

APPENDIX A
LETTERS TO FERC AND USACE



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/R3/AES-TE

MAY 17 2007

Mr. Mark Robinson
Director, Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20426

Dear Mr. Robinson:

Thank you again for taking the time to meet with me and my colleagues to discuss opportunities for collaboration in the development of the NiSource Inc. Habitat Conservation Plan (HCP) and related documents.

As you know, the U.S. Fish and Wildlife Service (USFWS) will be initiating the preparation of an Environmental Impact Statement (EIS) for the NiSource Inc. HCP. By way of this letter, we are confirming the Federal Energy Regulatory Commission's (FERC) role in this project as a cooperating agency in the preparation of the EIS, per regulations set forth in 40 CFR 1501.6. It is our understanding that Ms. Medha Kochhar will serve as the FERC point of contact for the project. We look forward to working with Ms. Kochhar in a positive and cooperative manner.

NiSource Inc. approached the USFWS in 2005 seeking to explore the feasibility of applying for the issuance by the USFWS of an Incidental Take Permit (ITP) under Section 10(a)(1)(B) of the Endangered Species Act (ESA), which would satisfy regulatory compliance obligations under the ESA associated with NiSource Inc.'s construction, operation and maintenance of natural gas pipelines and ancillary facilities. NiSource Inc. intends to develop a multi-species/multi-state HCP that would provide conservation benefits to federally-listed species in support of its application for an ITP. If successful, the approach would harmonize NiSource Inc.'s natural gas pipeline activities with the conservation of listed species, thus reducing conflicts between listed species protection and economic development, and streamlining future ESA compliance actions for both NiSource Inc. and the USFWS.

The EIS will be prepared under a third-party contractor arrangement executed by NiSource Inc. and AMEC, the selected contractor. As lead federal agency, the USFWS will be responsible for providing technical direction to AMEC during the preparation of the EIS and related documents. The EIS contract will be executed pursuant to the third-party contracting procedures set forth in 40 CFR 1506.5(c).

Mr. Mark Robinson

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We suggest that the role of your agency in the development of the EIS should include the following as they relate to your mission, legal jurisdiction, and area of expertise:

1. Provide meaningful and early input in defining the purpose and need, determining the range of alternatives, and the methodologies and level of detail required in alternative analysis;
2. Participate on planning team conference calls, coordination meetings, and other joint activities; and
3. Timely review and comment on the draft EIS and final EIS to reflect the views and concerns of your agency on the adequacy of the EIS document, alternatives considered, and the anticipated impacts and mitigation.

Thank you for your cooperation and interest in this project. If you have any questions, would like to discuss the project in greater detail, or the respective role or responsibility of your agency during the preparation of this EIS, please contact either me or Forest Clark, Project Manager, at 812-334-4261.

Sincerely,



Wendi Weber
Assistant Regional Director



United States Department of the Interior

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Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/R3/AES-TE

MAY 17 2007

Mr. Mark Sudol
Chief, Regulatory Branch
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Dear Mr. Sudol:

The U.S. Fish and Wildlife Service (USFWS) is initiating the preparation of an Environmental Impact Statement (EIS) for a large multi-species, multi-state Habitat Conservation Plan (HCP). The HCP is being developed by NiSource Inc., a natural gas distribution and supply company located throughout the eastern United States. The HCP and EIS likely will address future NiSource Inc. activities subject to regulation, such as work involving the placement of fill material subject to the U.S. Army Corps of Engineers' (Corps) jurisdiction. Your agency has been identified as an agency that may have an interest in the project because of your unique legal jurisdiction, the geographic scope of the project, and its potential environmental impacts. By way of this letter, we are formally asking the Corps to join us as a cooperating agency in the preparation of the EIS for the NiSource Inc. HCP, per regulations set forth in 40 CFR 1501.6.

In 2005, NiSource Inc. approached the USFWS seeking to explore the feasibility of applying for the issuance by the USFWS of an Incidental Take Permit (ITP) under Section 10(a)(1)(B) of the Endangered Species Act (ESA), which would satisfy regulatory compliance obligations under the ESA associated with NiSource Inc.'s construction, operation and maintenance of natural gas pipelines and ancillary facilities. NiSource Inc. intends to develop a multi-species/multi-state HCP that would provide conservation benefits to federally-listed species in support of its application for an ITP. If successful, the approach would harmonize NiSource Inc.'s natural gas pipeline activities with the conservation of listed species, thus reducing conflicts between listed species protection and economic development, and streamlining future ESA compliance actions for both NiSource Inc. and the USFWS.

The EIS will be prepared under a third-party contractor arrangement executed by NiSource Inc. and AMEC, the selected contractor. As lead federal agency, the USFWS will be responsible for providing technical direction to AMEC during the preparation of the EIS and related documents. The EIS contract will be executed pursuant to the third-party contracting procedures set forth in 40 CFR 1506.5(c).

Mr. Mark Sudol

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We suggest that the role of your agency in the development of the EIS should include the following as they relate to your mission, legal jurisdiction, and area of expertise:

1. Provide meaningful and early input in defining the purpose and need, determining the range of alternatives, and the methodologies and level of detail required in alternative analysis;
2. Participate in coordination meetings, as appropriate; and
3. Timely review and comment on the draft EIS and final EIS to reflect the views and concerns of your agency on the adequacy of the EIS document, alternatives considered, and the anticipated impacts and mitigation.

Please respond to us in writing with an acceptance or denial of our invitation prior to June 8, 2007. If you choose to accept, please provide the name and contact information of the person in your organization with whom we should coordinate with on this project.

Thank you for your cooperation and interest in this project. We look forward to working with you in a positive and cooperative manner that will further our respective missions, protect our interests, and help NiSource Inc. meet their objectives for developing and implementing an HCP.

If you have any questions, would like to discuss the project in greater detail, or the respective role or responsibility of your agency during the preparation of this EIS, please contact Forest Clark, Project Manager, at 812-334-4261.

Sincerely,



Wendi Weber
Assistant Regional Director