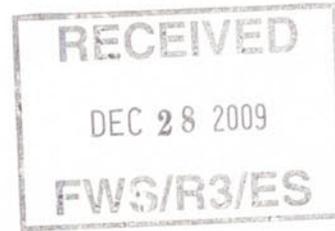




DUKE ENERGY CORPORATION
WP994 / 1000 East Main Street
Plainfield, IN 46168-1782



December 21, 2009

Ms. Lisa Mandell
U.S. Fish and Wildlife Service
Endangered Species Permit Office
B.H. Whipple Federal Building
One Federal Drive
Fort Snelling, Minnesota 55111-4056

Re: Renewal Application to Permit TE 016724-1

Dear Ms. Mandell

Please find enclosed a completed Federal Fish and Wildlife Permit Application Form along with the \$100 application fee. This form is requesting renewal for the permit #TE016724-1, Duke Energy's Incidental Take Permit of Least Terns at Gibson Generating Station. An updated Habitat Conservation Plan associated with this permit will also be submitted in the coming weeks.

If you have any questions or need additional information, please contact me at (317)838-6218.

Sincerely

John E. Pike
Sr. Scientist

Enclosure

Cc: Lori Pruitt- US Fish and Wildlife Service- Bloomington Field Office
Jim Stanley
Duane Harrell
Tim Hayes
Becky Sparks



RECEIVED

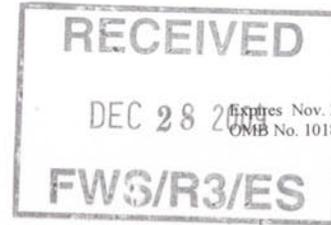
DEC 28 2009

FWS/R3/ES

CK 1000024367

Department of the Interior
U.S. Fish and Wildlife Service

Federal Fish and Wildlife Permit Application Form



Expires Nov. 30, 2010
OMB No. 1018-0094

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Native Endangered and Threatened Species -

USFWS, B.H. Wipple Federal Building
One Federal Drive
Fort Snelling, Minnesota 55111-4056

Incidental Take Permits Associated with a Habitat
Conservation Plan (HCP)

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency or institution			
1.a. Name of business, agency, or institution Duke Energy Indiana		1.b. Doing business as (dba)	
2. Tax identification no. 35-0594457		3. Description of business, agency, or institution Investor Owned Utility	
4.a. Principal officer Last name Stanley	4.b. Principal officer First name James	4.c. Principal officer Middle name/ initial	4.d. Suffix
5. Principal officer title President		6. Primary contact John Pike	
7.a. Business telephone number 317/838-6218	7.b. Alternate telephone number 317/431-5488 cell	7.c. Business fax number 317/838-2490	7.d. Business e-mail address John.Pike@duke-energy.com

C. All applicants complete address information					
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes) 1000 East Main Street					
1.b. City Plainfield	1.c. State IN	1.d. Zip code/Postal code: 46168	1.e. County/Province Hendricks	1.f. Country USA	
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)					
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country	

D. All applicants MUST complete	
1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount indicated on page 2. Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee - attach documentation of fee exempt status as outlined in instructions. (50 CFR 13.11(d))	
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input checked="" type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: TE 016724-1 No <input type="checkbox"/>	
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001. Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures) Date of signature (mm/dd/yyyy) 12-18-09	

Please continue to next page

**** See page 14 for additional instructions on completing the above form. See page 15 for information on the Paperwork Reduction Act, Privacy Act, and Freedom of Information Act aspects of this application form.**

Section E. ALL APPLICANTS COMPLETE SECTION E. Provide the information outlined in Section E. on the following pages. Be as complete and descriptive as possible. Please do not send pages that are over 8.5"X 11", videotapes, or DVDs.

**INCIDENTAL TAKE PERMITS ASSOCIATED WITH A
HABITAT CONSERVATION PLAN (HCP)**

Have you obtained all required State, Federal or foreign government approval to conduct the activity you propose? Please be aware that there may be other requirements necessary to conduct this activity such as an import permit, collection permit, permission to work on Federal lands, Federal bird banding permit, Corps of Engineers permits, Environmental Protection Agency NPDES permits, State, county or local permits, etc.

- Yes. Provide a copy of the approval(s). List the State, Federal or foreign countries involved and type of document required. Include a copy of these documents with the application.
- I have applied. List the State, Federal or foreign countries involved and type of documents required. Provide the reasons why the permits have not been issued _____.
- Not required. The proposed activity is not regulated.

Application Processing Fees

The application processing fee for a new Incidental Take permit, or to renew/re-issue an existing valid permit, is \$100. If permit amendment is required at a time other than renewal/re-issuance, the processing fee is \$50.

Check the appropriate box below and enclose check or money order payable to the *U.S. Fish and Wildlife Service* in the amount of

- \$100 for a **new** permit
- OR
- \$100 to **renew/re-issue** my existing valid permit (with only *minor changes* such as updating my name and address) using my current application package on file.
- OR
- \$50 to make a **substantive amendment** (with *major changes*) to my existing valid permit [50 CFR 13.11(d)(2)].

If the information in your current application package on file has changed in a manner that triggers a major amendment or a change not otherwise specified in the permit, then you must apply for an amendment to your valid permit. For example, such major changes may include changes in location, activity, amount or type of take, or species to be covered by the permit. Please contact our Ecological Services Field Office located closest to your proposed activity for technical assistance in making this determination. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish & Wildlife Service's office directory web page at <http://www.fws.gov/offices/directory/listofficemap.html>

Please check the **type of amendment** you are requesting --

- add species (specify) _____
- add a geographic area change in personnel
- other (specify) _____

If this application includes **transfer or succession** of a valid Incidental Take permit, please check the box below:

- 9 Transfer or succession of a valid Incidental Take permit associated with a HCP using the current application package on file. No application fee is required.

Application Processing Time

To expedite a final decision on your application, you are urged to coordinate with us as soon as possible for guidance in assembling a complete application package. If you are renewing or amending a valid permit, your complete application package must be received at least 30 days prior to the expiration of the valid permit. This time period begins when we receive a complete permit application package and does not include any time required for requesting clarification or additional information about your application.

The time required to process an application for an Incidental Take permit will vary depending on the size, complexity, and impacts of the HCP involved. Procedurally, the most variable factor in application processing is the level of analysis required for the proposed HCP under the National Environmental Policy Act (e.g., whether an application requires preparation of an Environmental Impact Statement, Environmental Assessment, or whether a categorical exclusion applies), although other factors such as public controversy can also affect application processing times. The target processing timeline from when we receive a complete application package to our final decision on a permit application is: up to 3 months for low-effect HCPs, 4 to 6 months for HCPs with an Environmental Assessment, and up to 12 months for HCPs with a 90-day comment period and/or an Environmental Impact Statement. Although not mandated by law or regulation, these targets are adopted as U.S. Fish & Wildlife Service and National Marine Fisheries Service (NMFS/NOAA Fisheries) policy and all offices are expected to streamline their Incidental Take permit programs, and to meet these targets to the maximum extent practicable.

The information provided in your permit application will be used to evaluate your application for compliance with the Endangered Species Act, its implementing regulations (which may require a 30 day public comment period), and with U.S. Fish and Wildlife Service policy. Receipt and possession of a permit under the Endangered Species Act should be regarded as a privilege, as we must balance permit issuance with our duties to protect and recover listed species.

Up-to-date annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal, re-issuance or amendment.

If your activities may affect species under the authority of the National Marine Fisheries Service (NMFS/NOAA Fisheries), then you may need to obtain a separate permit from that agency. In addition we share jurisdiction with NMFS/NOAA Fisheries for sea turtles (e.g., we evaluate applications for permits to conduct activities impacting sea turtles on land, and NMFS/NOAA Fisheries evaluates applications for permits to conduct activities impacting sea turtles in the marine environment). To apply for a permit to conduct activities with sea turtles in the marine environment or other species under NMFS/NOAA Fisheries jurisdiction, please contact them via their permit web page at <http://www.nmfs.noaa.gov/pr/permits/>

We cannot issue an Incidental Take permit under Section 10(a)(2)(A)(i) of the Endangered Species Act unless you submit a conservation plan that specifies the impacts that are likely to result from the incidental take associated with your activity.

Our general permit regulations at 50 CFR 13.12(a)(9) allow us to collect such other information as we determine that is relevant to the processing of a permit application. Before you submit an application for an Incidental Take permit, we may require that you conduct biological surveys to determine which species and/or habitat would be impacted by the activities sought to be covered under the permit. Biological surveys provide information necessary to develop an adequate HCP, and to assess the biological impacts of the proposed activities. In addition, the information provided in a biological survey can reduce the applicant's risk of take under Section 9 of the Endangered Species Act by ensuring that affected species and/or habitat are identified and appropriately covered under the permit.

You are required to obtain a Scientific Purposes, Enhancement of Propagation or Survival permit (commonly called a Recovery permit) from us before engaging in any biological survey activities that would take listed species. Contact our Ecological Services Field Office closest to the location of your activity to obtain technical assistance in determining the need for both a biological survey and a Recovery permit for your survey activity. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish & Wildlife Service's office directory web page at <http://www.fws.gov/offices/directory/listofficemap.html>

If a biological survey is required, you will need to send us your complete Recovery permit application package at least 3 months prior to commencement of survey activities to facilitate processing of your Recovery permit application. The Recovery permit application is designated as U.S. Fish & Wildlife Service form # 3-200-55 and can be found on our Endangered Species permit web page at <http://www.fws.gov/forms/3-200-55.pdf>.

We maintain a list of Recovery permittees (such as biological consultants) who have authorized the release of their contact information to third parties for conducting biological surveys on a contract basis. This list is provided to the public at the discretion of each U.S.

Fish and Wildlife Service Regional Office as time and workload allow. Please be aware that this list does not represent an endorsement by us of any particular permittee.

If you are not applying as an individual but as a business, corporation, institution, or non-Federal public agency (block B. on page 1 of the application), the person to whom the permit will be issued (e.g., the landowner, president, director, executive director, or executive officer) is legally responsible for implementing the permit. Although other people under the direct control of the permittee (e.g., employees, contractors, consultants) receive third party take authorization in their capacity as designees of the permittee, the individual named as the permittee ultimately is legally responsible for the permit and any activities carried out under the permit except as otherwise limited in the case of permits issued to State or local government entities under 50 CFR 13.25(e).

If you wish to coordinate the processing of this permit application through an **authorized agent**, and to have that agent represent you as the primary contact with us, check the box below. Sign (in blue ink) and date the authorization statement, and provide contact information for your authorized agent.

I hereby authorize the following person to act as an authorized agent on my behalf in the processing of this permit application and to furnish, upon request, supplemental information in support of this permit application.

signature (in blue ink)

date

please print name legibly

Your Authorized Agent's Contact Information (please print legibly)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

Fax: _____

E-Mail: _____

INCIDENTAL TAKE PERMIT APPLICATION INSTRUCTIONS

You have 4 options for providing the required information for an Incidental Take permit application. Choose only one option.

Incidental Take Permit Application: Option I. Renewal of a Valid Incidental Take Permit.

Up-to-date annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal.

Sign the following statement if you are applying to renew an existing valid Incidental Take permit. If you are proposing major changes to your Incidental Take permit, you must use Option II.

The individual signing box D. on page 1 of the application must also sign (in blue ink) the following statement. This certification language is required under 50 CFR 13.22(a).

I certify that the statements and information submitted in support of my original application for a U.S. Fish and Wildlife Service Incidental Take permit #TE 016724-1 are still current and correct and hereby request renewal of that permit.


signature (in blue ink)

12-18-09
date

JIM L. STANLEY
please print name legibly

* Please note: If you have signed the above statement, then your renewal request is complete. Please submit completed pages 1 through 5 of this application to our Regional Office (see attached list) covering the location of your proposed activity. Requests for renewals must be received no later than 30 days prior to permit expiration to ensure that your current permit remains in effect while we process your renewal request.

Incidental Take Permit Application

Certification Notice

The same person who signs in box D. on page 1 of the application should sign (in blue ink) the following certification.

By submitting this application and receiving an Incidental Take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act, I

Jim L. Stanley (print name(s)) attest that I/we own the lands indicated in this application, or have sufficient authority or rights over these lands to implement the measures of the Habitat Conservation Plan (and Implementing Agreement if applicable) covered by the Incidental Take permit. Further, upon receipt of the Incidental Take permit, I/we agree to conduct the activities as specified in the Habitat Conservation Plan (and Implementing Agreement if applicable) according to the terms and conditions of the Incidental Take permit and its supporting documents.

JK Stanley
signature (in blue ink)
Jim L. Stanley
please print name legibly

12-18-09
date

signature (in blue ink)

please print name legibly

date

The public reporting burden for completing this application for an Incidental Take permit is estimated to be 3 hours, including time for reviewing instructions, gathering and maintaining application data, and completing and reviewing the forms. Comments regarding the burden estimate or any other aspect of the reporting requirement(s) should be directed to the U.S. Fish & Wildlife Service Information Collection Clearance Officer, MS 222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240.

An agency may not conduct and a person is not required to respond to a collection of information unless a currently valid OMB control number is displayed.
