



Frequently Asked Questions (FAQs) ***National Environmental Policy Act (NEPA) Process and*** **Environmental Impact Statement (EIS) for the** **NiSource Habitat Conservation Plan (HCP)**

What is NEPA?

“NEPA” stands for the *National Environmental Policy Act* of 1969. It is a national environmental policy with goals for the protection, maintenance, and enhancement of the environment. It also establishes a process for federal agencies to make these goals happen. The “environment” includes the biological, physical, and social components of the environment.

What is an Environmental Impact Statement (EIS)?

An EIS is a thorough environmental analysis that focuses on significant environmental (biological, physical, and social) impacts of a proposed action and/or alternatives. It includes a description of the proposed action (in this case, the Incidental Take Permit, or ITP), why it is needed, alternatives to the action, how it will affect the environment, environmental consequences of the action and/or the alternatives, and ways of reducing impacts to the environment. It does not approve or reject an action and is not a permit.

What is the U.S. Fish and Wildlife Service’s role in the NEPA Environmental Impact Statement process?

The U.S. Fish and Wildlife Service (the Service) is responsible for enforcing federal wildlife laws and administering the *Endangered Species Act*. It has no direct authority over the placement or operation of NiSource’s facilities. The Service must comply with the *National Environmental Policy Act* of 1969 (NEPA) by evaluating the impacts of what NiSource wants to do, as well as looking at a range of alternatives to the proposed action (i.e., the proposed action of issuing an ITP to NiSource). To assist in developing the EIS, a third-party contractor (AMEC Earth & Environmental) has been hired to ensure the NEPA requirements are met. AMEC Earth & Environmental will complete various NEPA activities (such as drafting the EIS) under the direction of the Service.

Why is the U.S. Fish and Wildlife Service doing an Environmental Impact Statement for NiSource’s Habitat Conservation Plan and Incidental Take Permit Application?

The level of review needed under NEPA depends on whether any significant effects to the environment may result from the proposed action. The Service has determined that an Environmental Impact Statement is an appropriate level of review for this project. This means that there will be formal consultation throughout the NEPA process, which includes public scoping and public comment periods, and involvement of cooperating agencies.

Who determines the species to include in the Habitat Conservation Plan and Environmental Impact Statement?

The HCP Applicant (NiSource, in this case) determines the list of species to include in the HCP and the EIS.



What species will be covered by the NiSource Incidental Take Permit and evaluated in the Environmental Impact Statement?

The list of the species currently under consideration to be included in the NiSource HCP is available on the Service's website at:

http://www.fws.gov/midwest/Endangered/permits/hcp/nisource/noi_prepare_eis11oct2007.html.

What if the HCP/ITP approach does not work for some species? Can the HCP/ITP be revoked or modified in the future? If so, what NEPA review would be required?

Yes, if monitoring shows that certain conservation or mitigation measures are not achieving the desired result, and adaptive management does not identify successful conservation and mitigation measures, the ITP can be changed for individual species. If that happens, an additional NEPA review would take place to deal with that change.

How will mitigation strategies be developed?

The Service, state agencies, and non-government organizations are currently working with NiSource to develop a landscape-scale approach to mitigation for this project.

What are some key milestones for the project?

The initial scoping period in November 2007 starts the EIS process, after which a Draft EIS is developed for public review. Once that review is complete, public and agency comments will be addressed, and a Final EIS and Record of Decision (ROD) will be produced. It is expected that the process will be completed by mid-2009.

Will you be consulting with any tribal entities during the NEPA process?

Federal agencies such as the Service are required to consult with federally recognized tribes during the course of NEPA analyses. All federally recognized tribes within the scope of the project will be consulted. They are also part of the stakeholder outreach program, and are on the mailing list to receive letters, etc.

How do I provide comments or get additional information about the NEPA Environmental Impact Statement scoping process?

Send your comments or request for information by any one of the following methods:

- U.S. Mail:
Regional Director, U.S. Fish and Wildlife Service
Division of Ecological Services
1 Federal Drive
Fort Snelling, MN 55111-4056
- Facsimile: 612-713-5292
- Website: http://infoman.amec.com/SIMS_PublicComment/

You can also attend an open house/scoping meeting (held November 5–16, 2007 in various cities), and fill out a comment form.