

1.0 INTRODUCTION

The staff of the Federal Energy Regulatory Commission (FERC or Commission) have prepared this draft Environmental Impact Statement (EIS) to assess the environmental impacts associated with the construction of facilities proposed by Rockies Express Pipeline LLC (Rockies Express) in accordance with the requirements of the National Environmental Policy Act (NEPA) (42. United States Code (U.S.C.) 4321 *et seq.*). This project is referred to as the REX East Project (or the Project). As currently proposed, the REX East Project would consist of the construction and operation of approximately 639.1 miles of natural gas pipeline and a total of 225,716 horsepower (hp) of new compression. The REX East Project would be part of the Rockies Express Pipeline System—a 1,679-mile natural gas pipeline system that would extend from Colorado to Ohio. Figure 1.0-1 presents an overview of the pipeline route proposed by Rockies Express. For more detailed location maps of the Project, see appendix B. A detailed discussion of the proposed REX East Project pipeline and facilities is presented in section 2 of this draft EIS.

On April 30, 2007, Rockies Express, a joint venture among Kinder Morgan Energy Partners, L.P. (Kinder Morgan), Sempra Pipelines and Storage (Sempra), and Conoco-Phillips (an equity partner), filed an application with the FERC in Docket Number CP07-208-000 under Section 7 of the Natural Gas Act (NGA), as amended, and Parts 157 and 284 of the Commission's regulations. Rockies Express is seeking a Certificate of Public Convenience and Necessity (Certificate) for its proposed REX East Project that would include the construction and operation of a pipeline in Missouri, Illinois, Indiana, and Ohio, and construction and operation of compression and ancillary facilities in Wyoming, Nebraska, Missouri, Illinois, Indiana, and Ohio.

1.1 PROJECT PURPOSE AND NEED

The purpose of the REX East Project is to provide natural gas transportation service for gas produced in the Rocky Mountain gas region from the terminus of the Rockies Express Western Phase Project (REX West Project) in Audrain County, Missouri to markets in the midwestern and eastern United States.¹ The terminus of the REX East Project would be in Monroe County, Ohio. The Project pipeline would deliver up to 1.8 billion cubic feet (bcf) per day of gas to other interstate natural gas pipelines. The Project would provide access to an additional 16 inter- and intra-state natural gas pipeline systems at 20 interconnect points. These pipelines serve markets throughout the Midwest and eastern United States.

According to the Energy Information Administration (EIA), natural gas usage will represent about 22 percent of all energy consumption in the United States by 2025. Total gas consumption in the United States is expected to increase at an average rate of 1.1 percent per year. According to the EIA 2006 predictions, 60 percent of the projected growth in domestic natural gas consumption through 2030 will occur east of the Mississippi River, while the Rocky Mountains and Alaska will provide most of the natural gas.

EIA anticipates that consumption of natural gas in the United States will grow from 22.0 trillion cubic feet (tcf) per year in 2005 to 26.1 tcf by 2030 (EIA, 2007a). The growth in natural gas demand is being driven primarily by increased use of natural gas for electricity generation and industrial

¹ Gas from the Rocky Mountains would be transported from the Cheyenne Hub to Audrain County, Missouri by the REX West Pipeline. The REX West Pipeline was approved by the Commission in Docket Nos. CP06-354-000, CP06-401-000, and CP06-423-000 and is currently under construction. When completed, this pipeline will deliver gas from the Rocky Mountain region to Audrain County, Missouri.



Figure 1.0-1_102407

**Figure 1.0-1
Pipeline Location Map**

applications. The electric power sector, industry, and buildings account for roughly 90 percent of the demand for natural gas consumption (EIA, 2007a).

The U.S. natural gas supply currently comes from three main sources: (1) domestic production; (2) pipeline imports from Canada and Mexico; and (3) imports of liquefied natural gas (LNG). Net pipeline imports of natural gas from Canada and Mexico are expected to decline in coming years. Total net imports of LNG to the United States are projected to increase from 0.6 tcf in 2005 to 4.5 tcf in 2030 (EIA, 2007a).

In 2006, net imports were about 15.7 percent of natural gas consumption in the United States (EIA, 2007b). Domestic production of natural gas will continue to account for the majority of total U.S. consumption, with onshore production expected to account for the bulk of that supply (EIA, 2007a). Onshore production of natural gas from unconventional sources (e.g., shale, tight sands, and coal bed methane) is expected to be a major contributor to that growth. The EIA predicts that unconventional natural gas production in the lower 48 states will account for about 50 percent of total domestic production by 2030 (EIA, 2006).

The midwestern and eastern portions of the United States have experienced growth in traditional local distribution company deliveries, with the greatest increase in demand coming from gas-fired electric power generation plants. This increased market demand has continued without an associated increase in the availability of gas supplies, partly due to an inability to bring to market the increased gas production from the Rocky Mountain region. According to Rockies Express, the REX East Project would help to alleviate this constraint on gas distribution by increasing transportation capacity, thereby increasing gas supply in the United States and moderating gas prices. Without additional supply, gas costs could increase and available supplies could be stressed to meet current and future user demands.

1.2 PURPOSE AND SCOPE OF THE EIS

The FERC is the federal agency responsible for evaluating applications to construct and operate interstate natural gas pipeline facilities. Certificates are issued under Section 7(c) of the NGA and Part 157 of the Commission's regulations if the Commission determines that the project is required by public convenience and necessity. We² prepared this draft EIS in compliance with the requirements of NEPA and the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA (40 CFR [Code of Federal Regulations] Parts 1500 – 1508) and the Commission's Regulations for Implementing NEPA (18 CFR Part 380).

The U.S. Army Corps of Engineers (COE), U.S. Fish and Wildlife Service (FWS), Illinois Department of Agriculture (ILDOA), and Natural Resources Conservation Service (NRCS) are cooperating agencies and have participated in the development of this draft EIS. A cooperating agency has jurisdiction by law or has special expertise with respect to environmental impacts involved with the proposal and is involved in the NEPA analysis.

Scope of the Environmental Review

Our principal objectives in preparing this draft EIS are to:

- Identify and assess potential impacts on the natural and human environment that would result from the implementation of the proposed actions;

² "We," "us," and "our" collectively refer to the environmental staff of the Office of Energy Projects, part of the Commission staff.

- Describe and evaluate reasonable alternatives to the proposed actions that would avoid or minimize adverse effects on the environment; and
- Identify and recommend specific mitigation measures, as necessary, to minimize the environmental impacts.

Our analysis in this draft EIS focuses on the facilities that are under the FERC’s jurisdiction (i.e., the natural gas pipeline and compression facilities proposed for construction by Rockies Express), as well as the nonjurisdictional facilities that are integrally related to the development of the Project (i.e., electric transmission facilities—see section 1.4).

The environmental topics addressed in this draft EIS include geology; soils; water resources; wetlands; vegetation; fisheries; wildlife; threatened, endangered, and other special status species; land use (including agricultural and residential impacts) and visual resources; socioeconomics; cultural resources; air quality; noise; reliability and safety; cumulative impacts; and alternatives. The draft EIS describes the affected environment as it currently exists, discusses the environmental consequences of the Project, and compares potential impacts of the REX East Project to those of alternatives. The draft EIS also presents our conclusions and recommended mitigation measures.

The Commission will consider the findings of the EIS as well as non-environmental issues in its review of these proposals to determine whether a Certificate should be issued for the REX East Project. A Certificate would be granted only if the FERC finds that the evidence produced on financing, rates, market demand, gas supply, existing facilities and service, environmental impacts, long-term feasibility, and other issues demonstrates that the Project is required by the public convenience and necessity. Environmental impact assessment and mitigation development are important factors in the overall public interest determination.

On September 15, 1999, the FERC issued a Policy Statement (88 FERC 61,227; Docket No. PL 99-3-000) to provide guidance on how it would evaluate proposals for certificating new construction. The Policy Statement established the criteria for determining whether there is a need for a proposed project and whether such a project would serve the public interest. Further, the Policy Statement explains that in deciding whether to authorize the construction of major new natural gas transportation facilities, the FERC balances the public benefits against the potential adverse consequences of a project. In evaluating new pipeline construction, the goal of the criteria is to give appropriate consideration to the enhancement of competitive transportation alternatives, possibility of overbuilding, subsidization by existing customers of an applicant’s responsibility for unsubscribed capacity, avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain.

1.3 PUBLIC REVIEW AND COMMENT

1.3.1 Public Review Process

Pre-filing Review Process

We initiated review of the REX East Project using the FERC’s pre-filing process. This environmental review process was developed to facilitate and encourage the early involvement by citizens, government entities, non-governmental organizations, the FERC staff, and other interested parties. We worked with Rockies Express during the pre-filing process to identify and resolve issues, where possible, prior to Rockies Express’ filing a formal application with the FERC. As part of this process, we assigned the REX East Project a pre-filing docket number (Docket No. PF06-30-000) to place information and comments into the public record generated by Rockies Express, the FERC, other

agencies, and citizens. Initial contacts were made with federal and state natural and cultural resource agencies and other stakeholders having an interest in the Project. These initial contacts included a brief description of the Project and a request for information regarding the applicable permitting or other regulatory review authority. After the filing of the second draft of the REX East Project resource reports, we established a monthly teleconference with federal and state resource agencies to discuss the Project and the environmental review process as well as other relevant issues.

Open House Meetings

As part of the pre-filing process, the FERC staff worked with Rockies Express to develop a public outreach plan for issue identification and stakeholder participation. Rockies Express began implementing this outreach plan in June 2006 by meeting with local and state officials, and other non-governmental organizations to provide information about the Project and address any issues and concerns. Rockies Express sponsored 18 local, public open houses in June 2006 to inform landowners, government officials, and the general public about the REX East Project and invite them to ask questions and express their Project-related comments and concerns. Rockies Express mailed approximately 13,000 invitations to the open houses to affected landowners, nearby residents, public officials, and the media and placed notifications in 41 local newspapers. Two additional open houses were held in October 2006 to provide information on two route alternatives and an added compressor station that were incorporated into the route alignment after the completion of the June open houses.

Table 1.3.1-1 provides a list of the public open houses held by Rockies Express. The FERC staff also participated in all of these open houses and provided information to the public regarding the environmental review process.

Table 1.3.1-1 List of Public Open Houses	
Meeting Date	Meeting Locations
June 19, 2006	Bowling Green, MO; Cambridge, OH
June 20, 2006	Springfield, IL; Zanesville, OH
June 21, 2006	Winchester, IL; Woodsfield, OH
June 22, 2006	Decatur, IL; Ashville, OH
June 23, 2006	Danville, IL; Lancaster, OH
June 26, 2006	Tuscola, IL; Wilmington, OH
June 27, 2006	Rockville, IL; Mason, OH
June 28, 2006	Franklin, IN; Hamilton, OH
June 29, 2006	Plainfield, IN; Greensburg, IN
October 10, 2006	Bainbridge, IN
October 11, 2006	Franklin, IN

Public Scoping Period

On August 16, 2006, the FERC issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed REX East Project, Request for Comments on Environmental Issues, and Notice of Joint Public Scoping Meeting* (Rockies Express NOI). The Rockies Express NOI was published in the Federal Register (FR) on August 22, 2006 (21 FR 48920 – 48923). The Rockies Express NOI was mailed to approximately 13,000 interested parties including federal, state, and local agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and

newspapers; other interested stakeholders; and affected landowners located along the pipeline route. The issuance of the Rockies Express NOI established a closing date of September 29, 2006 for comments regarding the scope of the environmental review to be conducted. However, the FERC continued to receive and consider comments during the entire pre-filing period and during development of this draft EIS.

The FERC also held nine public scoping meetings in September 2006 along the Project route to provide the public an opportunity to learn more about the Project and comment on environmental issues to be included in the draft EIS. Notice of the scoping meeting dates and locations appeared in the Rockies Express NOI dated August 16, 2006. Table 1.3.1-2 lists the locations and dates of the FERC scoping meetings.

Table 1.3.1-2	
List of FERC Public Scoping Meetings	
Meeting Date	Meeting Locations
September 11, 2006	Mexico, MO; Greensburg, IN
September 12, 2006	Springfield, IL; Greenwood, IN
September 13, 2006	Pittsfield, IL; Trenton, OH
September 14, 2006	Rockville, IN; Ashville, OH
September 15, 2006	Zanesville, OH

The public was also invited to attend two site visits, which took place on July 17-20, 2007 and August 6-10, 2007.

On September 28, 2007 the FERC issued a letter stating that Rockies Express had revised the location of the Hamilton and Chandlersville Compressor Stations, the Clarington Meter Station, and portions of the pipeline, and that the scoping period for these relocated facilities would be extended through October 30, 2007. A copy of this letter was mailed directly to landowners added to the mailing list because of the newly relocated facilities.

1.3.2 Summary of Scoping Comments and Responses

Transcripts from the scoping meetings, along with all written comments, appear in the public record for the REX East Project and are available on the FERC Website at www.ferc.gov. A total of 111 comments were provided by individuals at the scoping meetings. We received a total of 380 written comments from interested stakeholders, including COE, U.S. Environmental Protection Agency (EPA), National Park Service (NPS), state and local agencies, elected officials, organizations, affected landowners, and other interested parties (as of October 24, 2007). Table 1.3.2-1 lists the issues raised during the scoping period and where they are addressed in this draft EIS.

Additionally, we initiated agency consultations to identify issues that should be addressed in the draft EIS. These consultations included interagency meetings on September 12 through September 14, 2006 and interagency conference calls on April 3, 5, 12, May 10, 2006, and June 14, July 24, and September 18, 2007. Participants in these meetings and calls included representatives of COE, EPA, FWS, NRCS, U.S. Department of Transportation (DOT), NPS, Indiana Department of Environmental Management (IDEM), Indiana Department of Natural Resources (INDNR), State Historic Preservation Officers (SHPO), Indiana Utility Regulatory Commission (IURC), Indiana Department of Agriculture

Table 1.3.2-1 Issues Identified and Comments Received During the Public Scoping Process		
Issue	Comment	Section in EIS Where Issue/ Comment is Addressed
Overall Project Comments	Schedule, purpose, right-of-way width, availability of information, eminent domain	2.0, 4.8
Alternatives	Variations to avoid specific features/resources, suggesting to use existing corridors and alternative energy, locate outside populous areas	3.0
Geology/Soils	Drainage tiles, topsoil segregation, erosion, blasting, soil compaction, highly erodable soils, strip mine area in eastern Ohio, coal veins, depth of pipe, chemical properties of soils, rock removal, earthquakes/fault lines, rugged terrain, abandoned mines, landslides, diagonal cut across tiles, heat from pipes during operations	4.1, 4.2
Water Resources	Floodplains, springs, ponds/lakes/reservoirs, rivers/streams, waterbody crossings, wells, aquifers, water contamination, wild/scenic/outstanding watersheds or rivers, water withdrawal/discharge from surface waters	4.3
Vegetation	Invasive species, forests, prairies, Classified Forest Program in Indiana, decreased yield in agricultural products	4.4
Wetlands	Wetland Reserve Program (WRP) or other conservation programs, loss of wetlands	4.3
Wildlife Resources	Federally and state-listed threatened and endangered species, wildlife management areas, Conservation Reserve Program (CRP) or other conservation programs	4.5, 4.6, 4.7
Land Use	Easement/compensation, eminent domain, aesthetics, future use of right-of-way, proximity to homes/buildings, state and local parks, septic/utility systems, bisect/diagonal cut of property, interference with state/local projects (e.g., Hunter Lake), hinder development growth, recreational hunting, CRP or other conservation programs	4.8
Socioeconomics	Property values, insurance costs, taxes	4.9
Cultural Resources	Native American artifacts, burial grounds, historical canals, underground railroad, cemeteries, historic buildings/properties/farms, unanticipated discoveries	4.10
Air	Operation of compressor stations, temporary effects from construction, dust	4.11.1
Noise	Operation of pipes and compressor stations, disruption of residences/livestock, temporary effects from construction	2.0, 4.11.2
Reliability/Safety	Terrorism, maintenance, accidents, explosions, leaks, emergency response, proximity to homes/schools/quarry, depth of pipe, pressure, pipe thickness, grade of pipe, earthquake/lightning, farming operations on top of pipe	4.12
Mitigation	Soil mitigation, agricultural impact mitigation plans, wetland mitigation	All sections and 5.2

(INDOA), Ohio Department of Natural Resources (ODNR), Ohio Power Siting Board (OPSB), Ohio Environmental Protection Agency (OEPA), Ohio Department of Development, Ohio Farm Bureau, ILDOA, Missouri Department of Natural Resources (MODNR), Missouri Department of Conservation (MDC), and the Illinois Environmental Protection Agency (ILEPA).

1.4 NONJURISDICTIONAL FACILITIES

Under Section 7 of the NGA, the FERC considers, as part of its decision to authorize interstate natural gas facilities, all factors bearing on the public convenience and necessity. The facilities under the FERC’s jurisdiction for the REX East Project are described in detail in section 2.1.

Occasionally, proposed projects have associated facilities that are not under the FERC’s jurisdiction. Nonjurisdictional facilities may be integral to the need for such a proposed project or they may merely be associated as a minor, non-integral component of the jurisdictional facilities.

Rockies Express has indicated that no nonjurisdictional facilities would be constructed in conjunction with the Project. However, it is our experience that compressor stations with electric-driven turbines normally require the construction of power lines and sometimes a substation. Since the Hamilton Compressor would have electric units, **we recommend that:**

- **Rockies Express file with the Secretary prior to the end of the comment period for the draft EIS, a description of the nonjurisdictional facilities needed for the operation of the Hamilton Compressor, maps showing the locations of those facilities, and a discussion of the environmental impacts associated with the construction of those facilities. If no nonjurisdictional facilities are required for the operation of the Hamilton Compressor Station, discuss how the power requirements would be met.**

Table 1.4-1 lists the permits that may be required for the construction of the nonjurisdictional facilities.

Table 1.4-1	
Major Permits, Licenses, Authorizations Likely Required To Be Obtained by the Nonjurisdictional Power Company if an Electric Transmission Line is Required for the Hamilton Compressor Station	
Administering Agency	Permit/Approval or Consultation
FEDERAL	
US Fish and Wildlife Service	Endangered Species Act (ESA), Section 7 consultation
Advisory Council on Historic Preservation	National Historic Preservation Act (NHPA), Section 106 consultation
U.S. Army Corp of Engineers	Nationwide 12 Permit
STATE	
Ohio Department of Natural Resources	Water Withdrawal Registration
Ohio Environmental Protection Agency	Section 401 Water Quality Permit
Ohio Environmental Protection Agency	NPDES Construction Stormwater Discharge Authorization under general permit OHC00002
Ohio Power Siting Board	Letter of Notification for Transmission Line Tap
LOCAL	
Butler County Soil and Water Conservation District	SWP3 submittal
Butler County Soil and Water Conservation District	Earth Moving permit
Butler County	Burning permit

1.5 PERMITS, APPROVALS, AND REGULATORY REQUIREMENTS

As the lead federal agency for the REX East Project, the FERC is required to comply with Section 7 of the Endangered Species Act (ESA), Section 106 of the National Historic Preservation Act (NHPA), and the Wild and Scenic Rivers Act (WSR) of 1968. These statutes have been taken into account in the preparation of this draft EIS.

Construction, operation, and maintenance of the Project would be in accordance with all applicable federal, state, county, and local permits and approvals. Applicable permits, approvals, and consultations for the Project are summarized in table 1.5-1. Major permit and approval actions for the Project would include environmental reviews by the FERC for authorization under Section 3(a) and a Certificate under Section 7(c) of the NGA; by COE for a Section 10 of the Rivers and Harbors Act/404 of the Clean Water Act (CWA) Permit, dredge disposal approval, and right-of-way easement; by the EPA for authority under the CWA and the Clean Air Act (CAA); and by the NPS for approvals under the WSR. Several Illinois, Indiana, Missouri, Nevada, Ohio, and Wyoming state agencies have been delegated permitting responsibilities under the CWA and CAA, but with oversight by the appropriate federal agency. Rockies Express would be responsible for obtaining all permits and approvals required to implement the Project, regardless of whether they appear in table 1.5-1.

Table 1.5-1		
Major Permits, Licenses, Authorizations, and Clearances Required		
Administering Agency	Permit/Approval or Consultation	Status
FEDERAL		
Federal Energy Regulatory Commission	Certificate of Public Convenience and Necessity	Pre-filing Process Request approved on June 13, 2006. FERC application filed April 2007.
U.S. Department of the Interior National Park Service	Wild and Scenic Rivers Act Section 7 (a) Determination	Consultations were initiated in July 2006 and are ongoing.
U.S. Fish and Wildlife Service: Columbia Field Office Marion Field Office Bloomington Field Office Reynoldsburg Field Office Grand Island Field Office Cheyenne Field Office	Endangered Species Act Section 7 Consultation	Consultations have been initiated and are ongoing.
U.S. Army Corps of Engineers - St Louis District (Missouri and Illinois)	Clean Water Act Section 404 Rivers and Harbors Act Section 10	Application filed August 14, 2007.
- Rock Island District	Clean Water Act Section 404 Rivers and Harbors Act Section 10	Application filed August 14, 2007.
- Louisville District (Illinois/Indiana)	Clean Water Act Section 404 Rivers and Harbors Act Section 10	Application filed (August 14, 2007/September 18, 2007).
- Huntington District ^{a/}	Clean Water Act Section 404 Rivers and Harbors Act Section 10	Application filed September 5, 2007.

**Table 1.5-1
Major Permits, Licenses, Authorizations, and Clearances Required**

Administering Agency	Permit/Approval or Consultation	Status
US Army Corps of Engineers Huntington District, Realty Division	Easement to cross Federal lands Deer Creek Lake Project	COE/ODNR-Parks Div./ODNR-Wildlife & Fish currently reviewing two possible routes across properties. Easement negotiations will commence when route finalized.
US Army Corps of Engineers Louisville District, Realty Division	Easement to cross Federal lands Caesar Creek Lake Project	COE/ODNR-Wildlife & Fish agree with current route proposal. Easement negotiations have not commenced.
Advisory Council on Historic Preservation	Comment on the undertaking and its effect on historic properties	Pending.
U.S. Environmental Protection Agency Region V and VII <u>b/</u>	National Pollutant Discharge Elimination System (NPDES) In conjunction with the appropriate state, review stormwater and hydrostatic test water discharge	Consultations have been initiated and are ongoing.
U.S. Department of Agriculture Natural Resource Conservation Service	Restoration Consultation	Consultations have been initiated and are ongoing.
STATE		
Missouri		
Department of Conservation	State-listed Endangered Species Review	Consultations have been initiated and are ongoing.
State Historic Preservation Office	Consultation under Section 106 of NHPA	Consultations have been initiated and are ongoing.
Department of Natural Resources	Clean Water Act Section 401 Water Quality Certification	Application filed August 14, 2007.
	Clean Air Act Construction Air Permit Operation Permit	Application filed June 20, 2007.
	Notification of Hydrostatic Testing Under Permit By Rule	Application to be submitted at least 30 days prior to discharge.
	NPDES General Permit for Land Disturbance Greater than 1 Acre (MO-R101000).	NPDES permit requirements for stormwater discharges exempt per EPA Final Rule dated June 12, 2006. Confirming permit is exempt per EPA final rule.
Department of Transportation	Major Water Use Registration (Greater than 100,000 gpd or 70 gpm)	Application to be filed 2 nd quarter 2008.
	Crossings of state-maintained roads and highways	Permit applications would be filed Fall 2007.
Missouri County Engineers (3 Total)	Road crossings	Permit applications would be filed Fall 2007.

**Table 1.5-1
Major Permits, Licenses, Authorizations, and Clearances Required**

Administering Agency	Permit/Approval or Consultation	Status
Illinois		
Illinois Historic Preservation Agency	Consultation under Section 106 of NHPA	Consultations have been initiated and are ongoing.
Illinois Department of Natural Resources	State-listed Endangered Species Review	Consultation complete. See letter from the ILDNR dated March 19, 2007.
Illinois Environmental Protection Agency	Statewide Permit No. 8 – Underground Pipeline and Utility Crossings	The Project meets the terms and conditions of Statewide Permit No. 8.
	Clean Water Act 401 Water Quality Certification	Application filed August 14, 2007.
	Clean Air Act Construction Air Permit Operation-Permit	Application filed June 20, 2007.
	Reissued General NPDES Permit for Hydrostatic Testing of Pipelines and Tanks (ILG67)	Application to be filed 4 th quarter 2007.
	General NPDES Permit For Stormwater Discharges From Construction Activities. Also authorizes the discharges of uncontaminated groundwater.	NPDES permit requirements for stormwater discharges exempt per EPA Final Rule dated June 12, 2006.
Illinois Department of Agriculture	Farmland Protection Policy Act (7, USC 4201 et sep.) consistency with state and local programs to protect farmland.	Consultations have been initiated and are ongoing.
Illinois Department of Transportation	Crossings of state-maintained roads and highways	Permit applications would be filed Fall 2007.
Illinois' County Engineers (9 Total)	Road Crossings; Zoning (Administrative/BP, etc.); Floodplain-applicability determination pending	Meetings regarding the Project route have been held. Permit applications would be filed Fall 2007.
Illinois Townships (30 Total)	Right-of-way Use Permits – Township Road Crossings	Permit applications would be filed Fall 2007.
Indiana		
Department of Historic Preservation and Archeology	Consultation under Section 106 of NHPA	Consultations have been initiated and are ongoing.
Indiana Department of Natural Resources, Natural Heritage Data Center	State-listed Endangered Species Review	Consultation complete. See e-mail from the INDNR dated July 27, 2007.
Indiana Department of Natural Resources	Significant Water Withdrawal Registration (>100,000 gallons per day) IC-14-25-7	Registration to be filed within 3 months after the project is completed.
	Temporary Construction Dewatering Report IC-14-25-7	Report to be filed within 3 months after the project is completed.
	Flood Control Act	Applications to be filed 4 th Quarter 2007.

**Table 1.5-1
Major Permits, Licenses, Authorizations, and Clearances Required**

Administering Agency	Permit/Approval or Consultation	Status
Indiana Department of Environmental Management	Clean Water Act 401 Water Quality Certification	Application September 18, 2007.
	Clean Air Act Construction Air Permit Operation Permit	Application filed June 20, 2007.
	Wastewater Discharge Associated with Hydrostatic Testing of Commercial Pipelines	Application to be filed 4 th Quarter 2007.
	Rule 5 Permit – Stormwater Runoff Associated with Land Disturbing Activity	NPDES permit requirements for stormwater discharges exempt per EPA Final Rule dated June 12, 2006. Confirming permit is exempt per EPA final rule.
Department of Transportation	State maintained Highway & Route crossings	Permit applications would be filed Fall 2007.
Indiana – County Engineers (9 Total)	Right-of-way Use Permit - Road Crossings Zoning Floodplain-applicability determination pending Drainage Crossings	Permit applications would be filed Fall 2007.
Ohio		
Ohio Historical Society	Consultation under Section 106 of NHPA	Consultations have been initiated and are ongoing.
Ohio Department of Natural Resources	State listed Endangered Species Review	Consultations have been initiated and are ongoing.
	Water Withdrawal Facility Registration (>100,000 gallons per day)	Registration to be filed within 3 months after the project is completed.
Ohio Department of Natural Resources – Parks Division	Easement to cross Perry State Forest and Blue Rock State Forest	Consultations have take place with ODNR – Easement negotiations have not commenced.
Ohio Environmental Protection Agency	Clean Water Act Section 401 Water Quality Certification	Application filed September 5, 2007.
	Clean Air Act Construction Air Permit Operation Permit	Application to be filed 4 th Quarter 2007.
	General Permit for Discharges of Hydrostatic Test Water (NPDES Permit No. OHH000001)	Application to be filed 4 th Quarter 2007.
	Authorization for Stormwater Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System (OHC000002)	NPDES permit requirements for stormwater discharges exempt per EPA Final Rule dated June 12, 2006.

**Table 1.5-1
Major Permits, Licenses, Authorizations, and Clearances Required**

Administering Agency	Permit/Approval or Consultation	Status
Ohio Department of Transportation (Districts – 5, 6, 8, 10, 11)	Right-of-way Use Permit – 57 State Roads – Two Interstates	Permit applications would be filed Fall 2007.
Ohio – County Engineers (13 Total)	Right-of-way Use Permit - County Road Crossings	Permit applications would be filed Fall 2007.
Ohio - Townships	Right-of-way Use Permits – Township Road Crossings	Permit applications would be filed Fall 2007.
Ohio City of Middletown	Zoning Use Permit	Hamilton Compressor Site – location currently zoned industrial (Conforms to current zoning). Negotiations have begun with City of Middletown.
Ohio – Muskingum County	Lot Split	Chandlersville Compressor Site –Application submitted 10-04-07.
Ohio – Counties / Townships	Zoning / Special Use Requirements	Verification of requirements ongoing.
Ohio – County Flood Plain Administrator	Flood Plain Permit	Verification of requirements ongoing.
Ohio – County Flood Plain Administrator	Flood Plain Permit	Verification of requirements ongoing.
Nebraska		
Department of Historic Preservation and Archeology	Consultation under Section 106 of NHPA	Consultation has been completed.
Department of Environmental Quality	Clean Air Act Construction Permit Operation Permit	Application filed on June 20, 2007.
	General NPDES Permit Authorizing Hydrostatic Test Discharges from Pipelines and Storage Tanks (NEG 672000)	Application to be at least 10 days prior to discharge.
	General Permit Authorizing Dewatering Discharges	Application to be at least 10 days prior to discharge.
	NPDES general Permit for Stormwater Discharges From Construction Sites (NER 100,000)	NPDES permit requirements for stormwater discharges exempt per EPA Final Rule dated June 12, 2006. Confirming exempt status with NEDEQ.
Wyoming		
Department of Historic Preservation and Archeology	Consultation under Section 106 of NHPA	Consultations have been completed.
Department of Environmental Quality	Clean Air Act Construction Permit Operation Permit	Application filed on October 2, 2007.
	General Permit to Discharge Stormwater Associated with Large Construction Activity Under the Wyoming Pollutant Discharge Elimination System (WYR10-0000)	Application to be filed at least 30 days prior to discharge.
	General Permit for Hydrostatic Discharges	Application to be filed at 30 days prior to discharge.

Table 1.5-1		
Major Permits, Licenses, Authorizations, and Clearances Required		
Administering Agency	Permit/Approval or Consultation	Status
Wyoming Game and Fish Department	State-listed Endangered Species Review	Consultations have been completed.
<p><u>a/</u> Approximately 17 miles of the Project is located within the Pittsburgh District; however, the Huntington District would include this segment in its permitting.</p> <p><u>b/</u> Although the Agency is allowed the opportunity to review the project, no official permit or authorization is issued.</p>		

Section 7 of the ESA, as amended, states that any project authorized, funded, or conducted by any federal agency should not “jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined...to be critical...” (16 U.S.C. § 1536(a) (2) (1988)). Thus, the FERC staff, or Rockies Express as a non-federal representative, is required to consult with FWS to determine whether any federally listed or proposed threatened or endangered species and/or their designated critical habitat occur in the vicinity of the Project. If, upon review of existing data, it is determined that these species or habitats may be affected by the Project, we are required to prepare a biological assessment (BA) to identify the nature and extent of adverse impact, and recommend measures that would avoid the habitat and/or species, or would reduce potential impacts to acceptable levels. If, however, the FERC staff determines that there is no impact by the Project, no further action is necessary under the ESA. Rockies Express, as a non-federal designated representative, is assisting in meeting the FERC’s obligations under Section 7 of the ESA. See section 4.7 of this draft EIS for the status of this review.

Section 106 of the NHPA requires the FERC to take into account the effects of our undertakings (including authorizations under Section 7 of the NGA) on historic properties, and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. Historic properties include prehistoric or archeological sites, districts, buildings, structures, objects, or sites of traditional religious or cultural importance that are listed or may be eligible for listing on the National Register of Historic Places (NRHP). In accordance with the ACHP procedures for implementing Section 106, at 36 CFR 800, the FERC is required to consult with the appropriate SHPO regarding the NRHP eligibility of cultural resources and the potential effects of the proposed undertaking on NRHP-listed or NRHP-eligible properties. Also, under the ACHP’s regulations, the FERC would consult with Indian tribes, local governments, land managing agencies, and other parties interested in the potential impacts the Project may have on historic properties. Rockies Express, as a non-federal party, is assisting the FERC in meeting our obligations under Section 106 by preparing the necessary information and analyses. See section 4.10 of this draft EIS for the status of this review.

The WSR established the National Wild and Scenic Rivers System to protect those rivers and adjacent land with important scenic, recreational, fish and wildlife, and other values as identified by Congress. Four federal land management agencies, Bureau of Land Management (BLM), NPS, FWS, and the U.S. Forest Service administer the act to protect rivers’ identified values, free-flowing condition, and associated water quality. Under Section 13(g) of this act, the Secretary of the Interior or the Secretary of Agriculture, as appropriate, may grant easements and rights-of-way through, above, or under any component of the National Wild and Scenic Rivers System in accordance with laws applicable to the river-administering agency. Sections 7(a) and (b) of the Act prohibit the FERC from licensing a project that would “have a direct and adverse effect” on the values for which a river was included or proposed to be included in the National Wild and Scenic Rivers System. The FERC, after a proponent files an application, consults with the river-administering agency. In the case of the REX East Project, the river-

administering agency is NPS. If the river-administering agency determines that the project would be “on or directly affect” a designated wild and scenic river or congressionally authorized study river, the permit, license, or exemption may be dismissed without further processing. The FERC may license projects, after consultation with the river-administering agency, “below or above a wild, scenic, or recreational river” or a congressionally authorized study river that would not “invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values.” Rockies Express, as a non-federal party, is assisting the FERC by obtaining the necessary information and preparing analyses to identify whether the Project would have an effect on wild and scenic rivers or authorized study rivers.

Orders issued by the FERC state that Rockies Express should cooperate with state and local agencies. Any state or local permits issued with respect to jurisdictional facilities must be consistent with the conditions of any Certificate the FERC may issue. Although the FERC encourages cooperation between interstate pipelines and local authorities, this does not mean that state and local agencies may prohibit or unreasonably delay the construction or operation of facilities approved by the FERC. Any non-federal permits or approvals with requirements that conflict with the FERC’s Certificate, or that do not permit Rockies Express to meet their obligations under the FERC’s Order, would be preempted by the Certificate; however, the Commission may require Rockies Express to comply with conflicting requirements of a state or local permit or approval if the agencies agree on how to proceed. Permits or approvals required by state or local regulatory authorities that are not in conflict with the Certificate are not subject to federal preemption.