

**Proposed Amendment to the NiSource Incidental Take Permit
and Revised HCP to Include Northern Long-eared Bat**
Questions and Answers

1. What action is the U.S. Fish and Wildlife Service taking?

NiSource, Inc. has requested that their incidental take permit be amended to include the northern long-eared bat, and they provided their revised habitat conservation plan that includes avoidance, minimization and mitigation measures for the northern long-eared bat. Therefore, the U.S. Fish and Wildlife Service will be publishing a notice in the *Federal Register* that announces the availability of documents for public review and comment related to the permit amendment and revised HCP.

On September 13, 2013, the Service issued NiSource a permit for 10 federally listed species that occur in portions of their operating territory. The permit allows NiSource to incidentally take these species while operating and maintaining their interstate natural gas pipeline system in 14 states over a 50-year period. As required under the ESA, an HCP was developed in association with the permit. After the permit was issued, the Service proposed listing the northern long-eared bat (*Myotis septentrionalis*) under the Endangered Species Act. The northern long-eared bat was not included in the original NiSource HCP.

In January 2015, the Service received an application from NiSource, Inc. to have the northern long-eared bat added to their permit. The application included a revised HCP and associated documents. In response, the Service prepared an environmental assessment. Draft copies of both the revised HCP and the draft EA will be available for review and comment for 30 days after the *Federal Register* notice is published. All documents will be posted to our website at: <http://www.fws.gov/midwest/endangered/permits/hcp/nisource/>.

2. What does the revised NiSource HCP cover?

Like the original NiSource HCP, the revised HCP analyzes operation and maintenance activities in 14 states (Delaware, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia). Northern long-eared bats are present in each of those 14 states. Based on the analysis in the revised HCP, certain NiSource activities (e.g., right-of-way maintenance; facility inspection, upgrade and replacement of pipelines; relocations; and routine expansions) have the potential to impact northern long-eared bats. Therefore, the revised NiSource HCP identifies specific conservation measures that NiSource will implement in each of those 14 states for the benefit of northern long-eared bats.

Like the original HCP, the revised HCP was developed to satisfy the criteria listed in section 10(a)(1)(B) of the ESA pertaining to issuance of incidental take permits. If NiSource has met these criteria, and the HCP and supporting information are statutorily complete, an amended permit that includes the northern long-eared bat will be issued.

3. Besides adding the northern long-eared bat, are there any other changes to the NiSource HCP?

No, the only changes to the NiSource HCP are those associated with adding the northern long-eared bat to their permit. There are no changes to the HCP's covered land or covered activities, or to any of the other 10 species included in the HCP.

4. How much take is expected for the northern long-eared bat?

Take of northern long-eared bats may occur as a result of habitat loss and degradation, with an understanding that the direct loss of some individuals is unavoidable. Based on the analysis in the revised HCP, two NiSource activities will potentially cause take of northern long-eared bats: 1) tree clearing in known and suitable summer, spring staging, and fall swarming habitat, and 2) "waste pit" construction in storage fields. Over the 49-year life of the permit, NiSource is requesting take, primarily in the form of harm and harassment, for no more than 93,500 acres of habitat that could support up to 4,618 northern long-eared bats.

5. What will NiSource do to minimize and mitigate their take of northern long-eared bats?

The revised HCP includes 40 additional conservation measures designed to avoid, minimize and mitigate impacts to northern long-eared bats. For example, one measure includes timing restrictions on tree clearing when northern long-eared bat pups cannot fly. Another measure limits construction activities near northern long-eared bat hibernacula. After all practicable steps have been taken to avoid and minimize take, NiSource will fund mitigation to fully compensate for any impacts of their take. This includes protecting high quality habitats, restoring and protecting degraded habitats, and potentially establishing new habitats.

6. Why was an environmental assessment prepared?

Issuance of a permit by the Service, and certain amendments to permits, are federal actions subject to review under the National Environmental Policy Act. To comply with NEPA, the Service prepared an EA. The purpose of an EA is to determine the significance of environmental impacts associated with proposed federal action (i.e., issuance of an amended permit to NiSource). In determining whether a proposed federal action will result in significant environmental impacts, two distinct factors are considered: context and intensity. Context refers to the significance of an action in different settings (e.g., what are possible impacts to local, regional and/or national northern long-eared bat populations from authorizing take in the NiSource covered land). Intensity refers to the severity of the impacts relative to these different settings (i.e., to what degree will take of northern long-eared bats in the NiSource covered land impact the viability of local, regional, and/or national northern long-eared populations). The NEPA process will culminate with a decision by the Service on one of three alternatives found in Chapter 2 of the environmental assessment. Once an alternative is selected, the Service will then decide whether issuing an amended permit to NiSource Inc., including implementing their revised HCP, will significantly affect the quality of the human environment, as defined by the NEPA.

7. How do I comment on the environmental assessment and revised HCP?

You may submit comments by one of the following methods:

(1) *Electronically*: You may email your comments to permitsR3ES@fws.gov

(2) *By hard copy*: Submit by U.S. mail or hand-delivery to:

Regional Director, Midwest Region
Attn: Thomas Magnuson
U.S. Fish and Wildlife Service
5600 American Blvd. West, Suite 990
Bloomington, MN 55437-1458

Comments must be received by April 20, 2015.

8. How can I get copies of the environmental assessment and revised HCP and more information?

The environmental assessment and revised HCP as well as information about the NiSource permit and HCP are available at www.fws.gov/midwest/endangered/permits/hcp/nisource/. Also, you may contact Karen Herrington to receive hard copies of the environmental assessment and revised HCP.

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