

December 1, 2011

Mr. Tom Melius
Midwest Regional Director
U.S. Fish and Wildlife Service, Midwest Region
5600 American Blvd West, Ste 900
Bloomington, MN 55437-1458

RE: NiSource Habitat Conservation Plan and Incidental Take Permit

I am writing to oppose the NiSource Habitat Conservation Plan because the NiSource Habitat Conservation Plan and Incidental Take Permits are too big to be done responsibly and in keeping with the spirit of the Endangered Species Act.

Currently, the plan covers 9.8 million acres, in 14 states, over 15,000 miles of pipeline in a mile-wide corridor, and impacts 75 federally listed endangered, threatened species. If candidate species are included, that number rises to as many as 100.

NiSource is seeking a permit to legally kill endangered species anywhere along the route of their pipeline. Threatened and endangered species like the Louisiana black bear, Eastern bog turtle, "Ginny" (the West Virginia Northern flying squirrel), Cheat salamander, Indiana bats, and Eastern bog turtles would all lose federal protections anywhere within a one-half mile zone on either side of their pipeline for 50 years. This plan is too vague, too long-lasting, and puts too many species at risk.

If it goes forward, the plan needs to be partitioned into several, more geographically and ecologically cohesive units and needs to factor the likely increase in gas drilling in the project area.

Additionally, 50 years is far too long for permits to "take" endangered species. Neither the FWS nor NiSource are able to accurately estimate species status 50 years into the future. Climate change, White Nose Syndrome, and other threats require that the plan be re-analyzed at least every decade to have effective mitigation.

NiSource's requested permit would allow them to harm or kill endangered or threatened species during maintenance, upgrade, and operations of their gigantic 15-state pipeline. Under their plan, as long as the activities they engage in are legal, violations of the Endangered Species Act would no longer be violations. This is unacceptable.

This plan would almost certainly set a precedent for future decisions and needs to be crafted with that in mind. Written as-is it puts too many species at risk for far too long to be approved. The oil and gas industry seems to think it deserves to have its own set of rules.

Thank you for considering my comments and your help on behalf of America's irreplaceable wildlife.

Yours truly,



J. Capozzelli
New York

Rec'd 12-5-11
lm