bat, he agrees with the survey procedures called for by REX-West, which are more lenient than those for REX-East, and said that the plans for REX-East surveys will likely be more than suitable for their needs. He said that it is unlikely that there will be significant habitat for mussels or Bald Eagles along the proposed route, and the Gray bat will not be a concern. I notified Mr. Scott that wetland survey crews will be initiating survey on September 18, 2006, and will be performing a preliminary habitat assessment, as described in the letter. Mr. Scott said that sounded fine, and offered to provide a response to the survey plan letter tomorrow, September 15. I provided him my contact information as supplemental to the information provided in the letter, and thanked him for his time.

Delia Kelly

From: Angela_Zimmerman@fws.gov
Sent: Thursday, November 30, 2006 1:31 PM
To: Delia Kelly
Cc: Jeff Thommes; Sue_Jennings@nps.gov
Subject: Re: Rockies Express Pipeline - East Project

Attachments: pic32662.gif



pic32662.gif (4 KB)

Hi Delia,

I was looking through the aerial maps and quickly noted one specific site that concerns me. The pipeline route crosses Big Darby Creek in Pickaway County, Ohio exactly right at the point where an Indiana bat maternity colony was discovered last summer. This is right by the spot labeled as #494 on sheet 82. That mist-net survey was performed by John Chenger apparently for a different project. How would the pipeline be constructed through this area? I am concerned about how this project could impact the colony, Big Darby Creek, and several endangered freshwater mussel species that occur in the creek. Also, as this is a National Scenic River, I have copied this to Sue Jennings with the National Park Service as she is the appropriate contact regarding this issue.

Angela Zimmerman
U.S. Fish and Wildlife Service
Reynoldsburg, Ohio Field Office

"Delia Kelly"
<drkelly@nrginc.com>

11/30/2006 12:11
PM

<angela_zimmerman@fws.gov>

"Jeff Thommes"
<JRTHOMMES@nrginc.com>

To

cc

Subject

Rockies Express Pipeline - East
Project

Hello Angela,

The Rockies Express Pipeline - East Project continues to move forward with surveys of the proposed route. Currently, civil survey is approximately 76 percent complete. Wetland surveys, which include a preliminary habitat assessment, are 63 percent complete. These surveys are in the process of identifying areas appropriate for species-specific surveys, which are

tentatively scheduled to begin in spring, 2007. We intend to incorporate feedback from the FWS into this process, and want to be sure your recommendations are adequately represented. A new map set was sent to you on October 23, 2006. Once you have had a chance to review these maps, I would like to discuss any site-specific concerns you may have with resources along the route in Ohio. When it is convenient for you, please call me or email me a list of your concerns.

Attached you will find the Rockies Express Indiana Bat Habitat Assessment and Survey Plan. This document is a revision of the plan that you reviewed earlier this year, and is a product of ongoing consultations between Indiana FWS and Jeff Thommes, NRG. We are confident that this plan will provide guidance toward a responsible survey effort, and would like to ask that you review it and provide comments as you see fit. The plan makes reference to the Indiana Bat Survey Data Sheet and Mist Net Guidelines. Both documents are also attached for your reference.

Again, thank you for your continued participation in this project.

Delia

(Embedded image moved to Delia Kelly
file: pic32662.gif)NRG drkelly@nrginc.com
Logo 612.347.6794 Direct
612.347.6780 Fax

[attachment "Mist Net Guidelines 9_5_06.pdf" deleted by Angela Zimmerman/R3/FWS/DOI] [attachment "Indiana Bat Survey Data Sheet_FINAL.pdf" deleted by Angela Zimmerman/R3/FWS/DOI] [attachment "Indiana Bat Survey Plan_Draft 2.pdf" deleted by Angela Zimmerman/R3/FWS/DOI]



LOG

LOG OF TELEPHONE CONVERSATION

CALL TO/FROM WHOM: Forest Clark, U.S. Fish and Wildlife, Bloomington, Indiana Field Office	PHONE NO.: 812-334-4261, ext. 206
NRG CONTACT: Jeff Thommes Bart Jensen Delia Kelly Jim Thompson/Charlie Bertram – Rockies Express	PHONE NO.: 612-359-5678
DATE: February 27, 2007	NRG OFFICE LOCATION: Minneapolis
RE: Indiana Bat Habitat Analysis Methodology	

LOG OF CONVERSATION:

A call was placed to Mr. Clark, U.S. Fish and Wildlife Service (FWS), Bloomington, Indiana Field Office, to discuss the preliminary review of potential Indiana bat habitat located within the survey corridor associated with the Rockies Express Pipeline – East Project as well as the next steps in the habitat assessment process. Mr. Thommes provided a description of surveys completed to date, and explained that the review of potential roost sites has been completed in accordance with the Indiana Bat Survey Plan (Plan) as previously agreed to by the FWS. Mr. Thommes also explained that the survey of forested stands along the proposed route is not complete, and projected completion for spring 2008.

To further assess the stands along the route for Indiana bat habitat and help determine which areas may require mist netting, Mr. Thommes proposed a method by which individual sites or forest stands identified during field surveys as containing potential bat roost trees could be grouped to develop general habitat “units.” Units would be developed based on Indiana bat biology and review of landscape level features. Mr. Clark agreed that this approach seemed reasonable, and asked to see examples. Mr. Thommes agreed to provide examples.

Mr. Thommes then explained that most sites (and subsequent units) identified thus far fall between high and low quality, as defined by the Plan. In order to streamline the review process and assist in determining which units may require mist netting, Mr. Thommes requested some flexibility in the categorization of sites. Mr. Clark agreed that the quality of each site should be determined according to site-specific ecology in addition to guidelines provided by the Plan. Mr. Clark inquired as to whether a defined decision tree was used in making determinations and requested a copy of it or other explanation describing how quality determinations were reached. Mr. Thommes discussed the research and analysis involved, and offered to provide a description in writing.

Mr. Thommes described the materials that NRG would send to Mr. Clark to facilitate review of examples of habitat units and quality classifications, which will include an aerial photo, data sheets, and stand photographs. Additionally, a table will be provided to the FWS that includes the data collected for each site (and subsequent units) as well as an explanation of how quality classifications were determined for each site.

In order to continue moving the project forward and to allow time for discussion of units, Mr. Clark agreed to the tentative scheduling for review of the materials as quickly as possible as to provide feedback to NRG and to allow time for subsequent site visits, if necessary, in or before May, 2007.

Action Items:

- 1) Assemble example unit packages and summary table for submittal to the FWS for review.



**REX-East Agency Meeting - U.S. Fish & Wildlife Service – Marion, Illinois Sub-Office
April 2, 2007**

Attending: Joyce Collins (FWS – Marion, Illinois Sub-Office), Jim Thompson (Rockies Express), Jeff Thommes (NRG)

Jim Thompson then provided an overview of the project, including the status of the resource reports, civil and environmental surveys, and recent agency meetings. Jim explained the proposed horizontal directional drill (HDD) of the Mississippi River and how the drill entry point for both the Salt River and mainstem of the Mississippi River would be on Blackburn Island due to the length of the crossing location and the inability to complete a single drill for the entire length.

Jeff Thommes discussed field survey data, Indiana bat habitat quality assessment, and proposed mist net surveys. Specifically, Jeff discussed methods to combine individual forested stands into habitat units and to assign a qualitative value to habitat units located along the proposed pipeline route. Jeff also discussed how the habitat units would be evaluated in coordination with the FWS to determine the appropriate locations for mist netting to be conducted this summer. Joyce also indicated that Indiana bat field surveys conducted this field survey season (2007) would be valid through next year. Joyce requested information on which areas had not been surveyed to date in order to determine if a forested tract that is not presently identified as suitable Indiana bat habitat is because the area did not contain roost trees or because the area has not yet been surveyed.

Jeff informed Joyce that there is only one known maternal roost colony along the route (near Big Darby Creek in Ohio). Joyce stated that a maternal roost colony within the proposed construction right-of-way would be the worst case bat scenario and would require the most discussion. Joyce stated that seasonal tree clearing (outside of April 1 to September 15) would minimize potential impacts on bats. Joyce also indicated that additional measures may be necessary to avoid or minimize impacts on Indiana bats pending the outcome of the mist netting effort.

Joyce indicated that since the floodplain at the Illinois River was being included in the HDD at that location, plant (decurent false aster) surveys would not be necessary. There are no other plant concerns along the proposed project. Additionally, because of the proposed HDD crossings in Illinois, no mussel surveys are necessary either. Finally, coordination with the Illinois DNR regarding bald eagle nest locations is sufficient to determine potential project impacts; no project-specific surveys are necessary for nesting bald eagles.

Action Item:

1. Provide Joyce an updated set of aerial photograph-based route maps.
2. Provide Joyce a table of areas not yet surveyed.

From: Charlie_Scott@fws.gov
To: Jeff Thommes;
CC: heidi_kuska@blm.gov; heidi_kuska@blm.gov;
Subject: USFWS concurrence on mussel survey protocol for Miss. River dredge area
Date: Tuesday, April 24, 2007 9:07:50 AM
Attachments: [pic00367.gif](#)

Jeff,

I read the protocol. Standard procedure by ESI and one with which we are very familiar. We have the utmost confidence in ESI's work. Therefore, the protocol looks good - no comments or revisions from us - you're good to go with letting them do the survey ASAP. Thanks.

Charlie Scott

"Jeff Thommes"
<JRTHOMMES@nrginc.com>
To
<charlie_scott@fws.gov>
04/24/2007 06:59 AM cc
Subject
Heidi

Charlie-

After I sent the e-mail to Heidi (and cc'd you) yesterday regarding the mussel survey protocol, I received an automatic note that Heidi will be out until next Monday. My mussel survey crew is chomping at the bit to get this effort scheduled. Knowing how their summer usually fills up, I don't blame them. I'm wondering if you might have a chance to look that protocol over sometime this week and give us some feedback. Conversely, I can just ask the crew to hang on a little longer and work through it with Heidi next week.

It's on me for not getting that out earlier, so I understand if it needs to wait. Either way will still fit into project planning.

I appreciate any help you can offer.

Best regards-

Jeff

(Embedded image moved to Jeff Thommes
file: pic00367.gif)NRG jrthommes@nrginc.com
Logo 612.359.5678 Direct
612.418.4614 Cell
612.347.6780 Fax

"Jeff Thommes"
<JRTHOMMES@nrginc.com>
To
<Angela_Zimmerman@fws.gov>
04/25/2007 03:35 PM cc
<sarena_selbo@fws.gov>, <Mary_M_Knapp@fws.gov>, "Bart Jensen" <BMJENSEN@nrginc.com>, "Jeff Thommes" <JRTHOMMES@nrginc.com>
Subject
REX-East plant surveys

Angela-

We went back through the county lists for the proposed project route through Ohio and still landed on just one federally listed plant species with the potential to occur along the line. That species, the running buffalo clover, is only listed for Warren County. The text below is from a letter we submitted to the Reynoldsburg office last June. I believe it is still accurate. Although there is not much suitable habitat for the species along the proposed route in Warren County, we still propose to survey the areas that do provide suitable habitat. I'm currently considering using Mr. Dan Godec of Civil & Environmental Consultants (CEC) to conduct the surveys. His resume is attached.

Could you (and Sarena) review the text below and Dan's resume and provide feedback as to the suitability of our proposed approach? We will plan to conduct the surveys in the required areas over the next month or so.

I appreciate your ongoing cooperation with the project. Please let me know

if you have any questions or would like additional information.

Thanks-

Jeff

Running Buffalo Clover

The federally endangered running buffalo clover is known to exist in Warren County. This clover requires moderate, periodic disturbance and grows in partially shaded areas on the fringe of forests and bottomland meadows. This species has also been known to occur in mowed areas and along streams and trails. The 21.1 miles of Warren County crossed by the proposed pipeline route is dominated by agricultural land, which is unlikely to sustain populations due to severe disturbance and exposure. According to information provided by the Ohio Division of Natural Areas and Preserves, there are no known occurrences of this species within one mile of the proposed route. However, areas may be present along the proposed route with the appropriate habitat for running buffalo clover. In areas of suitable habitat, as identified during preliminary habitat reviews, Rockies Express will perform species-specific surveys during the flowering season in 2007, between mid-April and June.

(Embedded image moved to Jeff Thommes
file: pic09961.gif)NRG jrthommes@nrginc.com
Logo 612.359.5678 Direct
612.418.4614 Cell
612.347.6780 Fax

[attachment "Godec long resume 2007.doc" deleted by Sarena Selbo/R3/FWS/DOI]

From: Angela_Zimmerman@fws.gov
To: [Jeff Thommes](#);
CC: [Bart Jensen](#); [Charles Howard](#); [Carly Lapin](#); [Delia Kelly](#); [Jeff Thommes](#);
Subject: Re: REX-East Pipeline Project - mussel survey protocol
Date: Wednesday, May 16, 2007 7:39:46 AM
Attachments:

Dear Mr. Howard,

This is in response to the May 8, 2007 proposal requesting an amendment to your Federal Fish and Wildlife Permit No. TE833055-13 to conduct surveys for Federally-listed freshwater mussels for the REX-East Pipeline Project in Ohio.

The Service has reviewed your proposal for the surveys. The U.S. Fish and Wildlife Service Reynoldsburg, Ohio Field Office has no objection to the surveys as proposed. This notification serves as written concurrence that Ecological Specialists, Inc. is authorized to proceed with the surveys as described in your request. Upon completion of the surveys, we request that you submit a copy of the survey results to this office for review. If any live or freshdead Federally-listed and/or candidate mussels are found during the survey, please notify this office within 48 hours.

Please carry a copy of this site specific authorization and your Federal permit while conducting the surveys. If you have questions, or if we may be of further assistance in this matter, please contact me.

Sincerely,
Angela Zimmerman
Endangered Species Coordinator for Ohio
U.S. Fish and Wildlife Service
6950 Americana Parkway, Suite H
Reynoldsburg, OH 43068
(614) 469-6923, ext. 22.
(614) 469-6919 FAX
angela_zimmerman@fws.gov

"Jeff Thommes"
<JRTHOMMES@nrginc.com>
To
<angela_zimmerman@fws.gov>
05/08/2007 11:37 AM cc
<Mary_M_Knapp@fws.gov>, "Bart Jensen" <BMJENSEN@nrginc.com>, "Delia Kelly" <drkelly@nrginc.com>, "Carly Lapin" <cnlapin@nrginc.com>, "Charles Howard" <choward@ecologicalspecialists.com>, <mindy.bankey@dnr.state.oh.us>, "Jeff Thommes" <JRTHOMMES@nrginc.com>
Subject
REX-East Pipeline Project - mussel survey protocol

Angela-

Attached please find a description of Rockies Express' proposed mussel survey protocol for waterbodies along the proposed project route. The protocol was developed by Ecological Specialists, Inc. (ESI) based on their experience with the waterbody features in the general project vicinity and their expertise with the species potentially occurring along the project corridor.

With this e-mail, Rockies Express is requesting your review and approval of the mussel plan. Upon receipt of your concurrence or after addressing any questions you may have with the plan, ESI will begin the survey effort. Results will be provided to the FWS upon completion of the survey efforts.

If listed species are identified during surveys, Rockies Express will coordinate with the FWS to develop measures to avoid or minimize adverse impacts on those species.

Thank you for your ongoing cooperation with the project.

Best regards-

Jeff[attachment "Mussel survey plan memo to OH FWS.doc" deleted by Angela Zimmerman/R3/FWS/DOI] [attachment "Waterbody XingsOH_May07.pdf" deleted by Angela Zimmerman/R3/FWS/DOI]

From: Angela_Zimmerman@fws.gov
To: [Jeff Thommes](#);
CC:
Subject: RE: REX-East Pipeline Project - mussel survey protocol
Date: Tuesday, May 15, 2007 3:24:47 PM
Attachments:

Jeff,

A mussel survey at this location on the Big Darby should not be necessary since another survey is already planned for that site. There is no need to duplicate efforts which would also double the impacts to the stream from simply conducting the survey. Therefore, I will respond to your original message providing site specific authorization to ESI for all the sites except the one on Big Darby.

Angela

"Jeff Thommes"
<JRTHOMMES@nrginc.com>
05/15/2007 12:58 PM
To
<Angela_Zimmerman@fws.gov>
cc
Subject
RE: REX-East Pipeline Project -
mussel survey protocol

From my GIS crew:

NAD_1983_UTM_17N

Long 320836.27 meters

Lat 4392527.37 meters

Long 83 5'19.06"W

Lat 39 39'49.67"N

Please let me know if you need additional info.

Thanks-

Jeff

Jeff Thommes
jrthommes@nrginc.com
612.359.5678 Direct
612.418.4614 Cell
612.347.6780 Fax

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

From: Angela_Zimmerman@fws.gov [mailto:Angela_Zimmerman@fws.gov]

Sent: Tuesday, May 15, 2007 10:34 AM

To: Jeff Thommes

Subject: Re: REX-East Pipeline Project - mussel survey protocol

Jeff,

Could you please provide me with the coordinates of the Big Darby Creek,

Pickaway County crossing where the mussel survey is proposed.

Angela

From: [Jeff Thommes](#)
To: ["Angela_Zimmerman@fws.gov"; "Bankey, Mindy";](#)
CC: ["Charles Howard"; Delia Kelly; Carly Lapin; Bart Jensen;](#)
Subject: REX-East mussel surveys
Date: Wednesday, June 06, 2007 2:47:50 PM
Attachments: [REX_Methods_change_letter_CSH.pdf](#)

Angela and Mindy-

Malacologists from Ecological Specialists, Inc. (ESI) have been conducting surveys for mussels in perennial waterbodies in Ohio for the last week or so. During those efforts, they've noted that many of the features on the table of waterbodies requiring survey are unlikely to actually support mussels. The attached letter from ESI, addressed to me, explains this issue in more detail and includes a recommendation for eliminating certain waterbodies from consideration. The suggestion seems logical to me, but before I ask ESI to change their survey approach, I need the FWS and ODNR to review and approve the change.

With this e-mail, and the attached letter, Rockies Express is requesting FWS and ODNR concurrence that certain waterbodies, as specified in the letter, do not warrant survey for protected mussel species. Providing your response in a timely manner will allow ESI to focus survey resources on those waterbodies with the best potential to contain mussels.

As always, we appreciate your ongoing cooperation on this project. Please let me know if you need additional information to consider this request.

Best regards-

Jeff



Jeff Thommes

jrthommes@nrginc.com

612.359.5678 Direct

612.418.4614 Cell

612.347.6780 Fax



ECOLOGICAL SPECIALISTS, INC.

OHIO OFFICE

470-A Schrock Road • Columbus, OH 43229
P: 614.430.3780 • F: 636.430.3781

MISSOURI OFFICE

1417 Hoff Industrial Drive • O'Fallon, MO 63366
P: 636.281.1982 • F: 636.281.0973

www.ecologicalspecialists.com



05 June 2007

Mr. Jeff Thommes
Sr. Natural Resource Specialist
Natural Resource Group, Inc.
80 S. 8th St.
1000 IDS Center
Minneapolis, MN 55402

Dear Mr. Thommes:

Ecological Specialists, Inc. (ESI) has been conducting mussel surveys of waterbodies in Ohio crossed by the proposed Rockies Express (REX) Pipeline. Initial surveying methods used aerial and topographic maps to determine crossings of permanent waterbodies and their respective stream widths (Table 1). Table 1 also summarizes the results of a number of surveys completed to date. After direct field observation of numerous stream crossings to date, I have realized that many of the estimated stream widths are 2-3 times the actual wet width (likely near low-flow conditions) (see Table 1). In general, streams less than 10ft wide (wet-width) appear far too small to support unionid mussels. Their permanence is suspect in some cases, and influence from adjacent land-use (*i.e.*, agricultural fields) is likely an additional factor prohibiting mussels from inhabiting these streams. Given these observations and long-term experience, I believe that it is extremely unlikely that unionid mussels will inhabit streams <10ft wide wet width (assume <20ft full channel width). Additionally, it is even more unlikely that mussels would inhabit small "streams" (a.k.a. drainage ditches) without an intact riparian zone (*i.e.*, trees and vegetation along the banks) and bounded by agricultural fields.

Therefore, I am recommending that future mussel surveying efforts for this project should be restricted to streams with estimated full-channel widths ≥ 20 ft (see Table 1). This limitation would eliminate 78 mussel surveys at waterbody crossings, which would reduce the total number of surveys from 154 to 76 (see Table 1; note: some streams <20ft already surveyed). This recommendation to a change in methods should be evaluated and approved by the Ohio Department of Natural Resources (ODNR) and U.S. Fish and Wildlife Service (USFWS) before a change in surveying methods are implemented. I would be happy to discuss this issue with the ODNR if you wish. ESI will continue surveying for mussels using the approved methods unless otherwise directed by the ODNR, USFWS, NRG, and REX.

Respectfully yours,

Charles S. Howard
Malacologist / Ohio Office Director

EXPERTISE • SERVICE • INTEGRITY

From: Angela_Zimmerman@fws.gov
To: [Jeff Thommes](#);
CC: [Bart Jensen](#); [Charles Howard](#); [Carly Lapin](#); [Delia Kelly](#);
[Bankey, Mindy](#);
Subject: Re: REX-East mussel surveys
Date: Friday, June 08, 2007 9:57:26 AM
Attachments: [pic00041.gif](#)

Jeff,

I am okay with the proposed changes.

Sincerely,
Angela Zimmerman

"Jeff Thommes"
<JRTHOMMES@nrginc.com>
To
<Angela_Zimmerman@fws.gov>,
06/06/2007 03:47 PM "Bankey, Mindy"
<Mindy.Bankey@dnr.state.oh.us>
cc
"Charles Howard"
<choward@ecologicalspecialists.com>
, "Delia Kelly"
<drkelly@nrginc.com>, "Carly Lapin"
<cnlapin@nrginc.com>, "Bart Jensen"
<BMJENSEN@nrginc.com>
Subject
REX-East mussel surveys

Angela and Mindy-

Malacologists from Ecological Specialists, Inc. (ESI) have been conducting surveys for mussels in perennial waterbodies in Ohio for the last week or so. During those efforts, they've noted that many of the features on the table of waterbodies requiring survey are unlikely to actually support mussels. The attached letter from ESI, addressed to me, explains this issue in more detail and includes a recommendation for eliminating certain waterbodies from consideration. The suggestion seems logical to me, but before I ask ESI to change their survey approach, I need the FWS and ODNR to review and approve the change.

With this e-mail, and the attached letter, Rockies Express is requesting FWS and ODNR concurrence that certain waterbodies, as specified in the letter, do not warrant survey for protected mussel species. Providing your response in a timely manner will allow ESI to focus survey resources on those waterbodies with the best potential to contain mussels.

As always, we appreciate your ongoing cooperation on this project. Please let me know if you need additional information to consider this request.

Best regards-

Jeff

(Embedded image moved to Jeff Thommes
file: pic00041.gif)NRG jrthommes@nrginc.com
Logo 612.359.5678 Direct
612.418.4614 Cell
612.347.6780 Fax

[attachment "REX_Methods_change_letter_CSH.pdf" deleted by Angela Zimmerman/R3/FWS/DOI]

From: Heidi_Kuska@fws.gov
To: [Jeff Thommes](#);
CC: Charlie_Scott@fws.gov;
Subject: RE: Schedule
Date: Wednesday, June 27, 2007 3:19:44 PM
Attachments:

Jeff,

We agree that surveys are not necessary for gray bat and decurrent false aster.

For bald eagle, is it possible to discuss this a little further in a couple of weeks? I initially didn't think surveys would be necessary, but I would like to get a little more information from you as far as what data you are looking at and how current it is, as well as what exactly was surveyed. I will get in touch with you as soon as I get back in the office, the week of July 6th. I hope this is timely for you. I just want to make sure our bases are covered - we don't want to be in the construction phase and then come upon a nest.

Thanks,
Heidi

~~~~~  
Heidi Kuska  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office  
101 Park DeVill Drive, Suite A  
Columbia MO 65203-0057  
Ph: 573-234-2132  
Fax: 573-234-2181  
Email: heidi\_kuska@fws.gov

"Jeff Thommes"

<JRTHOMMES@nrginc  
.com> To  
<Heidi\_Kuska@fws.gov>  
06/25/2007 08:53 cc  
AM "Bart Jensen"  
<BMJENSEN@nrginc.com>, "Delia  
Kelly" <drkelly@nrginc.com>  
Subject  
RE: Schedule

Heidi-

I thought we were all caught up, but something that just came to my attention was a need to get concurrence from your office that surveys are not required for gray bat, bald eagle, and decurrent false aster. We plan to rely on the results from state surveys for bald eagles and suitable habitat for the other two species doesn't occur along the route. During our meeting earlier this spring, I think we landed on the need for Indiana bat surveys and surveys for mussels in the Mississippi River where dredging is planned, but we didn't discuss the other species. Based on that lack of discussion, we presumed that no other surveys were necessary. However, it seems like we need to ask the question just to be sure. Is this something that you can ponder over the next couple of days and get back to me on before you leave or do you need additional information?

Other than that, I don't believe we have any outstanding issues. I appreciate you keeping the project in mind though. It's that cooperative approach that will make the process continue to go smoothly.

Thanks-

Jeff

---

Jeff Thommes  
jrthommes@nrginc.com  
612.359.5678 Direct  
612.418.4614 Cell  
612.347.6780 Fax

---

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

From: Heidi\_Kuska@fws.gov [[mailto:Heidi\\_Kuska@fws.gov](mailto:Heidi_Kuska@fws.gov)]

Sent: Monday, June 25, 2007 8:24 AM

To: Jeff Thommes

Subject: Schedule

Hello Jeff,

I just wanted to let you know that I will be out of the office quite a bit over the next few weeks (Annual Leave, meetings and some fieldwork) so I might be hard to get a hold of. I will be here today and Wednesday of this week and then out until the 2nd week of July. Is there anything coming up soon that we need to take care of before I go or make arrangements for?

Thanks, Heidi

~~~~~  
Heidi Kuska
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park DeVille Drive, Suite A

Columbia MO 65203-0057
Ph: 573-234-2132
Fax: 573-234-2181
Email: heidi_kuska@fws.gov

1000 IDS Center
80 South Eighth Street
Minneapolis, MN 55402



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

September 27, 2007

Steve Anschutz, Project Leader
United States Fish and Wildlife Service
203 West Second Street
Federal Building, Second Floor
Grand Island, NE 68801

RE: Rockies Express Pipeline-East Project
Threatened and Endangered Species Consultation for Associated Compressor
Station

Dear Mr. Anschutz:

Rockies Express Pipeline, LLC (Rockies Express) proposes to construct and operate pipeline, compression, and ancillary facilities to transport natural gas produced in the Rocky Mountain basins for delivery primarily to other pipelines and distribution customers located in the upper Midwest and Eastern United States. The Rockies Express Pipeline system consists of existing and new natural gas pipeline facilities extending from Rio Blanco County, Colorado to a terminus in Monroe County, Ohio and once completed, will be approximately 1,680 miles in length.

The first segment, the Rockies Express-Entrega (REX-Entrega) Project (Docket No. CP04-413-000), includes 136 miles of 36-inch-diameter pipeline, which was placed in-service in February 2006, and 192 miles of 42-in-diameter pipeline, which was placed in-service in February 2007. The second segment, the Rockies Express Pipeline – West (REX-West) Project (Docket No. CP06-354-000), is comprised of 713 miles of 42-inch-diameter pipeline, compressor stations, and ancillary facilities extending from Weld County, Colorado to Audrain County, Missouri. REX-West received its Certificate on April 19, 2007. Rockies Express began construction of the REX-West Project facilities in May 2007, and has an in-service date of January 1, 2008. The third segment, the Rockies Express Pipeline – East (REX-East) project, will consist of approximately 639 miles of new pipeline, compression, and ancillary facilities from Audrain County, Missouri to a terminus in Monroe County, Ohio. REX-East will include one new compressor station located along the REX-West pipeline route, which is the subject of this consultation, and one new compressor station located along the REX-Entrega pipeline route. Construction is anticipated to begin in July 2008 with an expected in-service date of April 2009. The Federal Energy Regulatory Commission (FERC) is the lead federal agency for the project.

The Bertrand Compressor Station which will be located in a rural area of Phelps County, Nebraska at milepost (MP) 286.8 of the REX-West pipeline route is approximately 10 miles west-northwest of Holdrege, Nebraska and approximately six miles southeast of Bertrand, Nebraska. The land immediately surrounding and affected by the site is

agricultural, and the construction and operation impacts will total approximately 17.7 acres. A location map is attached for reference.

Pursuant to 18 CFR 380.13, Rockies Express is acting as the FERC's non-federal representative for purposes of complying with section 7(a) of the Endangered Species Act (ESA). Rockies Express has retained Natural Resource Group, LLC (NRG) as their environmental consultant for this project. NRG, on behalf of Rockies Express, reviewed the list of threatened and endangered species for Phelps County, Nebraska. Four federally-listed endangered species (black-footed ferret, interior least tern, whooping crane, and pallid sturgeon) and one federally-listed threatened species (piping plover) were identified as potentially occurring in Phelps County.

Construction and operation of the Bertrand Compressor Station will not affect any wetlands or waterbodies, and water for facility testing will be acquired from the nearest municipal source. The five listed species potentially occurring in the project area are discussed below.

Black-footed Ferret

The black-footed ferret is considered by the FWS to be the rarest mammal in North America. The primary prey of the black-footed ferret is the black-tail prairie dog, and so black-footed ferrets are primarily associated with prairie dog towns. The destruction of prairie dog towns by humans throughout the native prairies of the Great Plains has led to the decline of black-footed ferret populations. No prairie dog towns were identified within the proposed limits of the Bertrand Compressor Station site, which was surveyed as part of REX-West efforts; as such, construction of the proposed facility will have no effect on this species.

Interior Least Tern and Piping Plover

Both the least tern and the piping plover nest and forage on unvegetated or sparsely vegetated sandbars in river channels. The nesting season for both species is from April 15 through September 15, and suitable habitat at this time is almost exclusively limited to sandbars and sand banks in river channels. After nesting season, both species migrate to Texas and Louisiana. Major threats to the least tern and piping plover include river modification, which can result in the loss of broad, shallow, unobstructed channel and sandbar complexes used as feeding and nesting habitat, as well as human activity in the vicinity of feeding and nesting areas. The proposed compressor station construction and operation will not affect waterbodies or other areas of suitable habitat for these species. As such, the proposed project will have no effect on the least tern or piping plover.

Whooping Crane

Whooping cranes feed and roost in wetlands, upland grain fields, and riverine habitats and nest in marshy areas among bulrushes, cattails, and sedges, primarily in northern portions of North America. Whooping cranes have been known to stopover at sites in central Nebraska during their migration. The spring migration period in Nebraska is from approximately March 23 through May 10 and the autumn migration is from September 16 through November 16. Threats to this species include loss of habitat to agriculture, short breeding season, collision with obstructions during migration, predation, and accidental and intentional killing by humans. If construction of the proposed compressor station occurs during either the spring or autumn migration and whooping cranes are encountered within 0.5 mile or in the line of site of construction, then project activities will

cease immediately and the FWS will be contacted. Due to Rockies Express' commitment to avoid whooping cranes should they occur in the vicinity of construction of the Bertrand Compressor Station, the proposed project is not likely to adversely affect the whooping crane.

Pallid Sturgeon

The pallid sturgeon is a large, freshwater fish that normally inhabits large, free-flowing rivers. Strong currents that flow over gravel and sand bottom, or deep, slow-moving water appear to be the most-used habitat for this species. Foods of the sturgeon include mollusks, aquatic insects, crustaceans, and eggs of other fish species. The proposed compressor station construction and operation will not affect any waterbodies. As such, the proposed project will have no effect on the pallid sturgeon.

With this letter Rockies Express requests approval of both the list of species identified as potentially occurring within the proposed compressor station site and concurrence that the project is not likely to adversely affect the whooping crane. If additional species are recommended for consideration, please provide details in your response letter. Rockies Express would appreciate a response within 30 days to allow incorporation into project documentation.

If you have any questions or need additional information, please contact me at 614-328-2070 or by email at jimt@caprockenvironmental.com.

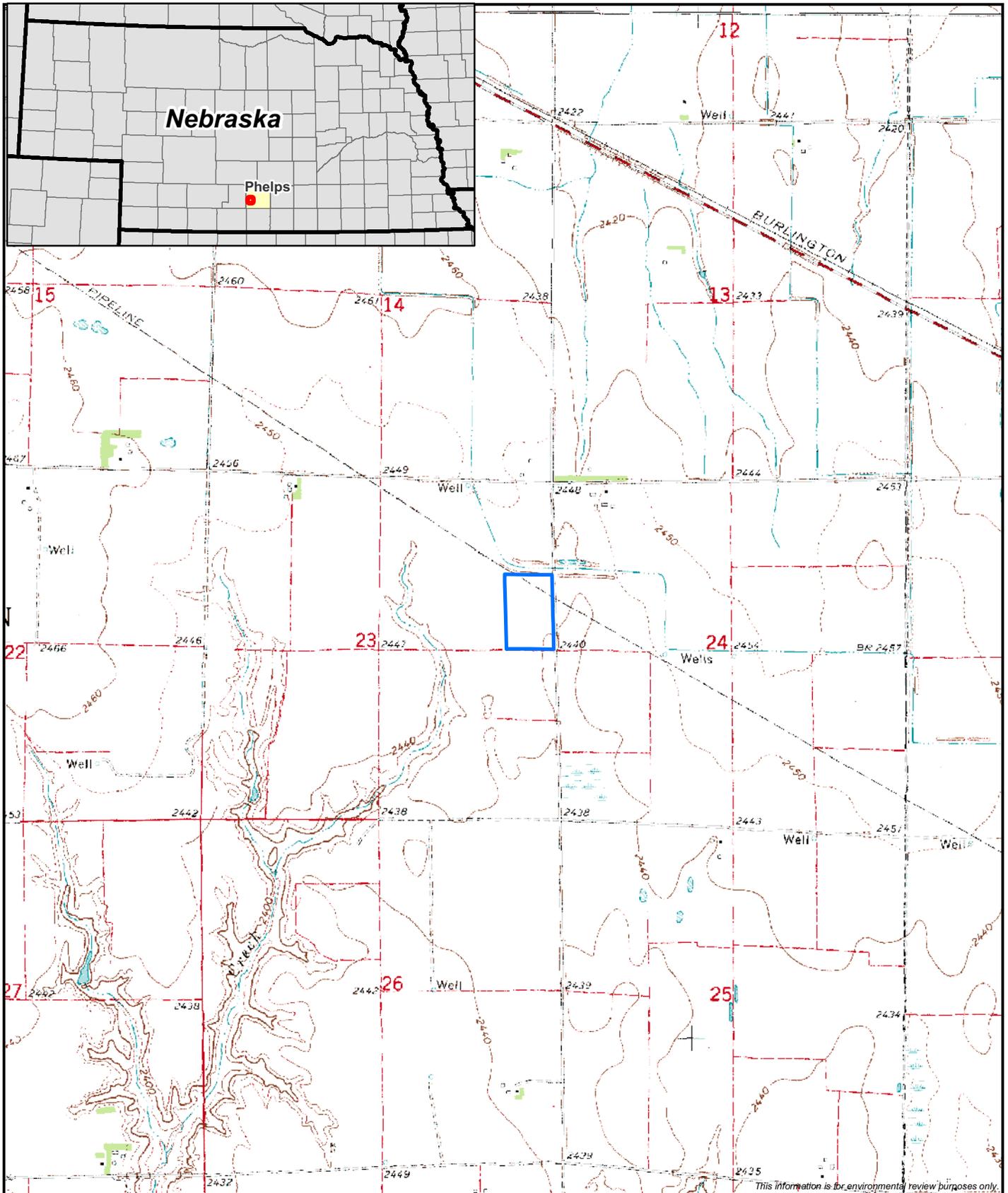
Thank you for your assistance.

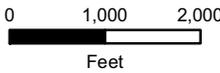
Sincerely,

for Jim Thompson, Environmental
Contractor for Rockies Express

Enclosure: Bertrand Compressor Station Location Map

cc: Elizabeth Dolezal, Natural Resource Group
Jeff Thommes, Natural Resource Group
Carly Lapin, Natural Resource Group



 Site Boundary
 



 1:24,000

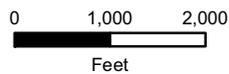
Area Map
Rockies Express Pipeline, LLC
 Bertrand Compressor Station
 Phelps County, Nebraska





This information is for environmental review purposes only.

 Site Boundary



1:24,000

Area Map
Rockies Express Pipeline, LLC
Bertrand Compressor Station
Phelps County, Nebraska



1000 IDS Center
80 South Eighth Street
Minneapolis, MN 55402



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

September 27, 2007

Brian Kelly, Project Leader
U.S. Fish and Wildlife Service
5353 Yellowstone Road
Suite 308A
Cheyenne, WY 82003

RE: Rockies Express Pipeline-East Project
Threatened and Endangered Species Consultation for Associated Compressor
Station

Dear Mr. Kelly:

Rockies Express Pipeline, LLC (Rockies Express) proposes to construct and operate pipeline, compression, and ancillary facilities to transport natural gas produced in the Rocky Mountain basins for delivery primarily to other pipelines and distribution customers located in the upper Midwest and Eastern United States. The Rockies Express pipeline System consists of existing and new natural gas pipeline facilities extending from Rio Blanco County, Colorado to a terminus in Monroe County, Ohio and once completed, will be approximately 1,680 miles in length.

The first segment, the Rockies Express-Entrega (REX-Entrega) Project (Docket No. CP04-413-000), includes 136 miles of 36-inch-diameter pipeline, which was placed in-service in February 2006, and 192 miles of 42-in-diameter pipeline, which was placed in-service in February 2007. The second segment, the Rockies Express Pipeline – West (REX-West) Project (Docket No. CP06-354-000), is comprised of 713 miles of 42-inch-diameter pipeline, compressor stations, and ancillary facilities extending from Weld County, Colorado to Audrain County, Missouri. REX-West received its Certificate on April 19, 2007. Rockies Express began construction of the REX-West Project facilities in May 2007, and has an in-service date of January 1, 2008. The third segment, the Rockies Express Pipeline – East (REX-East) project, will consist of approximately 639 miles of new pipeline, compression, and ancillary facilities from Audrain County, Missouri to a terminus in Monroe County, Ohio. REX-East will include one new compressor station located along the REX-West pipeline route, and one new compressor station located along the REX-Entrega pipeline route, which is the subject of this consultation. Construction is anticipated to begin in July 2008 with an expected in-service date of winter 2008. The Federal Energy Regulatory Commission (FERC) is the lead federal agency for the project.

The Arlington Compressor Station (certificated under REX-Entrega as a pig launcher/receiver site) will be located in Carbon County, Wyoming (T19N R78W S19) at milepost (MP) 237.0. It will be constructed adjacent to an existing facility on approximately 15.0 acres of sagebrush steppe, which is a short-grass habitat dominated by grasses and big sagebrush. A location map is attached for reference.

Pursuant to 18 CFR 380.13, Rockies Express is acting as the FERC's non-federal representative for purposes of complying with section 7(a) of the Endangered Species Act (ESA). Rockies Express has retained Natural Resource Group, LLC (NRG) as their environmental consultant for this project. NRG, on behalf of Rockies Express, reviewed the list of threatened and endangered species for Carbon County, Wyoming. Ten federally listed endangered species (black-footed ferret, blowout penstemon, bonytail, Colorado pikeminnow, Eskimo curlew, humpback chub, Interior least tern, pallid sturgeon, razorback sucker, and whooping crane) and four federally listed threatened species (Canada lynx, piping plover, Ute ladies'-tresses orchid, and western prairie-fringed orchid) were identified as potentially occurring in Carbon County.

Construction and operation of the Arlington Compressor station will not affect any wetlands or waterbodies, including waterbodies associated with the Colorado or Platte River systems. The waters for facility testing will be drawn from the nearest municipal source. As such, it has been determined that this project will have no effect on the following species due to their aquatic nature and dependence on those two river systems: bonytail, Colorado pikeminnow, humpback chub, razorback sucker, Eskimo curlew, Interior least tern, pallid sturgeon, whooping crane, and western prairie-fringed orchid. Other species that are not specifically associated with the Colorado or Platte River systems are discussed below.

Black-footed Ferret

The black-footed ferret is considered by the FWS to be the rarest mammal in North America. The primary prey of the black-footed ferret is the black-tail prairie dog, and so black-footed ferrets are primarily associated with prairie dog towns. The destruction of prairie dog towns by humans throughout the native prairies of the Great Plains has led to the decline of black-footed ferret populations. No prairie dog towns were identified within the proposed limits of the Arlington Compressor Station site, which was surveyed as part of REX-Entrega efforts; as such, construction of the proposed facility will have no effect on this species.

Canada Lynx

The Canada lynx is a medium-sized cat that generally occurs in boreal and montane regions that are dominated by coniferous or mixed forest with thick undergrowth, where it uses snags and hollow trees for dens. Lynx will occasionally forage into open forest, rocky areas, or tundra to look for prey. The major limiting factor to lynx populations is the abundance of snowshoe hare. The proposed facility site is short-stature grassland and will not affect any forested land. As such, this project will have no effect on the Canada lynx.

Blowout penstemon

The blowout penstemon is a small, perennial flowering plant. It flowers in mid May to late June and fruits from July to September. This species' primary habitat is blowout sand dunes in sandhill prairie with less than 10 percent basal ground cover. The Arlington Compressor Station will not affect any sand dune habitat, and therefore, the proposed project will have no effect on the blowout penstemon.

Ute Ladies'-Tresses Orchid

Ute ladies'-tresses is a perennial, terrestrial orchid with white or ivory flowers. It typically blooms from late July through August; though it may bloom in early July or still be in

flower as late as early October. Its habitat consists of moist soils near wetland meadows, springs, lakes, and perennial streams where it colonizes on point bars or sandy edges. It can typically be found in fine silt/sand soils to gravel and cobbles as well as highly organic soils, but not in heavy clay or alkaline soils. The proposed compressor station construction and operation will not affect any wetlands or waterbodies. As such, the proposed project will have no effect on the Ute ladies'-tresses orchid.

With this letter Rockies Express requests approval of both the list of species identified as potentially occurring within the proposed compressor station site and the assessment of potential project impacts on those species. If additional species are recommended for consideration, please provide details in your response letter. Rockies Express would appreciate a response within 30 days to allow incorporation into project documentation.

If you have any questions or need any additional information, please contact me at 614-328-2070 or by email at jimt@caprockenvironmental.com.

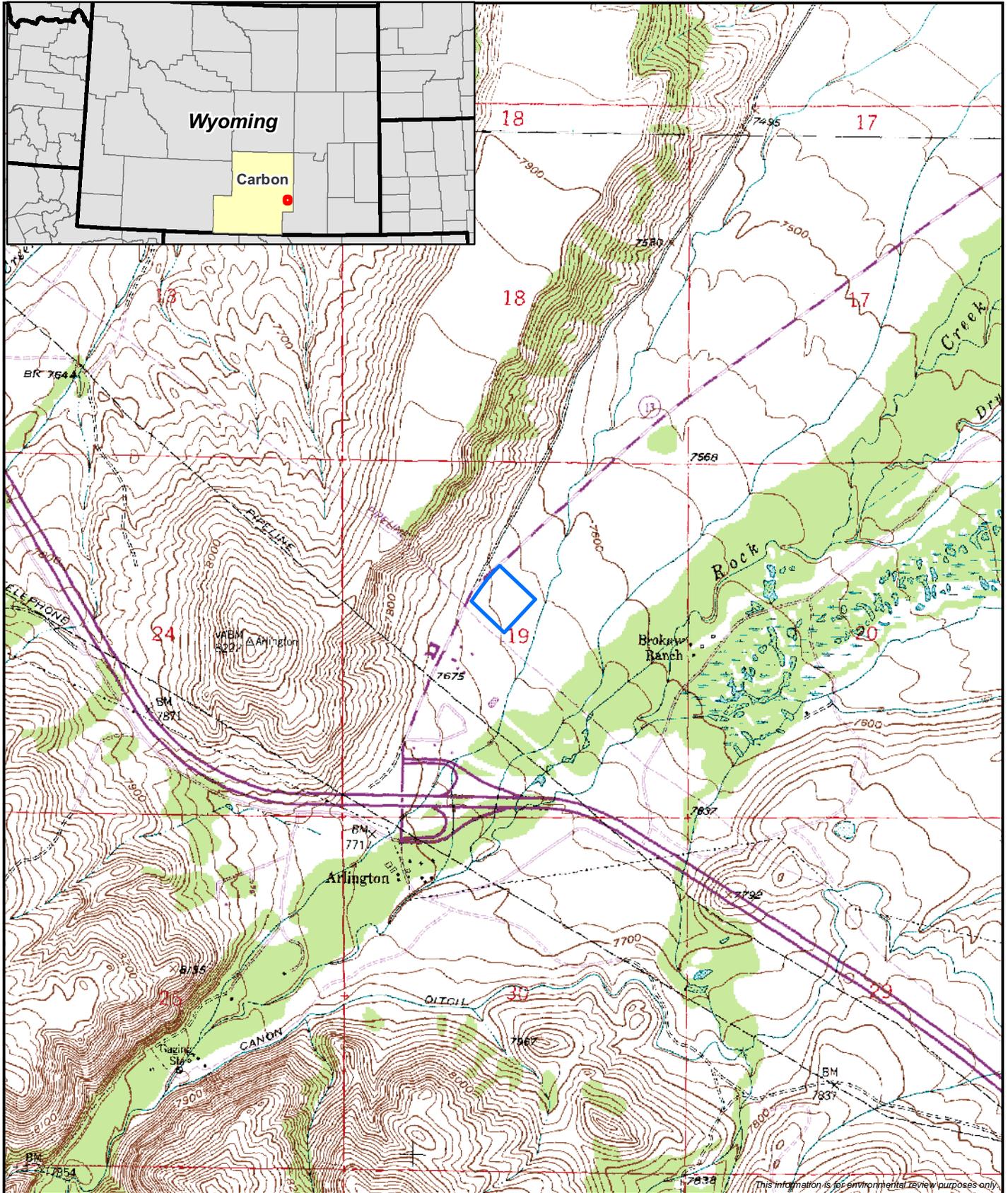
Thank you for your assistance.

Sincerely,

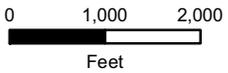
for Jim Thompson, Environmental
Contractor for Rockies Express

Enclosure: Arlington Compressor Station Location Map

cc: Elizabeth Dolezal, Natural Resource Group
Jeff Thommes, Natural Resource Group
Carly Lapin, Natural Resource Group



 Site Boundary







1:24,000

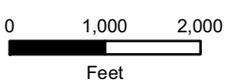
Area Map
Rockies Express Pipeline, LLC
 Arlington Compressor Station
 Carbon County, Wyoming





This information is for environmental review purposes only.

 Site Boundary



1:24,000

Area Map
Rockies Express Pipeline, LLC
Arlington Compressor Station
Carbon County, Wyoming



Date/Time: January 17, 2008; 10:00 am EST
Subject: Conference Call between the Federal Energy Regulatory Commission (FERC) and the U.S. Fish and Wildlife Service (FWS)
Regarding: Rockies Express East - Biological Assessment and Draft Environmental Impact Statement

Participants:

Jeff Gosse, FWS
Jennifer Szymanski, FWS
Laura Turner, FERC
Medha Kochhar, FERC
Karen Fadely, ICF International
Todd Stribley, ICF International

The following items were reviewed with FWS and additional information regarding these issues was incorporated into the Biological Assessment and/or the EIS.

1. Definition of action area and associated area calculations.
2. Description of compressor stations (construction area versus operating area).
3. Adherence to FWS recommendation of 50:50 mix between hard mast and soft mast species.
4. Clarification of the status of the non-essential experimental population, considered proposed for listing versus a threatened population.
5. Review of Habitat Unit IDs that remain to be surveyed.
6. Clarification of known roost trees potentially impacted by construction – two roost trees within 250-feet of the centerline and three roost trees occur within 500-feet of the centerline.
7. Review of disturbance associated with construction – literature cited are for bats using a disturbed area rather than the affect of a new disturbance on an existing population.
8. Review of process used by REX East to assess if a suitable number of roost trees would be maintained and if a future supply would be available.
9. Review of impacts on designated critical habitat.

Carly Lapin

From: Jeff Thommes
Sent: Tuesday, January 22, 2008 3:32 PM
To: 'Jennifer_Szymanski@fws.gov'
Cc: 'jeff_gosse@fws.gov'; TJ_Miller@fws.gov; Carly Lapin; Bart Jensen; jimt@caprockenvironmental.com; Jeff Thommes
Subject: Indiana bat cons. measure concern
Follow Up Flag: Follow up
Flag Status: Completed

Jennifer-

As we continue to work through the conservation measure decision tree, I would like to comment on a portion of the response you provided on January 11th. Specifically, your e-mail referenced low habitat quality areas and indicated that Rockies Express would be required to implement specific measures in these areas to avoid adverse effects on Ibats.

As part of Rockies Express' collaborative approach to species-specific surveys, the FWS was asked to review determinations of whether or not surveys were required in habitat units identified along the route. In the majority of cases of high and medium ranked units, the FWS was conservative and requested mist net surveys be completed. In a few areas deemed low quality (and a few ranked medium quality) habitat based on field conditions and subsequent office review, the FWS agreed that mist net surveys were not necessary. Rockies Express followed the FWS recommendations and conducted surveys where access was allowed. It is Rockies Express' contention that the FWS not recommending surveys for an area could be reasonably interpreted as a lack of concern for the area to be occupied by Indiana bats. Yet your e-mail response explicitly states the opposite, that not requesting mist net surveys in those areas "was not intended to indicate that Ibat presence is unlikely" in those areas. Rockies Express understands that areas that were not mist netted may still provide suitable, albeit low quality, habitat for Indiana bats, most likely for foraging or travel, but requiring measures to avoid direct take of individuals in those areas similar to areas where Ibats were captured seems unnecessary. Had Rockies Express known that these low quality areas would be considered as equal in value for Ibats as medium or high quality habitat areas, then Rockies Express may have opted to mist net these low quality areas to document presence or absence of Ibats during the 2007 survey efforts.

At this point, we are not anticipating the need to implement measures in those areas where the FWS did not recommend mist net surveys during previous reviews. We would be very interested in discussing this issue further if the FWS is now looking for Rockies Express to treat these areas as something more than potential travel or foraging habitat.

Sincerely-

Jeff

Please update your address book with my new e-mail address below:

**Jeffrey (Jeff) R.
Thommes**
jrthommes@NRG-LLC.com
(612) 359-5678 Direct

2/13/2008



(612) 418-4614 Cell
(612) 347-6780 Fax

Rockies Express East – Technical Conference

A Discussion of the U.S. Fish and Wildlife Service's (FWS) Concerns on the Status of Concluding a Conservation Agreement for the Rockies Express Pipeline (REX) East Project

January 28, 2008
1:30 am EST

Attendance:

First Name	Last Name	Affiliation
Shawn	Alam	DOI OEPC
Ken	Albert	BP Chevron Marathon
Joel	Arneson	FERC OGC
Michael	Chezick	DOI OEPC
Ryan	Childs	REX
Karen	Fadely	ICF
Jeff	Gosse	US Fish & Wildlife
John	Hansel	ICF
Shippen	Howe	Van Ness
Jack	Kendall	FERC OGC
Medha	Kochhar	FERC
Danny	Laffoon	FERC OEP
Bill	Lansinger	Sempra Energy
Trevor	Loveday	ENTRIX
Alisa	Lykens	FERC OEP
Shannon	Maher Banaga	Blackwell Sonders- Ultra
Rock	Meyer	REX
Curt	Moffatt	Van Ness Feldman- REX
Michelle	Moser	ICF
Lauren	O'Donnell	FERC
Michael	Pincus	FERC OGC
Jeff	Thommies	REX NRG
Jim	Thompson	REX
Lauren	Turner	FERC OEP
Alice	Weekley	REX
Dennis	Woods	Perennial Environmental

Purpose of the Technical Conference

The Fish and Wildlife Service (FWS) stated that their request for the technical conference was to discuss their concern that the interest in and pace of completing the final environmental impact statement (FEIS) for the REX East project appeared to be much greater than the applicant's interest in completing a conservation agreement. Consequently, FWS feared that if the FEIS was completed before the conservation agreement was finalized, the impetus for achieving an agreement would be lost, as FWS believed had occurred for the REX West project. In order to

avoid a similar problem on the REX East project, FWS restated its position that a conservation agreement had to be reached prior to the FEIS.

REX East expressed their sincere interest and effort to reach an agreement. REX explained that delays in a reaching agreement was in part due to the complex subject and because there is no FWS guidance or precedent available for creating a conservation agreement for a pipeline construction project. Consequently, REX needed sufficient time to develop a technically-defensible proposal and they looked forward to this technical conference to advance that effort.

The FERC OEP staff stated that their goal for the technical conference was for the FWS and REX to discuss the status of the agreement and to ensure that REX understands what FWS expects in the conservation agreement. Thus, the FEIS could proceed towards completion while REX and FWS achieve a general consensus on the substantive content of the agreement with any remaining details to be finalized prior to construction.

Status of Mitigation Plans

To complete the conservation agreement, FWS indicated that it needed additional information from REX in terms of more specifics on the amount and location of the forests to be impacted. FWS also suggested that the several mitigation plans under discussion, i.e., the upland forest mitigation plan, the forest fragmentation plan, and a conservation agreement for implementing the Migratory Bird Treaty Act, should be combined within one document, the conservation agreement. The FERC and REX concurred that a single conservation agreement would be ideal.

REX believes that there is acceptance on a majority of the components of the conservation agreement, especially related to precautions that will be taken during on-site construction activities. REX stated that the main disagreement is the number forested acres that will need to be mitigated and the value, or ratio of compensated acres to affected acres, for which REX should compensate for the loss of forest. Because there is no established methodology for calculating this number, REX has been trying to establish a methodology for FWS' consideration. REX is prepared to present its currently proposed methodology to FWS but cautioned that it expects a wide variation between its acceptable number and FWS'. Some of this difference may stem from how much lost habitat value to assigned to those forests along the pipeline route that are currently fragmented. FWS in turn said that it had also been researching an appropriate methodology and was currently reviewing EPA's resource compensation policies for habitat losses experienced at Superfund sites.

Both REX and FWS representatives agreed to exchange necessary data and accelerate the negotiations for the conservation agreement. REX indicated that it will send to FWS additional acreage data and a proposed methodology by Wednesday, January 30, 2008. The next meeting between these parties was set for Friday, February 1, 2008 at FWS' offices in Minneapolis, MN. The FERC informed REX that it would be receiving a data request that would include some of the project specific information asked for by FWS.

In terms of the timing for completing a conservation agreement, the FERC emphasized that the goal is to do so as quickly as reasonably possible. However, if it is not possible to reach a

conservation agreement prior to the release of the FEIS, the FERC OEP staff would recommend to the Commission a condition that a conservation agreement must be finalized prior to construction. Neither the REX nor FWS representatives objected to this approach.

Revisions to the Biological Assessment

The FERC indicated that based on consultations with other FWS staff, the biological assessment (BA) for the Indiana bat needed additional information, such as tree cutting plans in areas with confirmed Indiana bats as well as the results of the remaining bat surveys that have not yet been completed. The FERC will be sending REX a data request outlining these outstanding data in greater detail. The FERC also indicated that REX should submit the revised BA in its entirety and include a red-lined copy to indicate where the BA has been updated. REX agreed to do this. REX also provided a briefing on its proposed conservation measures for the Indiana bat.

Action Items from Meeting

The FERC will provide REX with a data request as soon as possible.

REX and FWS will accelerate the negotiations needed to achieve a conservation agreement. They will meet as early as Friday, February 1 to discuss an acceptable mitigation methodology as well as to clarify any further data needs.

REX will regularly file appropriate documents, or draft agreements, with the FERC on progress or problems being experienced in reaching a final conservation agreement. FWS will also file any appropriate responses to any such reports.

If all of the details of a conservation agreement cannot be concluded by the release of the FEIS, the FERC staff would recommend that, as a condition of any Certificate, construction of the pipeline would not begin until a conservation agreement is finalized.

Carly Lapin

From: Jennifer_Szymanski@fws.gov
Sent: Thursday, February 07, 2008 11:09 AM
To: Jeff Thommes
Cc: Bart Jensen; Carly Lapin; 'jeff_gosse@fws.gov'; jimt@caprockenvironmental.com; Jeff Thommes; Scott_Pruitt@fws.gov; TJ_Miller@fws.gov; Forest_Clark@fws.gov; Angela_Zimmerman@fws.gov; Joyce_Collins@fws.gov
Subject: RE: FWS Response to Proposed Conservation Measures

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Outstanding NLAA issues_final2 6 Feb 08.doc



Outstanding NLAA
issues_final2...

Jeff,

I have discussed the two outstanding issues with our managers. Our response to your note below is attached. Also, in our internal discussions, a new issue was raised. We have included a measure to address this issue, as well.

As I have stated previously, our responsibility is to give RexEast and FERC credible recommendations based on the biology and the law. Holding to our responsibilities, we are unable to concur with your recommendation for a NLAA. We fully understand the desire for concluding consultation informally, however, obtaining concurrence from the FWS will not serve us (RexEast, FERC and FWS) well if this concurrence is faulty.

We believe the cleanest, surest way to ensure that adverse effects are avoided is to implement seasonal tree-cutting restrictions. If this recommendation is not feasible, we have identified other measures that RexEast may implement that will we believe sufficiently minimize the likelihood of adverse effects occurring.

Please do not hesitate to contact me if you have questions or concerns.

Jennifer

(See attached file: Outstanding NLAA issues_final2 6 Feb 08.doc)

Jennifer Szymanski

U.S. Fish and Wildlife Service

Division of Endangered Species

555 Lester Avenue

Onalaska, WI 54650

Tel: 608-783-8455; Fax: 608-783-8450

jennifer_szymanski@fws.gov

My work schedule is M, W, Th 6:30 -4:30pm

Jennifer
Szymanski/R3/FWS/
DOI

01/22/2008 10:30
AM

Jeff Thommes
<JRTTHOMMES@nrg-llc.com>

To

cc

Bart Jensen <BMJENSEN@nrg-llc.com>,
Carly Lapin <cnlapin@nrg-llc.com>,
"jeff_gosse@fws.gov"

Issues

1. If no nursery trees were discovered during the 2007 telemetry studies, does FWS concur with a conclusion of “no nursery trees occur within the action area?”

Response: We agree that our mist net protocol will detect presence if a colony occurs in an area. To determine location/presence of nursery trees, however, radio-telemetry is required. As the level of radio-telemetry work varied by site, we do not believe it is appropriate to concur with the subject question. We believe, however, that there may be a handful of sites that warrant further evaluation as to whether the site could support more than one colony and whether the radio-telemetry work in these areas were sufficient to detect multiple use.

In these areas, RexEast may implement any one of the following measures to avoid adverse effects:

- a. Implement seasonal tree-cutting restrictions
- b. Survey in 2008 at an intensity that would likely detect all nursery trees being used in an area, and protect all detected nursery trees
- c. Retain all trees exhibiting nursery tree roost characteristics

For clarity, we understand that RexEast will be re-surveying areas in which NRG failed to locate the nursery roost tree because radio-transmitter failure or simply lack of radio-telemetry work for various reasons. Please confirm this understanding.

2. Does FWS believe avoidance measures required in areas deemed low or low-to-medium quality areas in order to concur with a NLAA determination?

Response: In reviewing the Indiana Bat Habitat Assessment Plan, we can see how RexEast and the Service may have had different interpretations of the intended purposes of the Plan. Our belief, as I stated previously, was that the intended purpose was to identify areas capable of supporting maternity colonies. We did not assume that the assessment protocol was to identify all areas that could support an individual roosting Indiana bat.

Regardless of our respective beliefs regarding the Plan’s purpose, we believe that it is unlikely that low quality habitat areas—as defined in the Plan--would support individual roosting bats. Thus, we agree that no restrictions are necessary in these areas to avoid adverse effects. There may be a few sites ranked as medium quality, however, that could support roosting bats. In these areas, measures to guard against cutting down occupied roost trees must be implemented in order for us to legitimately concur with a “not likely to adversely affect” finding.

4. New Issue: Potential change in nursery tree use. Natural and anthropogenic events can degrade or destroy nursery trees. In these situations, the colony switches to another available primary roost tree in the area. It is appropriate to presume that a colony will continue to use the same nursery tree as long as it remains suitable. If conditions have changed, however, the colony will move to another suitable nursery tree. Therefore, to ensure that occupied nursery trees are not cut during the active season, RexEast should relocate the known nursery tree prior to tree-removal. If the tree is still suitable, then no additional measures or action is required. If the tree is no longer suitable, RexEast may:

- a) conduct a radio-telemetry study to locate the new nursery tree, and if found within the action area, apply the conservation measures applicable to nursery trees;
- b) protect all potential nursery trees within the action area; or
- c) identify potential nursery trees and conduct exit counts to determine whether it is an occupied nursery tree. If it is not, follow applicable alternate roost tree measures. If it is occupied, apply the conservation measures applicable to nursery trees.

<jeff_gosse@fws.gov>,
"jimt@caprockenvironmental.com"
<jimt@caprockenvironmental.com>,
Jeff Thommes
<JRTHOMMES@nrg-llc.com>,
"TJ_Miller@fws.gov"
<TJ_Miller@fws.gov>, Scott
Pruitt/R3/FWS/DOI@FWS

Subject

RE: FWS Response to Proposed
Conservation Measures (Document
link: Jennifer Szymanski)

Hi Jeff,

I need to coordinate with our FOs regarding the issue of telemetry study adequacy. I made some edits to your slide. My versions are predicated on the supposition that if telemetry surveys were completed, all nursery trees within the action area have been identified. If this supposition is not supported by our FOs, then the flowchart reverts back to the one I sent over the weekend (see below).

I am in the office today until about 2:00, then I will be on travel through January 30th.

Jennifer

[attachment "Indiana bat measures flow chart for FWS rev 1.ppt" deleted by Jennifer Szymanski/R3/FWS/DOI]

Jennifer Szymanski

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My work schedule is M, W, Th 6:30 -4:30pm

Jeff Thommes
<JRTHOMMES@nrg-llc.com>

01/22/2008 07:02
AM

"Jennifer_Szymanski@fws.gov"
<Jennifer_Szymanski@fws.gov>

To

cc

Carly Lapin <cnlapin@nrg-llc.com>,
"jeff_gosse@fws.gov"
<jeff_gosse@fws.gov>,
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Bart Jensen <BMJENSEN@nrg-llc.com>,
Jeff Thommes
<JRTHOMMES@nrg-llc.com>

Subject

RE: FWS Response to Proposed
Conservation Measures

Jennifer-

I'm sending back both flow charts for your consideration. Your version was a little trickier for me to manipulate and I just ended up deleting a step (see below), so I've attached your original chart and the modified version for comparison. I'm also including a revised version of my flow chart to, I think, reflect your changes. Please review at your earliest convenience so we can move forward with the Section 7 process.

There are two points in your version that warrant some discussion. The first is just a point of clarification that wasn't made clear in either version. We both included "avoid nursery roost trees" as a potential endpoint measure. That avoidance will actually occur much higher in the decision tree and is a requirement already. Once a roost tree is identified, it (and the habitat that makes up it's microclimate) become off-limits. Therefore, your decision item that says "Yes, is the nursery roost within the construction zone?" doesn't really apply. There will be no nursery roost trees within the construction zone since all of those trees will be avoided. So, unless I'm missing the intent of that decision item, I think it can be removed.

The second point is regarding the need for telemetry studies in 2008 in areas that were previously mist-netted and where we tracked Ibats, but did not identify a roost tree. I believe we had said that particular step was one in which we were considering or had agreed to. However, we now believe that step may be inconsistent with the study plan we provided to the FWS field offices and had approved prior to conducting our 2007 surveys. Within the Indiana Bat Mist Net and Radiotelemetry Survey Study Plan, details were presented regarding mist net spacing, mist net placement, and weather conditions in which mist netting would occur. The plan also outlined radiotelemetry efforts, including days of tracking and emergent counts when roost trees were located. The field offices provided concurrence with the plans in each of the four states crossed by the project and surveys were conducted in accordance with the agreed upon level of intensity. In some instances, following the study plan failed to identify a roost tree being used by captured and tracked bats. The radiotelemetry studies were conducted using the FWS-approved intensity and overall methodology, and as such, it is Rockies Express' contention that a lack of identifying a roost tree near the project corridor should be reasonably interpreted as a lack of such trees in the area. However, your modified flow chart and previous e-mail response seem to indicate that areas where a roost tree was not identified would require re-survey to attempt to identify a roost tree within the area. This seems to allude to a lack of confidence in the results of the survey, which again were based upon the FWS-approved methodology. Is it FWS' opinion that the results obtained during our surveys following the FWS-approved methodology are inadequate?

We're interested in sitting down and meeting again to discuss this issue and hopefully, come to a conclusion on what is required. Conversely, if you think we can reach an agreement without a meeting, that would be ok too.

(Jeff G - I'll be sending you something to review related to the MBTA Conservation Agreement shortly.)

Thanks-

Jeff

Please update your address book with my new e-mail address below:

Jeffrey (Jeff) R. Thommes
jrthommes@NRG-LLC.com
(612) 359-5678 Direct
(612) 418-4614 Cell
(612) 347-6780 Fax

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

From: Jennifer_Szymanski@fws.gov [mailto:Jennifer_Szymanski@fws.gov]
Sent: Friday, January 18, 2008 7:04 AM
To: Jeff Thommes
Cc: Carly Lapin; 'jeff_gosse@fws.gov'; TJ_Miller@fws.gov
Subject: RE: FWS Response to Proposed Conservation Measures

Hi Jeff,

See attached for a few minor clarifications.
Jennifer

(See attached file: ibat nlaa flowchart.ppt)

Jennifer Szymanski
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Tel: 608-783-8455; Fax: 608-783-8450
jennifer_szymanski@fws.gov
My work schedule is M, W, Th 6:30 -4:30pm

Jeff Thommes
<JRTHOMMES@nrg-llc.com>

01/16/2008 10:00
AM

"'Jennifer_Szymanski@fws.gov'"
<Jennifer_Szymanski@fws.gov>

To

cc

"'jeff_gosse@fws.gov'"
<jeff_gosse@fws.gov>, Carly Lapin
<cnlapin@nrg-llc.com>

Subject

RE: FWS Response to Proposed
Conservation Measures

Jennifer-

Can you take a look at the attached flow chart and see if I've captured the decision process from your e-mail correctly? We'll use this to discuss

next steps internally and with the FWS once we have it right.

Thanks-

Jeff

Please update your address book with my new e-mail address below:

Jeffrey (Jeff) R. Thommes
jrthommes@NRG-LLC.com
(612) 359-5678 Direct
(612) 418-4614 Cell
(612) 347-6780 Fax

From: Jennifer_Szymanski@fws.gov [mailto:Jennifer_Szymanski@fws.gov]
Sent: Thursday, January 10, 2008 9:09 PM
To: Jeff Thommes
Cc: jeff_gosse@fws.gov; tj_miller@fws.gov; forest_clark@fws.gov;
angela_zimmerman@fws.gov; joyce_collins@fws.gov; heidi_kuska@fws.gov;
charlie_scott@fws.gov; scott_pruitt@fws.gov; mary_knapp@fws.gov;
sarena_selbo@fws.gov
Subject: FWS Response to Proposed Conservation Measures

Jeff,

I apologize for the delay in responding. As I am sure you can understand, it is quite challenging for us to comprehensively evaluate the impacts of a project of this scale on the tight timeframes we are operating under. As such, it is unavoidable that new issues continue to arise as nuances of the project are discussed and contemplated.

<!--[if !supportLineBreakNewLine]-->

<!--[endif]-->Below is our response to your proposal for avoiding adverse effects to Indiana bats (Ibats) and running buffalo clover (RBC). For reasons indicated below, we are unable to concur with a NLAA. However, we have provided comments and suggestions that may lead to avoiding adverse effects to Ibats and RBC. Again, I must restate that the most effective way (i.e., safest approach) to avoid adverse effects is to restrict cut to the inactive period. If that is feasible, we recommend RexEast adopt this recommendation

Please do not hesitate to call me Monday if you have concerns or questions regarding our comments. I will be available by email tomorrow if you have any immediate concerns.

Jennifer

RexEast Proposal to Which We are Responding
Proposed additional Ibat Conservation Measures

1. In areas surveyed in 2007 without Ibat captures -->no restrictions
2. In areas surveyed in 2007 with Ibat captures but no roost trees found within construction area--> clear trees before April 1
3. In areas surveyed in 2007 with Ibat captures but unable to locate the nursery roost tree(s) or if located a roost tree, uncertain that the nursery roost tree was located-->re-survey areas in 2008; protect all known

occupied roost trees, and employ avoidance measures (see below) to minimize chances of cutting unknown occupied alternate roost trees.

4. In areas not surveyed in 2008 --> survey and follow conservation measure #3 above for areas with captured I bats. No restrictions for areas in which I bat are NOT captured.

Proposed Avoidance Measures for Active Season Cutting

Premise: These measures 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). To avoid adverse effects to bats occupying alternate trees, the following measures are proposed:

1. Arouse and displace bats just before tree-felling (making loud noise, banging on trees etc.)
2. Cut potential alternate roost trees just after dusk and before dawn

FWS Response to the Proposed Conservation and Avoid Measures:

<!--[if !supportLineBreakNewLine]-->

<!--[endif]-->1. General: Our comments are predicated on the assumption that NRG's analysis of habitat availability post -construction indicates that the character of suitable I bat habitat will not be degraded following construction activities. That is, sufficient foraging, roosting and travel habitat will remain available to I bats within all known occupied areas. If this assumption is false, then there may be adverse effects due to loss of habitat, which is distinct from the issue being addressed here of direct take of bats.

2. Category 1: We concur that in surveyed areas where no bats were captured, conservation measures are not required (see Caveats 1 and 2 below, however).

3. Category 2: We concur that in areas where bats were captured but no occupied roost trees were identified within the construction area, cutting outside the active season will avoid direct adverse effects to bats. If RexEast is not allowed to cut before the active season, these areas default to Category 3.

4. Category 3: We do not agree that the avoidance measures proposed above are sufficient to avoid adverse effects to bats occupying unknown roosts within the construction zone. Our rationale is as follows. RexEast is committed to protecting all known nursery roost trees, so we do not believe adverse effects are likely to occur to bats occupying known nursery roost trees (as a caveat, see response #1). However, we have concerns about adverse effects that may occur to bats occupying unknown nursery and alternate roost trees within the construction area.

a. unknown nursery roost trees - RexEast is committed to identifying the nursery trees associated with bats captured, however, we are concerned that a second colony could be using the same area for foraging & roosting. That is, a nursery roost tree for a second, unknown colony could occur within a construction area. Thus, we believe it is necessary to address this possibility before a NLAA determination can be legitimately made.

To guard against this possibility, we recommend retaining all trees & their microclimate that show characteristics of a nursery roost tree. Not all areas of suitable habitat are of sufficient quality to support two colonies, therefore, we believe the number of areas where this will be of concern can be narrowed down. Further, we also believe by providing a definition of nursery tree, the number of trees that meet this definition should be manageable. If this is a feasible conservation measure for RexEast, we will provide an explicit description of trees that should be marked and protected.

b. alternate roost trees - we believe restricting construction activities (namely tree removal) until after dark may be a viable option for avoiding direct effects to bats occupying unknown alternate roost trees but only under specific conditions. These conditions include timeframes and weather conditions in which cutting may occur. If this avoidance measure is amenable to RexEast, we will provide the specific conditions that need to be applied. Also, if RexEast would like to cut non-roost trees within the vicinity of alternate trees outside these conditions, we will provide a definition of an alternate roost tree so you will know which trees that can only be cut between post-dusk and pre-dawn.

Caveats

Our recommendations above are based on the following assumptions:

1. Delineating Occupied Areas. We assume that you will apply all the applicable conservation measures to an entire tract of suitable habitat in an area. That is, the entire block suitable habitat should be considered occupied, not just the immediate location of the survey site.

2. Ibat Presence within Large, Contiguous Blocks of Habitat - Similarly, we assume that one or more captures within large contiguous blocks of suitable habitat (i.e., blocks of habitat that contained more than 1 survey site) indicate Ibat presence for the entire block of contiguous habitat. In other words, if Ibats were captured at one or more of the survey sites within a large block of habitat, bats are presumed present throughout all suitable habitat areas within the contiguous block of habitat even if at other survey sites within this block of habitat bats were not captured.

3. Low Habitat Quality Areas not Surveyed - The site identification protocol identified areas that needed more intensive scrutiny (i.e., mist netting). It was not intended to indicate that Ibat presence is unlikely in all other suitable habitat areas. We are not concerned about maternity colony presence in these areas, but rather possible presence of foraging and roosting habitat for non-reproductive females and males. Hence, if RexEast would like to avoid formal consultation, adverse effects to bats occupying these lower quality habitats must also be avoided.

If the habitat assessment indicates that sufficient habitat will remain following construction, loss of foraging habitat itself will not be a concern. However, to avoid direct adverse effects to bats roosting in these areas, we assume the conservation measures pertaining to alternate roost trees will be followed in these low quality but suitable habitat areas.

Running Buffalo Clover

We cannot concur with a NLAA determination for running buffalo clover because of the uncertainty of what will be done if plants are discovered in currently unsurveyed areas. Three conservation measures were proposed to avoid impacts to RBC if discovered: 1) fencing off plants, 2) transplanting individuals, and 3) modifying the construction right-of-way. Conservation measures #1 and 3 can be viable options, but transplanting is not effective for two reasons. One, transplantation itself is an adverse effect. Two, past transplantation efforts have yielded poor success.

In addition to conservation measures 1 and 3, we recommend the following to ensure adverse effects are avoided:

If RBC is directly within the path of construction activities, modify the ROW to avoid disturbing the plants. If the plants are in the ROW, but construction activities will not directly impact the plants, fencing should occur if the plants could be trampled. Do not burn in occupied areas, and

do not remove tree cover in and around any located plants (as direct sunlight needs to be limited). Additionally, post-construction measures are required. Specifically, only approved native plant species should be planted in the disturbed ROW; no herbicide application within 200 feet of plants shall be allowed; mowing must be avoided between May and June (mowing in mid-April and again in July is recommended); and 4) invasive plant control measures (including monitoring) are needed.

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My work schedule is M, W, Th 6:30 -4:30pm (See attached file: Indiana bat measures flow chart for FWS.pdf)

[attachment "ibat nlaa flowchart from Jennifer revised.pdf" deleted by Jennifer Szymanski/R3/FWS/DOI]

Carly Lapin

From: Angela_Zimmerman@fws.gov
Sent: Wednesday, February 13, 2008 9:42 AM
To: Jeff Thommes; Carly Lapin
Cc: Mary_M_Knapp@fws.gov; Jeff_Gosse@fws.gov
Subject: Ohio FWS comments on eastern massasauga habitat assessment

Follow Up Flag: Follow up
Flag Status: Red

Jeff and Carly,

We have reviewed the eastern massasauga habitat assessment results for the REX East project submitted to the Ohio USFWS ES Field Office in December 2007. Potential habitat for this species along the proposed pipeline corridor was identified using aerial photos, topo maps, and GIS layers of delineated wetlands and land use/land cover. In total, 19 areas were identified along the route as potentially suitable. Site visits were performed at all but 2 of these 19 sites to determine habitat suitability for the massasauga. All of the 17 sites visited were determined to be unsuitable to support this species. The 2 remaining sites, located in Clinton and Warren counties, were not visited because access to these properties was denied by landowners. One of these sites occurs within 0.69 mile of the Spring Valley Wildlife Area where massasaugas are known to occur. The second site is approximately 6 miles from the same wildlife area.

We recommend that these 2 remaining sites be investigated to determine if the habitat is suitable when access is gained. If habitat is determined to be suitable, we recommend that you work with my office and the ODNR, Division of Wildlife to develop avoidance and/or minimization measures to incorporate into the project design to protect this imperiled species during project construction, operation, and maintenance.

Thank you for the opportunity to review and comment on this report.

Sincerely,
Angela Boyer
U.S. Fish and Wildlife Service
6950 Americana Parkway, Suite H
Reynoldsburg, OH 43068
(614) 469-6923, ext.22
FAX (614) 469-6916
angela_zimmerman@fws.gov

Date/Time: February 27, 2008; 10 am EST
Subject: Conference Call between the Federal Energy Regulatory Commission and the U.S. Fish and Wildlife Service
Regarding: Outstanding conditions and definitions presented in the biological assessment report provided by REX east.

Participants:

Jennifer Szymanski, FWS
Medha Kochhar, FERC
Todd Stribley, ICF International

Discussion Items:

In the biological assessment report, REX East indicated that FWS would be providing the definition for several key terms in the report to include: alternative roost tree avoidance measures; potential nursery roost trees; exist counts that would qualify a tree as a nursery roost tree; and re-survey intensity.

FWS is working with the field offices to formally define these terms as they would apply to the REX East Project and will provide them to the FERC and the applicant as they are developed. FWS would like to have these terms defined in the biological assessment that the FERC will submit to FWS.

Jeff,

Attached are the remaining tidbits regarding the conservation measures for avoiding adverse effects. As I have pointed out in the past, the best approach to avoid adverse effects is to restrict tree removal to the inactive season. The conservation measures proposed by RexEast are likely to minimize the chances of adverse effects occurring, but obviously not to the extent that seasonal tree-cutting restrictions would. Please be sure the company understands these measures reduce the certainty of avoiding adverse effects.

Jennifer

(See attached file: NGR executive summary of CMs.doc)

Jennifer Szymanski

U.S. Fish and Wildlife Service

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My work schedule is M, W, Th 6:30 -4:30pm

Table ES-1

Rockies Express Pipeline – East Project		
Species-Specific Conservation Measures for Federally Listed Threatened or Endangered Species		
Species	Area/Scenario of Application	Conservation Measures
Running Buffalo Clover	If running buffalo clover is identified within the action area during remaining surveys	Rockies Express will implement all of the following: 1) Fence off plants if adjacent to or along the edge of the construction right-of-way. 2) Modify the construction right-of-way configuration to avoid plants. Retain tree cover in and around plants. 3) Use only approved native plant species during restoration of the right-of-way. 4) Prohibit herbicide applications within 200 feet of the plants and avoid mowing between May and June. 5) Control the introduction and spread of invasive plant species in the vicinity of the plants.
Indiana bat	If Indiana bats are captured during 2008 mist net surveys and a nursery roost tree(s) is located during radiotelemetry studies	Avoid nursery roost tree(s) and immediate microclimate as identified by a qualified biologist and approved by the FWS.
	If Indiana bats are captured during 2008 mist net surveys and a nursery roost tree is not located during radiotelemetry studies	Identify potential nursery roost trees within the action area and conduct exit counts to determine whether the tree is an occupied nursery tree. If it is not, employ applicable alternate roost tree avoidance measures (to be defined by the FWS). If it is, avoid roost tree and immediate microclimate.
	If Indiana bats were captured during 2007 mist net surveys and a nursery roost tree(s) was/were identified during radiotelemetry studies [Note: Although two nursery roost trees were identified within the action area, no nursery roost trees were identified within the area to be directly affected by construction.]	Relocate the nursery roost tree(s) prior to construction to determine if it remains suitable. If the tree remains suitable, no additional measures are required. If the tree is no longer suitable: a.)conduct a radiotelemetry study to locate new nursery roost tree(s) and if within the action area, avoid the tree(s) and its microclimate; b.) protect all potential nursery trees (to be defined by the FWS) within the action area; or c.) identify potential nursery roost trees and conduct exit counts to determine whether it is an occupied nursery roost (the number of bats noted during exit counts to qualify a tree as an occupied nursery roost is to be defined by the FWS). If occupied, avoid the tree and its microclimate. If not occupied, employ applicable alternate roost tree avoidance measures.
	If Indiana bats were captured during 2007 mist net surveys and a nursery roost tree(s) was/were not identified during radiotelemetry studies	Rockies Express will implement one of the following: 1) Implement seasonal tree-cutting restrictions within area 2) Re-survey in 2008 at an intensity (to be defined by the FWS) that would likely detect all nursery trees being used in an area and protect all identified nursery roost trees and their immediate microclimate 3) Identify potential nursery roost trees within the action area and conduct exit counts to determine whether the tree is an occupied nursery tree. If it is not, employ applicable alternate roost tree avoidance measures. If it is, avoid roost tree and immediate microclimate.
	If Indiana bat mist net surveys were not recommended in an area reviewed by the FWS (i.e., low quality areas)	No restrictions are necessary.

Alternate roost tree measures:

In areas where Ibats were caught but no nursery trees are known to occur, RexEast will implement the following measures to AVOID direct effects to bats roosting in alternative roost trees:

1. Remove trees during the inactive season, OR
2. Remove trees while bats are foraging
 - a. Tree removal will occur between 1 hour after sunset and 1 hour before sunrise
 - b. Temperature must be >50°F
 - c. No precipitation or strong winds (as before an approaching thunderstorm).

Additional caveats:

1. We assume that all the applicable conservation measures will be apply to an entire tract of suitable habitat in an area. That is, the entire block suitable habitat should be considered occupied, not just the immediate location of the survey site.

2. We also assume that one or more captures within large contiguous blocks of suitable habitat (i.e., blocks of habitat that contained more than 1 survey site) indicate Ibat presence for the entire block of contiguous habitat. In other words, if Ibats were captured at one or more of the survey sites within a large block of habitat, bats are presumed present throughout all suitable habitat areas within the contiguous block of habitat even if at other survey sites within this block of habitat bats were not captured.

Potential roost tree

A tree that may support maternity colonies, i.e., reproductive females and their young. Nursery roost trees have the following habitat characteristics: Live or standing dead trees or snags over 9”diameter at breast height (dbh) with exfoliating, peeling or loose bark, split trunks and/or branches, or cavities. These characteristics must be plentiful enough to allow the colony to change locations along the tree to aid in thermoregulation. If the habitat characteristics are found only on the branches of the tree, the branches must be at least 8” in diameter at the site of the habitat characteristics. These trees must have some solar exposure, and trees must be part of, or connected to a travel corridor, forested area.

Exit count protocol

Begin at sunset and continue for a minimum of one hour or until it is otherwise too dark to see emerging bats. The surveyor(s) should position him or herself so that emerging bats will be silhouetted against the sky as they exit the roost. Tallies of emerging bats should be made at approximately 2-minute intervals. Please ensure that you are close enough to the roost tree to observe all exiting bats, but not close enough to influence emergence (i.e., do not stand directly beneath the roost and do not make unnecessary noise and/or conversation, and minimize use of lights (use a AAA mag-lite or similar to record data if necessary). Do not shine a light on the roost tree itself as this may prevent or delay bats from emerging. If available, use of an infra-red/night vision or thermal-imaging video camera or spotting scope is encouraged. Use of an ultrasonic bat detector(s) may also increase detectability of emerging bats (attempt to discern the peak frequency of bat calls if using a tunable detector). The survey should not be conducted

during inclement weather such as precipitation, strong wind, and temperatures below 10°C.

If more than 20 bats are observed, the tree should be classified as an occupied nursery tree. If less than 20 bats are observed, the tree should be classified as an alternate roost tree.

Additional netting required:

Rex East will under the following circumstances survey/re-survey and conduct telemetry studies in areas that identified in 2007:

- a. Any area targeted for surveys in 2007 that could not be surveyed
- b. Any area in which a nursery tree was not located (e.g., lost signal, only alternative trees used while tagged, etc.) – We are aware of 3 such sites: (1) one site in Franklin County, Indiana (a female fitted with a transmitter, but a roost tree was never identified); (2) one site in Missouri (female tagged but did not locate nursery tree); and (3) one site in Ohio

The one the exception to this is the Warren County, Ohio site. We do not believe follow-up surveys are necessary for the following reasons: (1) the pipeline route has since been changed and avoids the capture site; (2) the route now goes under the LMR by HDD. I have visited the proposed entry and exit points for the HDD and the habitat at this site is of low quality and I did not observe any roost trees in the vicinity; and (3) it is my understanding that no tree removal is going to occur within the riparian corridor along the LMR.

- c. Any area where the alignment has shifted such that un-surveyed habitat may be affected. For example, in Belmont County, Ohio, a female was captured and followed to a house. We believe additional surveys are necessary in this area for the following reasons: (1) the route has shifted and may impact an area or areas not previously surveyed, (2) the surrounding area is fairly heavily forested and could support multiple colonies, and (3) the actual nursery site may not have been located for the bat that was captured (she was still pregnant).

In areas where the alignment has shifted markedly, please coordinate with the appropriate Field Office to determine if surveys are necessary.

The radio-telemetry protocol used in 2007 is acceptable for any telemetry work in the 2008 season.

Date/Time: March 3, 2008; 10 am EST

Subject: Conference Call between the Federal Energy Regulatory Commission and the U.S. Fish and Wildlife Service

Regarding: Outstanding Indiana bat surveys, mussel relocation in the Mississippi River, and distribution of Biological

Participants:

Jennifer Szymanski, FWS

Medha Kochhar, FERC

Laura Turner, FERC

Todd Stribley, ICF International

Discussion Items:

Reviewed the outstanding Indiana bat surveys in light of the McCarroll letter and the private Indiana bat survey completed on his property. REX East surveyed adjacent to the property, but was not allowed access to the McCarroll property. Area is included in the areas to be surveyed/re-surveyed in 2008.

FWS provided the definitions for the key terms defined in the biological assessment report prepared by REX East; the definitions will be incorporated in the Biological Assessment prepared by the FERC.

REX East reported that mussels would be relocated from the area to be dredged and the area immediately downstream. FWS confirmed that no Federally listed species were identified at that location in the Mississippi River and the FWS would not have to approve the relocation.

Reviewed the completion and distribution of the Biological Assessment – FWS provided distribution information.

APPENDIX F

REX East – Project Indiana Bat Mist Net and Radiotelemetry Survey Plan

47 survey corridor. Mist net sites will be focused within those areas recommended for
48 survey by the FWS based on review of data collected on forested stands present along
49 the proposed project corridor.

50
51 Mist net locations will be selected in the field by a biologist experienced in capturing
52 Indiana bats. Selection of mist net sites will be based upon presence of potential
53 Indiana bat roost trees (dead or alive trees with exfoliating bark, split trunks or
54 branches, or cavities), forest conditions (midstory density and canopy cover), and
55 general proximity to a surface water resource. Access to the site by field vehicles
56 will be considered. Netting over streams with riparian forest increases the probability
57 of capturing bats due to the natural funneling action of the stream corridor. In
58 addition to forested stream corridors, upland forest tracts within the proposed
59 project area may be surveyed.

60
61 Mist netting will be conducted in accordance with FWS guidelines, as described below.

62
63 Each site will consist of two mist nets spaced no less than 100 feet apart. Both nets
64 will be deployed for two calendar nights, resulting in four net-nights per site (one
65 net-night = one net deployed for one night). Each night, netting will begin at sunset
66 and continue for at least five hours. Nets will be monitored every 10 minutes. The
67 location of mist net sites will be documented using GPS.

68
69 Mist nets will be constructed of black nylon with a mesh of approximately 1.5-inch
70 spacing. Nets will extend approximately from water or ground level to tree canopy
71 and will be bound by foliage on the sides. One net may be 18 - 30 feet tall and 18 -
72 60 feet wide, depending on dimensions of the survey site. Net width and height will
73 be adjusted for the fullest possible coverage of the flight corridor at each site. To
74 the extent possible, mist nets will be placed greater than 150 feet away from
75 disturbance by vehicle and/or human traffic.

76
77 Netting will occur only if the following weather conditions are met:

- 78 a) Minimal precipitation,
79 b) Temperature > 10° C,
80 c) Wind speed still to calm, and
81 d) Cloud cover, or moon less than half full if net site is not protected by the forest
82 canopy.

83
84 Bats will be live-caught in mist nets and released unharmed near the point of capture.
85 For all bats captured during the mist net survey, species, capture location, age,
86 gender, reproductive condition, right forearm length, and weight will be recorded.
87 Distinguishing characteristics of captured Indiana bats will be photographed. Habitat
88 near each mist net site will be characterized, and weather conditions during the
89 survey will be recorded.

90

91 **Radiotelemetry**

92 Mist net crews will attach a radiotransmitter on up to 20 juvenile or adult female
93 Indiana bats captured (maximum of 2 Indiana bats per site) to allow for telemetry
94 studies. Bats will be tracked during the day for up to 4 days or until a roost tree is
95 located. If access to roost trees is not possible (on private property, etc.), roost
96 locations will be estimated using telemetry bearings from at least two locations.
97 Where possible, crews will gather the following information regarding roost trees:
98 tree species, tree condition (living or dead), percent exfoliating bark, diameter at
99 breast height (dbh), averaged percent overstory within stand, averaged percent
100 understory/midstory within stand, and distances from the roost tree to centerline,
101 nearest paved road, nearest body of water, and nearest four-lane highway. If
102 possible, a photograph will be taken and the tree's location recorded with GPS.

103
104 If possible, emergence counts will be conducted for three nights at each roost tree to
105 enumerate bats using the roost. Emergence counts will begin 30 minutes before dusk
106 and will continue until at least one hour after sunset.

107
108 **Schedule and Staffing**

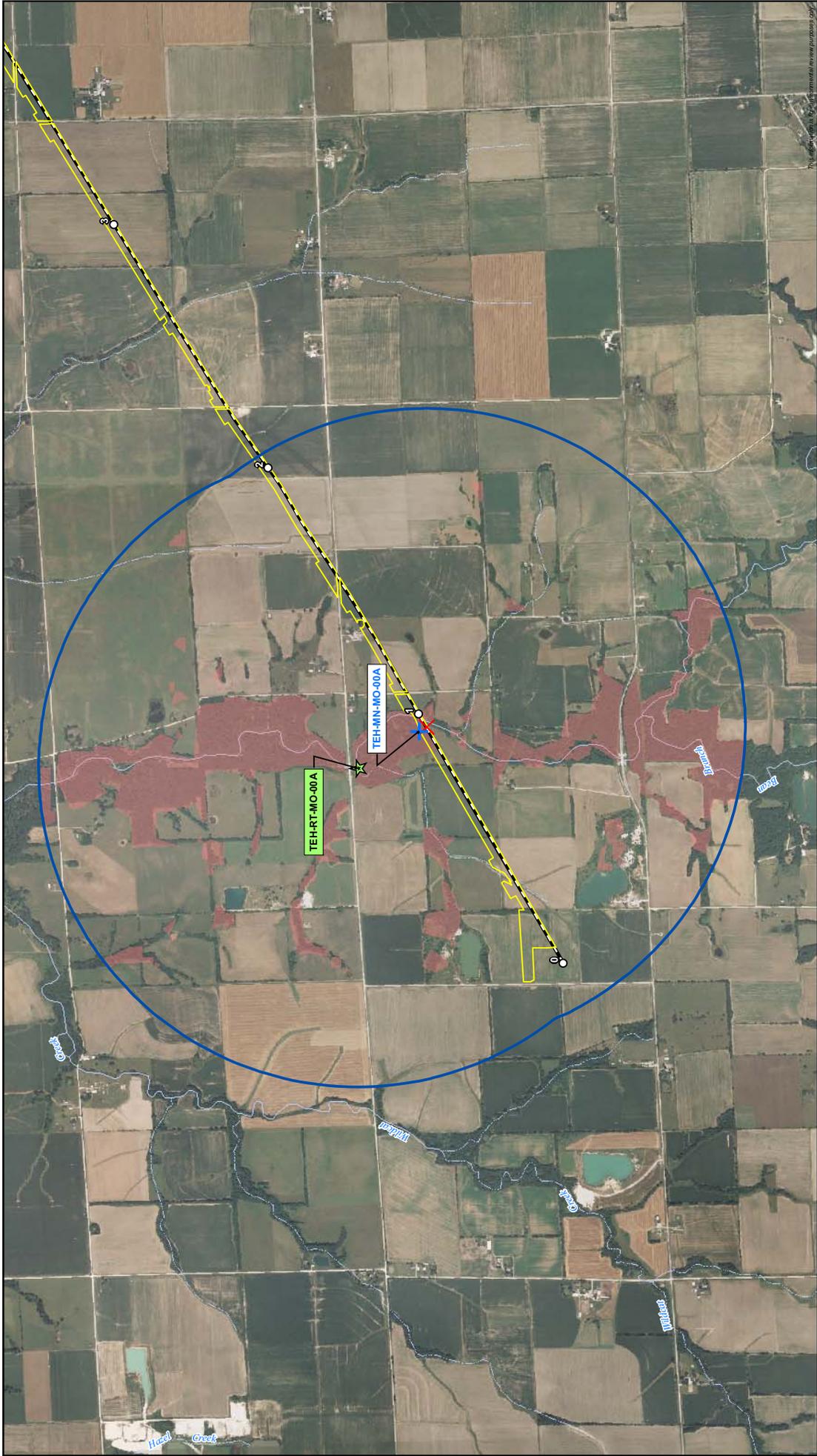
109 All field work will be conducted directly by, or under the direction of, BHE of
110 Cincinnati, Ohio. Possible subcontractors to BHE include Ecotech Consultants, Inc., of
111 Frankfort, Kentucky, and Jackson Environmental Consulting Services, LLC of
112 Richmond, Kentucky.

113
114 If weather conditions permit, mist netting will be initiated on May 15th and will be
115 concluded by July 15th, 2007.

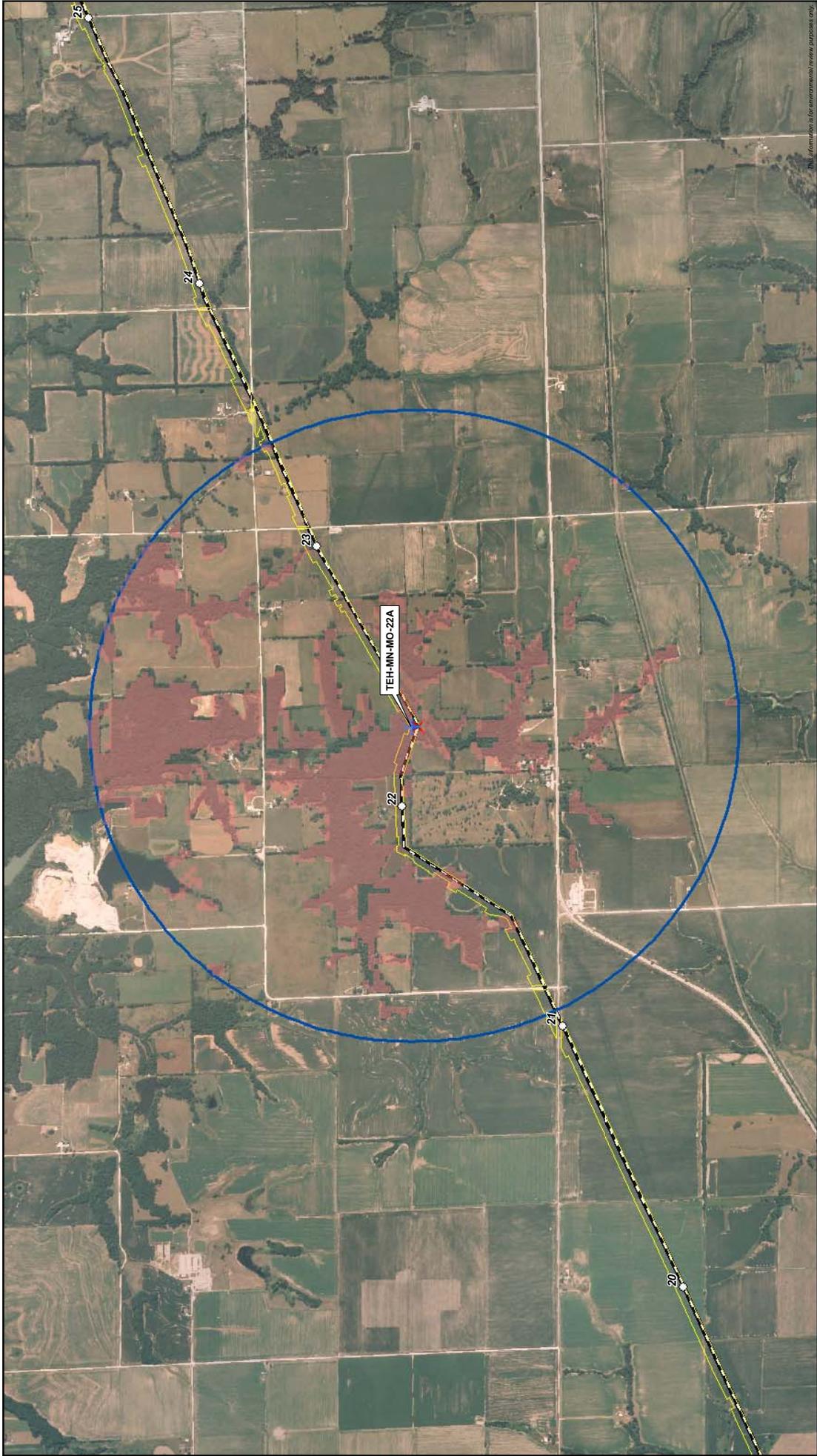
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117

APPENDIX G

REX East – Indiana Bat Mist Net and Radiotelemetry Figures



<p>Mist Net Site</p> <p>+ Actual Location</p> <p>× Nearest Point on Centerline</p>	<p>★ Roost Tree Site</p> <p>▲ Unsurveyed Mist Net Site</p>	<p>— Proposed Route</p> <p>□ 1.1-Mile Buffer</p> <p>□ Workspace</p> <p>■ Forested Area</p>	<p>0 1,000 2,000 Feet</p> <p>1:20,000</p>	<p>N</p>	<p>Bat Habitat Sites</p> <p>Forested Areas within 1.1-Mile of Sites</p> <p>Rockies Express Pipeline</p>	<p>NATURAL RESOURCE GROUP</p>
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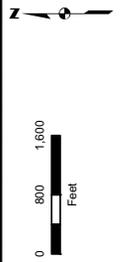


Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites



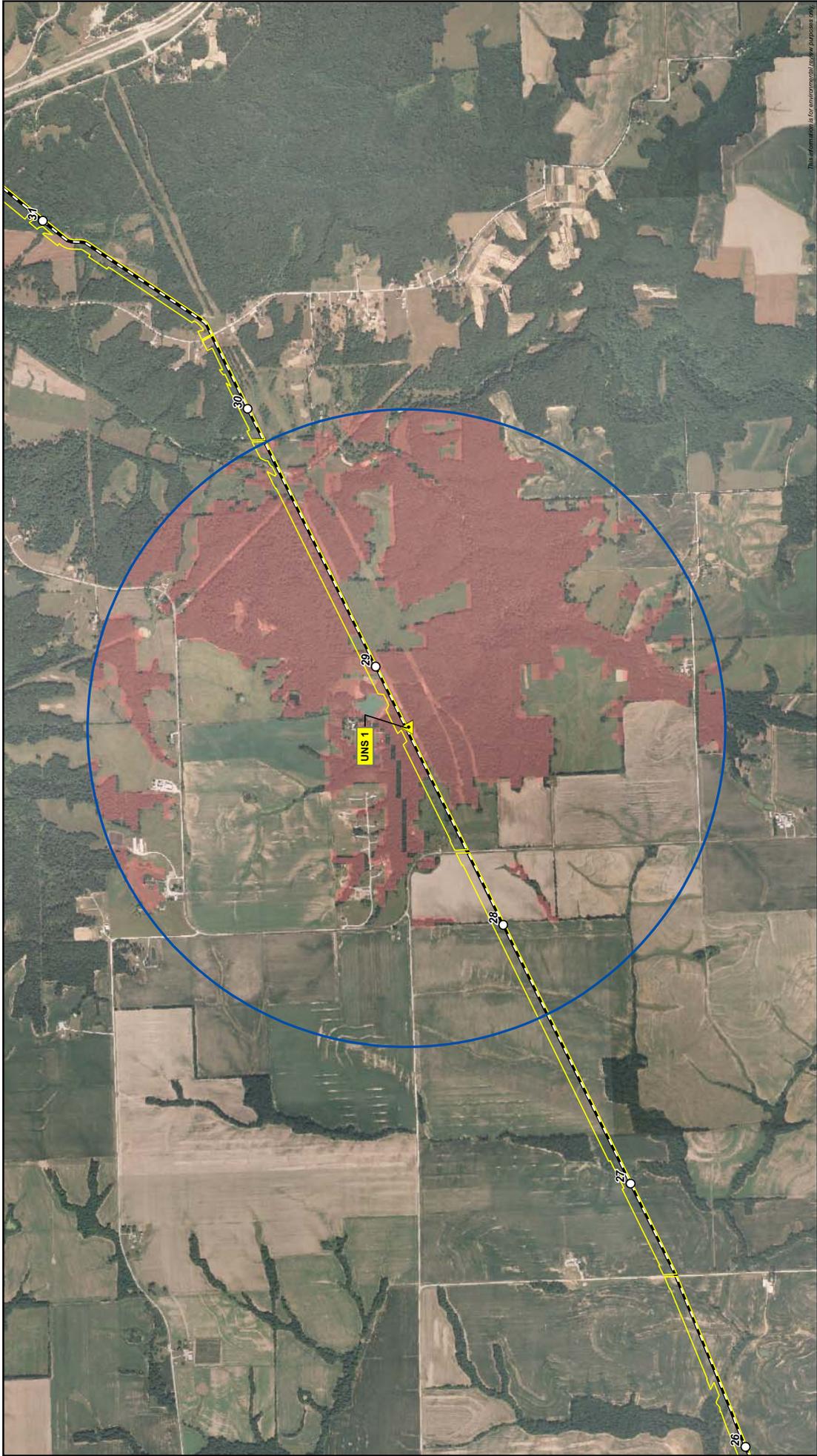
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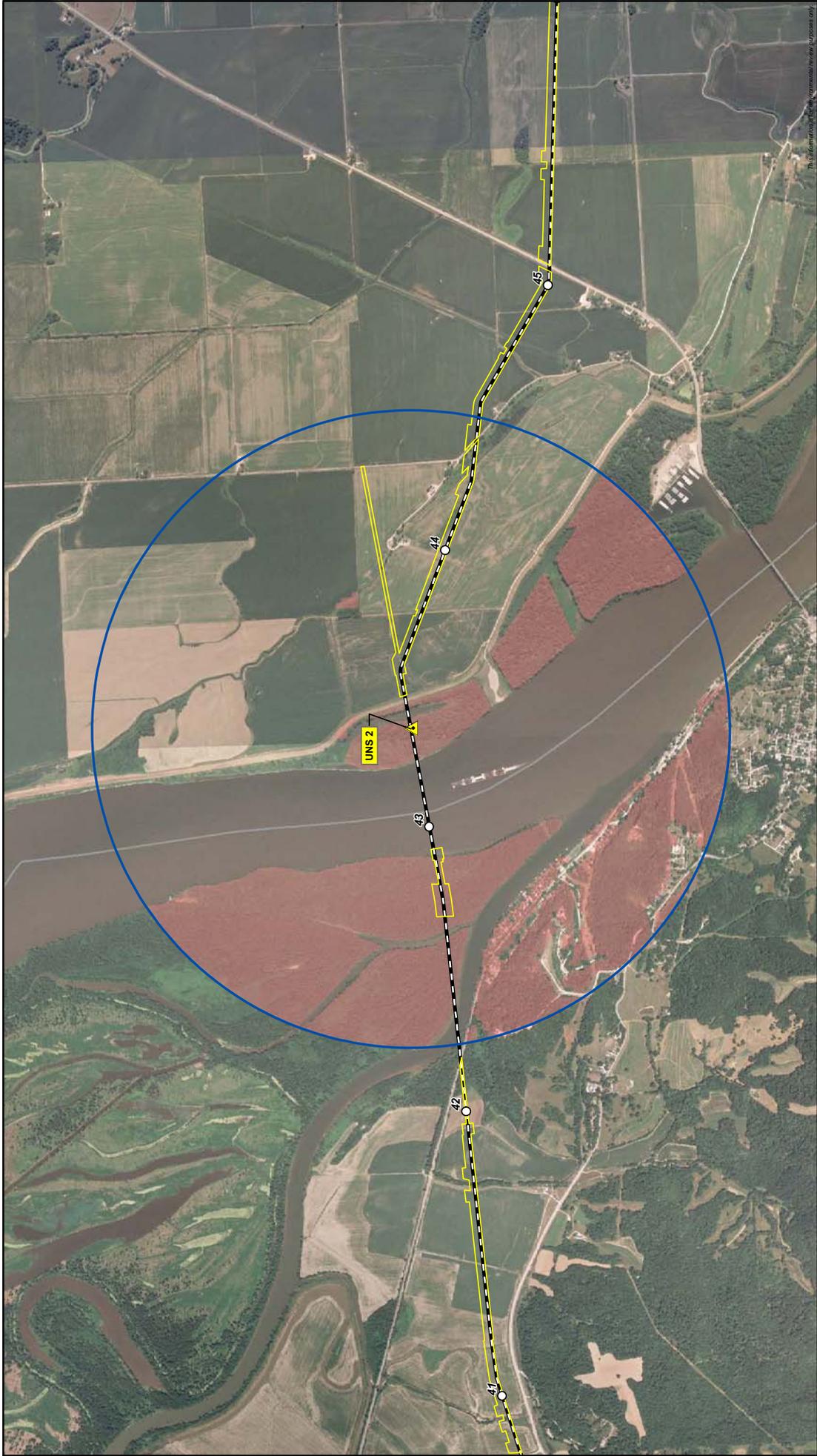
- ★ Roost_Tree_Sites
- ▲ Unsurveyed Mist Net Site
- + Actual Location
- × Nearest Point on Centerline
- Proposed Route
- Workspace
- 1.1-Mile Buffer
- Forested Area

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<ul style="list-style-type: none"> ★ Roost_Tree_Sites + Actual Location x Nearest Point on Centerline 	<ul style="list-style-type: none"> ▲ Unsurveyed Mist Net Site Workspace 	<ul style="list-style-type: none"> 1.1-Mile Buffer Forested Area 	<p>N</p>	<p>0 800 1,600 Feet</p>		<p>Bat Habitat Sites Forested Areas within 1.1-Mile of Sites</p>	<p>NATURAL RESOURCE GROUP</p>
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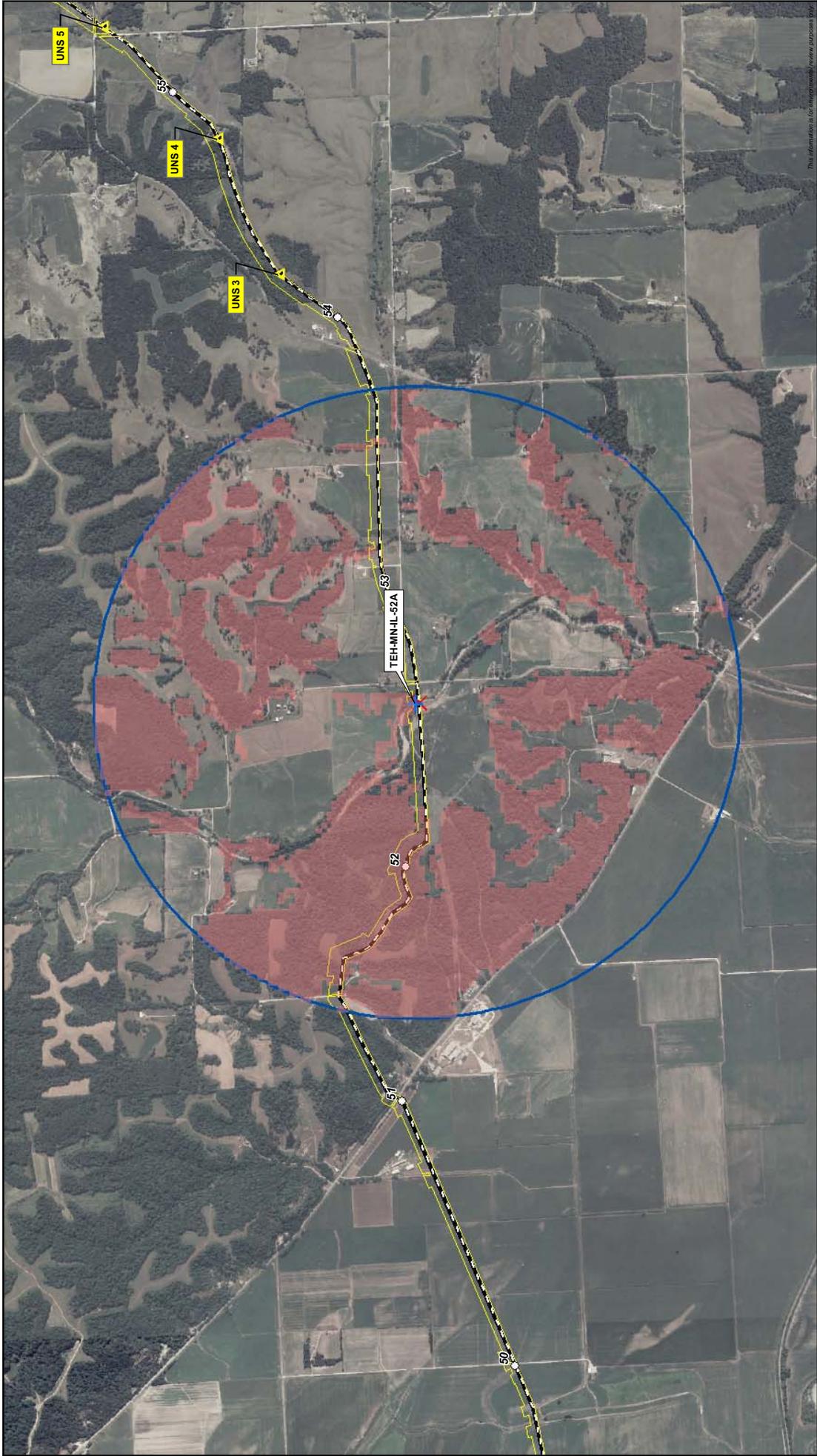


<ul style="list-style-type: none"> ★ Roost_Tree_Sites + Actual Location × Nearest Point on Centerline 	<ul style="list-style-type: none"> ★ Unsurveyed Mist Net Site 	<ul style="list-style-type: none"> Proposed Route Workspace 	<ul style="list-style-type: none"> 1.1-Mile Buffer Forested Area
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Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

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Mist Net Site

- ★ Roost_Tree_Sites
- + Actual Location
- ✗ Nearest Point on Centerline

Proposed Route

- Proposed Route
- Workspace

1.1-Mile Buffer

- Forested Area

Legend

- ★ Roost_Tree_Sites
- + Actual Location
- ✗ Nearest Point on Centerline
- Proposed Route
- Workspace
- Forested Area

Scale

0 800 1,600 Feet

North Arrow

Rockies Express Pipeline

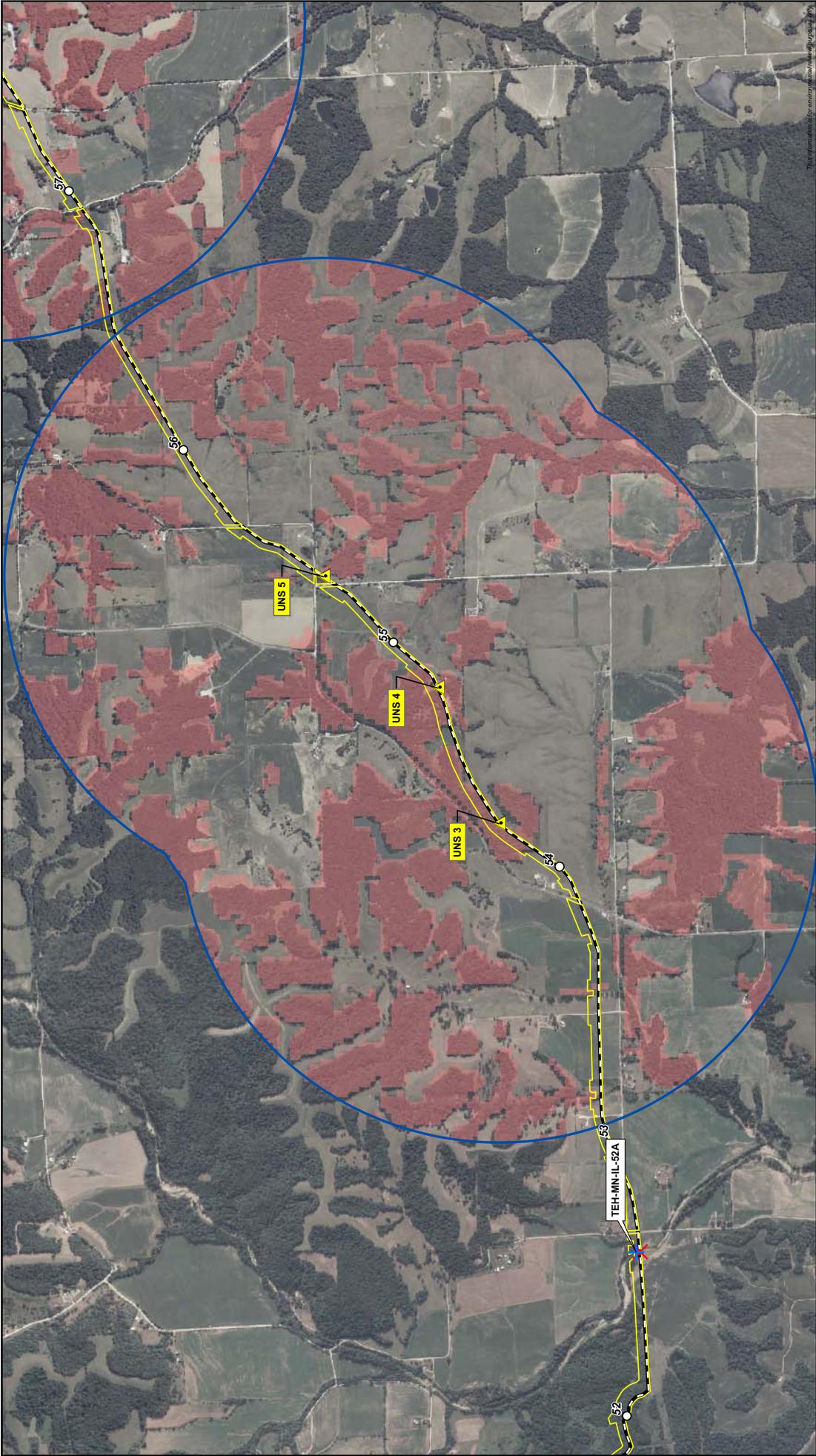
Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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<p>Mist Net Site</p> <ul style="list-style-type: none"> + Actual Location x Nearest Point on Centerline 	<p>Roost_Tree_Sites</p> <ul style="list-style-type: none"> ★ Roost_Tree_Sites 	<p>Proposed Route</p> <ul style="list-style-type: none"> Proposed Route 	<p>1.1-Mile Buffer</p> <ul style="list-style-type: none"> 1.1-Mile Buffer 	<p>Workspace</p> <ul style="list-style-type: none"> Workspace 	<p>Forested Area</p> <ul style="list-style-type: none"> Forested Area
---	--	---	---	---	--

0 800 1,600
Feet

N

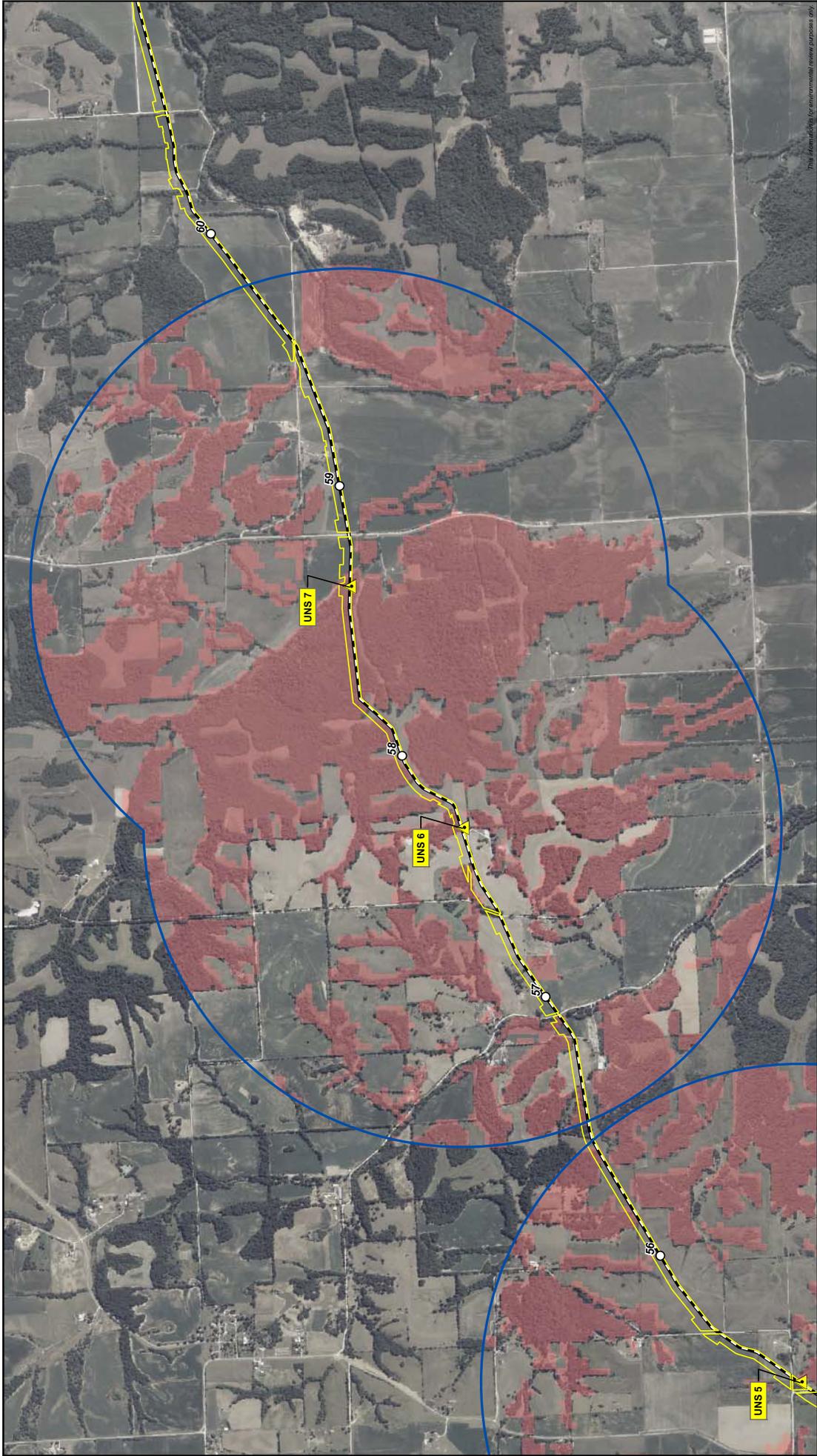
Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

Rockies Express Pipeline

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NATURAL RESOURCE GROUP



<p>Mist Net Site</p> <ul style="list-style-type: none"> + Actual Location ✗ Nearest Point on Centerline 	<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Unsurveyed Mist Net Site 	<ul style="list-style-type: none"> --- Proposed Route □ Workspace 	<ul style="list-style-type: none"> ○ 1.1-Mile Buffer ■ Forested Area
--	--	---	--

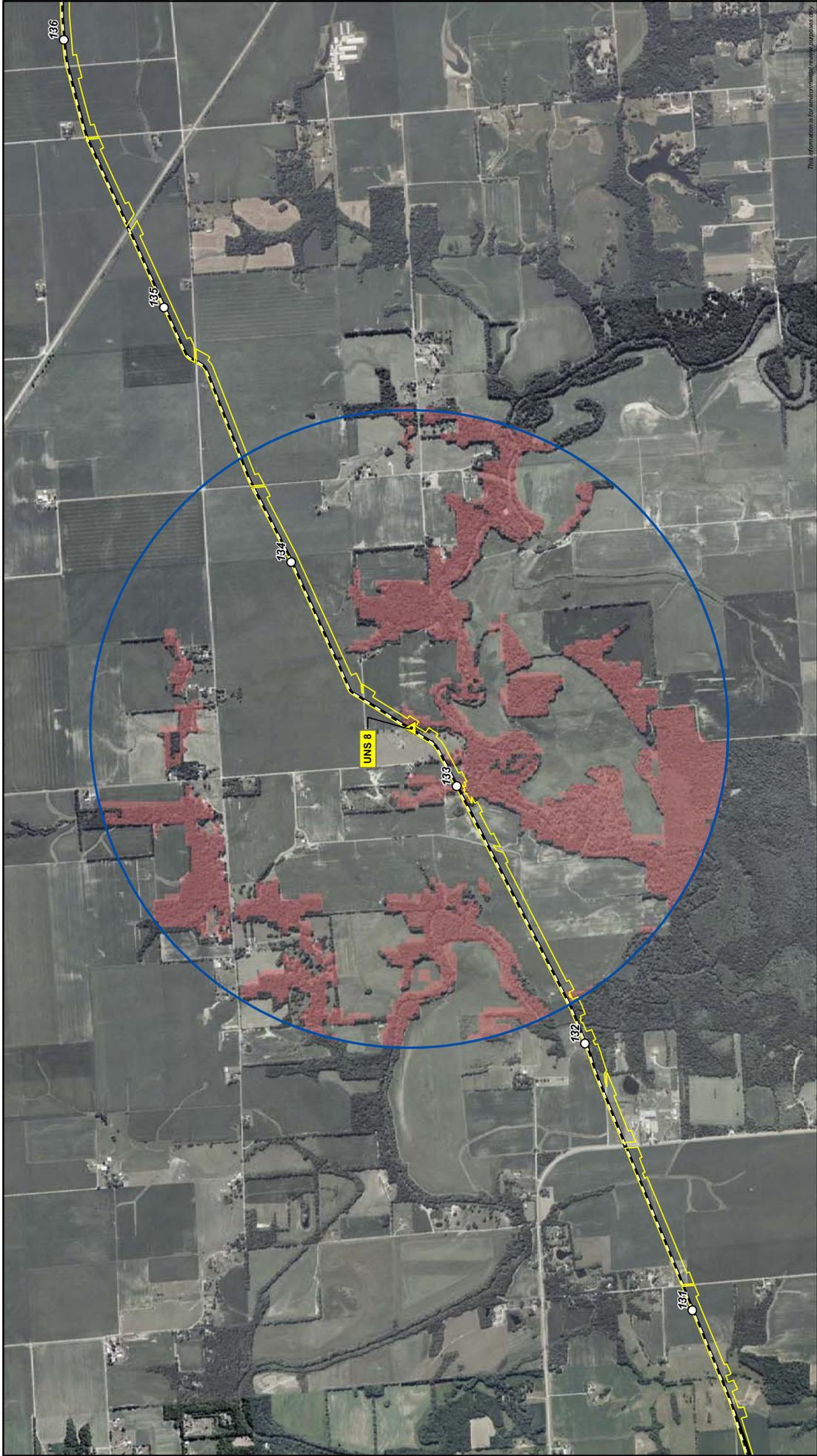
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Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

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Mist Net Site

- + Actual Location
- ✗ Nearest Point on Centerline

Roost_Tree_Sites

- ★ Roost_Tree_Sites
- ▲ Unsurveyed Mist Net Site

Proposed Route

- Proposed Route
- Unserved Mist Net Site

1.1-Mile Buffer

- 1.1-Mile Buffer
- Forested Area

Workspace

- Workspace

Scale: 0 600 1,600 Feet

North Arrow

Rockies Express Pipeline

Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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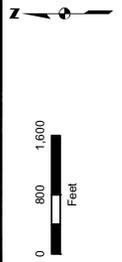
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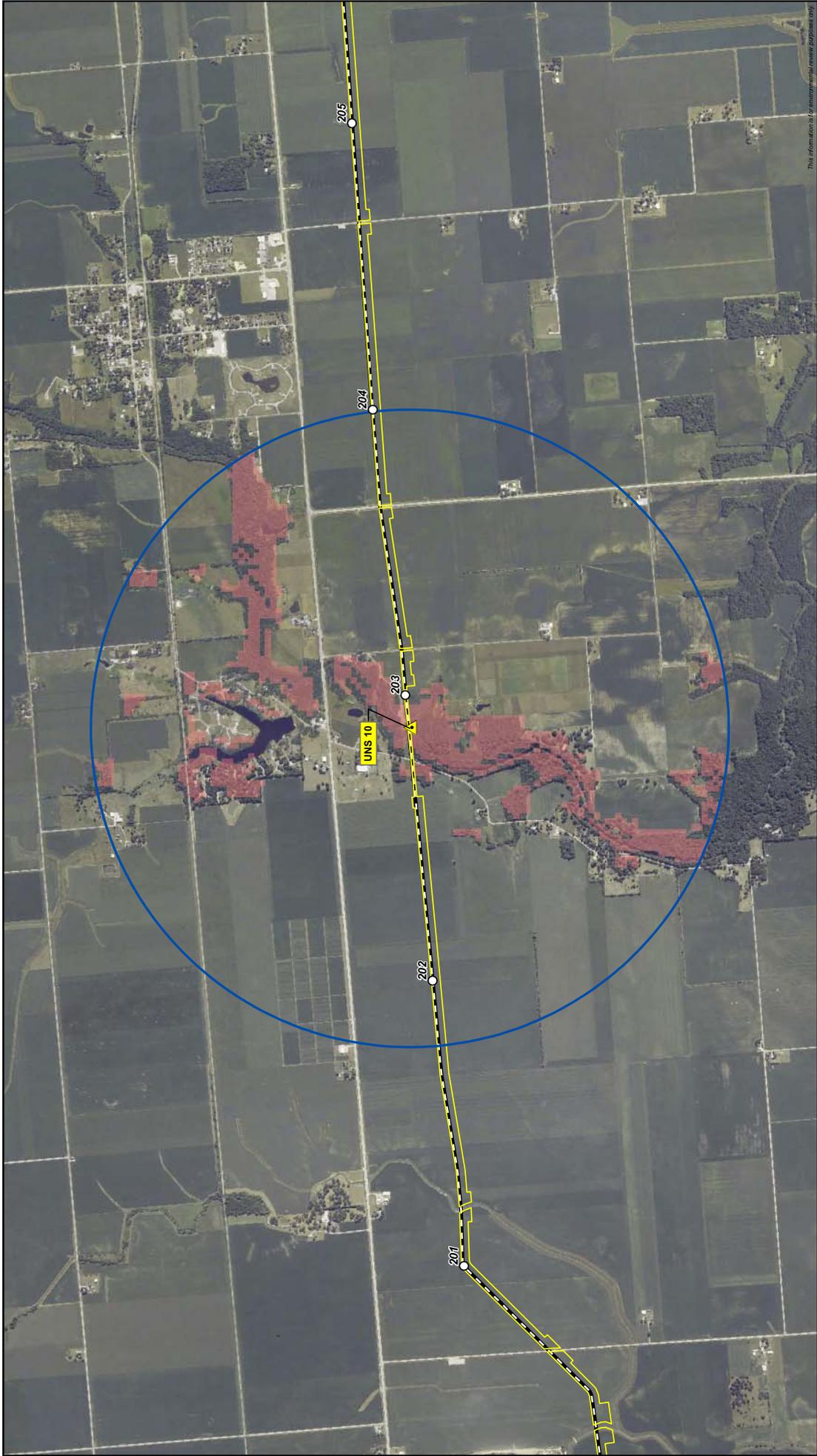
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Bat Habitat Sites Forested Areas within 1.1-Mile of Sites



- ★ Roost_Tree_Sites
- ▲ Unsurveyed Mist Net Site
- + Actual Location
- × Nearest Point on Centerline
- Proposed Route
- Workspace
- 1.1-Mile Buffer
- Forested Area



Mist Net Site
 + Actual Location
 X Nearest Point on Centerline

Roost Tree Sites
 ▲ Unserved Mist Net Site

Proposed Route
 [Dashed Yellow Line] Workspace
 [Blue Circle] 1.1-Mile Buffer

Forested Area
 [Red Area]

Scale: 0 800 1,600 Feet

North Arrow

Rockies Express Pipeline

**Bat Habitat Sites
 Forested Areas within 1.1-Mile of Sites**

NATURAL RESOURCE GROUP

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▲ Unsurveyed Mist Net Site
 Proposed Route
 1.1-Mile Buffer
 Forested Area

Workspace

0 1,000 2,000
 Feet
 1:20,000

N

Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

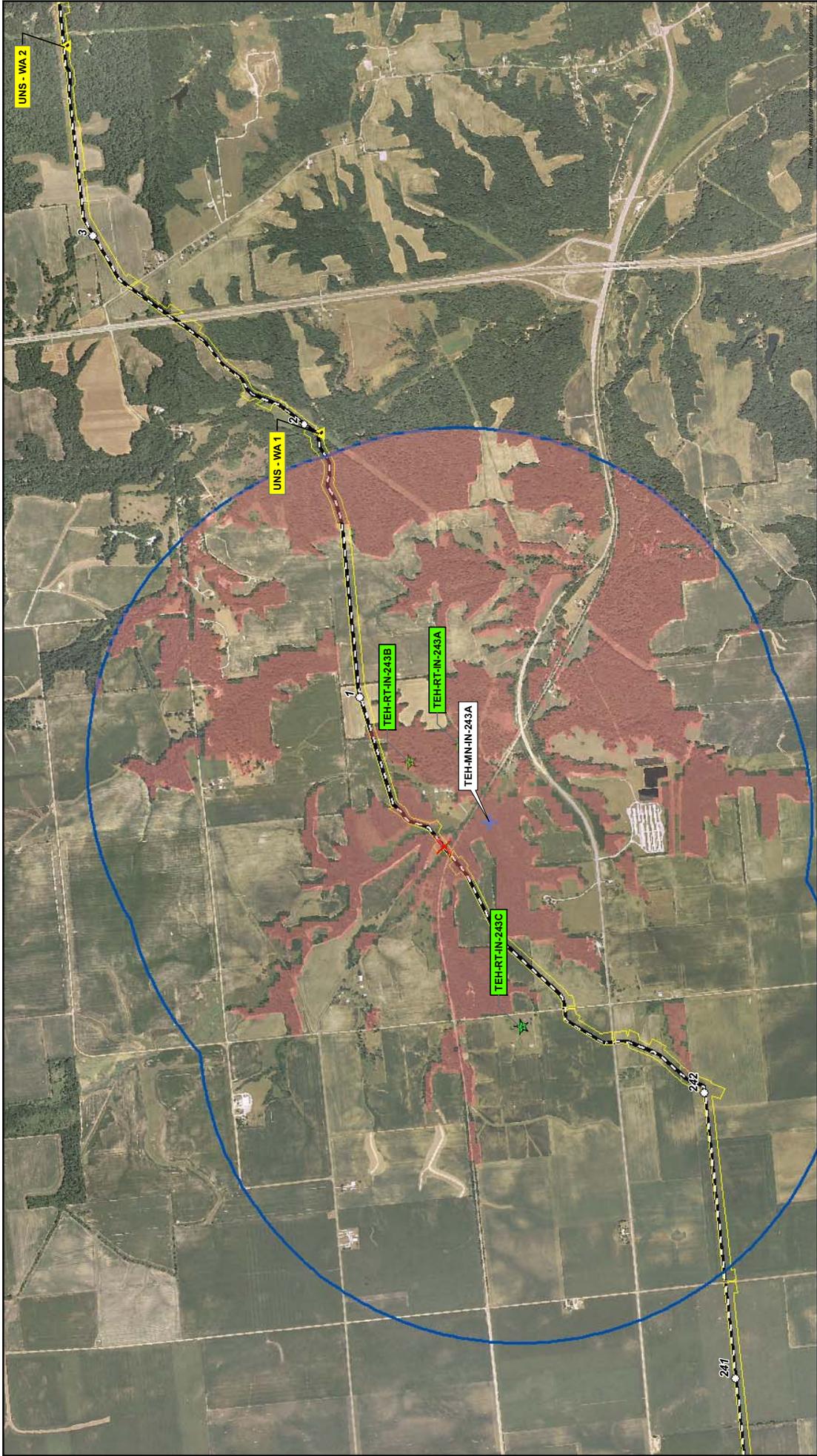
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NATURAL RESOURCE GROUP

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Mist Net Site

- + Actual Location
- ★ Roost_Tree_Sites
- ▲ Unsurveyed Mist Net Site
- ✗ Nearest Point on Centerline

Proposed Route

- Proposed Route
- Workspace

1.1-Mile Buffer

- 1.1-Mile Buffer
- Forested Area

Scale: 0 800 1,600 Feet

North Arrow

Rockies Express Pipeline

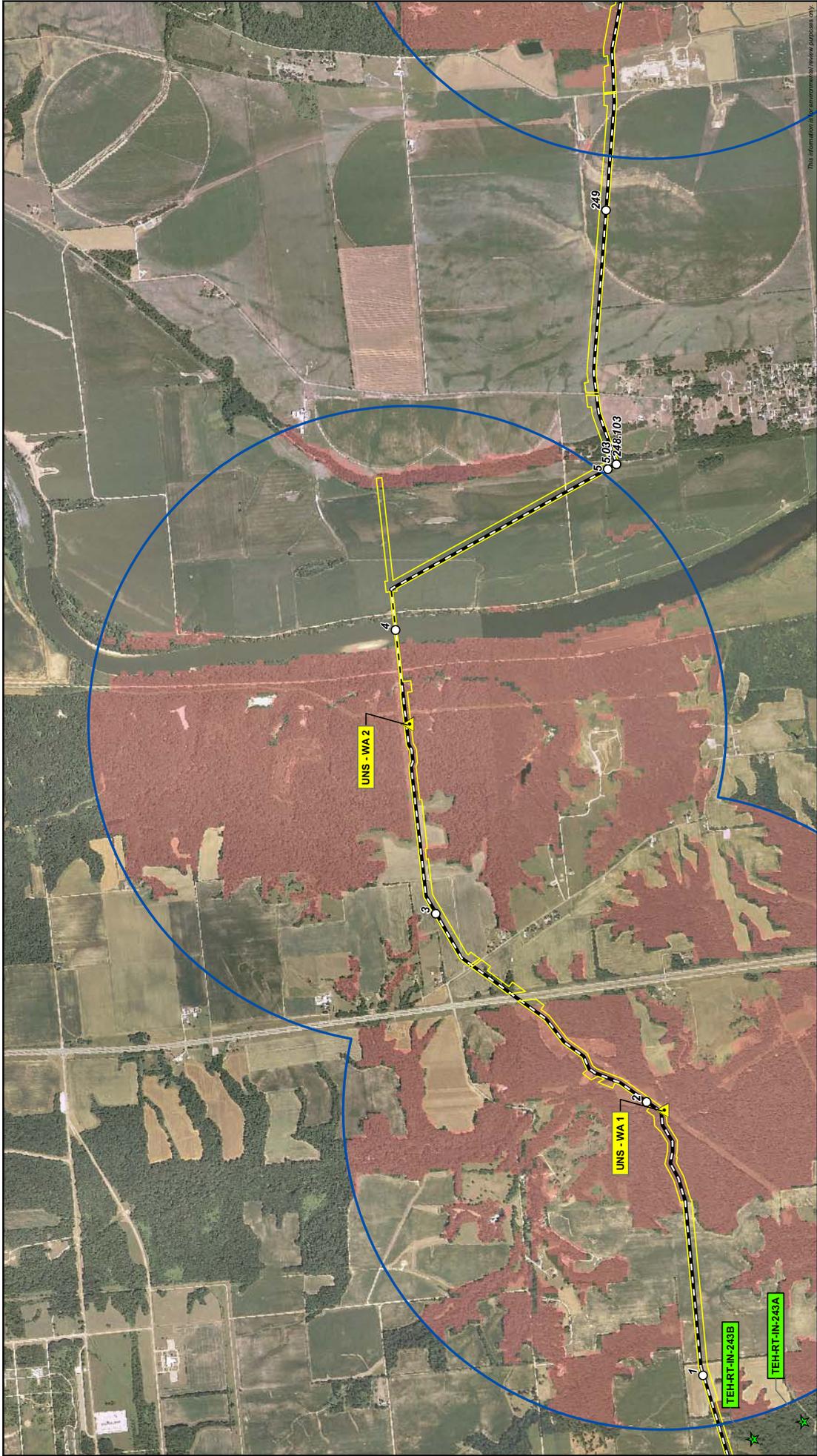
Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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Mist Net Site
 + Actual Location
 X Nearest Point on Centerline

Roost Tree Sites
 ★

Unserved Mist Net Site
 ▲

Proposed Route
 - - -

Workspace
 □

1.1-Mile Buffer
 □

Forested Area
 ■

Rockies Express Pipeline

**Bat Habitat Sites
 Forested Areas within 1.1-Mile of Sites**

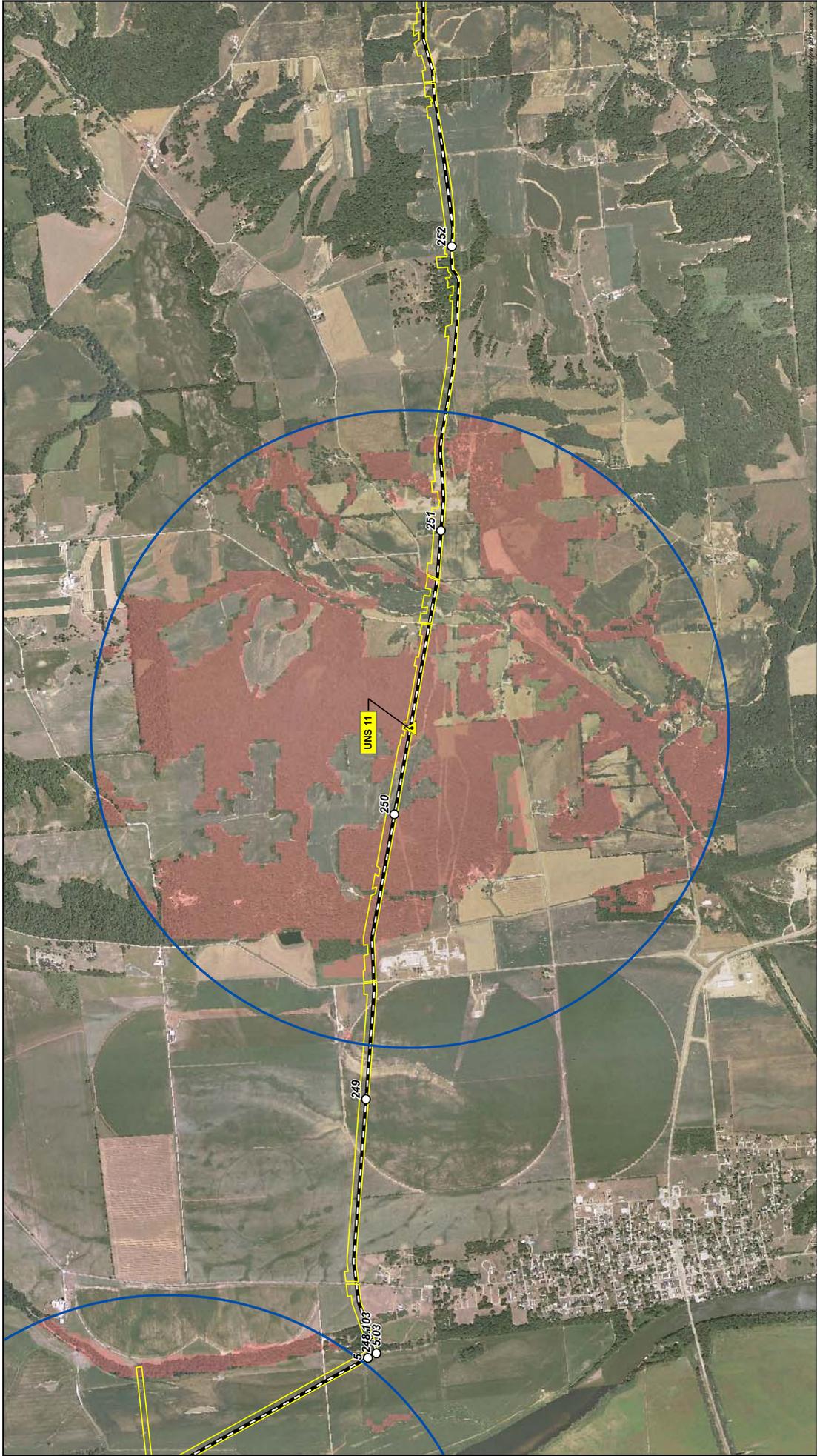
Scale: 0, 800, 1,600 Feet
 North Arrow

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NATURAL RESOURCE GROUP

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Mist Net Site

- + Actual Location
- ✗ Nearest Point on Centerline

Roost_Tree_Sites

- ★

Unsurveyed Mist Net Site

- ▲

Proposed Route

- (Yellow dashed line)

Workspace

- (Yellow outline)

1.1-Mile Buffer

- (Blue outline)

Forested Area

- (Red fill)

Scale: 0, 800, 1,600 Feet

North Arrow

Rockies Express Pipeline

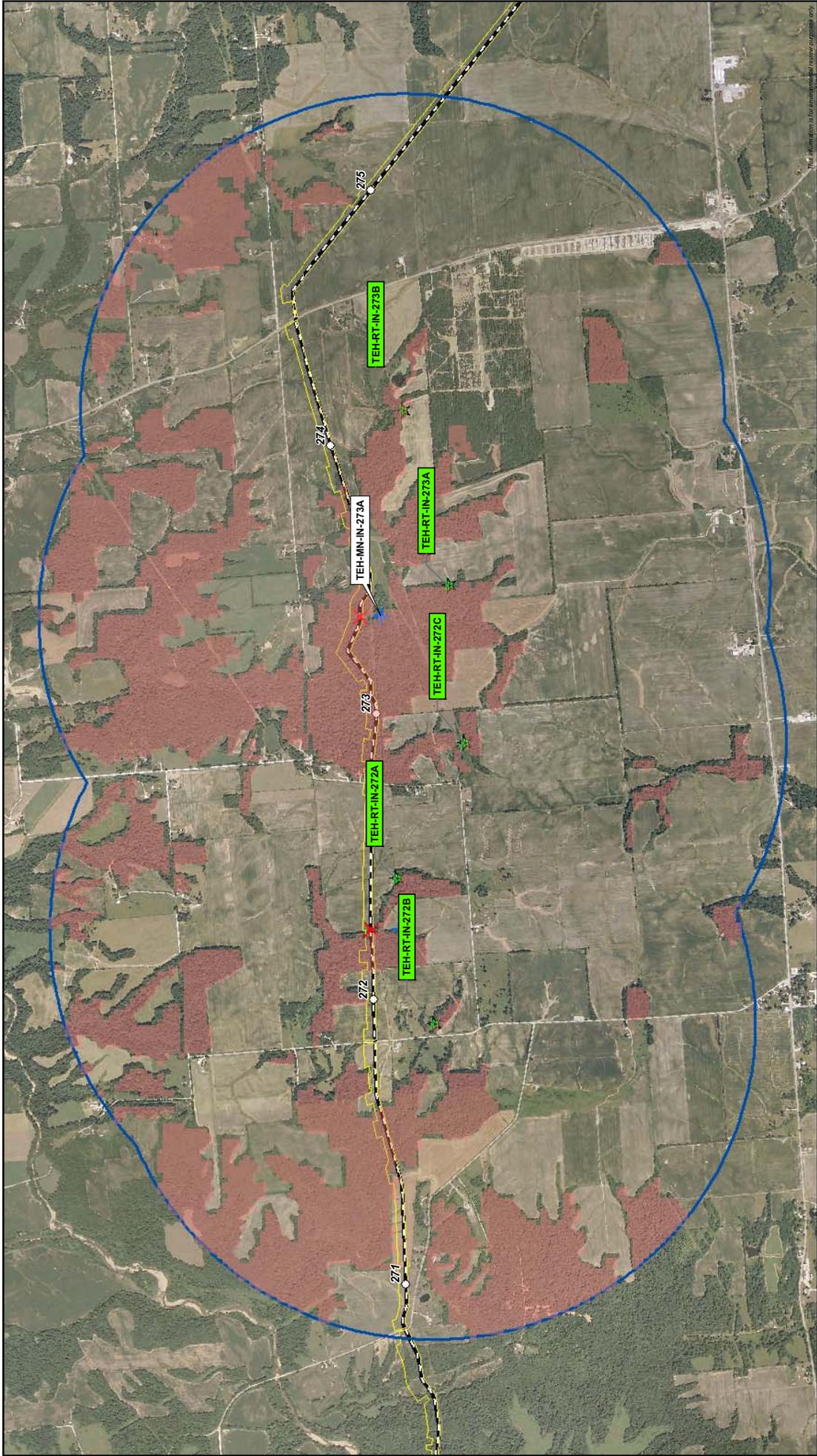
Bat Habitat Sites Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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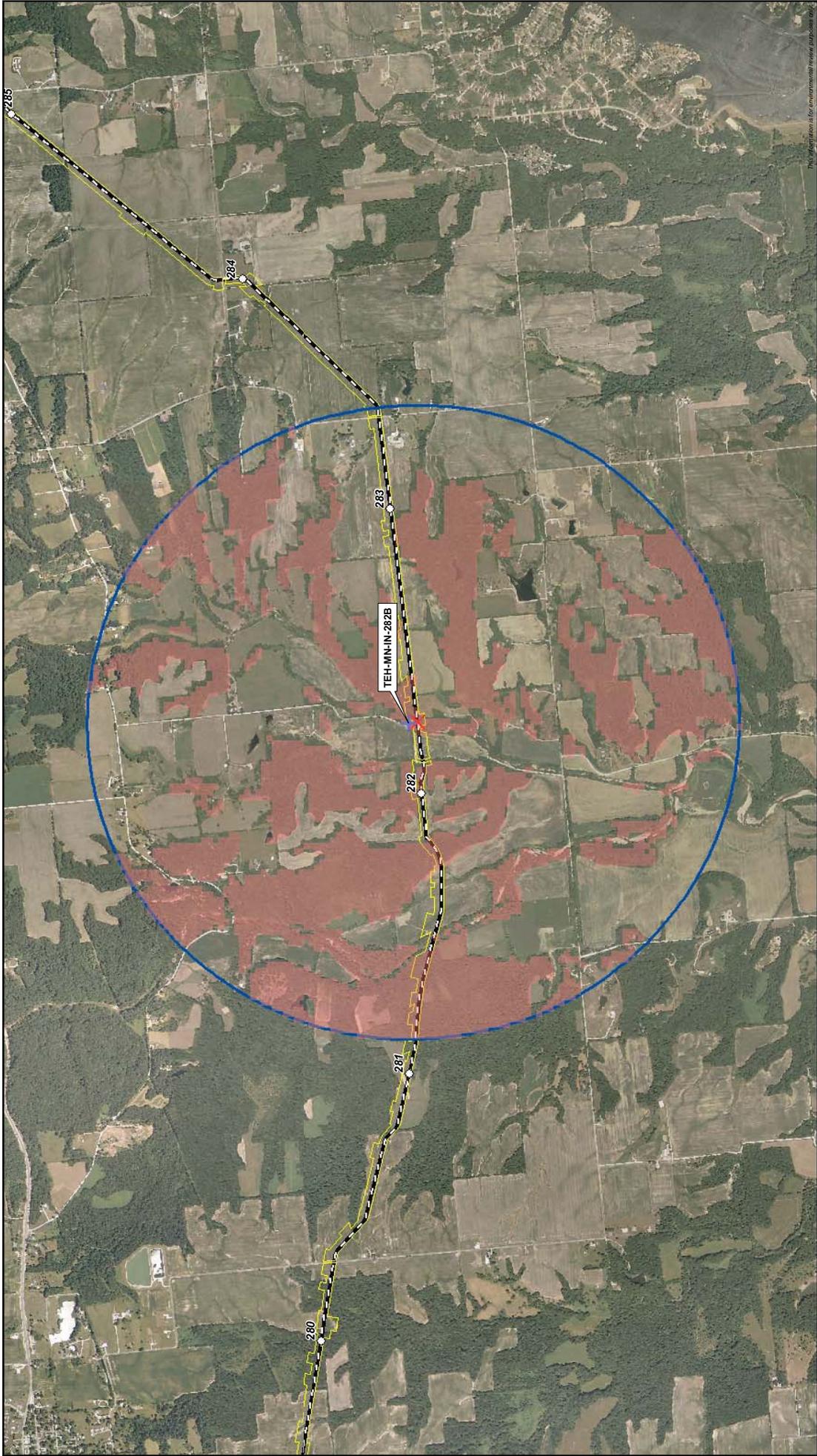


<ul style="list-style-type: none"> + Mist Net Site + Actual Location x Nearest Point on Centerline 	<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Unsurveyed Mist Net Site 	<ul style="list-style-type: none"> Proposed Route Workspace 	<ul style="list-style-type: none"> 1.1-Mile Buffer Forested Area
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Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

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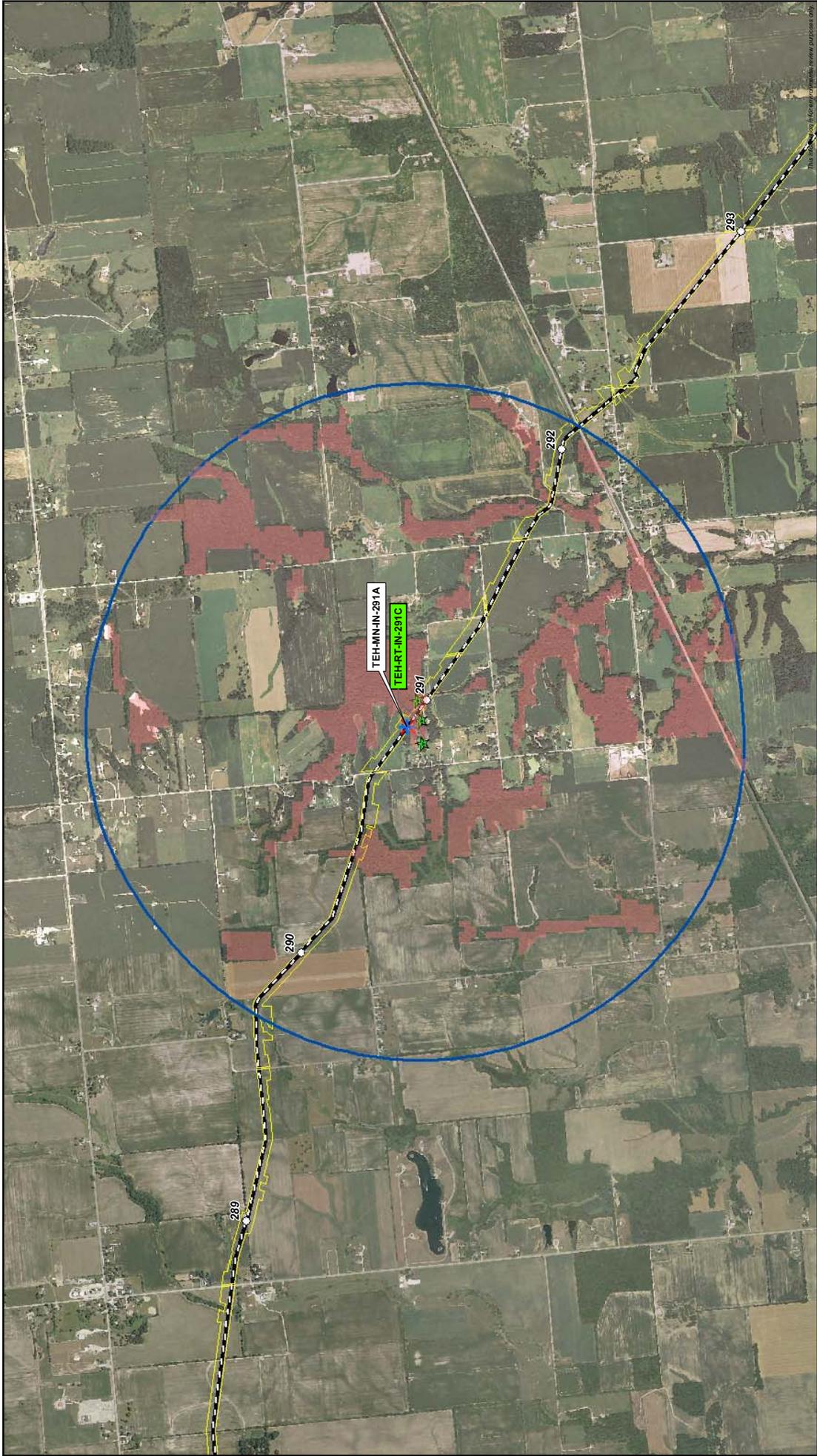


<ul style="list-style-type: none"> ★ Mist Net Site + Actual Location × Nearest Point on Centerline 	<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Unsurveyed Mist Net Site 	<ul style="list-style-type: none"> Proposed Route Workspace 	<ul style="list-style-type: none"> 1.1-Mile Buffer Forested Area
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Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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Mist Net Site

- + Actual Location
- × Nearest Point on Centerline
- ★ Roost_Tree_Sites
- ▲ Unsurveyed Mist Net Site

Proposed Route

- Proposed Route
- Workspace

1.1-Mile Buffer

- 1.1-Mile Buffer
- Forested Area

Scale: 0 600 1,200 Feet

North Arrow

Rockies Express Pipeline

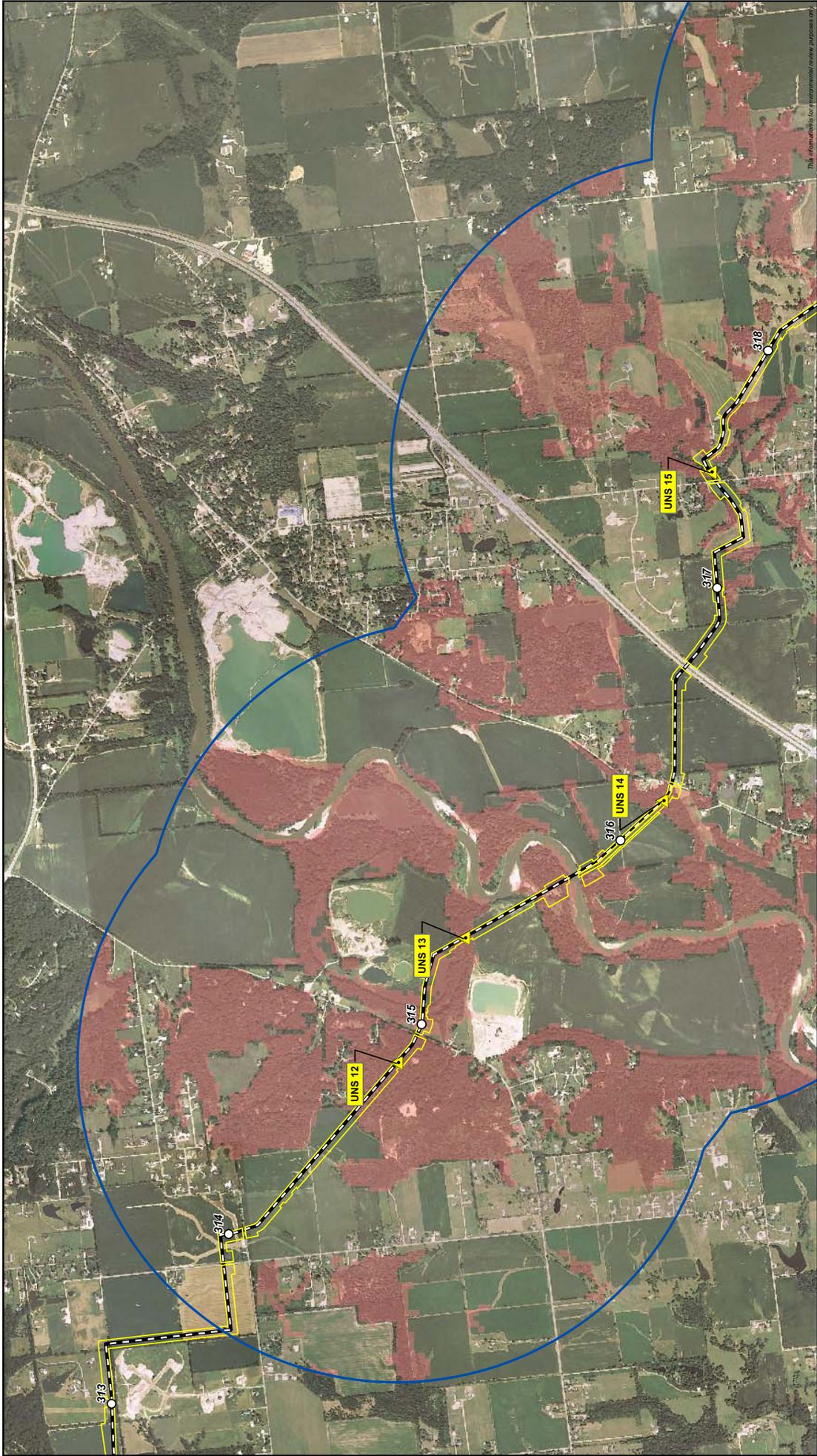
**Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites**

NATURAL RESOURCE GROUP

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Mist Net Site
 + Actual Location
 x Nearest Point on Centerline

Roost_Tree_Sites
 * (Green Star)

Unserved Mist Net Site
 * (Yellow Triangle)

Proposed Route
 - - - (Dashed Black Line)

1.1-Mile Buffer
 [Blue Outline]

Workspace
 [Yellow Outline]

Forested Area
 [Red Shading]

Scale: 0 600 1,200 Feet

North Arrow

Rockies Express Pipeline

**Bat Habitat Sites
 Forested Areas within 1.1-Mile of Sites**

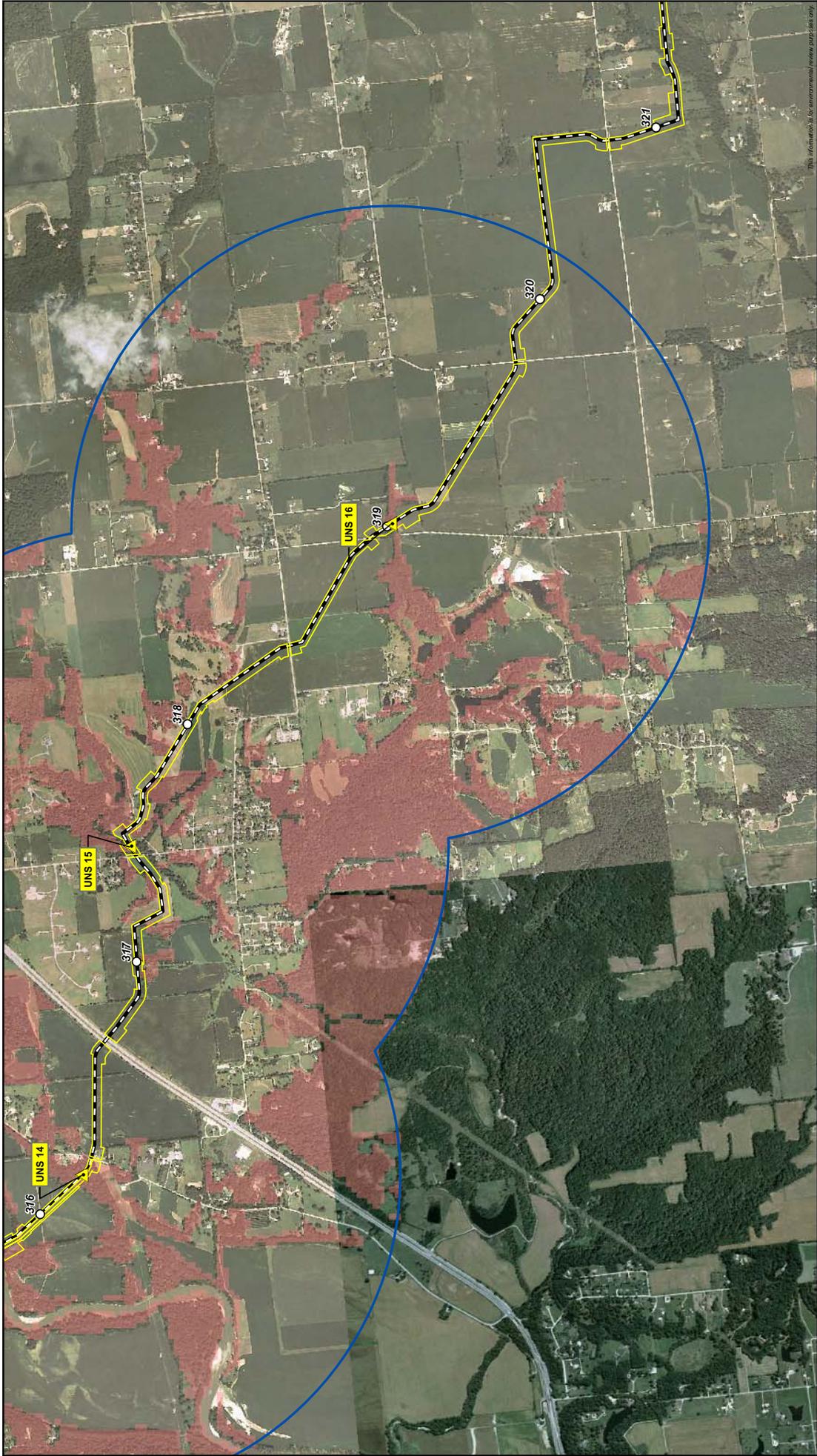
NATURAL RESOURCE GROUP

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This information is preliminary in nature and does not constitute a contract.



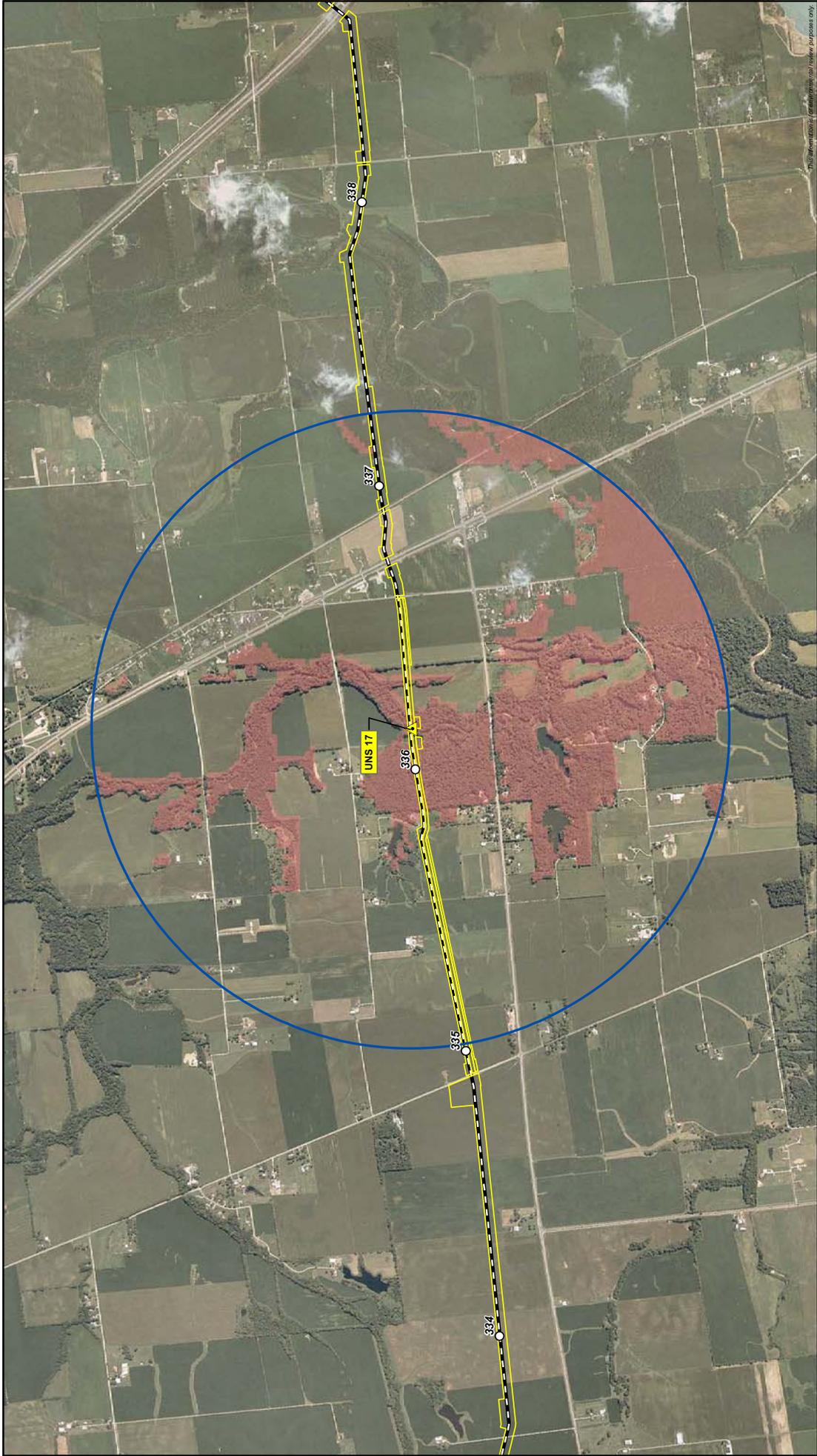
<p>Mist Net Site</p> <ul style="list-style-type: none"> + Actual Location × Nearest Point on Centerline 	<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Unsurveyed Mist Net Site 	<ul style="list-style-type: none"> — Proposed Route □ Workspace 	<ul style="list-style-type: none"> □ 1.1-Mile Buffer ■ Forested Area
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Rockies Express Pipeline

Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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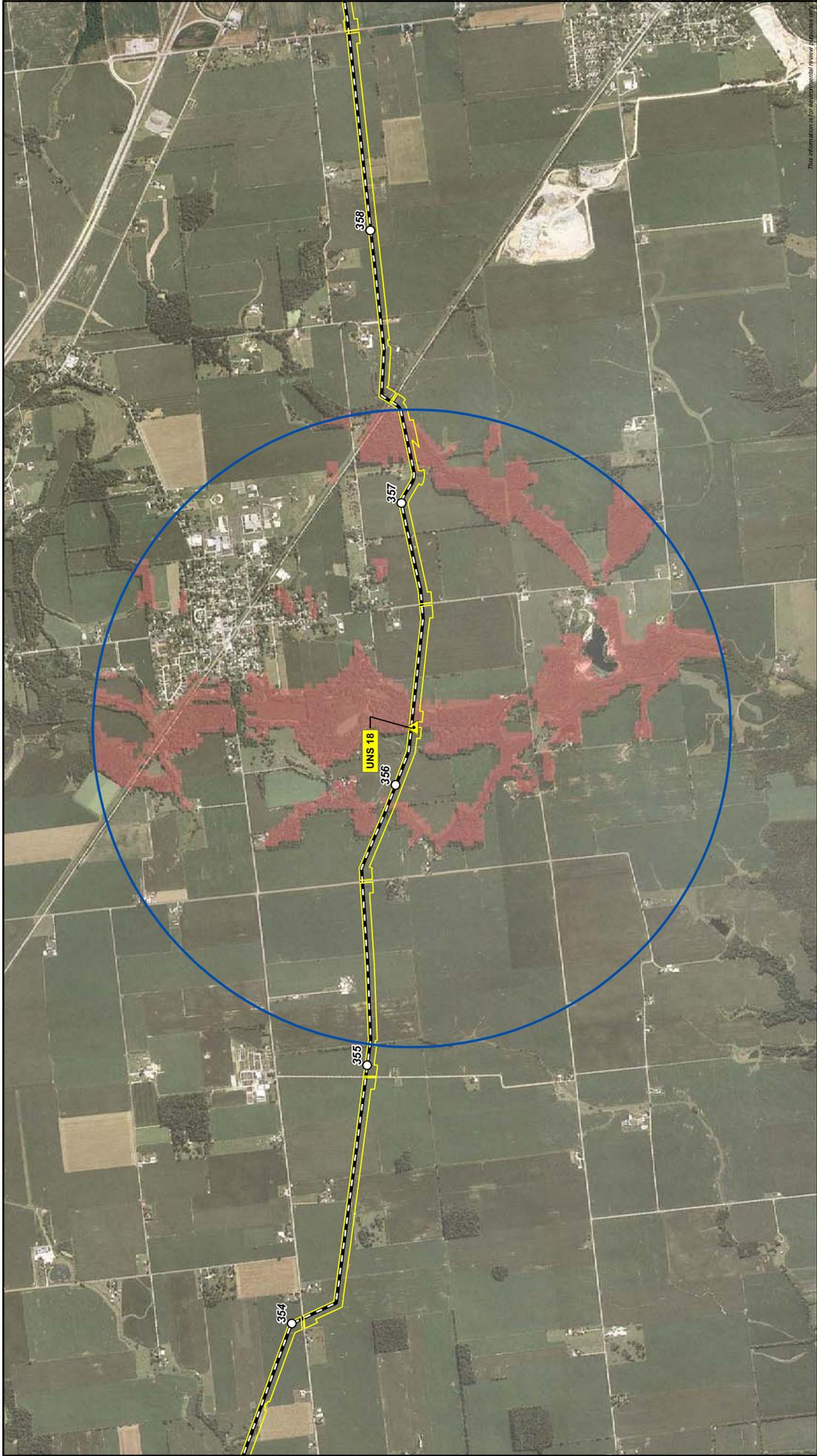


<ul style="list-style-type: none"> ★ Mist Net Site + Actual Location × Nearest Point on Centerline 	<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Unsurveyed Mist Net Site 	<ul style="list-style-type: none"> Proposed Route Workspace 	<ul style="list-style-type: none"> 1.1-Mile Buffer Forested Area
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Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

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This information is for informational purposes only. It is not intended to be used as a basis for any legal or regulatory action.

Mist Net Site

- + Actual Location
- ★ Roost_Tree_Sites
- ✗ Nearest Point on Centerline

Proposed Route

- 1.1-Mile Buffer
- Forested Area

0 600 1,200

Feet

N

Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

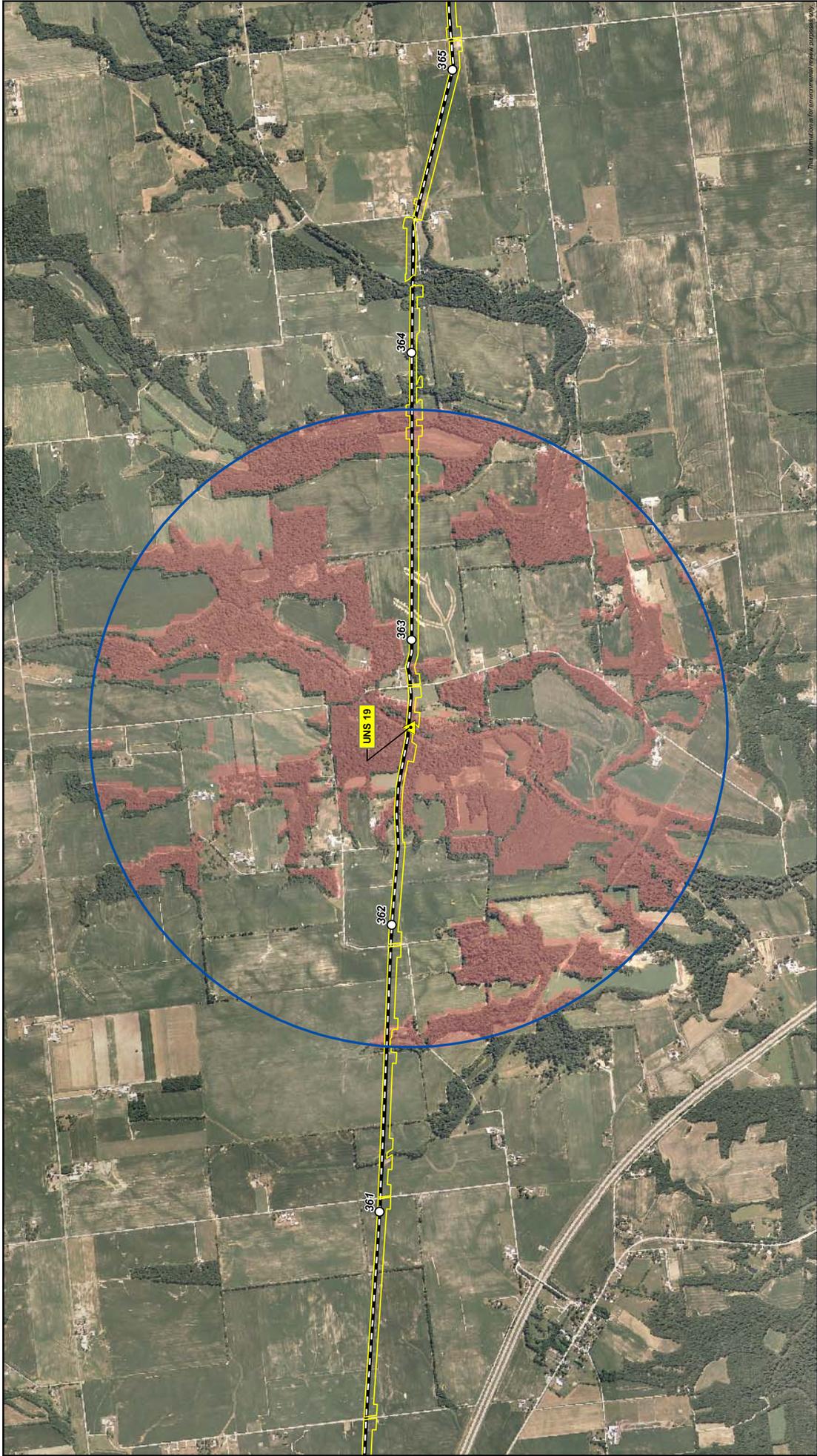
Rockies Express Pipeline

NATURAL RESOURCE GROUP

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Mist Net Site
 + Actual Location
 X Nearest Point on Centerline

Roost_Tree_Sites
 * Roost Tree Sites

Unserved Mist Net Site
 ▲ Unserved Mist Net Site

Proposed Route
 - - - Proposed Route

Workspace
 □ Workspace

1.1-Mile Buffer
 ○ 1.1-Mile Buffer

Forested Area
 ■ Forested Area

0 600 1,200 Feet

N

Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

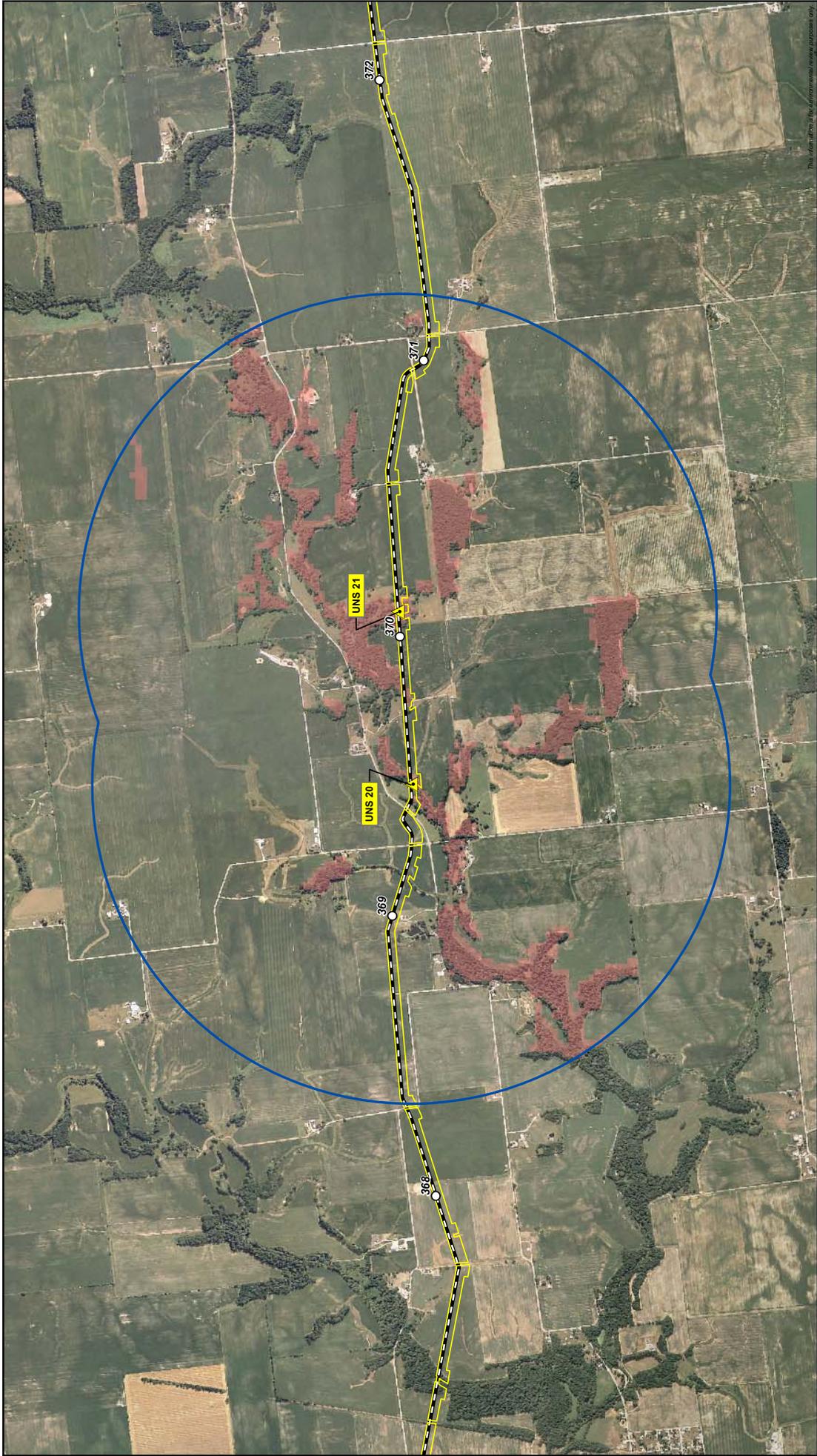
Rockies Express Pipeline

NATURAL RESOURCE GROUP

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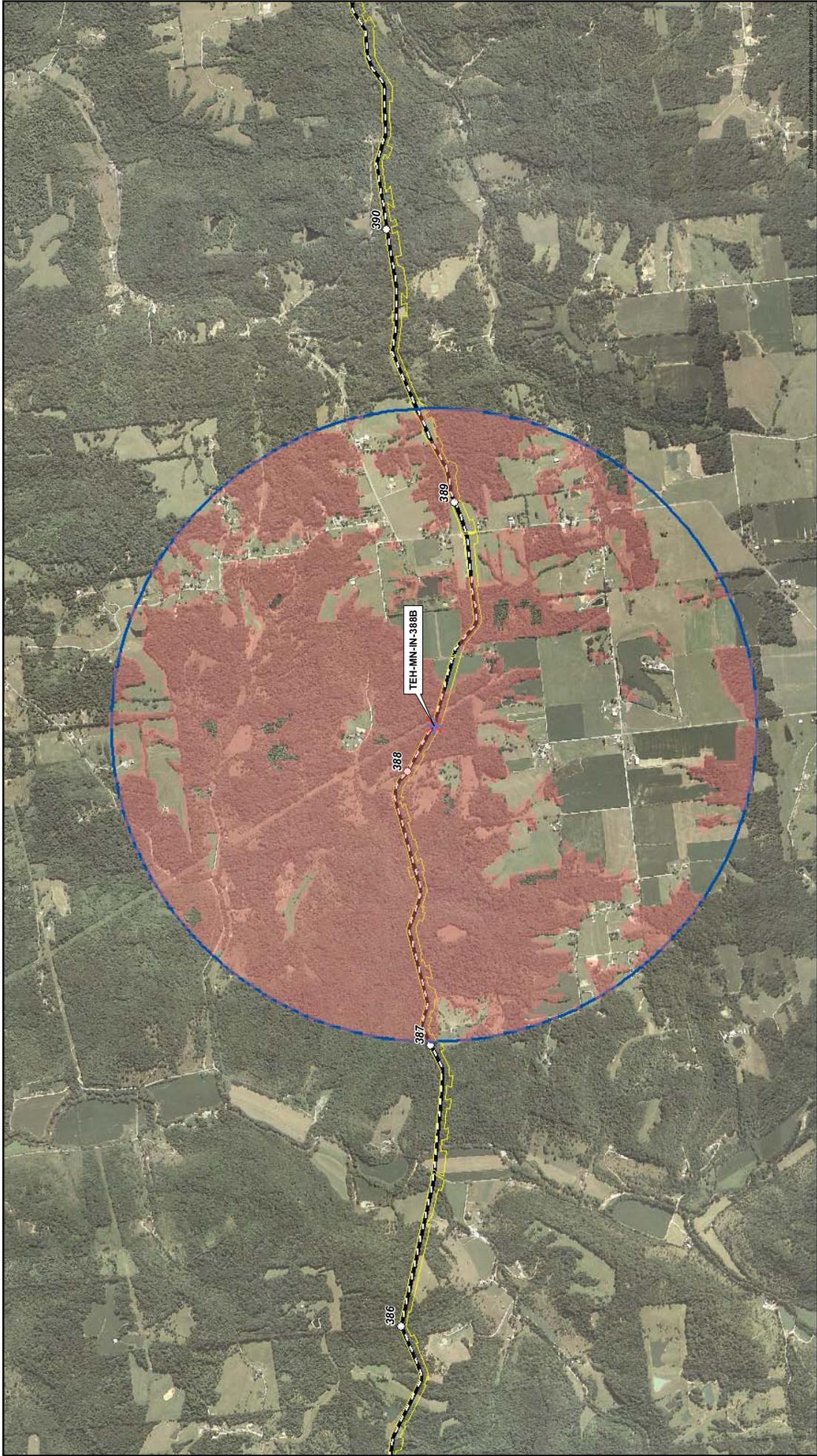
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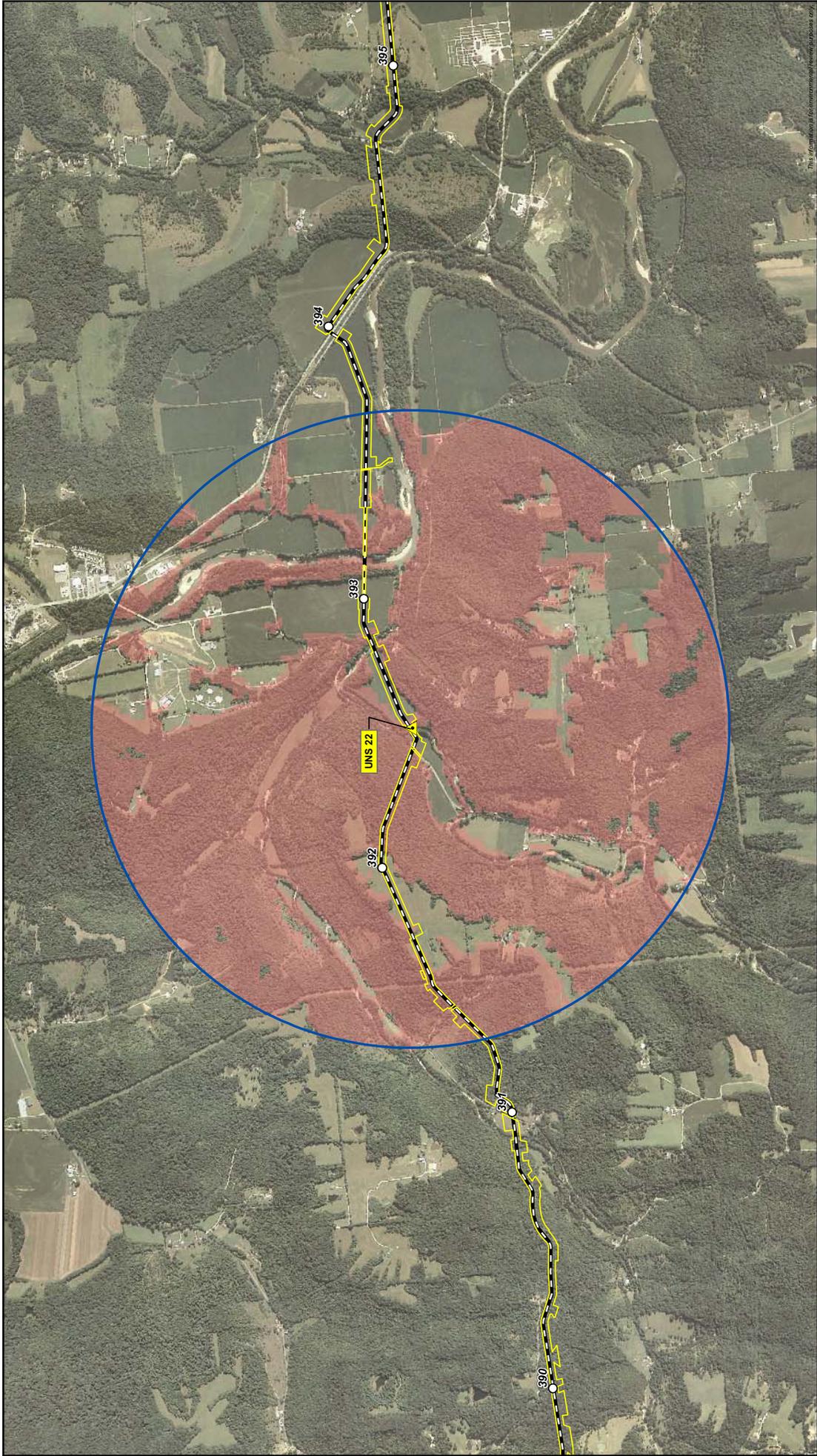


<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Unsurveyed Mist Net Site + Actual Location × Nearest Point on Centerline 	<ul style="list-style-type: none"> Proposed Route Workspace 	<ul style="list-style-type: none"> 1.1-Mile Buffer Forested Area 	 	 Bat Habitat Sites Forested Areas within 1.1-Mile of Sites	 NATURAL RESOURCE GROUP
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<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Uns Surveyed Mist Net Site + Actual Location × Nearest Point on Centerline 	<ul style="list-style-type: none"> Proposed Route Workspace 1.1-Mile Buffer Forested Area 	 	 Bat Habitat Sites Forested Areas within 1.1-Mile of Sites Rockies Express Pipeline	 DATE: 10/03/07 REVISED: 10/03/07 DRAWN BY: RSMcGREGOR Sheet 23 of 42
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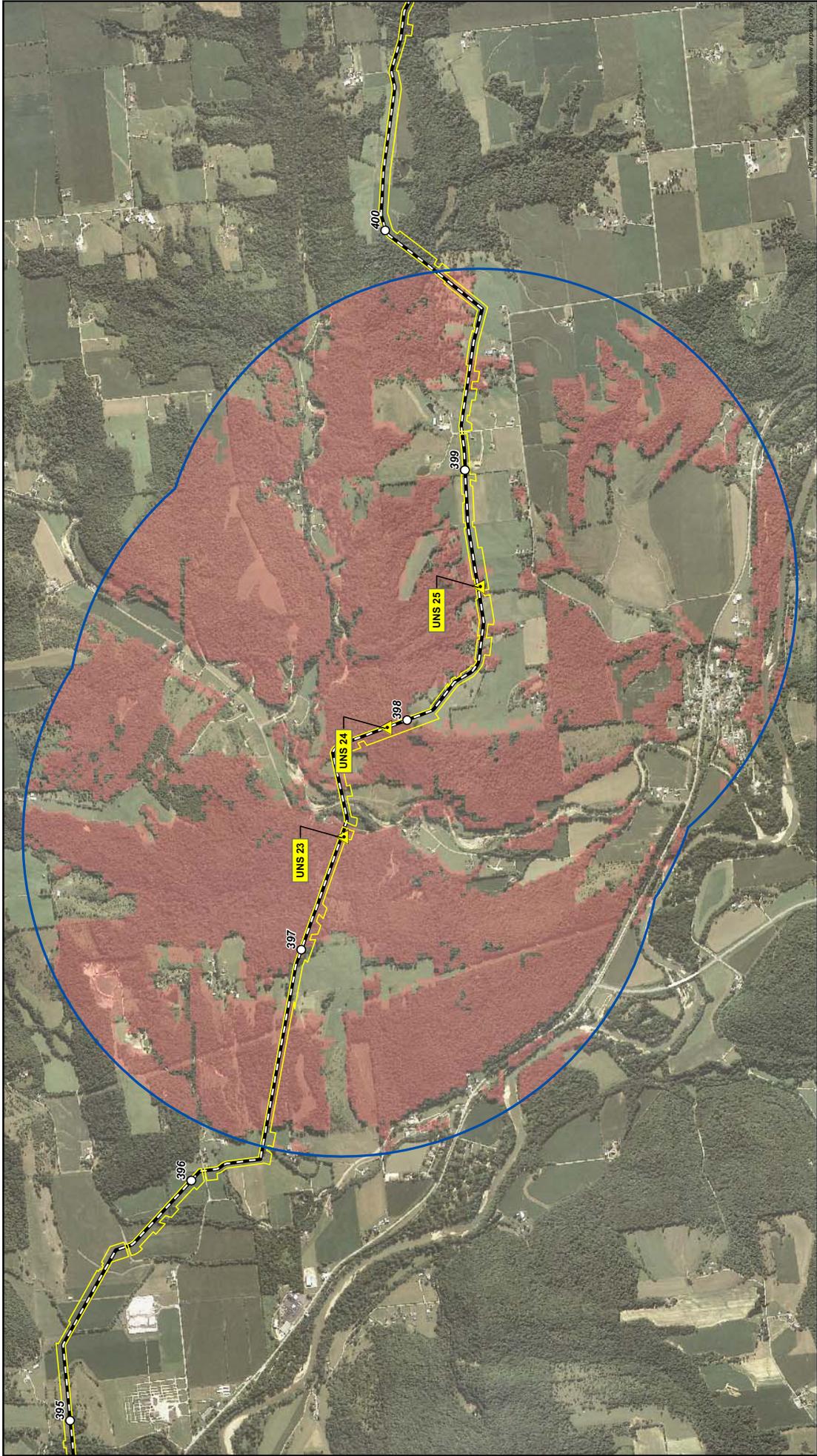


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Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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Mist Net Site

- + Actual Location
- ✗ Nearest Point on Centerline
- ★ Roost_Tree_Sites
- ▲ Unsurveyed Mist Net Site
- Proposed Route
- 1.1-Mile Buffer
- Workspace
- Forested Area

Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

Rockies Express Pipeline

0 600 1,200 Feet

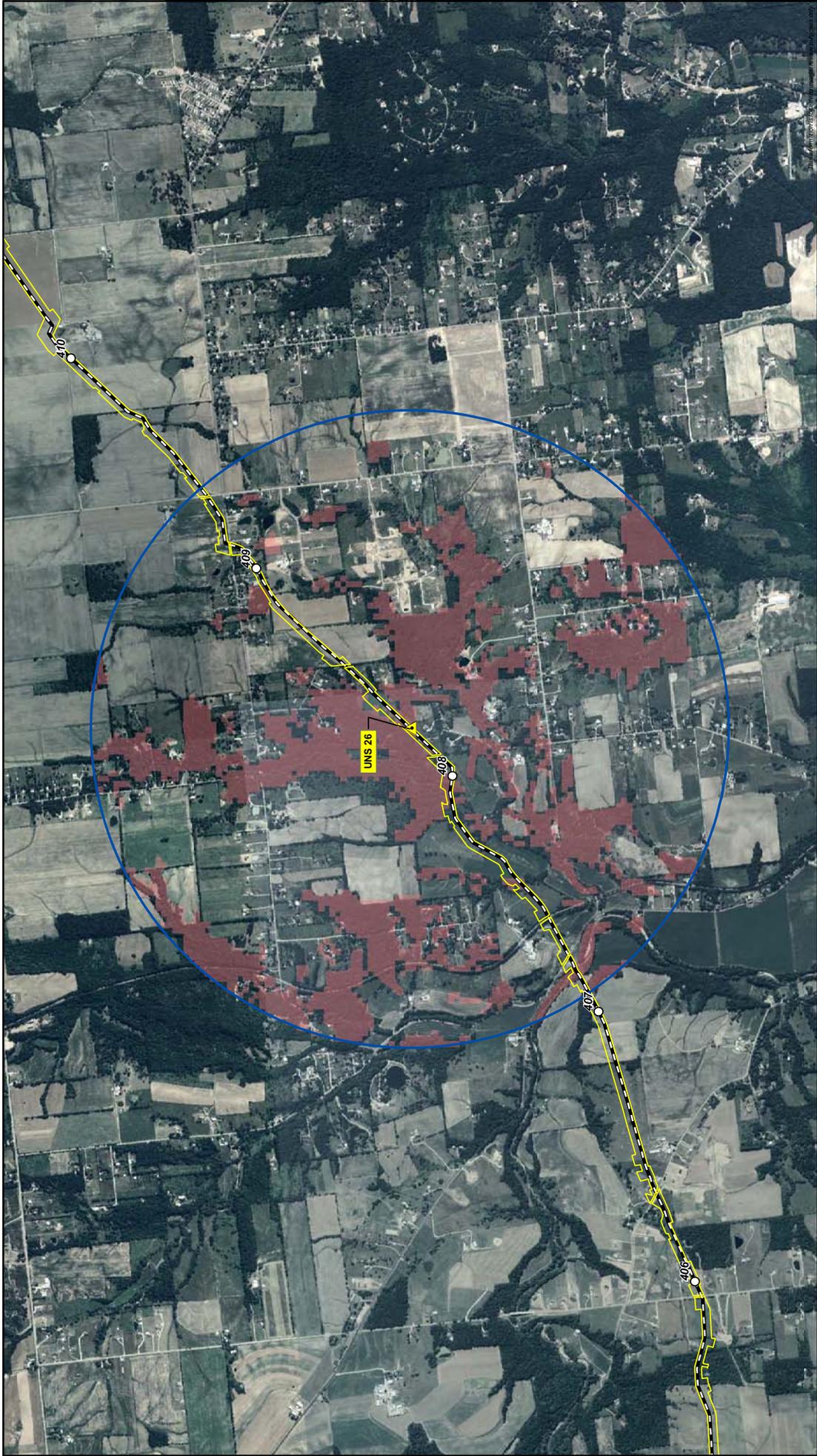
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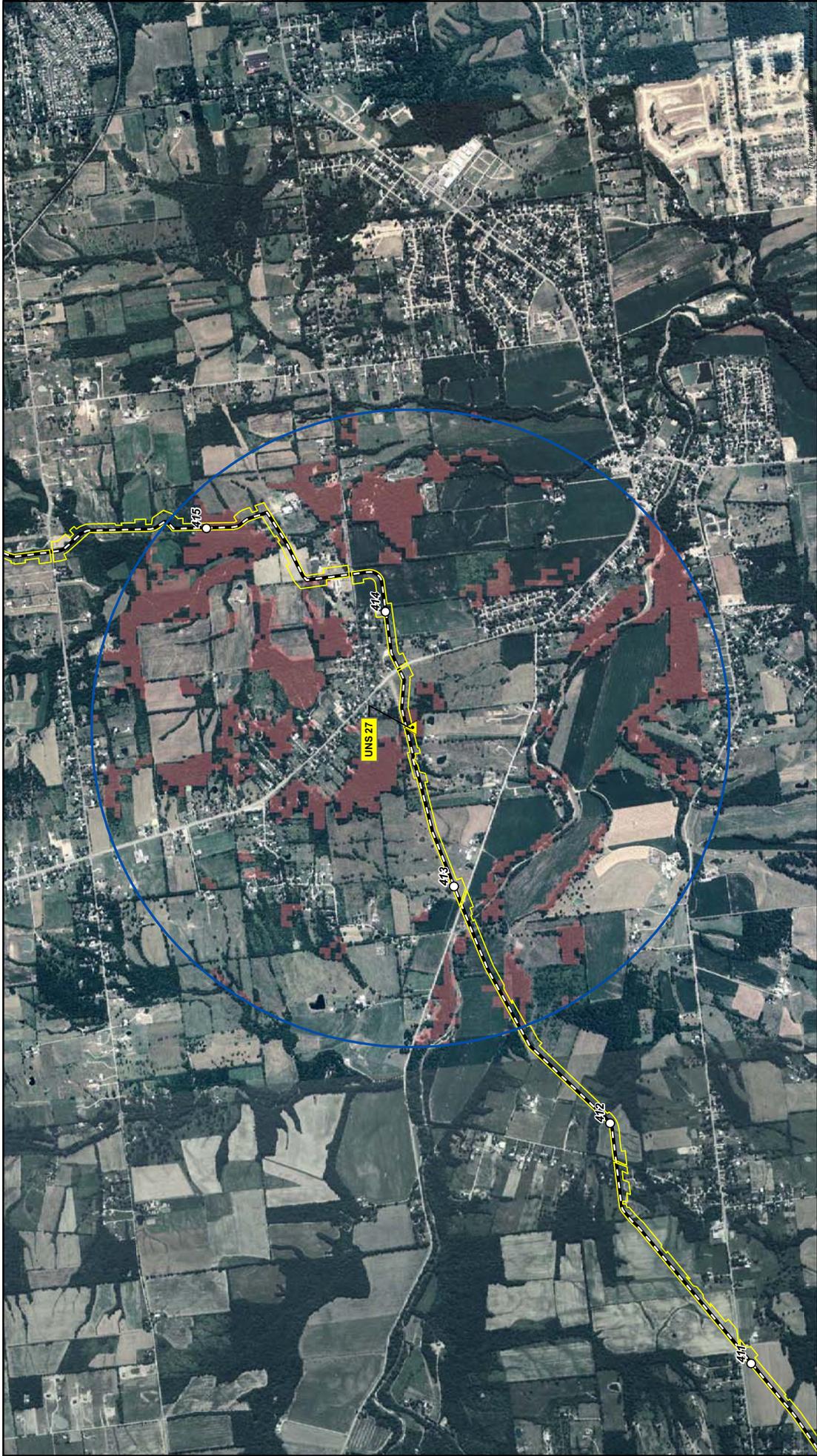


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--	--	---	--

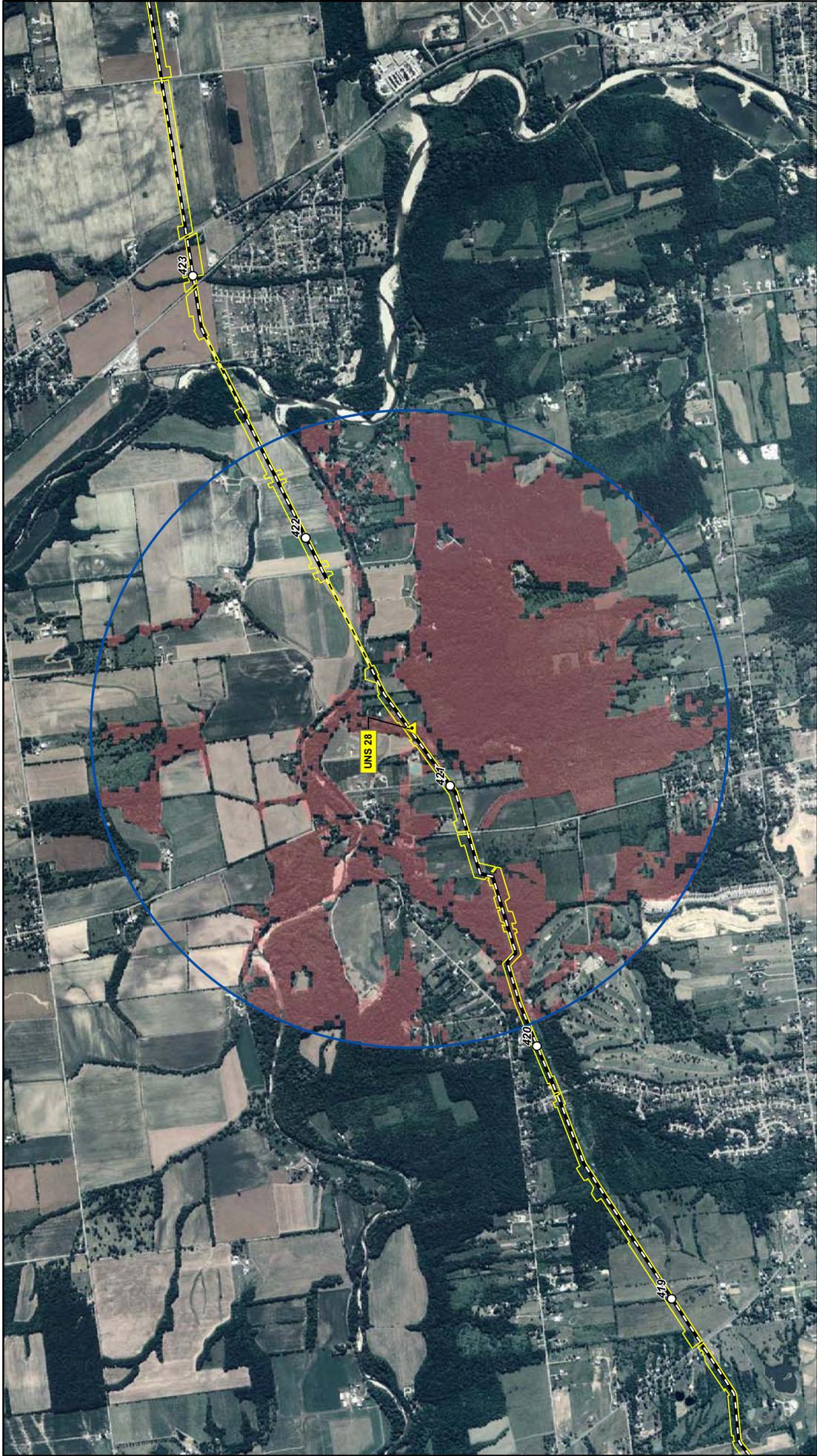
Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

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<p>Mist Net Site</p> <ul style="list-style-type: none"> + Actual Location × Nearest Point on Centerline 		<p>Roost_Tree_Sites</p> <ul style="list-style-type: none"> ★ 		<p>Proposed Route</p> <ul style="list-style-type: none"> — 		<p>1.1-Mile Buffer</p> <ul style="list-style-type: none"> ○ 	
<p>Unsurveyed Mist Net Site</p> <ul style="list-style-type: none"> ▲ 		<p>Workspace</p> <ul style="list-style-type: none"> □ 		<p>Forested Area</p> <ul style="list-style-type: none"> ■ 		<p>Scale</p> <ul style="list-style-type: none"> 0 800 1,600 Feet 	
		<p>North Arrow</p> <ul style="list-style-type: none"> ↑ 				<p>Rockies Express Pipeline</p>	
				<p>Bat Habitat Sites</p>		<p>Forested Areas within 1.1-Mile of Sites</p>	
				<p>NATURAL RESOURCE GROUP</p>		<p>DATE: 10/03/07 REVISED: 11/16/07 DRAWN BY: RSMcGREGOR</p>	
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Mist Net Site
 + Actual Location
 X Nearest Point on Centerline

Roost_Tree_Sites
 ★

Unsurveyed Mist Net Site
 ▲

Proposed Route
 - - - - -

Workspace
 □

1.1-Mile Buffer
 ○

Forested Area
 ■

Scale: 0 600 1,200 Feet

North Arrow

Rockies Express Pipeline

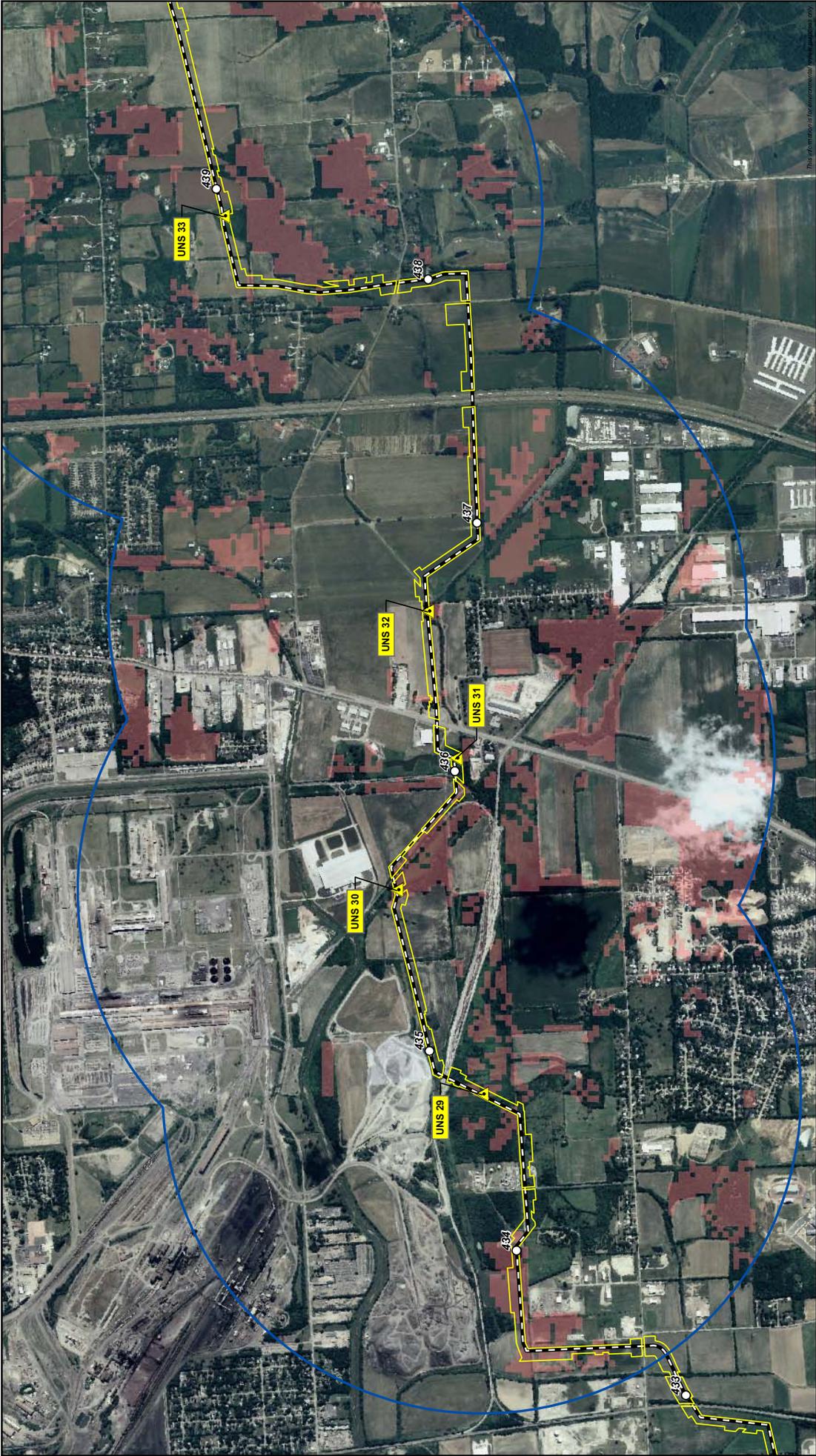
**Bat Habitat Sites
 Forested Areas within 1.1-Mile of Sites**

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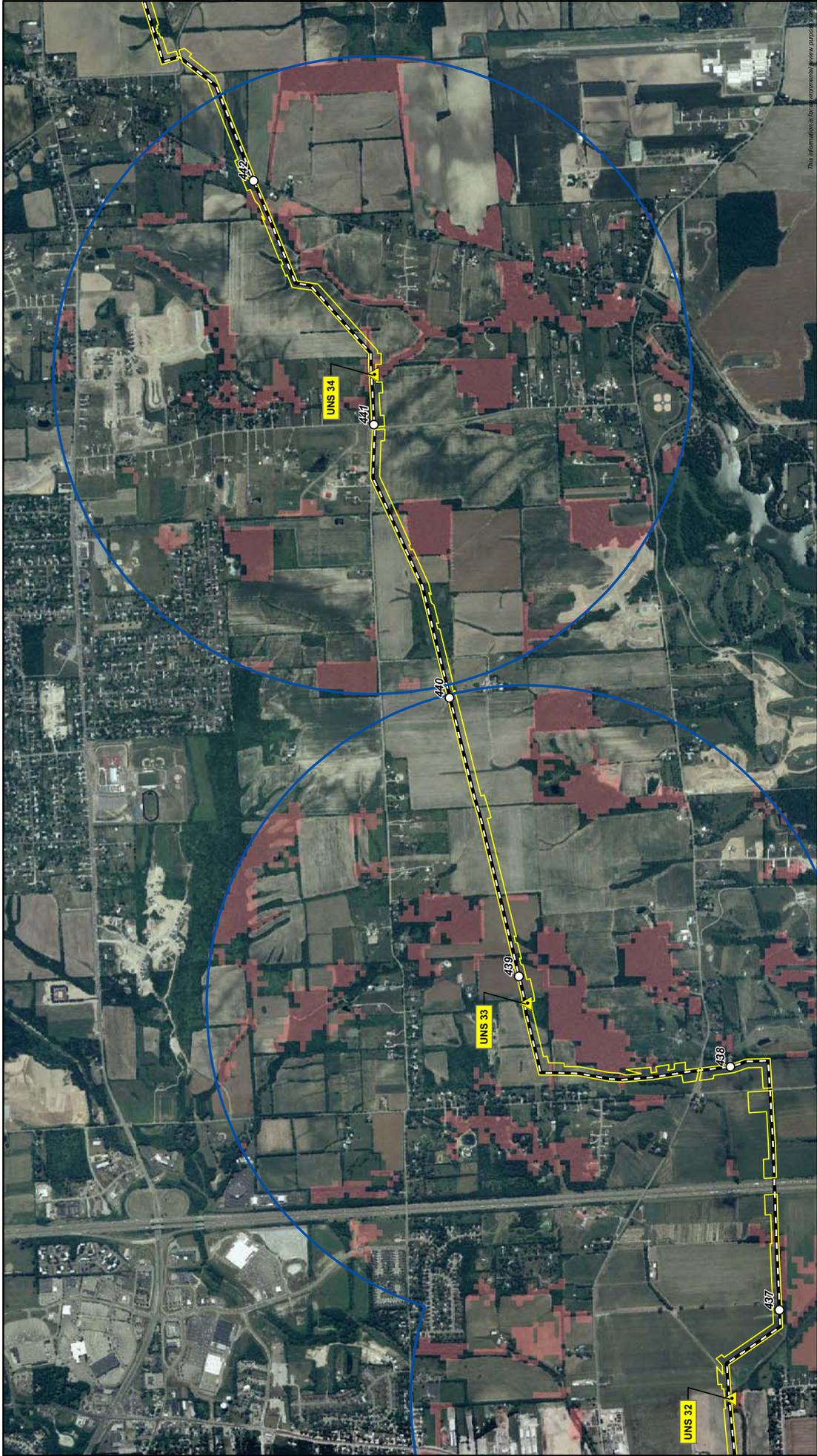


<ul style="list-style-type: none"> ★ Mist Net Site + Actual Location × Nearest Point on Centerline 	<ul style="list-style-type: none"> ★ Roost_Tree_Sites ▲ Unserved Mist Net Site 	<ul style="list-style-type: none"> Proposed Route Workspace 	<ul style="list-style-type: none"> 1.1-Mile Buffer Forested Area
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Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

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Mist Net Site
 + Actual Location
 X Nearest Point on Centerline

Roost_Tree_Sites
 * Roost Tree Sites
 ▲ Uns Surveyed Mist Net Site

Proposed Route
 - - - Proposed Route

1.1-Mile Buffer
 [Blue Circle] 1.1-Mile Buffer

Workspace
 [Yellow Box] Workspace

Forested Area
 [Red Box] Forested Area

Rockies Express Pipeline

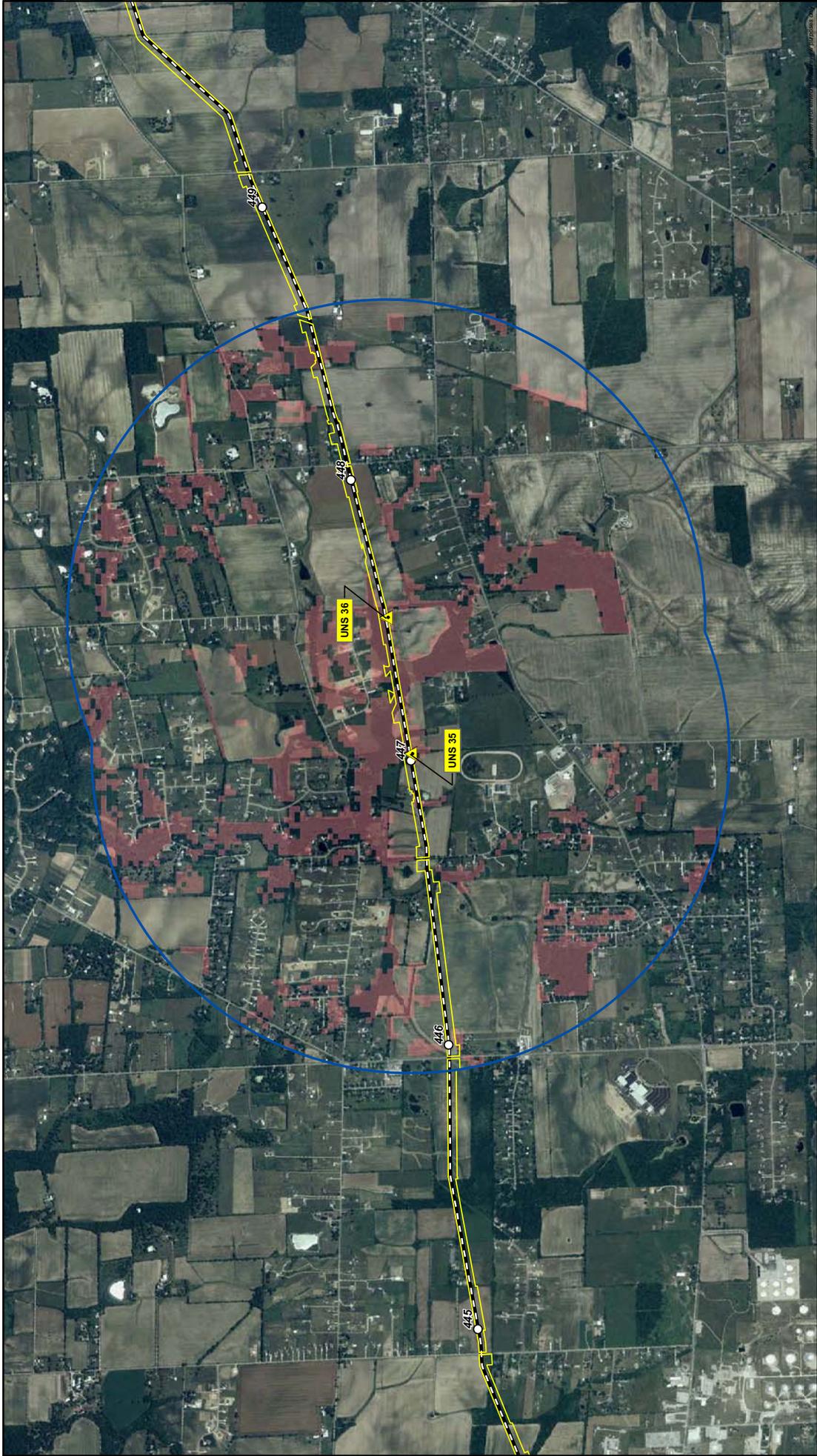
Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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Mist Net Site
 + Actual Location
 X Nearest Point on Centerline

Roost_Tree_Sites
 *
 ▲ Unsurveyed Mist Net Site

Proposed Route
 - - - - -
 - - - - -

1.1-Mile Buffer
 [Blue Circle]
 [Red Area] Forested Area

Workspace
 [Yellow Box]

Scale: 0 600 1,200 Feet

North Arrow

Rockies Express Pipeline

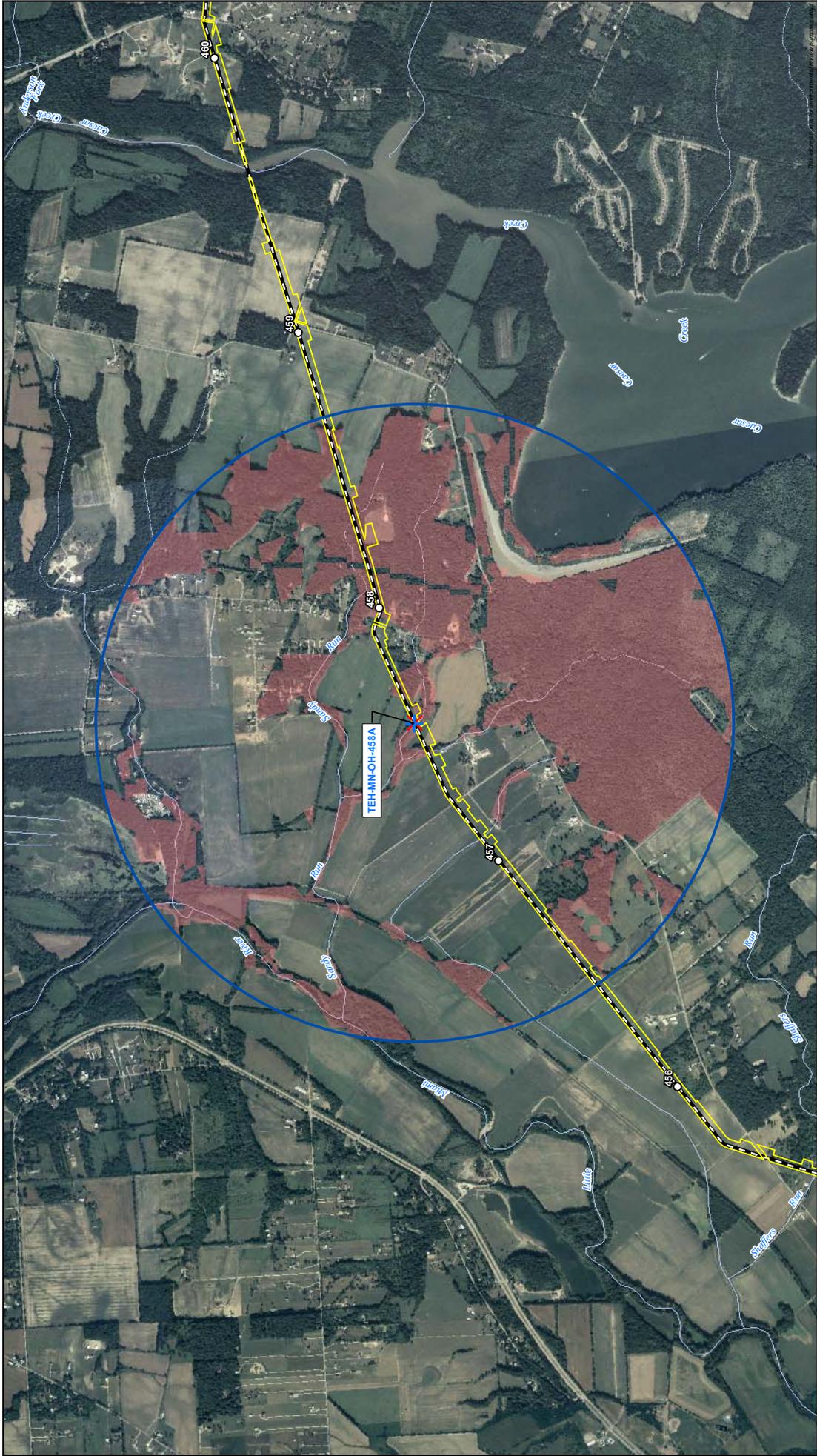
**Bat Habitat Sites
 Forested Areas within 1.1-Mile of Sites**

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Mist Net Site
 + Actual Location
 x Nearest Point on Centerline

Roost Tree Site
 ☆ Actual Location
 ▲ Nearest Point on Centerline

Proposed Route
 - - - - - Proposed Route
 - - - - - Workspace

1.1-Mile Buffer
 [Blue Circle] 1.1-Mile Buffer
 [Red Area] Forested Area

Scale:
 0 1,000 2,000 Feet
 1:20,000

North Arrow
 N

Rockies Express Pipeline

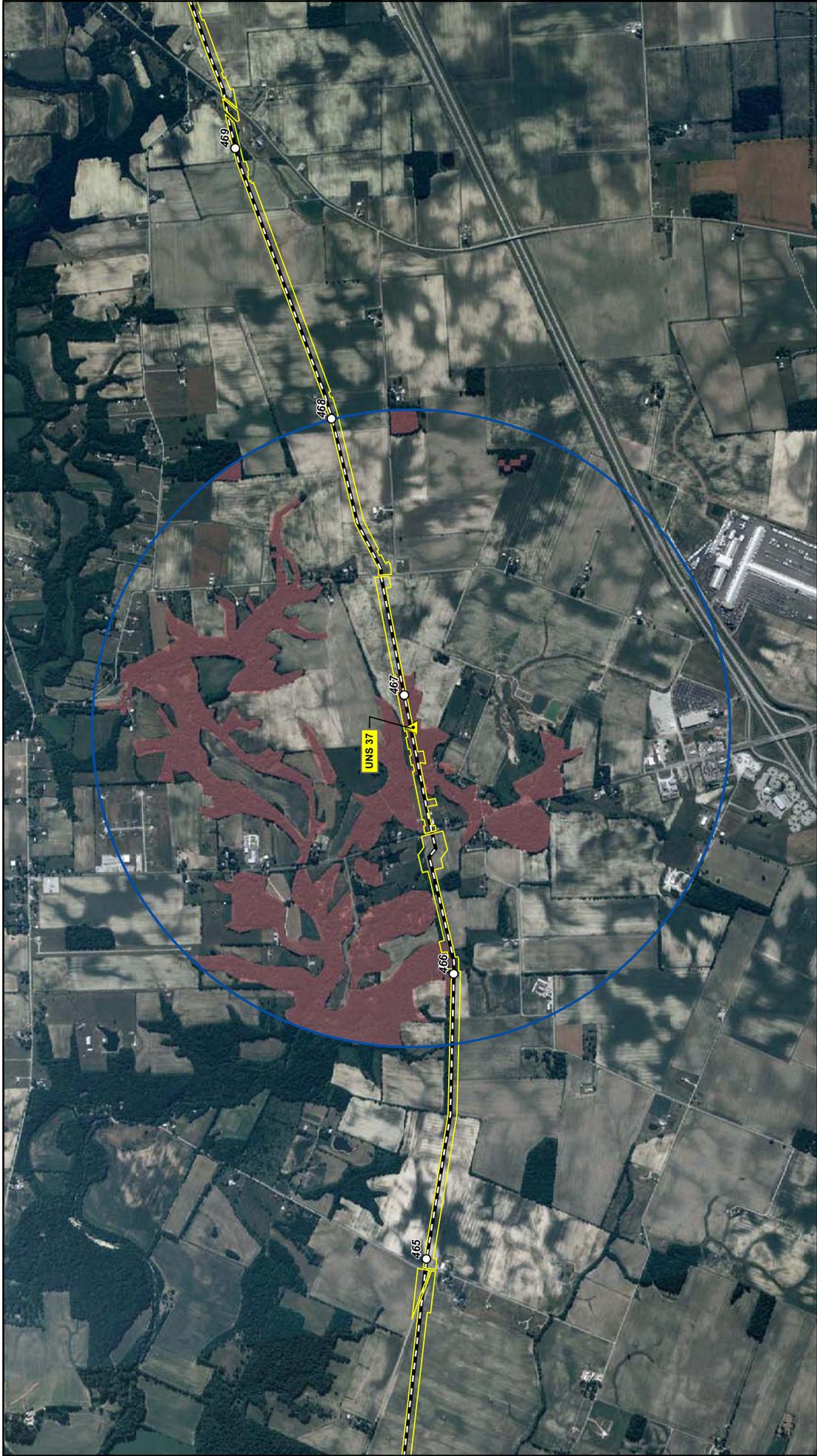
Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

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Mist Net Site
 + Actual Location
 X Nearest Point on Centerline

Roost_Tree_Sites
 * Roost Tree Sites
 ▲ Uns Surveyed Mist Net Site

Proposed Route
 - - - Proposed Route

1.1-Mile Buffer
 [Blue Circle] 1.1-Mile Buffer

Workspace
 [Yellow Box] Workspace

Forested Area
 [Red Area] Forested Area

Scale: 0 600 1,600 Feet

North Arrow

Rockies Express Pipeline

Bat Habitat Sites
Forested Areas within 1.1-Mile of Sites

NATURAL RESOURCE GROUP

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