



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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Lafayette, Louisiana 70506



December 20, 2010

ORIGINAL

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Subject: Comments regarding the Notice of Application (NOA) for the proposed Pine Prairie Energy Center Phase III Expansion Project (Pine Prairie); Federal Energy Regulatory Commission (FERC) No. CP11-1-000; Evangeline Parish, Louisiana (Department of Interior Reference No. ER10/882)

Dear Ms. Bose:

On November 1, 2010, the U.S. Fish and Wildlife Service's Louisiana Ecological Services Office (Service) received the FERC's subject NOA regarding Pine Prairie's proposal to construct the Phase III Expansion Project in Evangeline Parish, Louisiana. Proposed activities include constructing two additional natural gas storage caverns; constructing extensions to the existing storage facility piping; constructing approximately 2.5 miles of leaching pipeline looping and related enhancements, and installing two compressor units. The Service provided comments regarding this proposal in a November 5, 2010, memorandum requesting clarification that earlier site surveys performed by SWCA Environmental Consultants (SWCA) had been conducted in the proposed Phase III Expansion Project area and requesting a copy of that survey methodology and results. At a November 23, 2010, meeting between SWCA and the Service, a Threatened/Endangered Species Habitat Evaluation by SWCA, dated August 27, 2010, was provided to the Service accompanied by recent photographs of the site. A December 1, 2010, letter from SWCA confirmed topics discussed during the November 23, 2010, meeting and requested concurrence with a determination that the proposed project is not likely to adversely affect trust resources. The Service has reviewed the information provided and offers the following comments in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 *et seq.*).

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Threatened and Endangered Species

The endangered red-cockaded woodpecker (RCW, *Picoides borealis*) nests in open, park-like stands of mature (i.e., greater than 60 years of age) pine trees containing little hardwood understory or midstory. RCWs can tolerate small numbers of overstory hardwoods or large midstory hardwoods at low densities found naturally in many southern pine forests, but they are not tolerant of dense hardwood midstories resulting from fire suppression. RCWs excavate roost and nest cavities in large living pines (i.e., 10 inches or greater in diameter at breast height). The cavity trees and the foraging area within 200 feet of those trees are known as a cluster. Foraging habitat is defined as pine and pine-hardwood (i.e., 50 percent or more of the dominant trees are pines) stands over 30 years of age that are located contiguous to and within one-half mile of the cluster.

The SWCA August 27, 2010, letter and attached Threatened/Endangered Species Habitat Evaluation adequately address potential project impacts of the proposed Phase III Expansion Project to RCWs. The proposed Cavern Well 6 and 7, associated access roads, utility service corridor, and brine and water pipeline right-of-way (ROW) were surveyed by SWCA personnel. As described in that Evaluation, no suitable RCW nesting or foraging habitat was observed within the proposed Phase III Expansion Project area. Additionally, construction of a proposed leaching pipeline looping and related enhancements originating south of the existing Cavern No. 5 well pad site to the western terminus of the proposed ROW will be conducted in a previously cleared ROW and not require the removal of any scrub or clearing of forested land. Therefore, the Service concurs with the determination that the proposed Phase III Expansion and leaching pipeline is not likely to adversely affect the RCW.

Migratory Birds

SWCA estimated that the proposed project area contains 7.90 acres of young mixed pine/hardwood upland forest which will be cleared and permanently maintained as non-forested land. Noise disturbance from existing operations at the Pine Prairie Facility have diminished the quality of migratory bird habitat within the proposed Phase III Expansion Project area. However, in order to minimize impacts to migratory birds which may be utilizing the forested area proposed to be cleared, the Service recommends that tree clearing for the subject proposal be performed during the non-nesting season for songbirds (September 1 to March 1). If forest clearing is determined not to be feasible during the non-nesting season, the Service recommends that a 100-percent transect survey of those areas be performed to determine if any migratory bird nests, eggs, or nestlings would be impacted by clearing of those trees.

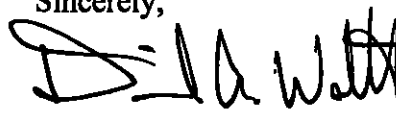
All personnel involved with the subject proposal should be aware that the Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the U.S. Department of the Interior. While the Act has no provision for allowing unauthorized take, the Service realizes that some birds may be harassed, harmed or killed due to project construction even if all reasonable measures to protect birds are implemented.

It should also be noted that the Fish and Wildlife Service Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering

relationships with individuals, companies, and industries that have taken effective steps to minimize their impacts on migratory birds, and by encouraging others to enact such programs. As such, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without regard for their actions or without consideration of Service conservation and/or impact minimization measures to avoid take.

We appreciate the opportunity to provide comments on this proposed project. If you require further assistance regarding the information contained in this letter, please contact Joshua Marceaux (337/291-3110) of this office.

Sincerely,



Brad S. Rieck
Deputy Field Supervisor
Louisiana Ecological Services Office

cc: OEPC, Washington, DC (Attn: Shawn Alam)
OEPC, Albuquerque, NM
FWS, Arlington, VA (BCPA/ERT; Attn: Christy JohnsonHughes)
FWS, Tallahassee, FL (ES/PP; Attn: Jerry Ziewitz)
USACE, Regulatory Functions Branch, New Orleans, LA
LDWF, Baton Rouge, LA (Attn: Kyle Balkum)
LDWF, Natural Heritage Program, Baton Rouge, LA
SWCA Environmental Consultants, Houston, TX (Attn: R. Thomas Sankey, PWS, CSE)
PAA Natural Gas Storage, Houston, TX (Attn: Eileen Wilson Kisluk, Senior Attorney)

Literature Cited

U.S. Fish and Wildlife Service. 2003. Recovery plan for the red-cockaded woodpecker (*Picoides borealis*): second revision. U.S. Fish and Wildlife Service, Atlanta, GA. 296 pp.