



July 1, 2015

Via www.regulations.gov

Mr. Tony Sullins
Endangered Species Chief
U.S. Fish & Wildlife Service
Midwest Regional Office
5600 American Boulevard West
Suite 990
Bloomington, Minnesota 55437

Re: Interim 4(d) Rule on the Northern Long-Eared Bat, Docket No. FWS-R5-ES-2011-0024

Dear Mr. Sullins:

The Interstate Natural Gas Association of America (INGAA), a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry in North America, respectfully submits these supplemental comments in response to the U.S. Fish and Wildlife Service (Service)'s interim 4(d) rule (Interim Rule) for the northern long-eared bat (NLEB).¹ A number of INGAA members own and operate natural gas assets within the White-Nose Syndrome Buffer Zone (Buffer Zone) and will be directly impacted by this rule.

INGAA continues to urge the Service to expand its pipeline-related exceptions listed in the Interim Rule to include construction of interstate natural gas pipelines. INGAA previously submitted comments in this proceeding (March Comments)² requesting that the Service consider including interstate natural gas pipeline construction projects in its list of 4(d) exceptions.³ The impacts of such a project on the NLEB would be temporary and minimal considering the infrastructure is buried ultimately and the area is re-vegetated after the project is complete. Further, in conducting these projects, INGAA members would comply with the conservation measures identified in 50 C.F.R. § 17.40(o)(2)(ii)(B)(1).

¹ *Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Northern Long-Eared Bat with 4(d) Rule*, 80 Fed. Reg. 17974 (April 2, 2015).

² FWS-R5-ES-2011-0024-3534 (March 17, 2015).

³ In the Proposed and Interim Rules, the Service listed four exceptions to the general prohibition for an incidental take of the NLEB: (1) forest management; (2) maintenance and limited expansion of existing rights-of-way and transmission corridors; (3) prairie management; and (4) projects resulting in minimal tree removal.

Accordingly, INGAA is supplementing its March Comments by supplying the Service with data demonstrating the percentage of forest cover actually impacted by INGAA member pipeline construction projects in the last three years.⁴ INGAA's data focuses on four companies whose pipeline assets are covered by the Buffer Zone. This data supports the finding that natural gas pipeline construction projects cause a fraction of the impact that forest management activities create. In fact, in all of the listed states included in INGAA's table, the percentage of total forest cover impacted is negligible in comparison to the 2 percent figure used for the forestry management industry.

In addition, as discussed in INGAA's March Comments, restrictions imposed by the Federal Energy Regulatory Commission (FERC) minimize any potential impacts that a pipeline right of way project may have on NLEB habitat degradation. FERC requires pipeline rights of way to be re-vegetated immediately after construction. Operators are permitted to re-vegetate temporary construction rights of way consistent with nearby areas, including forests. Re-vegetated corridors may provide new foraging, commuting and roosting habitat for the NLEB, creating a benefit for the species. Also, per the FERC Upland Erosion Control and Sedimentation Plan, pipeline operators are not allowed to mow the permanent right of way more frequently than every three years. A corridor only 10 feet wide may be mowed each year to assist with access for required testing. These rules and restrictions significantly reduce any detrimental impacts to the NLEB's habitat.

INGAA requests that the Service either include the interstate natural gas pipelines regulated by FERC in its list of exceptions to an incidental take or include these pipelines as part of a broader exception, if the Service deems it appropriate.

Sincerely,



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⁴ The data in the attached table represents a sampling of INGAA members with pipeline assets in the Buffer Zone and projects requiring the preparation of an environmental report.

Consolidated INGAA Data on Pipeline/Facility Forest Cover Impacts

State	Construction Season	Total Forest Cover Impacted by INGAA Transmission Project(Acres)*	Total Forest Cover by State	Percent of Total Impacted
VA	2012	5.90	15,844,000	0.000000
	2013	0.00	15,844,000	0.000000
	2014	470.00	15,844,000	0.000030
PA	2012	108.55	17,258,765	0.000006
	2013	217.55	17,258,765	0.000013
	2014	154.10	17,258,765	0.000009
NJ	2012	11.10	1,876,000	0.000006
	2013	167.44	1,876,000	0.000089
	2014	4.0	1,876,000	0.000002
NC	2012	58.40	18,269,000	0.000003
	2013	0.00	18,269,000	0.000000
	2014	0.00	18,269,000	0.000000
MS	2012	0.26	18,605,000	0.000000
	2013	0.00	18,605,000	0.000000
	2014	0.00	18,605,000	0.000000
AL	2012	87.35	22,991,000	0.000004
	2013	2.75	22,991,000	0.000000
	2014	0	22,991,000	0.000000
NY	2012	0	16,853,194.06	0.000000
	2013	0	16,853,194.06	0.000000
	2014	33.09	16,853,194.06	0.000002
LA	2012	0.9	14,017,000	0.000000
	2013	2014.45	14,017,000	0.000144
	2014	0	14,017,000	0.000000
MA	2012	3.07	3,130,000	0.000001
	2013	0	3,130,000	0.000000
	2014	0	3,130,000	0.000000
GA	2012	0	22,400,000	0.000000
	2013	22.4	22,400,000	0.000001
	2014	0	22,400,000	0.000000
TN	2012	0	14,404,000	0.000000
	2013	0	14,404,000	0.000000
	2014	78.18	14,404,000	0.000005

* This data represents a sampling of INGAA members with pipeline assets within the Buffer Zone and projects requiring the preparation of an environmental report.