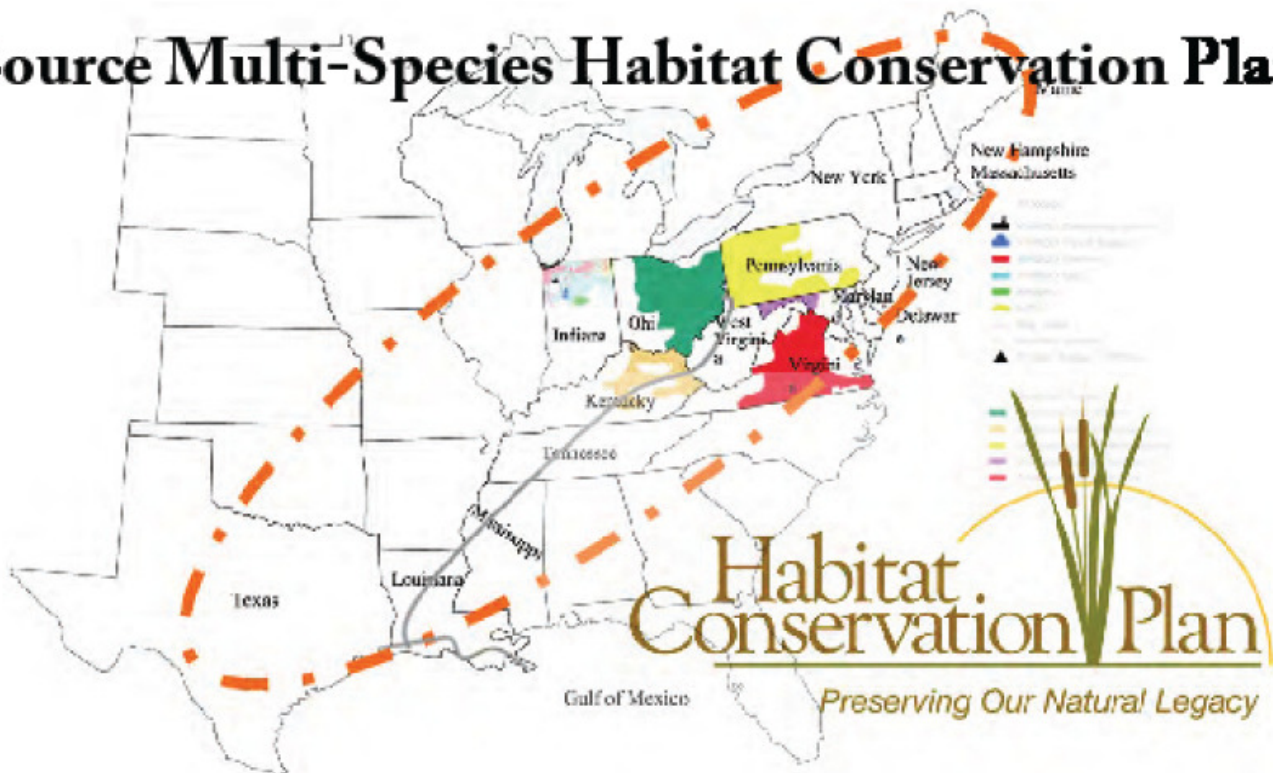




## NiSource Multi-Species Habitat Conservation Plan



# NiSource Multi-Species Habitat Conservation Plan Executive Summary

NiSource’s Multi-Species Habitat Conservation Plan (MSHCP) represents an innovative approach to provide for both enhanced conservation of listed species and streamlined regulatory compliance for NiSource facility activities. The MSHCP addresses 42 species and provides an organized and efficient way to avoid adverse effects to, and also minimize and mitigate for any anticipated take of, these species potentially caused by covered activities. It satisfies applicable provisions of the Endangered Species Act (ESA) pertaining to federally listed species protection, and it concurrently may improve the permitting efficiency for the construction, operation, and maintenance of NiSource’s natural gas pipelines and ancillary facilities by providing a predictable regulatory process for ESA issues under which pipeline activities can proceed.

The MSHCP supports NiSource’s request for an Incidental Take Permit (ITP) for a number of listed species (discussed below). Before issuing the ITP, the U.S. Fish and Wildlife Service (Service) will undertake a combined intra-agency and inter-agency “Section 7 consultation” to include the Service and other federal agencies with jurisdiction over some of NiSource’s covered activities, specifically the Federal Energy Regulatory Commission, Army Corps of Engineers, U.S. Forest Service, and the National Park Service. This Section 7 consultation on the ITP and resulting Biological Opinion, which will be programmatic in nature, will guide the agencies in any subsequent ESA reviews for needed approvals or permitting of the covered activities.

NiSource requests an ITP with a 50-year permit duration. This timeframe will streamline the ESA permit process and provide consistency and certainty for NiSource’s ESA compliance obligations. Otherwise, Section 7 consultation/clearance would be required with the Service for each project that has a federal regulatory nexus. The MSHCP/ITP, however, will enable NiSource to move ahead with a project on covered lands without further ESA permitting for the MSHCP species so long as the requirements of the MSHCP/ITP (e.g., avoidance and minimization measures (AMMs), mitigation, monitoring) are being properly implemented. Most of the AMMs relate to seasonal construction windows or specify certain techniques (e.g., dry-ditch stream crossings) for activities, each of which should be readily accommodated through upfront project planning.

The key elements are organized in a manner that follows the basic textual content of the MSHCP.

**Permittee.** The NiSource pipelines (listed specifically in Chapter 1 of the MSHCP and referred to simply as “NiSource” throughout the draft) are requesting take authorization for species that may be taken as a result of NiSource’s covered activities. The requested ITP will not provide any ESA coverage for other individuals or entities, including landowners of the covered lands.

**Covered Activities.** In developing this MSHCP, NiSource seeks ESA take coverage for a suite of covered activities associated with its natural gas facilities within the covered lands, including (1) general operation and maintenance of NiSource's natural gas systems; (2) safety-related repairs, replacements, and maintenance of NiSource's natural gas systems; and (3) certain expansion activities related to NiSource's natural gas systems. The MSHCP does not cover activities outside the covered lands, emergency response activities, or any activities associated with NiSource's electric transmission or distribution facilities.

**Covered Lands.** The MSHCP planning area extends across three Service regions and 14 states to cover an area stretching from Louisiana northeastward to New York where NiSource natural gas systems are in place. The lands covered by the MSHCP are tied to existing NiSource facilities (e.g., pipelines, ancillary structures, and storage fields). Lands that fall within a one-mile-wide corridor – i.e., one-half mile (2,640 feet) on either side of the centerline of a NiSource pipeline or existing ancillary company structure or building – are considered part of the plan area. The onshore pipeline system is 15,562 miles long. In addition to these lands, the following counties are included in their entirety to permit potential expansion of the existing storage fields contained therein: Hocking, Fairfield, Ashland, Knox, and Richland counties, Ohio; Bedford County, Pennsylvania; Allegany County, Maryland; Kanawha, Jackson, Preston, Marshall, and Wetzel counties, West Virginia. The total area encompassed in the covered lands is 9,783,200 acres, of which only a small percentage would be impacted annually by NiSource's covered activities.

This geographic scope was chosen to be consistent with NiSource's business philosophy of managing its natural gas facility activities as a unified system. This has the conservation planning advantage of encompassing a larger portion of a species' population and habitat so the MSHCP can more comprehensively address conservation best management practices and mitigation measures.

**Species Included in the MSHCP.** Forty-three species from nine taxonomic groups were originally analyzed in the MSHCP. Since that original analysis, one of the candidate species (sheepnose) was listed as endangered and the Lake Erie watersnake was delisted. The remaining MSHCP species include six mammals, one bird, one reptile, two amphibians, six fish, two crustaceans, 17 freshwater mussels, four insects, and three plants. The list includes ten species for which NiSource is requesting incidental take authorization from the Service. The other 32 species do not require take authorization because they have been addressed through AMMs, are not otherwise affected by NiSource's activities, have been delisted, or are species for which the Service cannot provide incidental take authorization because such species are plant species or are not federally listed. The species for which NiSource is requesting incidental take authorization are: Indiana bat, bog turtle, James spinymussel, Northern riffleshell, Nashville crayfish, clubshell, fanshell, Madison cave isopod, American burying beetle, and sheepnose.

The Service will be required to analyze the impacts to additional species listed under the ESA as part of its review of the MSHCP. NiSource elected not to include these species in the MSHCP. As such, the Service must analyze these species when preparing both its Biological Opinion and its environmental analyses under the National

Environmental Policy Act. The resulting documentation and analyses may facilitate the ESA permitting requirements for future NiSource projects or subsequent reviews required of other agencies.

**Permit Duration.** The NiSource MSHCP is written to provide compliance with the ESA for the next 50 years, and NiSource requested that the ITP have the same duration. Assessments conducted as part of this plan are therefore based on this 50-year timeframe. NiSource intends to convene periodic meetings with the Service and other stakeholders, as needed, throughout the life of the ITP to evaluate the success of and possible changes to MSHCP implementation; to address any potential unforeseen circumstances, changed circumstances, or adaptive management considerations; and to consider any other issues that may affect NiSource's implementation of the MSHCP.

**Avoidance and Minimization Measures.** This MSHCP includes an analysis of the anticipated impacts of covered activities on the MSHCP Species. Based on these anticipated impacts, the MSHCP identifies AMMs designed to ameliorate such impacts. It also includes NiSource's Environmental Construction Standards (ECS), which provide detailed environmental specifications for NiSource construction, operation, and maintenance activities in environmentally sensitive areas, including habitat for federally listed and candidate species. Consistent and coordinated use of these standards and practices, and the development of revised or new standards relevant to the MSHCP Species, will serve to avoid and/or minimize effects on such species, reducing or eliminating the need for mitigation. In some species-specific instances, certain techniques are either required (e.g. dry-ditch stream crossings for streams in Virginia with James spinymussels), or restricted (HDDs are not permitted in karst areas in Virginia with Madison Cave isopod populations).

**Mitigation.** Although implementation of the AMMs usually will represent the most streamlined, efficient, and economic approach to conservation, there will be instances in which the AMMs will not completely ameliorate the effects of the covered activities on the MSHCP Species. To offset effects that cannot be avoided or minimized, the MSHCP uses a landscape-level approach to mitigation, which is embodied by the use of a green infrastructure assessment for strategic conservation planning developed for NiSource by The Conservation Fund (TCF). Green infrastructure offers a conceptual approach for identifying mitigation opportunities at an ecosystem level. Specifically, it is a strategically planned and managed network of natural lands, working landscapes, and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations. The result of TCF's assessment is a framework that can be used to identify mitigation opportunities that provide the greatest benefit for the species. The green infrastructure assessment will not be used to determine how much mitigation should occur in response to a take, but rather will be one tool available when selecting the locations for mitigation opportunities, consistent with the mitigation criteria specified in the MSHCP and ITP.

The compensatory mitigation is divided into two components; *aggregate or O&M* and *project specific*. The aggregate or O&M mitigation is designed to compensate for impacts from ongoing operations of existing facilities (ROW maintenance, minor erosion for the ROW, vehicles traveling on the ROW, etc.). These

impacts, while too small to be determined or calculated on their own, may result in overall habitat degradation for the MSHCP Species. Since ROW maintenance activities typically occur on a seven-year cycle, the compensatory mitigation is scheduled to occur within the first seven years of MSHCP implementation. A summary of the mitigation type, amount, cost and funding schedule is provided in **Table 8.2.2-1**. As shown, NiSource anticipated that the total aggregate or O&M mitigation funding will be \$799,595. Funding for this mitigation will be made in seven separate payments to the NFWF Fund by January 15<sup>th</sup> for each of the first seven years.

Project-specific mitigation is designed to compensate for impacts resulting from certain construction or O&M non-recurring activities. Examples include impacts to MSHCP mussels during installation of a stream crossing or the clearing of potentially suitable habitat for Indiana bats while the bats are present during a pipeline looping project to deliver natural gas to expanding markets. The specific effects and corresponding compensation required will be measured on a project-by-project basis and any required mitigation ratio will be applied to determine the overall amount of mitigation required for that project. These impacts, mitigation ratios, and mitigation project type are described in detail by species in Chapter 6. Funding for this compensatory mitigation will be provided prior to the impact occurring. A summary of the mitigation type, amount, and cost is provided in **Table 8.2.2-2**. As shown, NiSource expects that the total project specific mitigation funding over the life of the permit would be \$27,848,800 should all of the requested take be used. Before work may be undertaken on any project, NiSource would be required to deposit projected costs into the NFWF Fund.

Mitigation need not necessarily occur within one year of when the impacts occurred. In other words, funds contributed to mitigate for impacts to individual species may be aggregated over multiple years so that larger, more significant projects can be funded. It is the goal to expend the mitigation funds that NiSource contributed on mitigation measures within two years of take, whenever practical. In addition, mitigation measures may be undertaken that provide greater mitigation than is required to compensate for the previous year's take. Such mitigation may provide a "credit" toward future impacts.

NiSource will establish a Mitigation Panel (described in more detail in Section 5.3.4 and Appendix N), which will solicit proposals from various NGOs, affected states, academics, Tribes, and others for some of the mitigation projects. The proposals also must conform to the mitigation requirements identified in the MSHCP for the particular MSHCP Species at issue. The Mitigation Panel will make final recommendations to NiSource, which will make a decision, subject to Service approval. In evaluating mitigation options, the Mitigation Panel may consider opportunities identified in TCF's green infrastructure assessment, recovery plans, or other ecoregional studies, so long as the mitigation criteria in the MSHCP are first satisfied.

**Other Key Elements.** This MSHCP also includes information on monitoring, reporting, adaptive management (a feedback-loop process for improving implementation of the MSHCP during the permit term), "No Surprises" assurances, changed and unforeseen circumstances, implementation costs and funding assurances, and an analysis of alternatives.

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## Acronyms and Abbreviations

ABB	American burying beetle
AMMs	Avoidance and minimization measures
ATVs	all-terrain vehicles
AFS	Appurtenant facility site
BMPs	Best management practices
BO	Biological Opinion
CFR	Code of Federal Regulations
Corps	U.S. Army Corps of Engineers
Columbia	Columbia Gas Transmission Corp., LLC
CP	Cathodic protection
CRP	Conservation Reserve Program
CTM	Critical Thermal Maxima
CWA	Federal Clean Water Act
DBH	diameter at breast height
E&S	Erosion and sediment control
EA	Environmental Assessment
EM&CP	Environmental Management & Construction Plan
ECOS	Environmental Conservation Online System
ECS	Environmental Construction Standards
EDF	Environmental Defense Fund
EIS	Environmental Impact Statement
EMCS	Environmental Management & Construction Standards
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
FERC	Federal Energy Regulatory Commission
Forest Service	U.S. Forest Service
FR	Federal Register
FSA	Farm Service Agency
GAP	Gap Analysis Program
GHG	Greenhouse gas
GIS	Geographic information system
GPS	Global positioning system
HCP	Habitat Conservation Plan
HDD	Horizontal Directional Drill
HP	High Potential
HUC	Hydrologic unit code
IA	Implementing Agreement
IACET	International Association for Continuing Education and Training
IPaC	Information Planning and Consultation system
IPCC	Intergovernmental Panel on Climate Change
ITP	Incidental Take Permit
ITS	Incidental Take Statement
JSM	James spinymussel
LDC	Local Distribution Company
MCI	Madison Cave isopod



## Acronyms and Abbreviations (Continued)

MBTA	Migratory Bird Treaty Act
MI	Miles
MOU	Memorandum of Understanding
MSHCP	Multi-Species Habitat Conservation Plan
NASA	National Aeronautic and Space Administration
NGA	Natural Gas Act
NGO	Non-government Organization
NEPA	National Environmental Policy Act of 1969
NFWF	National Fish and Wildlife Foundation
NGTS	NiSource Gas Transmission & Storage Companies
NiSource	NiSource Gas Transmission & Storage Companies
NJDEP	New Jersey Department of Environmental Protection
NLCD	National Land Cover Dataset
NMFS	National Marine Fisheries Service
NOAA Fisheries	National Oceanic and Atmospheric Administration, National Marine Fisheries Service
NPS	National Park Service
NRCS	Natural Resource Conservation Service
NRP	NiSource Natural Resource Permits Group
NWI	National Wetland Inventory
O&M	Operation and Maintenance
OPS	Office of Pipeline Safety
P	Priority, as in P1, P@, P3, or P4 hibernacula
PAS	Population Analysis Site
PEIF	Project Environmental Information Form
PHMSA	Pipeline Hazardous Materials Safety Administration
ROW	Right-of-way
SAFE	State Acres for Wildlife Enhancement
SCADA	Supervisory Control and Data Acquisition
Service	U.S. Fish & Wildlife Service
SF	Storage Field
SPCC	Spill Prevention Control and Countermeasures
SPI	Standardized Precipitation Index
TCF	The Conservation Fund
TOY	Time of Year
TNC	The Nature Conservancy
TVA	Tennessee Valley Authority
USC	United States Code
USDOT	U.S. Department of Transportation
USFWS	U.S. Fish & Wildlife Service
USGS	U.S. Geological Survey
VAFO	Virginia Field Office
Waterloo WA	Waterloo Wildlife Area
Wayne NF	Wayne National Forest
WNS	White-nose syndrome
WRP	Wetlands Reserve Program
YOY	Young of the Year