

SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. Project Information

A. Project name:

Northern Indiana Public Service Company (NIPSCO) and Indiana-American Water Company, Inc. (INAWC) Utility Rights-of-Way Maintenance, Lake and Porter Counties, Indiana

B. Affected species:

Karner blue butterfly (*Lycaeides melissa samuelis*)

C. Project size (in acres):

The plan covers a total of 86 acres in 4 utility rights-of-way which currently support 4.244 acres of lupine, which is the only larval food plant of the Karner blue butterfly and therefore required to provide Karner habitat.

D. Brief project description including minimization and mitigation plans:

This maintenance project pertains to 3 electric transmission line rights-of-way, 1 of which contains a natural gas pipeline, owned and operated by NIPSCO and 1 ROW owned by the Indiana American Water Company (INAWC), which contains a potable water distribution pipeline and electrical powerlines maintained by NIPSCO. The 3 NIPSCO ROWs are Miller, Aetna, and Stagecoach Road, encompassing a total of 84 acres. The INAWC ROW contains 2 acres. Vegetation management is required under the electric powerlines to control tree and shrub growth which could interfere with the transmission lines. Additional activities that may take place during the life of a transmission line include tower maintenance and painting, insulator repair or replacement, static line maintenance, conductor replacement, and emergency work. Emergencies may include tower or line failure due to ice or wind storms and trees falling into conductors. Natural gas and/or water pipeline maintenance may consist of hydrostatic testing, valve replacement, and pipeline replacement in section or in total, and emergencies include gas or water pipeline rupture. These latter 2 activities require excavation to access the pipeline and heavy equipment operation to install new piping. The natural gas pipeline is within the Stagecoach Road ROW only. NIPSCO has utilized Integrated Vegetation Management (IVM) techniques on these ROWs and proposes to continue to do so. This IVM plan includes mowing to reduce the height of woody stems followed by herbicide application the next year, with mowing occurring approximately every 6 years. In subsequent years, spot herbicide treatment is used to control woody species. Side trimming of adjacent trees is also required to protect the integrity of the electric circuit.

The Karner blue butterfly is dependent on wild lupine (*Lupinus perennis*), its only known larval food plant, and on nectar plants. These plants occur in savanna and barrens habitats typified by dry sandy soil. The 4 ROWs included in the HCP cross sand dunes that are or were savanna habitats; the Miller ROW also crosses interdunal wetlands. Lupine, nectar plants, and the butterfly can be eliminated through canopy closure (succession) and are benefitted by land management activities that maintain open-canopy habitats with some shade. This is the type of habitat which the NIPSCO IVM techniques will maintain. All routine and planned maintenance of the powerlines, towers, and pipelines will take place at times of the year when neither the larval nor adult stage of Karners are present (between September 1 and April 1), and all possible attempts will be made to avoid damage to lupine and nectar species. Mowing will take place after first frost and preferably when the ground is frozen to reduce rutting. Vegetation management will focus on preserving and enhancing lupine and nectar species.

Within the 84 acres owned by NIPSCO, a total of 3.688 acres of lupine were found during the GPS mapping surveys in 2004. This constitutes the baseline habitat for the Karner blue butterfly within the NIPSCO ROWs. An additional 0.556 acres of lupine are present within the INAWC ROW. The baseline will establish the levels of wild lupine located in the plan area. At no time will the acreage of lupine fall below the established baseline level of 4.244 acres as a result of activities conducted or authorized by NIPSCO or INAWC. Since this plan focuses on habitat improvement, an increase in habitat would allow for temporary destruction of portions of the habitat without threatening the 2004 habitat baseline level.

As mitigation for any adverse effects on Karner blue butterfly habitat, NIPSCO will enhance a 12.85 acre woodland adjacent to the Miller ROW, and included within the 84 acre total NIPSCO lands in the plan, through the removal of dense brush and small black oak trees, thus returning this woodland to a native black oak savanna. Some lupine is present at scattered locations within this woodland, (0.406 of the 3.688 lupine total acreage), although Karners have not been observed, and both lupine and nectar species will be enhanced through the management of this site. Once lupine within this site covers an area of 4.244 acres, there will be no risk of falling below the baseline. It is estimated that between 7 and 8 acres of this 12.85-acre savanna can be successfully restored to lupine habitat as a minimum. Work on the restoration of this savanna began in 2003 with the removal of brush and a reduction in oak density, plus the planting of locally obtained wild lupine seed. In addition, lupine and nectar plants have been/will be planted in portions of the ROWs where they are now limited or not present, except for the wetlands in the Miller ROW, which do not support lupine or Karners. A total of about 30 acres of the approximate 60 acres of NIPSCO ROWs available for planting with lupine and nectar species contain powerlines but no pipelines (Aetna and Miller ROWs, discounting the wetlands at Miller).

Even if only 20 percent of these 30 acres (6 acres) are restored to lupine (a very conservative estimate), they, along with the mitigation savanna, will ensure that even under the worst possible scenario - required replacement of both the natural gas pipeline and water pipeline simultaneously (which ROWs contain 1.039 acres of lupine as baseline) - a sufficient amount of lupine will exist in the plan area to ensure that the 2004 baseline level will not be reached.

II. Does the HCP fit the low-effect criteria in the HCP Handbook? *The answer must be “yes” to all the questions below for a positive determination. Each response should include an explanation.*

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan? (Handbook pg. 1-8 and 1-9) *In making this determination, actions undertaken by the applicant to avoid “take” are not considered mitigation.*

The operation and maintenance, and possible construction, activities associated with NIPSCO’s electric transmission lines and natural gas pipeline and INAWC’s water pipeline may impact populations of the Karner blue butterfly. However, these impacts are considered to be minor because: 1) the currently occupied habitat of the listed species within the ROWs is very small (4.244 acres of occupied or potential habitat among the 86 acres covered by the plan); 2) maintenance and possible construction, except for emergency situations, will occur when larval and adult Karners will not be present (between September 1 and April 1); 3) the impacts to the habitat will be temporary; and 4) the vegetation management will reduce brush and tree cover which, if left in place, would eliminate Karner habitat through time. The Karner habitat covered by this plan is a very small fraction of the total Karner blue butterfly habitat available on the adjacent Indiana Dunes National Lakeshore, which contains the predominant habitat for the butterfly metapopulations in Indiana. Seasonal weather conditions, wildfires, and other stochastic events have a greater effect on the Karner blue butterfly in the plan area than will the activities covered by the plan.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan? (Handbook pg. 1-8 and 1-9) *In making this determination, actions undertaken by the applicant to avoid “take” are not considered mitigation.*

Air quality will not be significantly impacted because emissions from maintenance equipment will be localized and limited to short periods of time; maintenance activities, except for emergencies, will be scheduled for periods other than “Ozone Action Days” or other periods of concern related to air quality; and the ROWs are small in comparison with the large acreages of steel mills, other industries, railroads, and highways in Lake and Porter Counties, which are the major sources of air emissions in the project area.

Impacts to the soils and geology of the area are anticipated to be minor because negative impacts to the soil will be of short duration and will be greatly limited during routine maintenance. Mowing after first frost or during snow cover will limit chances for rutting. Soil disturbance will be greatest if any of the pipelines need to be repaired or replaced, but this will also be of limited duration, and appropriate erosion control methods will be utilized. Excavation for the pipelines would not exceed 10 feet in depth, so the underlying geology would not be impacted.

Water quality and quantity should not be affected because none of the pipelines that might require repair or replacement are within wetland areas, and appropriate erosion control methods will be utilized. There are several wetlands within the Miller ROW which have not been mowed or otherwise impacted in the past; however NIPSCO may find the need for periodic mowing/herbiciding to control woody species and/or invasive species at some time during the 25-year life of the plan, but this maintenance will not take place during periods of high water and will be limited to access by appropriate wheeled vehicles. Herbicides used in the IVM program will be registered for use in appropriate habitats (upland or wetland) and will be used in accordance with requirements to avoid drift or other adverse impacts on non-target species or habitats.

No changes in the socio-economic environment are expected to occur as a result of implementing the HCP; however, if the HCP is not implemented and NIPSCO and INAWC are not able to maintain their ROWs, adverse socio-economic impacts could occur if woody vegetation within and adjacent to the ROWs interfere with transmission of electricity, natural gas, or water or if pipeline ruptures occur. The 86 acres covered by the plan have been in utility corridors for many years, and this use will not change with implementation of the plan, nor will the uses of adjacent properties not covered by the plan.

Cultural resources include historic sites, archeological sites and associated artifacts, sacred sites, traditional cultural properties, cultural items, and buildings and structures. No known cultural sites exist within the ROWs, no buildings are involved, and all of the lands covered under the plan have been prior disturbed through construction of pipelines and/or electric transmission lines and maintenance of these facilities. Therefore, no impacts to cultural resources are anticipated.

Portions of the ROWs are adjacent to the Indiana Dunes National Lakeshore. There are walking trails within the Lakeshore but none currently traverse the NIPSCO or INAWC ROWs. However, there may be limited recreational use of the ROWs by the public who are walking off the trails or walking an old railroad bed that passes through the Miller ROW and is proposed for eventual development as a trail by the Lakeshore. A privately-owned State Nature Preserve is also adjacent to 1 of the NIPSCO ROWs, but it is not open to the

public except for scheduled events. Implementation of the HCP is not likely to affect any recreational activities in the area because the ROWs have contained electric transmission lines and/or pipelines for many years and have been maintained for those purposes; these transmission uses will not change due to the HCP.

Visual resources are already affected by the presence of the major electric transmission lines within the NIPSCO ROWs, although the visual impact of the small line within the INAWC ROW is much less significant. The underground natural gas and water pipelines have no adverse visual effects. Maintenance activities, particularly vegetation maintenance, have been on-going within these ROWs since their inception, so implementation of the HCP will not alter the visual scene. Any excavation or other needed work on the pipelines will have visual impacts of short duration and will be consistent with previous impacts when the pipelines were installed and previously repaired.

C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant? (Handbook pg. 5-3). *The same concept is also included in the exception to categorical exclusions, III. F. below.*

No significant cumulative effects are expected to occur under the preferred alternative. The maintenance of the existing electric, natural gas, and water transmission facilities has been occurring for many years and therefore is not expected to significantly change the character of the ROWs or adjacent properties. The only reasonably foreseeable project in the area of the ROWs is the development of a trail along the old railroad bed within the Miller Woods Unit of the Lakeshore, which is unrelated to this HCP; the Lakeshore will need to separately address impacts on the Karner blue butterfly and the environment due to this trail development.

III. Do any of the Categorical Exclusions: Extraordinary Circumstances apply to this HCP? (from 516 DM 2.3, Appendix 2) *If the answer is “yes” to any of the questions below, the project can not be categorically excluded from NEPA. Each “no” response should include an explanation.*

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety?

No. The area affected by the project is very small in relation to other existing infrastructure and land uses, including industry, highways and roadways, residential areas, and the Indiana Dunes National Lakeshore. Maintenance of the electric transmission lines, natural gas pipeline, and water pipeline is required to protect public health and safety.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

Portions of the ROWs are adjacent to the Indiana Dunes National Lakeshore and a privately owned State Nature Preserve. These resources are located within the heavily developed northern portions of Lake and Porter Counties, which include the Cities of Gary and Portage, with steel mills and other industries, the Port of Indiana, an electric generating station, Interstate and other highways, railroads, and extensive residential developments. The Lakeshore was authorized in 1966, long after these human developments had altered much of the natural resources of this unique area. In fact, the Lakeshore is composed of many of the remaining pieces of natural habitats that were not extensively developed, plus other lands that have been reclaimed from residential and agricultural uses. Cowles Bog Natural Landmark is located within the Lakeshore but is not in the vicinity of any of the ROWs included within the HCP and will not be affected. Historic and cultural resources located within the Lakeshore and within the Cities of Gary and Portage are also not near the ROWs and will not be adversely affected by activities conducted under the HCP. No National Wildlife Refuges, wilderness areas, national monuments, or scenic or recreational rivers are located within the plan area.

Wetlands are present within the Miller ROW; they are interdunal ponds/wetlands within the "dune and swale" habitat unique to the southern lakeplain of Lake Michigan and are contiguous with wetlands within the Lakeshore. NIPSCO has no record of conducting IVM activities within these wetlands in the past, but it is possible that activities such as mowing or removal of individual trees that become too large to leave under the powerlines may become necessary at some time in the future during the 25-year time period of this HCP. Although occasional mowing of the emergent/scrub-shrub wetlands within the ROW may be necessary during dry periods to control woody growth under the powerlines or to control invasive species, this activity will be very limited in scope and will not adversely affect the wetlands, water quality or quantity, or the portions of the wetlands included within the Lakeshore. Control of invasive species will be done in concert with such activities within the Lakeshore portions of the wetlands. No sole or principal drinking water aquifers, prime farmlands, or floodplains are within the plan area, and therefore none will be affected by the project.

Mowing and other non-emergency work will not occur during the breeding season of most migratory and resident birds that are found within the savanna, prairie, and wetland habitats of the plan area. Woody vegetation will be controlled as it has been since the lands were converted to utility rights-of-way, so there will be no changes in habitat types due to plan implementation. Therefore, no significant adverse impacts on migratory or resident birds are expected to occur.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?

No highly controversial environmental effects will occur under this HCP. The activities covered are a continuation of maintenance activities that have been occurring since the utility ROWs were established many years ago.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. The project activities are routine with negligible impacts; therefore issuance of the permit would not involve significant environmental effects or involve unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions would be reviewed on their own merits. However, in this case the project activities are quite routine with negligible impacts; therefore issuance of the permit would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. The operation and maintenance of the electric transmission line, natural gas pipeline, and water pipeline ROWs have a long history in the area and therefore continuation of these activities is not expected to significantly change resource capacity or function nor the general character of the area.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. There are no properties listed or eligible for listing on the National Register of Historic Places within the ROWs covered by the HCP.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species? *Consider the degree or amount of take and the impact of the take on the species. Although take may occur under project implementation, it may be so minor as to result in negligible effects. The same concept applies when considering effects to critical habitat.*

Although some take of Karner blue butterflies, likely as eggs, may occur due to the use of mowing machinery and other equipment within the rights-of-way, the vegetation management undertaken by the plan will provide the early succession habitat required by this species. Because the required habitat components of wild lupine and nectar plants in a largely open setting can be lost to succession, Karner blue butterfly persistence is dependent on disturbance and/or management to renew existing habitat or to create new habitats. The fire or mowing that is

necessary to maintain Karner habitat can kill individuals of the species but benefits the species as a whole by providing the required habitat components. The take of Karners under this HCP will be negligible in comparison with the habitat loss and possible total elimination of the species in the plan area if the plan is not implemented and the habitat is degraded. Despite the short-term incidental take of some individual butterflies, implementation of the plan is likely to increase the chances of Karner blue butterfly population viability over the long-term.

No critical habitat has been designated for the Karner blue butterfly, so no critical habitat will be affected by this HCP.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. Project impacts on wetlands will be negligible and consist of possible periodic dry season mowing of the emergent/scrub-shrub wetlands within the Miller ROW to control woody and/or invasive species. No other wetlands and no floodplains are present with the project area ROWs; therefore, issuance of this permit will not require compliance with either Executive Orders 11988 or 11990 (as amended by Executive Order 12608) or the Fish and Wildlife Coordination Act. Karner blue butterflies do not utilize the wetlands and would not be affected by any vegetation management within the wetlands.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. All other Federal and State regulations will be adhered to.

K. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

The utility rights-of-way covered by the HCP are owned by NIPSCO and INAWC and operations within these corridors do not adversely affect low income or minority populations, although such populations are present in the general area in the City of Gary and City of Portage. However, if the HCP is not implemented and NIPSCO and INAWC are not able to maintain their ROWs, adverse impacts could occur to low income or minority populations if woody vegetation within and adjacent to the ROWs interfere with transmission of electricity, natural gas, or water or if pipeline ruptures occur.

L. Limit access to and ceremonial use of Native American sacred sites on Federal lands by Native American religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No Native American sacred sites are known to be present on the adjacent Federally-owned Lakeshore lands. No activities on the privately-owned lands covered by this plan would affect access to the Lakeshore lands.

M. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

This HCP addresses vegetation management, be it native or non-native. Invasive species already known in the general project area include, but may not be limited to, purple loosestrife, common reed, spotted knapweed, garlic mustard, and several species of buckthorn. Purple loosestrife and common reed may be present within the Miller ROW wetlands, but the status of the other species, and possible additional species, is not known. The activities covered within this plan will not contribute to or promote the introduction or spread of noxious weeds, but they can be used to control the existence or spread of such species. Mowing or the application of herbicides within the Miller ROW wetlands may become necessary at some time during the 25-year period of the plan in order to control invasive species.

No aquatic invasive species are known within the plan area and none are likely to be introduced or spread due to project implementation.

IV. ENVIRONMENTAL ACTION STATEMENT (EAS)

If the proposal fits the above criteria for a low-effect HCP, the proposal can be categorically excluded from the NEPA documentation in accordance with 516 DM 6, Appendix 1.4C(1) and (2). The following EAS should be prepared to provide an administrative record of the decision to categorically exclude the proposal in accordance with 550 FW 3.3C.

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record. Based on the analysis above, the NIPSCO and INAWC Utility Rights-of-Way Maintenance HCP qualifies as a "Low Effect" HCP as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook* (November 1996). Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1 and no further NEPA documentation will be made.

Other supporting documents (list): Habitat Conservation Plan

Concurrence:

(1) Field Supervisor

Date

(2) Regional Historic
Preservation Officer

Date

(3) Regional Environmental
Coordinator

Date

(4) ARD Ecological Services

Date