

Appendix J
Environmental Justice Populations

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Appendix J **Environmental Justice Populations**

This appendix identifies minority and low-income populations that are located in the potential project areas for the Strategic Petroleum Reserve (SPR) expansion. To identify these populations, DOE followed Council on Environmental Quality (CEQ) guidance (CEQ 1997). CEQ defines the following groups as minorities:

- Black/African American,
- Asian,
- Native Hawaiian or Other Pacific Islander,
- American Indian or Alaska Native, and
- Hispanic populations (regardless of race).

According to CEQ, a minority population exists where either:

- The minority population of the affected area exceeds 50 percent; or
- The minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.

CEQ defines low-income by using the annual statistical poverty thresholds from the U.S. Census Bureau. A low-income population exists when the low-income population percentage in the area of interest is “meaningfully greater” than the low-income population in the general population. For purposes of the analysis of low-income and minority populations, DOE used both the United States and the state in which a city, town, or county/parish is located as the “general population.” In other words, a population is low-income if its percentage of low-income residents is greater than the percentage in either the United States, its state, or both. In addition, DOE used the population below the poverty level to define low-income population.

DOE’s methodology to identify the potential environmental justice populations consisted of the following three steps, which adhere to CEQ guidance:

- DOE first identified the potential project areas. DOE identified the potentially affected areas for each proposed new and expansion site by mapping the location of the proposed storage site, support facilities, raw water intake, pipelines, and oil distribution facilities and identifying their corresponding counties or parishes. Cities and towns within 5 miles (8 kilometers) of the proposed storage sites and within 2 miles (3.2 kilometers) associated infrastructure were also included. DOE used this assumption because potential significant adverse environmental and human health impacts generally would be limited to this area. If DOE had found any potential high and adverse impacts, DOE would have considered examining broader population areas. For this analysis, DOE did not include towns with a population of fewer than 1,000 people. DOE supplemented this information with Census block information in a few instances where there were no towns of greater than 1,000 people near a proposed facility.
- DOE gathered 2000 Census data for each of the Census tracts and jurisdictions in the potential project areas and for the States of Louisiana, Mississippi, and Texas. These data predate Hurricanes Katrina and Rita, which may have had systematic demographic effects on many of the potentially affected areas. DOE could not avoid this limitation because detailed post-hurricane data are not yet available.

- Using the Census data, DOE compared the minority and low-income populations in each potentially affected jurisdiction to the same data for the United States and the relevant state. To be conservative, this analysis identifies any percentages that were greater than that of the United States or the state as potential environmental justice populations, no matter how small the difference. DOE calculated the total minority group percentage of the population by subtracting the Census-reported percentage of the white, non-Hispanic population from 100 percent.

The following tables J-1 through J-9 present the results for each proposed new and expansion site and its associated infrastructure. Data for the new sites are presented in alphabetical order, followed by the expansion sites in alphabetical order. The data for states and the United States are italicized for comparison. The minority and low-income populations, according to CEQ definitions, are identified in bold font, that is, where the percentages are greater than the relevant state or the nation.

Table J-10 summarizes the results. It shows that each proposed site has at least two types of environmental justice populations. For example low-income populations and Black or African American populations, as defined by CEQ, are located in the potentially affected areas for each site and its associated infrastructure.

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Table J-1: Demographic Overview of Bruinsburg Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level^a (%)
Brookhaven city	9,861	52.9	47.6	50.9	0.1	0.6	0	0.2	0.7	0.8	26.9
Census Tract 9503 ^b	6,335	90.3	9.8	89.5	0.1	0.1	0	0.1	0.4	0.9	34.7
Port Gibson city	1,840	80.6	19.4	80.0	0.1	0.2	0	0.1	0.3	0.7	31.3
Adams County	34,340	54.3	46.0	52.8	0.1	0.2	0	0.2	0.6	0.8	25.9
Claiborne County	11,831	84.9	15.2	84.1	0.1	0.1	0	0.1	0.4	0.8	32.4
Jefferson County	9,740	87.0	13.1	86.5	0.1	0.1	0	0	0.2	0.7	36.0
Lincoln County	33,166	31.1	69.4	29.7	0.2	0.2	0	0.2	0.4	0.7	19.2
Wilkinson County	10,312	68.9	31.2	68.2	0.1	0	0	0.1	0.4	0.4	37.7
<i>State of Mississippi</i>	2,844,658	39.3	61.4	36.3	0.4	0.7	0	0.5	0.7	1.4	19.9
Baton Rouge city	227,818	56.0	45.7	50.0	0.2	2.6	0	0.5	1.0	1.7	24.0
Port Allen city	5,278	55.6	45.0	54.0	0.2	0	0	0.3	0.5	1.0	24.2
East Baton Rouge Parish	412,852	44.9	56.2	40.1	0.2	2.1	0	0.5	0.9	1.8	17.9
East Feliciana Parish	21,360	48.6	51.8	47.1	0.2	0.2	0	0.2	0.5	0.7	23.0
West Baton Rouge Parish	21,601	38.0	62.8	35.5	0.2	0.2	0	0.5	0.8	1.4	17.0
West Feliciana Parish	15,111	51.9	48.6	50.5	0.2	0.2	0	0.0	0.4	1.0	19.9
<i>State of Louisiana</i>	4,468,976	37.5	63.9	32.5	0.6	1.2	0	0.7	1.1	2.4	19.6
<i>United States</i>	281,421,906	30.9	75.1	12.3	0.9	3.6	0.1	5.5	2.4	12.5	12.4

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.^b Census Tract 9503 contains both Port Gibson and Bruinsburg. Data for Bruinsburg only is not available.

Table J-2: Demographic Overview of Chacahoula Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level ^a (%)
Houma city	32,393	33.4	67.5	26.1	3.5	0.7	0	0.7	1.6	1.8	20.8
Thibodaux city	14,431	36.5	64.0	33.8	0.4	0.6	0	0.3	0.9	1.0	25.1
Lafourche Parish	89,974	17.8	82.9	12.6	2.3	0.7	0	0.6	1.0	1.4	16.5
St James Parish	21,216	50.3	50.0	49.4	0.1	0	0	0.1	0.4	0.6	20.7
Terrebonne Parish	104,503	26.8	74.1	17.8	5.3	0.8	0	0.5	1.5	1.6	19.1
<i>State of Louisiana</i>	<i>4,468,976</i>	<i>37.5</i>	<i>63.9</i>	<i>32.5</i>	<i>0.6</i>	<i>1.2</i>	<i>0</i>	<i>0.7</i>	<i>1.1</i>	<i>2.4</i>	<i>19.6</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-3: Demographic Overview of Clovelly Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level ^a (%)
Cut Off CDP	5,635	9.4	91.4	1.1	3.8	1.3	0	1.1	1.3	2.1	7.9
Galliano CDP	7,356	8.6	92.3	0.7	4.5	0.8	0	0.6	1.1	1.7	15.9
Lafourche Parish	89,974	17.8	82.9	12.6	2.3	0.7	0	0.6	1.0	1.4	16.5
<i>State of Louisiana</i>	<i>4,468,976</i>	<i>37.5</i>	<i>63.9</i>	<i>32.5</i>	<i>0.6</i>	<i>1.2</i>	<i>0</i>	<i>0.7</i>	<i>1.1</i>	<i>2.4</i>	<i>19.6</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-4: Demographic Overview of Clovelly-Bruinsburg Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level^a (%)
Brookhaven city	9,861	52.9	47.6	50.9	0.1	0.6	0	0.2	0.7	0.8	26.9
Census Tract 9503 ^b	6,335	89.6	9.8	89.5	0.1	0.1	0	0.1	0.4	0.9	34.7
Port Gibson city	1,840	80.6	19.4	80.0	0.1	0.2	0	0.1	0.3	0.7	31.3
Claiborne County	11,831	84.9	15.2	84.1	0.1	0.1	0	0.1	0.4	0.8	32.4
Hinds County	250,800	63.0	37.3	61.1	0.1	0.6	0	0.2	0.6	0.8	19.9
Jefferson County	9,740	87.0	13.1	86.5	0.1	0.1	0	0	0.2	0.7	36.0
Vicksburg city	26,407	62.6	37.8	60.4	0.2	0.6	0	0.4	0.6	1.0	23.0
Warren County	49,644	45.5	55.0	43.2	0.2	0.6	0	0.3	0.7	1.0	18.7
<i>State of Mississippi</i>	<i>2,844,658</i>	<i>39.3</i>	<i>61.4</i>	<i>36.3</i>	<i>0.4</i>	<i>0.7</i>	<i>0</i>	<i>0.5</i>	<i>0.7</i>	<i>1.4</i>	<i>19.9</i>
Cut Off CDP	5,635	9.4	91.4	1.1	3.8	1.3	0	1.1	1.3	2.1	7.9
Galliano CDP	7,356	8.6	92.3	0.7	4.5	0.8	0	0.6	1.1	1.7	15.9
Lafourche Parish	89,974	17.8	82.9	12.6	2.3	0.7	0	0.6	1.0	1.4	16.5
<i>State of Louisiana</i>	<i>4,468,976</i>	<i>37.5</i>	<i>63.9</i>	<i>32.5</i>	<i>0.6</i>	<i>1.2</i>	<i>0</i>	<i>0.7</i>	<i>1.1</i>	<i>2.4</i>	<i>19.6</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-5: Demographic Overview of Richton Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level^a (%)
Columbia city	6,603	37.8	62.6	35.6	0.4	0.4	0	0.2	0.8	0.8	29.7
Hattiesburg city	46,664	51.4	49.9	47.3	0.2	1.2	0	0.5	0.8	1.4	28.3
McComb city	13,337	60.1	40.1	58.4	0.1	0.5	0	0.4	0.5	0.8	31.0
Pascagoula city	26,200	34.8	67.2	29.0	0.2	1.0	0	1.7	1.0	3.9	20.7
Richton town	1,038	24.1	76.0	21.2	0.7	0.2	0.5	0.5	1.0	1.0	31.9
Tylertown town	1,910	43.8	56.3	41.4	0.2	0.8	0	0.5	0.8	1.1	32.3
Amite County	13,418	43.8	56.4	42.7	0.1	0.1	0	0.2	0.5	0.8	22.6
Forrest County	72,604	36.3	64.3	33.6	0.2	0.7	0	0.4	0.8	1.3	22.5
George County	19,144	11.3	89.4	8.8	0.2	0.2	0	0.8	0.6	1.6	16.7
Greene County	13,299	27.5	72.8	26.2	0.2	0.1	0	0.3	0.4	0.8	19.6
Jackson County	131,420	25.8	75.4	20.9	0.3	1.6	0	0.7	1.1	2.1	12.7
Lamar County	39,070	15.3	85.3	12.9	0.2	0.7	0	0.3	0.6	1.1	13.3
Marion County	25,595	33.3	67.0	31.9	0.2	0.2	0	0.1	0.6	0.6	24.8
Perry County	12,138	24.3	76.2	22.6	0.3	0.1	0	0.3	0.5	1.0	22.0
Pike County	38,940	49.0	51.2	47.5	0.2	0.3	0	0.2	0.5	0.7	25.3
Walhall County	15,156	45.8	54.6	44.1	0.1	0.2	0	0.3	0.7	1.3	27.8
<i>State of Mississippi</i>	<i>2,844,658</i>	<i>39.3</i>	<i>61.4</i>	<i>36.3</i>	<i>0.4</i>	<i>0.7</i>	<i>0</i>	<i>0.5</i>	<i>0.7</i>	<i>1.4</i>	<i>19.9</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-6: Demographic Overview of Stratton Ridge Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level ^a (%)
Clute city	10,424	57.6	64.2	7.7	0.8	1.0	0	23.0	3.4	48.1	18.2
Freeport city	12,708	66.8	61.6	13.4	0.6	0.4	0	20.9	3.2	52.0	22.9
Oyster Creek city	1,192	24.1	87.0	3.6	1.6	0.4	0	5.3	2.1	16.9	19.2
Texas City	41,521	49.9	60.7	27.5	0.5	0.9	0	8.2	2.1	20.5	14.9
Brazoria County	241,767	34.6	77.1	8.5	0.5	2.0	0	9.6	2.2	22.8	10.2
Galveston County	250,158	36.9	72.7	15.4	0.5	2.1	0	7.2	2.1	18.0	13.2
<i>State of Texas</i>	<i>20,851,820</i>	<i>47.6</i>	<i>71.0</i>	<i>11.5</i>	<i>0.6</i>	<i>2.7</i>	<i>0.1</i>	<i>11.7</i>	<i>2.5</i>	<i>32.0</i>	<i>15.4</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-7: Demographic Overview of Bayou Choctaw Expansion Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level ^a (%)
Addis town	2,238	24.7	76.1	23.0	0.2	0.1	0	0	0.5	1.0	17.5
Plaquemine city	7,064	51.3	49.3	49.6	0.2	0.3	0	0.1	0.6	1.1	24.4
Iberville Parish	33,320	51.4	49.3	49.7	0.2	0.3	0	0.1	0.5	1.0	23.1
<i>State of Louisiana</i>	<i>4,468,976</i>	<i>37.5</i>	<i>63.9</i>	<i>32.5</i>	<i>0.6</i>	<i>1.2</i>	<i>0</i>	<i>0.7</i>	<i>1.1</i>	<i>2.4</i>	<i>19.6</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-8: Demographic Overview of Big Hill Expansion Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level ^a (%)
Winnie CDP	2,914	16.6	87.3	5.3	0.7	0.3	0	5.6	0.9	10.1	14.3
Stowell CDP	1,572	42.5	59.8	30.9	0.6	0	0	7.8	0.8	10.4	18.8
Port Arthur city	57,755	68.2	39.0	43.7	0.5	5.9	0	8.9	2.1	17.5	25.2
Jefferson County	252,051	48.2	57.2	33.7	0.3	2.9	0	4.3	1.5	10.5	17.4
<i>State of Texas</i>	<i>20,851,820</i>	<i>47.6</i>	<i>71.0</i>	<i>11.5</i>	<i>0.6</i>	<i>2.7</i>	<i>0.1</i>	<i>11.7</i>	<i>2.5</i>	<i>32.0</i>	<i>15.4</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-9: Demographic Overview of West Hackberry Expansion Site Project Area

Location	Total Population	Percent Minority (%)	White (%)	Black or African American (%)	American Indian or Alaska Native (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Persons Reporting Some Other Race (%)	Persons Reporting Two or More Races (%)	Percentage of Individuals of Hispanic or Latino Origin (any race) (%)	Percent Below Poverty Level ^a (%)
Hackberry	1,699	3.0	97.5	0.5	0.3	0.7	0	0.5	0.5	1.1	9.2
Cameron Parish	9,991	7.5	93.7	3.9	0.4	0.4	0	0.9	0.7	2.2	12.3
Calcasieu Parish	183,577	27.2	73.6	24.0	0.3	0.6	0	0.4	1.0	1.3	15.4
<i>State of Louisiana</i>	<i>4,468,976</i>	<i>37.5</i>	<i>63.9</i>	<i>32.5</i>	<i>0.6</i>	<i>1.2</i>	<i>0</i>	<i>0.7</i>	<i>1.1</i>	<i>2.4</i>	<i>19.6</i>
<i>United States</i>	<i>281,421,906</i>	<i>30.9</i>	<i>75.1</i>	<i>12.3</i>	<i>0.9</i>	<i>3.6</i>	<i>0.1</i>	<i>5.5</i>	<i>2.4</i>	<i>12.5</i>	<i>12.4</i>

Source: U.S. Census Bureau 2000a; U.S. Census Bureau 2000b.

^a Data for poverty levels is for 1999.

Table J-10: Summary of Potential Environmental Justice Populations

Proposed Site	Potentially Affected States	Overall Minority	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Hispanic or Latino Origin	Low Income
Bruinsburg	Louisiana & Mississippi	✓	✓		✓			✓
Chacahoula	Louisiana	✓	✓	✓				✓
Clovelly	Louisiana		✓	✓	✓			✓
Clovelly-Bruinsburg	Louisiana & Mississippi	✓	✓	✓	✓			✓
Richton	Mississippi	✓	✓	✓	✓	✓	✓	✓
Stratton Ridge	Texas	✓	✓	✓			✓	✓
Bayou Choctaw	Louisiana	✓	✓					✓
Big Hill	Texas	✓	✓	✓	✓		✓	✓
West Hackberry	Louisiana		✓					✓

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Appendix K
Consultations with Agencies

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Appendix K **Consultations with Agencies**

This appendix contains DOE's consultation correspondence with federal, state, and local agencies. Table K-1 lists the correspondence sent by DOE or its contractors in chronological order. Table K-2 lists all of the agencies with whom DOE has corresponded and the dates of correspondence. Copies of any correspondence received from the agencies listed are included in this appendix. Table K-3 lists the names and addresses of the government officials that DOE or its contractors contacted.

Table K-4 lists the sample outgoing correspondence included in this appendix and the page number where each letter or email can be found. Table K-5 lists the return correspondence received by DOE or ICF Consulting that is included in this appendix, as well as the page numbers where each letter or email can be found.

Tables K-2 and K-4 are organized the same way. First, the correspondence is organized by level of government (Tribe, Federal, State, local). Within the State and local categories, the correspondence is further organized by State (LA, MS, TX). Within each of these categories and subcategories, the correspondence is arranged alphabetically by agency name.

Table K-1: Dates of Correspondence from U.S. DOE or Its Contractors

Addressees	Purpose of Letter	Dates Sent
Federal, State, and local agencies in TX	Request comments and assistance during the scoping period.	9/9/05
Federal, State, and local agencies in LA and MS	Request comments and assistance during the scoping period.	9/13/05, 9/27/05
SHPOs in LA, MS, and TX	Request the views of the SHPOs on further actions to identify potentially affected historic properties; Request indications of interest in developing Programmatic Agreements for post-ROD activities.	9/9/05, 9/27/05
Tribal Entities in LA, MS, and TX	Initiate government-to-government consultation regarding the proposed expansion of the SPR.	11/21/05
Federal, State, and local agencies in LA, MS, and TX	Announce reopening of scoping period until 12/19/05.	11/21/05
USDA Natural Resources Conservation Service offices in LA, MS, and TX	Submission of information regarding potential conversion of farmland.	2/22/06
U.S. Army Corps of Engineers, Mobile District	Request comments and assistance regarding potential wetland impacts.	3/22/06
U.S. Fish and Wildlife Service offices in LA, MS, and TX	Explain proposed approach for evaluating potential impacts to species protected under the Endangered Species Act.	4/13/06
SHPOs in LA, MS, and TX	Provide suggested language for Programmatic Agreements to address effects to historic properties that cannot be known prior to ROD.	5/12/06

SHPOs = State Historic Preservation Officers; ROD = Record of Decision

Table K-2: Agencies Contacted and Date of Correspondence

Agency	Dates of Correspondence from U.S. DOE or ICF Consulting	Dates of Return Correspondence
Tribal Entities		
Alabama-Coushatta Tribes of Texas	11/21/05	
Biloxi Chitimacha Confederation of Muskogeans	11/21/05	
Chitimacha Tribe of Louisiana	11/21/05	12/19/05
Choctaw Nation of Oklahoma	11/21/05	12/1/05
Coushatta Indian Tribe	11/21/05	
Jena Band of Choctaw Indians	11/21/05	
Mississippi Band of Choctaw Indians	11/21/05	
Point au Chien Tribe	11/21/05	
Tunica-Biloxi Tribe	11/21/05	
United Houma Nation	11/21/05	
Federal		
Minerals Management Service	9/13/05, 11/21/05	12/19/05
National Marine Fisheries Service	9/9/05, 9/13/05, 11/21/05	10/6/05, 12/1/05
National Ocean Service	9/13/05, 11/21/05	
National Park Service	9/27/05, 11/21/05	12/9/05
Natural Resources Conservation Service	9/9/05, 9/13/05, 11/21/05	10/11/05, 11/7/05, 11/16/05, 12/13/05, 12/16/05, 3/16/06, 3/27/06
U.S. Army Corps of Engineers	9/9/05, 9/13/05, 11/21/05, 3/22/06	12/16/05
U.S. Coast Guard	9/13/05, 11/21/05	1/28/06
U.S. Environmental Protection Agency	9/9/05, 9/13/05, 11/21/05	12/22/05
U.S. Fish and Wildlife Service	9/9/05, 9/13/05, 11/21/05, 4/13/06	9/29/05, 10/3/05, 10/20/05, 12/5/05, 12/8/05, 12/13/05, 12/14/05
U.S. Forest Service	11/21/05	12/23/05
States		
Louisiana		
Louisiana Department of Agriculture and Forestry	11/21/05	
Louisiana Department of Environmental Quality	9/13/05, 11/21/05	10/20/05, 12/21/05, 1/11/06
Louisiana Department of Health and Hospitals	9/13/05, 11/21/05	9/28/05
Louisiana Department of Natural Resources	9/13/05, 11/21/05	12/9/05, 12/12/05
Louisiana Department of Transportation and Development	9/13/05, 11/21/05	10/7/05
Louisiana Department of Wildlife and Fisheries	9/13/05, 11/21/05	10/3/05, 3/8/06

Table K-2: Agencies Contacted and Date of Correspondence

Agency	Dates of Correspondence from U.S. DOE or ICF Consulting	Dates of Return Correspondence
Louisiana Office of Culture, Recreation, and Tourism	9/13/05, 9/27/05, 11/21/05	10/13/05, 5/12/06
Mississippi		
Mississippi Department of Archives and History	9/13/05, 9/27/05, 11/21/05	9/19/05, 10/4/05, 5/12/06
Mississippi Department of Environmental Quality	9/13/05, 11/21/05	
Mississippi Department of Marine Resources	11/21/05	
Mississippi Department of Transportation	9/13/05, 11/21/05	
Mississippi Department of Wildlife, Fisheries, and Parks	9/13/05, 11/21/05	3/2/06
Mississippi Secretary of State	11/21/05	
Texas		
Railroad Commission of Texas	9/9/05, 11/21/05	
Texas Commission on Environmental Quality	9/9/05, 11/21/05	10/28/05
Texas Department of Highways and Public Transportation	9/9/05, 11/21/05	
Texas General Land Office	9/9/05, 11/21/05	10/4/05
Texas Health and Human Services Commission	11/21/05	1/3/06
Texas Historical Commission	9/9/05, 11/21/05	10/18/05, 5/12/06
Texas Parks and Wildlife Department	9/9/05, 11/21/05	11/1/05
Texas State Health Services	9/9/05, 11/21/05	
Texas State Soil and Water Conservation Board	11/21/05	
Texas Water Commission	9/9/05, 11/21/05	
Texas Water Development Board	11/21/05	
Local		
Louisiana		
Cameron Parish Health Services	9/13/05, 11/21/05	
Cameron Parish Office of Emergency Preparedness	9/13/05, 11/21/05	
Iberville Office of Emergency Preparedness	9/13/05, 11/21/05	
Iberville Parish Parks and Recreation	9/13/05, 11/21/05	
Iberville Parish Permit and Inspection Department	9/13/05, 11/21/05	
Iberville Parish Planning Commission	9/13/05, 11/21/05	
Lafourche Parish Coastal, Energy and Environment	9/13/05, 11/21/05	
Lafourche Parish Department of Public Works	9/13/05, 11/21/05	
Lafourche Parish Emergency Preparedness Office	9/13/05, 11/21/05	11/1/05
Lafourche Parish Parks, Recreation and Public Facilities	9/13/05, 11/21/05	
Mississippi		
Jackson County Board of Supervisors	9/13/05	
Perry County Board of Supervisors	9/13/05	
Texas		
Brazoria County Parks Department	9/13/05, 11/21/05	
Houston Galveston Area Council	11/21/05	

Table K-2: Agencies Contacted and Date of Correspondence

Agency	Dates of Correspondence from U.S. DOE or ICF Consulting	Dates of Return Correspondence
Jefferson County Emergency Management Office	9/13/05, 11/21/05	
Jefferson County Environmental Control	9/13/05, 11/21/05	
South East Texas Regional Planning Commission	11/21/05	
Texas Association of Regional Councils	11/2105	

Table K-3: Addresses of Agencies Consulted

Tribal Entities	
Mr. Ronnie Thomas Chairman Alabama-Coushatta Tribes of Texas 571 State Park Road 56 Livingston, TX 77351	Mr. Randy P. Verdun Chairman Biloxi Chitimacha Confederation of Muskogees P.O. Box 856 Zachary, LA 70791
Mr. Alton D. LeBlanc Chairman Chitimacha Tribe of Louisiana P.O. Box 661 Charenton, LA 70523	Mr. Kevin Sickey Chairman Coushatta Indian Tribe P.O. Box 818 Elton, LA 70832
Ms. Christine Norris Principal Chief Jena Band of Choctaw Indians P.O. Box 14 Jena, LA 71342	Mr. Phillip Martin Chief Mississippi Band of Choctaw Indians P.O. Box 6010 Philadelphia, MS 39350
Mr. Charles Verdin Chairman Point au Chien Tribe 177 Aragon Road Montegut, LA 70377	Mr. Earl J. Barbry, Sr. Chairman Tunica-Biloxi Tribe P.O. Box 1589 Marksville, LA 71351
Ms. Brenda Dardar Robichaux Principal Chair United Houma Nation 20986 Highway 1 Golden Meadow, LA 70357	Mr. Gregory E. Pyle Chief Choctaw Nation of Oklahoma P.O. Drawer 1210 Durant, OK 74702-1210
Federal	
Mr. Chris Oynes Minerals Management Service Gulf of Mexico OCS Region U.S. Department of Interior 1201 Elmwood Park Blvd. New Orleans, LA 70123	Mr. Richard Hartman National Marine Fisheries Service c/o Louisiana State University Baton Rouge, LA 70803
Mr. Russell Swafford Fishery Biologist National Marine Fisheries Service Habitat Conservation Branch 4700 Avenue U Galveston, TX 77551	Mark Thompson National Marine Fisheries Service 3500 Delwood Beach Road Panama City, FL 32408-7499

Table K-3: Addresses of Agencies Consulted

John R. King, Chief Coastal Programs Division Office of Ocean and Coastal Resource Management, National Ocean Service U.S. Department of Commerce 1305 East West Highway Silver Spring, MD 20910-3281	Mr. Jerry Eubanks Superintendent Gulf Islands National Seashore National Park Service 1081 Gulf Breeze Parkway Gulf Breeze, FL 32561
Mr. Wendell Simpson Superintendent Natchez Trace Parkway National Park Service 2680 Natchez Trace Parkway Tupelo, MS 38804-9715	Mr. Larry Butler Natural Resource Conservation Service U.S. Department of Agriculture W.R. Poage Federal Building 101 South Main Street Temple, TX 76501-7602
Mr. Donald W. Gomert Attn: Steve Carmichael Natural Resources Conservation Service U.S. Department of Agriculture 3737 Government Street Alexandria, LA 71302	Mr. James Greenwade Natural Resources Conservation Service U.S. Department of Agriculture W. R. Poage Federal Building 101 South Main St. Temple, TX 76501-7602
Mr. Charles Guillory Natural Resources Conservation Service U.S. Department of Agriculture 3737 Government Street Alexandria, LA 71302	Mr. Mike Lilly Natural Resources Conservation Service U.S. Department of Agriculture Suite 1321, Federal Building 100 West Capitol Street Jackson, MS 39269
Mr. Delmer Stamps Natural Resources Conservation Service U.S. Department of Agriculture 100 West Capitol Street Federal Building Suite 1321 Jackson, MS 39269	Mr. Homer L. Wilkes Natural Resources Conservation Service U.S. Department of Agriculture 100 W. Capital Street Suite 1321 Federal Building Jackson, MS 39269
Mr. William R. Bunkley U.S. Army Corps of Engineers Mobile District P.O. Box 2288 Mobile, AL 36628-0001	Brigadier General Robert Crear U.S. Army Corps of Engineers Mississippi Valley Division P.O. Box 80 Vicksburg, MS 39181
Mr. Harold Lee U.S. Army Corps of Engineers Vicksburg District 4155 E. Clay St., Vicksburg, MS 39183	Dr. Lloyd Saunders U.S. Army Corps of Engineers Galveston District P.O. Box 1229 Galveston, TX 77553
Ms. Denise Sloan U.S. Army Corps of Engineers Galveston District P.O. Box 1229 Galveston, TX 77553	Mr. Ronald Ventola U.S. Army Corps of Engineers New Orleans District 7400 Leak Ave. New Orleans, LA 70118
Colonel Richard P. Wagenaar Commander and District Engineer U.S. Army Corps of Engineers New Orleans District P.O. Box 60267 New Orleans, LA 70160	Commander Natalie Valley U.S. Coast Guard, District 8 500 Camp Street, Suite 1341 New Orleans, LA 70130
Mr. Michael Jansky Environmental Review Coordinator U.S Environmental Protection Agency -Region VI 1445 Ross Avenue Dallas, TX 75202-2733	Mr. Heinz Mueller NEPA Compliance Coordinator U.S. Environmental Protection Agency - Region IV 61 Forsyth Street, SW Atlanta, GA 30303

Table K-3: Addresses of Agencies Consulted

Mr. Ray Aycock U.S. Fish and Wildlife Service 6578 Dogwood View Parkway, Suite A Jackson, MS 39213	Mr. Andy Loranger U.S. Fish and Wildlife Service Texas Chenier Plain Refuges Complex P.O. Box 278 Anahuac, TX 775145-0278
Ms. Tracey McDonnell U.S. Fish and Wildlife Service Texas Mid-Coast NWR Complex 1212 North Velasco Suite 200 Angleton, TX 77515	Mr. Carlos Mendoza U.S. Fish and Wildlife Service 17629 El Camino Road Suite 211 Houston, TX 77058
Mr. Phillip Siragusa U.S. Fish and Wildlife Service 825 Kaliste Saloom Road Brandywine Building, II, Suite 102 Lafayette, LA 70508	Mr. Russell Watson U.S. Fish and Wildlife Service 646 Cajundome Boulevard, Suite 400 Lafayette, LA 70506
Mr. Hunter Howell Homochitto National Forest U.S. Forest Service 1200 Hwy 184 E. Meadville, MS 39653	Mr. Don Neal U.S. Forest Service 100 W. Capital Street, Suite 1141 Jackson, MS 39269-1199
States	
Louisiana	
Mr. Bob Odom Commissioner Louisiana Department of Agriculture and Forestry P.O. Box 631 Baton Rouge, LA 70821-0631	Dr. Mike McDaniel Secretary Louisiana Department of Environmental Quality P.O. Box 4301 Baton Rouge, LA 70821-4301
Mr. Bobby Savoie Director Center for Environmental Health Office of Public Health Louisiana Department of Health and Hospitals 6867 Bluebonnet Blvd. Baton Rouge, LA 70810	Mr. Scott Angelle Secretary Louisiana Department of Natural Resources P.O. Box 94396 Baton Rouge, LA 70804
Mr. Myles Herbert Louisiana Department of Natural Resources P.O. Box 1280 Cameron, LA 70631	Mr. Johnny Bradberry Secretary Louisiana Department of Transportation and Development P.O. Box 94245 Baton Rouge, LA 70804-9245
Mr. Mike Carliss Louisiana Department of Wildlife and Fisheries P.O. Box 98000 Baton Rouge, LA 70898	Ms. Pamela Breaux Louisiana Division of Historic Preservation Louisiana Office of Culture, Recreation, and Tourism P.O. Box 44247 Baton Rouge, LA 70804
Mississippi	
Mr. H. T. Holmes State Historic Preservation Officer Mississippi Department of Archives and History P.O. Box 571 Jackson, MS 39205-0571	Mr. Jerry Cain Mississippi Dept. of Environmental Quality P.O. Box 20305 Jackson, MS 39289
Mr. Charles Chisholm Executive Director Mississippi Department of Environmental Quality P.O. Box 20305 Jackson, MS 39289	Dr. William Walker Executive Director Mississippi Department of Marine Resources 1141 Bayview Ave., Suite 101 Biloxi, MS 39530

Table K-3: Addresses of Agencies Consulted

Mr. Claiborne Barnwell Environmental Division Mississippi Department of Transportation P.O. Box 1850 Jackson, MS 39215	Mr. Andrew Whitehurst Mississippi Dept. of Wildlife, Fisheries and Parks Mississippi Museum of Natural Science 2148 Riverside Drive Jackson, MS 39202
Mr. Eric Clark Mississippi Secretary of State P.O. Box 136 Jackson, MS 39205-0136	
Texas	
Mr. Steve Seni Railroad Commission of Texas 1701 North Congress Street P.O. Box 12967 Austin, TX 78711-2967	Ms. Leigh Ann Brunson Texas Commission on Environmental Quality 12100 Park 35 Circle Austin, TX 78753
Mr. Gary Trietsch Texas Dept. of Highways and Public Transportation P.O. Box 1386 Houston, TX 77251	Mr. Sam Webb Deputy Commissioner Texas General Land Office P.O. Box 12873 Austin, TX 78711
Mr. Albert Hawkins Executive Commissioner Texas Health and Human Services Commission Office of the Ombudsman, MC H-700 P.O. Box 13247 Austin, TX 78711-3247	Mr. F. Lawerence Oaks State Historic Preservation Officer Texas Historical Commission P.O. Box 12276 Austin, TX 78711-2276
Mr. Robert Cook Texas Parks and Wildlife Department 4200 Smith School Rd. Austin, TX 78744	Mr. Eduardo Sanchez Commissioner Texas State Health Services 1100 West 49th Street Austin, TX 78756-3199
Mr. Rex Isom Executive Director Texas State Soil and Water Conservation Board P.O. Box 658 Temple , TX 76503	Mr. Daniel Burke Texas Water Commission P.O. Box 13087 MC205 Austin, TX 78711-3087
Mr. Kevin Ward Texas Water Development Board 1700 North Congress Avenue P.O. Box 13231 Austin, TX 78711-3231	
Local	
Louisiana	
Cameron Parish Health Services P.O. Box 930 Cameron, LA 70631	Mr. Freddie Richard, Jr. Cameron Parish Office of Emergency Preparedness P.O. Box 1280 Cameron, LA 70631
Ms. Laurie Doiron Director Iberville Office of Emergency Preparedness 58030 Meriam Street Plaquemine, LA 70764	Mr. Michael Markins Executive Director Iberville Parish Parks and Recreation P.O. Box 1060 Plaquemine, LA 70765

Table K-3: Addresses of Agencies Consulted

Mr. David Dupont Iberville Parish Permit and Inspection Department 58050 Meriam Street Plaquemine, LA 70765	Ms. Renee Edwards Chair Iberville Parish Planning Commission 58050 Meriam Street Plaquemine, LA 70764
Windell Curole Coastal Zone Administrator Lafourche Parish Coastal, Energy and Environment 17904 Highway 3235 Galliano, LA 70354	Terry Arabie Parishwide Operations Manager Lafourche Parish Department of Public Works P.O. Box 1661 Raceland, LA 70394
Mr. Ray J. Cheramie Director of Public Works Lafourche Parish Department of Public Works P.O. Box 1661 Raceland, LA 70394	Mr. Chris Boudreaux Lafourche Parish Emergency Preparedness Office 400 Green Street Thibodaux, LA 70301-3133
Mr. Brennan Matherne Director Lafourche Parish Parks, Recreation and Public Facilities P.O. Drawer 320 Raceland, LA 70394	
Mississippi	
Mr. Manly Barton Jackson County Board of Supervisors P.O. Box 998 Pascagoula, MS 39568	Mr. John Anderson Perry County Board of Supervisors P.O. Box 345 New Augusta, MS 39462
Texas	
Mr. Ron McCulley Brazoria County Parks Department 313 W. Mulberry Angleton, TX 77515	Mr. Jack Steele Director Houston Galveston Area Council 3555 Timmons Lane, Suite 120 Post Office Box 22777 Houston, TX 77227-2777
Mr. John Cascio Emergency Management Coordinator Jefferson County Emergency Management Office 7933 Viterbo Rd., Suite 6 Beaumont, TX 77705	Mr. Michael Melancon Director Jefferson County Environmental Control 7933 Viterbo Rd. Suite 402 Beaumont, TX 77705
Mr. Chester R. Jourdan, Jr. Director South East Texas Regional Planning Commission 2210 Eastex Freeway Beaumont, TX 77703	Ms. Penny Redington Executive Director Texas Association of Regional Councils 701 Brazos Street Suite 780 Austin, TX 78701

Table K-4: Sample Outgoing Correspondence

Recipient	Date of Correspondence	Page Number
Mr. Robert L. Cook, Texas Parks and Wildlife Department	9/9/05	K-13
Mr. Delmer Stamps, Natural Resources Conservation Service, U.S. Department of Agriculture (USDA)	9/13/05	K-14
Ms. Pamela Breaux, Louisiana Office of Culture and Recreation and Tourism	9/27/05	K-15
Mr. Larry Butler, National Resources Conservation Service, USDA	11/21/05	K-16
Mr. James Greenwade, Natural Resources Conservation Service, USDA	2/22/06	K-17
Mr. William R. Bunkley, U.S. Army Corps of Engineers, Mobile District	3/2/06	K-19
Ms. Angela Trahan, U.S. Fish and Wildlife Service, U.S. Department of Interior	4/13/06	K-20

Table K-5: Incoming Correspondence

Sender	Date of Correspondence	Page Number
Tribal Entities		
Ms. Kimberly S. Walden, Cultural Department, Chitimacha Tribe of Louisiana	12/19/05	K-22
Terry D. Cole, Choctaw Nation of Oklahoma	12/1/05, 12/27/05	K-23
Federal Agencies		
Mr. Joseph A. Christopher, Minerals Management Service, Gulf of Mexico OCS Region	12/19/05	K-25
Mr. Miles M. Croom, National Marine Fisheries Service (NMFS), U.S. Department of Commerce	10/6/05	K-26
Mr. Mark Thompson, NMFS, U.S. Department of Commerce	12/1/05	K-27
Mr. Jerry A. Eubanks, National Park Service, U.S. Department of Interior	10/28/05	K-28
Mr. Wendell A. Simpson, National Park Service, U.S. Department of Interior	12/9/05	K-29
Mr. Tom Kilpatrick, U.S. Department of Agriculture	10/11/05	K-29
Mr. Homer L. Wilkes, NRCS	11/7/05	K-30
Mr. E.J. Giering III, NRCS	11/16/05	K-30
Mr. Homer L. Wilkes, NRCS	12/13/05	K-31
Mr. Donald W. Gohmert, NRCS	12/16/05	K-31
Mr. Rex Chandler, NRCS	3/16/06	K-32
Mr. James M. Greenwade, NRCS	3/27/06	K-33
Mr. Ronnie Duke, New Orleans District, U.S. Army Corps of Engineers	12/16/05	K-33
Ms. Nathalie Valley, Eighth District, U.S. Coast Guard	1/28/06	K-36
Mr. Heinz Mueller, NEPA Program Office, U.S. Environmental Protection Agency	12/22/05	K-36
Mr. Frederick T. Werner, Fish and Wildlife Service (USFWS), U.S. Department of Interior	9/29/05	K-38
Mr. Russell C. Watson, USFWS	10/3/05	K-40
Mr. Curtis B. James, USFWS	10/20/05	K-42

Table K-5: Incoming Correspondence

Sender	Date of Correspondence	Page Number
Mr. Ray Aycock, USFWS	12/5/05	K-44
Ms. Tracey McDonnell, USFWS	12/8/05	K-46
Ms. Angela C. Trahan, USFWS	12/13/05	K-46
Mr. Andy Loranger, USFWS	12/14/05	K-47
Mr. Richard D. (Don) Neal, Forest Service, U.S. Department of Agriculture	12/23/05	K-47
State Agencies, Louisiana		
Teri F. Lanoue, Air Quality Assessment Division, LA Department of Environmental Quality	10/20/05	K-49
Mr. Albert E. Hindrichs, Water Quality Assessment Division, LA Department of Environmental Quality	12/21/05	K-49
Ms. Lisa L. Miller, LA Department of Environmental Quality	1/11/06	K-50
Ms. Rosalind M. Green, LA Department of Health and Hospitals	9/28/05	K-51
Mr. James H. Welsh, LA Department of Natural Resources	12/9/05	K-51
Mr. Scott Angelle, LA Department of Natural Resources	12/12/05	K-52
Mr. Johnny Bradberry, LA Department of Transportation and Development	10/7/05	K-53
Mr. Michael Carloss, LA Department of Wildlife and Fisheries	10/3/05	K-54
Mr. Gary Lester, LA Department of Wildlife and Fisheries	3/8/06	K-55
Ms. Pamela Breaux, Louisiana Office of Culture, Recreation and Tourism	10/13/05	K-57
State Agencies, Mississippi		
H.T. Holmes, MS Department of Archives and History	9/19/05	K-58
H.T. Holmes, MS Department of Archives and History	10/4/05	K-58
Mr. Tom Mann, Ms. Heather Sullivan, and Ms. Melanie Caudill, Natural Heritage Program, MS Department of Wildlife, Fisheries, and Parks	3/2/06	K-59
State Agencies, Texas		
Mr. David C. Schanbacher, TX Commission on Environmental Quality	10/28/05	K-63
Mr. Albert Hawkins, TX Health and Human Services Commission	1/3/06	K-63
Mr. Jarrett (Woody) Woodrow, Coastal Fisheries Division, TX Parks and Wildlife	11/1/05	K-65
Mr. Sam Webb, Coastal Resources, TX General Land Office	10/4/05	K-77
Mr. F. Lawrence Oaks, TX Historical Commission	10/18/05	K-78
Local Agencies, Louisiana		
Mr. Chris Boudreaux, Lafourche Parish Emergency Preparedness Office	11/1/05	K-79

**Sample Outgoing Correspondence
from U.S. DOE or Its Contractors**



Department of Energy

Washington, DC 20585

September 9, 2005

Mr. Robert L. Cook
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Re: Proposed Expansion of the Strategic Petroleum Reserve (Big Hill and Stratton Ridge, Texas)

Dear Mr. Cook:

The U.S. Department of Energy is proposing to expand the Strategic Petroleum Reserve (SPR) to its 1 billion-barrel authorized capacity. The Strategic Petroleum Reserve Office of the U.S. Department of Energy (DOE) has determined that this project is subject to the National Environmental Policy Act (NEPA). The purpose of this letter is to request information from the Texas Parks and Wildlife Department on natural resources that the project could potentially affect, as well as any permits and approvals required for construction. Two sites being considered for the proposed project in Texas are: (1) Big Hill (Jefferson County), an existing SPR facility that would be expanded under the proposal; and (2) Stratton Ridge (Brazoria County), which would be a candidate for a new SPR facility.

Maps are enclosed which show the location of the proposed project. Additional attachments include a narrative description of the proposed action and figures of the proposed action from the 1992 Draft Environmental Impact Statement for the Expansion of the Strategic Petroleum Reserve.

As indicated in the attached narrative, a number of surface buildings and structures would be constructed for a new storage site at Stratton Ridge, and additional pumping systems would be constructed for the existing site at Big Hill. Construction of these facilities would entail ground disturbance and might have effects on endangered or threatened species in the area. Both the new storage site and expansion of the existing storage site would require construction of buried pipelines that would entail ground disturbance and might affect endangered or threatened species, should there be any present.

DOE has initiated preparation of an Environmental Impact Statement with publication of a Notice of Intent (70 FR 52088) on September 1, 2005. The Energy Policy Act of 2005 (EPACT), enacted on August 8, 2005, requires the Secretary of Energy to select sites necessary to expand the SPR to 1 billion barrel capacity no later than one year after enactment. This requires an extremely fast NEPA review process in order to provide decision makers with information for a Record of Decision in early August of 2006.

To assist in this effort, we are requesting a list of state listed and proposed threatened, endangered, and rare species for the area as well as instructions for any further coordination. Information on any other additional issues or concerns that you consider appropriate would also be appreciated. We request that you respond by October 10, 2005, so that we may schedule meetings, site visits or surveys, conduct any necessary follow-up activities, and incorporate your response into the scope of study, as appropriate. We, or our contractor ICF Consulting, may contact you prior to this date to discuss the project and schedule a meeting.

Thank you for your assistance in this matter. If you require further information to complete this request, please do not hesitate to contact Donald Silawsky, Office of Petroleum Reserves, U.S. Department of Energy by phone at (202) 586-1892 or via mail:

Sincerely,

Mr. Donald Silawsky
Office of Petroleum Reserves
1000 Independence Avenue S.W.
Washington, DC 20585-0301



Department of Energy

Washington, DC 20585

September 13, 2005

Mr. Delmer Stamps
Natural Resource Conservation Service
100 West Capitol Street Federal Building
Suite 1321
Jackson, MS 39269

Re: Proposed Expansion of the Strategic Petroleum Reserve (Richton and Pascagoula, Mississippi)

Dear Mr. Stamps:

The U.S. Department of Energy is proposing to expand the Strategic Petroleum Reserve (SPR) to its 1 billion-barrel authorized capacity. The Strategic Petroleum Reserve Office of the U.S. Department of Energy (DOE) has determined that this project is subject to the National Environmental Policy Act (NEPA) and the Farmland Protection Policy Act. The purpose of this letter is to request information from the Natural Resource Conservation Service on natural resources that the project could potentially affect, as well as any permits and approvals required for project construction. One site being considered for the proposed project in Mississippi is a candidate for a new SPR facility near the town of Richton.

Maps are enclosed which show the location of the proposed project sites. Additional attachments include a narrative description of the proposed action and figures of the proposed action from the 1992 Draft Environmental Impact Statement for the Expansion of the Strategic Petroleum Reserve.

As indicated in the attached narrative, a number of surface buildings and structures, pipes, and pump stations would be constructed for a new storage site at Richton. A new marine terminal in Pascagoula, MS would also need to be constructed to support the storage facility in Richton. The new storage site at Richton and the marine terminal would require construction of buried pipelines that would entail ground disturbance and might affect prime and unique farmland.

DOE has initiated preparation of an Environmental Impact Statement with publication of a Notice of Intent (70 FR 52088) on September 1, 2005. The Energy Policy Act of 2005 (EPACT), enacted on August 8, 2005, requires the Secretary of Energy to select sites necessary to expand the SPR to 1 billion barrel capacity no later than one year after enactment. This requires an extremely fast NEPA review process in order to provide decision makers with information for a Record of Decision (ROD) in early August of 2006.

We are requesting your comments on the proposal regarding impacts to any prime and unique farmland as well as instructions for any further coordination. Information on any additional issues or concerns that you consider appropriate would be appreciated. We request that you respond by October 13, 2005, so that we may schedule any meetings, site visits or surveys, conduct any necessary follow-up activities, and incorporate your response into the scope of study as appropriate. We, or our contractor ICF Consulting, may contact you prior to this date to discuss the project and try to schedule a meeting.

Thank you for your assistance in this matter. If you require further information to complete this request, please contact Donald Silawsky, Office of Petroleum Reserves, U.S. Department of Energy by phone at (202) 586-1892, mail, or e-mail (Donald.Silawsky@hq.doe.gov).

Sincerely,

Donald Silawsky
Office of Petroleum Reserves, (FE-47)
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Enclosures: 2



Department of Energy

Washington, DC 20585

September 27, 2005

Ms. Pamela Breaux
State Historic Preservation Officer
Louisiana Office of Culture
Recreation and Tourism
P.O. Box 44247
Baton Rouge, Louisiana 70804

**Re: Follow-up to Letter of September 13, 2005, regarding
Proposed Expansion of the Strategic Petroleum Reserve (West Hackberry, Bayou
Choctaw, Clovelly, and Chacahoula, Louisiana)**

Dear Ms. Breaux:

This letter follows-up in more detail on an earlier letter that we sent to you. The U.S. Department of Energy (DOE) is proposing to expand the Strategic Petroleum Reserve (SPR) to its 1 billion-barrel authorized capacity. The Strategic Petroleum Reserve Office of DOE has determined this project is subject to the requirements of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA).

Four sites being considered for the proposed project in Louisiana are: (1) West Hackberry (Cameron and Calcasieu Parishes), an existing SPR facility that would be expanded under the proposal; (2) Bayou Choctaw (Iberia Parish), an existing SPR facility that would be expanded under the proposal; (3) Clovelly (LaFourche Parish), which would be a candidate for a new SPR facility; and (4) Chacahoula (LaFourche Parish), which would be a candidate site for a new SPR facility. A narrative description of the proposed action and maps that show general project locations are enclosed with this letter.

As indicated in the attached narrative, construction activities at West Hackberry and Bayou Choctaw would be limited to new access roads and new onsite pipelines to connect the existing facility to the new SPR caverns. Neither site would require any additional ofsite pipelines or significant facility upgrades. DOE would construct a number of above-ground buildings and structures for a new storage site at either Clovelly or Chacahoula. The Clovelly storage facility would be co-located with an existing petroleum storage facility; therefore, the site would utilize the existing facilities and would not require the construction of any new ofsite pipelines. At Chacahoula, DOE would construct up to 13.6 miles of new pipeline for brine and oil transport. Construction of these facilities would entail ground disturbance and might have effects on significant archaeological sites or other historic properties in the area, should there be any present.

DOE proposes to conduct a search of Louisiana records, National Historic Landmarks, and the

National Register of Historic Places to identify historic properties and to determine whether all of the project area has previously been inventoried for historic properties. DOE will also attempt to identify Indian tribes, archaeological and historical societies, and other organizations that may have information or concerns about historic properties in or near the project area.

DOE has initiated preparation of an Environmental Impact Statement (EIS) with publication of a Notice of Intent (70 FR 52088) on September 1, 2005. The agency intends to use the process and documentation required for preparation of the EIS to comply with Section 106 of NHPA, and is hereby notifying you of that intent.

As indicated in the Notice of Intent, the Energy Policy Act of 2005 (EPACT), enacted on August 8, 2005, requires the Secretary of Energy to select sites necessary to expand the SPR to 1 billion barrel capacity no later than one year after enactment. This requires an extremely fast process of NHPA and NEPA review in order to provide decision makers with information for a Record of Decision (ROD) in early August of 2006.

Pursuant to 36 CFR 800.4(a)(ii), DOE is requesting the views of the State Historic Preservation Officer on further actions to identify historic properties that may be affected by this undertaking, including information about Indian tribes and other organizations that may have information. In addition, DOE requests the SHPO to indicate whether it would be most appropriate for DOE staff and contractors to begin work with SHPO on a Programmatic Agreement. The Programmatic Agreement would provide for post-ROD archaeological surveys for identification of historic properties and would stipulate post-ROD measures for identified adverse effects, should one or more of the evaluated sites in Louisiana be selected for SPR capacity expansion. The goal would be a signed Programmatic Agreement no later than March 2006.

We request that you respond by October 28, 2005 so that we may schedule meetings, complete the record search, conduct any necessary follow-up activities, and incorporate your response into the scope of study, as appropriate. We, or our contractor ICF Consulting, may contact you prior to this date to discuss the project and schedule a meeting.

Thank you for your assistance in this matter. If you require further information to complete this request, please contact Donald Silavsky, Office of Petroleum Reserves, U.S. Department of Energy by phone at (202) 586-1892, mail, or e-mail (Donald.Silavsky@hq.doe.gov).

Sincerely,

Donald Silavsky
Office of Petroleum Reserves (FE-47)
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

2 Enclosures



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Department of Energy

Washington, DC 20585

November 21, 2005

Mr. Larry Butler
National Resource Conservation Service
101 South Main
Temple, TX 76501-7682

**Re: Proposed Expansion of the Strategic Petroleum Reserve – Reopening Scoping
Comment Period and New Site Proposal**

Dear Mr. Butler:

The U.S. Department of Energy (DOE) is reopening the scoping comment period for the Proposed Expansion of the Strategic Petroleum Reserve (SPR). The Strategic Petroleum Reserve Office of DOE has determined that this project is subject to the National Environmental Policy Act (NEPA). Reopening the scoping comment period will allow the public and agencies an opportunity to comment on the scope of the issues to be addressed on all candidate sites and aid in identifying other environmental review and consultation requirements associated with the new candidate site proposed by the Governor of Mississippi. On October 27, 2005, in accordance with the Energy Policy Act of 2005, the Governor of Mississippi requested that the Secretary of Energy consider a new candidate site at the Bruinsburg Salt Dome along the Mississippi River in Claiborne County, Mississippi. Enclosed are brief descriptions of all candidate and expansion sites.

On September 1, 2005, DOE initiated the scoping period and the preparation of an Environmental Impact Statement (EIS) with publication of a Notice of Intent (70 FR 52088). In response to the hurricanes that affected the Gulf Coast, DOE extended the scoping period from September 30 to October 28, 2005 (70 FR 56649; September 28, 2005). The reopening of the scoping period to accommodate the new candidate site will be announced in the Federal Register by November 23, 2005. The new scoping comment period will close on December 19, 2005.

Per the letter that was previously sent to your office, DOE has determined that the proposed expansion of the SPR is potentially subject to the Farmland Protection Policy Act (FPPA). The purpose of this letter is to request information from your office on prime and unique farmland that the project could potentially affect.

DOE intends to use the process and documentation required for preparing the EIS to comply with the Farmland Protection Policy Act, and is hereby notifying you of that intent. To assist in this environmental review, please identify any instructions for future coordination and consultation with your office and any permits and approvals required by the FPPA for construction and operation.

To aid in identifying the issues to be addressed in the EIS, DOE has enclosed maps of the new candidate site and an updated version of the candidate and expansion site maps previously sent to

your Agency. The maps include the general facility layout for each candidate and expansion site, and the proposed location of new pipelines and existing pipelines that would require refurbishment.

We request that you submit your comments by the end of the scoping comment period on December 19, 2005. We, or our contractor, ICF Consulting, may contact you prior to this date to discuss the project and schedule a meeting.

Thank you for your assistance in this matter. If you require further information to complete this request, please contact Donald Siliawsky, Office of Petroleum Reserves, U.S. Department of Energy by phone at (202) 586-1892, mail at the address below, or e-mail to Donald.Siliawsky@hq.doe.gov.

Sincerely,

Mr. Donald Siliawsky
Office of Petroleum Reserves (FE-47)
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Enclosure



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February 22, 2006

ICF Consulting
February 22, 2006
Page 2 of 3

Proposed Stratton Ridge SPR Site and Associated Infrastructure: AD-1006 Form # 2

Acres Converted Directly

Structure	Acres	Files
Stratton Ridge site	273.5	Attached shapefiles in folder: StrattonRidge\Stratton Ridge Site

Structure	Acres	Files
Stratton Ridge site 300ft buffer	109.4	Attached shapefiles in folder: StrattonRidge\Stratton Ridge Site 300ft buffer

Structure	Acres	Files
Raw water intake structure buffer	1.1	Attached shapefiles in folder: StrattonRidge\Raw water intake structure buffer

Acres Converted Indirectly

Structure	Acres	Files
Access Road	3.8	Attached shapefiles in folder: StrattonRidge\Access Road

Structure	Acres	Files
Power line	22.3	Attached shapefiles in folder: StrattonRidge\Powerline

Proposed Stratton Ridge SPR Site and Associated Infrastructure: NRCS-CPA-106 Form # 2

Acres Converted Directly

Structure	Acres	Files
Crude oil pipeline to Texas City	455.0	Attached shapefiles in folder: StrattonRidge\Crude oil pipeline to Texas City

Structure	Acres	Files
Raw water intake pipeline	124.7	Attached shapefiles in folder: StrattonRidge\Raw water intake pipeline

Structure	Acres	Files
Brine pipeline to beach	9.2	Attached shapefiles in folder: StrattonRidge\Brine pipeline to beach

Structure	Acres	Files
Exit pipeline ROW	2.0	Attached shapefiles in folder: StrattonRidge\exit pipeline ROW

Mr. James Greenwade
Natural Resources Conservation Service
101 South Main St.
Temple, Texas

**SUBJECT: Proposed Expansion of the Strategic Petroleum Reserve
AD-1006 and NRCS-CPA-106: Farmland Conversion Impact Rating Forms**

Dear Mr. Greenwade:

Please find the attached AD-1006 Farmland Conversion Impact Rating forms NRCS CPA-106 Farmland Conversion Impact Rating forms for Corridor Type Projects, and documentation containing supporting data prepared for the above referenced project. We will be coordinating the identification of Prime Farmlands and completion of the USDA NRCS forms AD-1006 and NRCS CPA-106.

For the Strategic Petroleum Reserve expansion in Texas, the U.S. Department of Energy is evaluating one potential expansion site, Big Hill, and one potential new site, Stratton Ridge. The U.S. Department of Energy has not made final decisions about site selection and development and may change aspects of the potential sites. We will notify you if changes are made to the potential sites in Texas.

The information in the impact rating forms includes the following data:

Proposed Big Hill SPR Site and Associated Infrastructure: AD-1006 Form # 1

Acres Converted Directly

Structure	Acres	Files
Big Hill site	139.8	Attached shapefiles in folder: BigHill\Big Hill Proposed Site

Structure	Acres	Files
Big Hill site 300ft buffer	53.7	Attached shapefiles in folder: BigHill\Big Hill Proposed Site 300ft Buffer

Proposed Big Hill SPR Site and Associated Infrastructure: NRCS-CPA-106 Form # 1

Acres Converted Directly

Structure	Acres	Files
Brine pipeline to be replaced	16.1	Attached shapefiles in folder: BigHill\Brine Pipeline to be Replaced

Structure	Acres	Files
Crude oil pipeline to Nederland	211.0	Attached shapefiles in folder: BigHill\Crude Oil Pipeline to Nederland

Please contact me at (703) 934-3079 if you have any questions about this information.

Sincerely,



Emily Small
Research Assistant

Attachments: AD-1006 Farmland Conversion Impact Rating forms
NRCS CP-A-106 Farmland Conversion Impact Rating forms for Corridor Type Projects
Supporting documentation for calculations

[This page intentionally left blank]

site being considered near the town of Richton, Mississippi. Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, we are requesting your comments on the proposal as well as instructions for any further coordination.

Subject: FW: Proposed Expansion of the Strategic Petroleum Reserve (Richton, Mississippi)

DOE has initiated preparation of an Environmental Impact Statement with publication of a Notice of Intent (70 FR 52088) on September 1, 2005. The Energy Policy Act of 2005 (EFACT), enacted on August 8, 2005, requires the Secretary of Energy to select sites necessary to expand the SPR to 1 billion barrel capacity no later than one year after enactment. This requires an extremely fast NEPA review process in order to provide decision-makers with information for a Record of Decision in early August of 2006.

DOE currently operates four underground crude oil storage facilities in salt domes along the Gulf Coast as the Strategic Petroleum Reserve (SPR). The combined storage capacity is 727 million barrels. The Proposed Action is to expand the SPR storage capacity to one billion barrels by developing a new storage site with associated infrastructure at one of the following: Bruinsburg, Mississippi (160 million barrels); Chacahoula, Louisiana (160 million barrels); Clovelly, Louisiana (120 million barrels); a combination of Clovelly (80 million barrels) and Bruinsburg (80 million barrels); Richton, Mississippi (160 million barrels); or Stratton Ridge, Texas (160 million barrels). In addition, the existing site at Bayou Choctaw, Louisiana could be expanded by either 20, 30, or 108 million barrels; and the existing site at West Hackberry, Louisiana could be expanded by either 15 million barrels or not at all. Expansions at existing sites would require developing new caverns and purchasing existing caverns.

Included as an attachment to this email is an outline of the background to the proposed action at Richton, a map providing a regional view of proposed new SPR sites and existing SPR site along the Gulf Coast, and a description and maps of the location, layout, and pipelines of the proposed new SPR storage site at Richton.

We look forward to talking with you briefly on Wednesday morning, March 1, about our approach to minimizing wetland impacts. During that conversation we would like to arrange teleconference to for the following week to speak in more detail about least environmental damaging alternatives with maps, which we will have sent you, in hand. Thank you for your assistance in this matter. Please call or email me if you have questions or need further information.

Sincerely,

Will Gibson

Attachment

Will Gibson, Ph.D. | ICF Consulting | 1725 Eye Street NW | Washington, DC 20006 | t: 202.862.1583 |
m: 202.210.3797 | WGibson@icfconsulting.com

From: Gibson, Will
Sent: Thursday, March 02, 2006 10:24 AM
To: william.r.bunkley@sam.usace.army.mil'
Cc: 'ifrost@eee-consulting.com'; 'Deborah.j.shumake@sam.usace.army.mi'
Subject: FW: Proposed Expansion of the Strategic Petroleum Reserve (Richton, Mississippi)

Dear Mr. Bunkley,

I understand from Ms. Shumake that you are the appropriate person to contact regarding this issue—please see the letter and attachment below.
I was told by you colleague that we might be able to reach you for an initial conversation at 1pm CST today.

Please let me know if that works for you.

Until then,

All Best,

From: Gibson, Will
Sent: Tuesday, February 28, 2006 11:00 AM
To: "Deborah.j.shumake@sam.usace.army.mil"
Subject: FW: Proposed Expansion of the Strategic Petroleum Reserve (Richton, Mississippi)

Will Gibson, Ph.D. | ICF Consulting | 1725 Eye Street NW | Washington, DC 20006 | t: 202.862.1583 |
m: 202.210.3797 | WGibson@icfconsulting.com

K-18

February 27, 2006

Ms. Debbie Shumake
USAACE Mobile District
Deborah.j.shumake@sam.usace.army.mi

RE: Proposed Expansion of the Strategic Petroleum Reserve (Richton, Mississippi)

Dear Ms. Shumake:

The U.S. Department of Energy (DOE) is proposing to expand the Strategic Petroleum Reserve (SPR) to its 1 billion barrel authorized capacity. The Strategic Petroleum Reserve Office of DOE has determined that this project is subject to the National Environmental Policy Act (NEPA). The purpose of this email is to request information from the U.S. Army Corps of Engineers on the natural resources that the project could potentially affect, as well as any permits and approvals required for construction at one



Department of Energy
Washington, DC 20585

- **Is not likely to adversely affect.** The proposed action may affect listed species and/or critical habitat; however, the effects would be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effect.
- **Is likely to adversely affect.** Adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species, but is also likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species.

Ms. Angela Trahan
U.S. Fish and Wildlife Service

646 Cajundome Boulevard, Suite 400

Lafayette, LA 70506

Subject: Evaluation of Threatened and Endangered Species for the Expansion of the Strategic Petroleum Reserve Environmental Impact Statement (EIS)

Dear Ms. Trahan:

Based on our meeting with you and your colleagues on February 3, 2006, the Department of Energy (DOE) developed an approach to be used in the subject EIS to evaluate species protected under the Endangered Species Act (ESA). The approach is designed to present relevant information to the public and decision makers in accordance with the National Environmental Policy Act, and to document DOE's evaluation process in accordance with Section 7 of the ESA and the Final Endangered Species Act Section 7 Consultation Handbook (Consultation Handbook) dated March 1998. The approach also takes into account that in the Record of Decision, DOE would only select:

- One new site out of the six potential new sites - (1) Stratton Ridge, Texas; (2) Chacahoula, Louisiana; (3) Clovelly, Louisiana; (4) Brinsburg, Mississippi; (5) Richton, Mississippi; or (6) a combination of Brinsburg and Clovelly; and
- Two or three of the expansion sites - (1) Big Hill, Texas; (2) Bayou Choctaw, Louisiana; and possibly (3) West Hackberry, Louisiana.

The approach includes a threatened and endangered species evaluation with the results presented in the EIS, followed by site- and species-specific surveys and informal and/or formal consultation with the U.S. Fish and Wildlife Service, as appropriate, after DOE has issued the Record of Decision for the EIS. The specifics of this approach are outlined below.

DOE will prepare and submit to your office with the draft EIS an Evaluation of Special Status Species by state (Texas, Louisiana, and Mississippi). DOE is preparing these evaluations to review and document its findings of "no effect" and "may affect" in accordance with the definitions found in the Consultation Handbook and a letter from U.S. Fish and Wildlife Service dated September 29, 2005, as presented below. For the purpose of the evaluation, DOE has defined "may effect" to include "is not likely to adversely affect" or "is likely to adversely affect."

- **No effect.** The proposed action will not affect Federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area).

cc: Mr. Lloyd E. Inmon, U.S. Fish and Wildlife Service, Jackson, MS
Ms. Catherine Yeargan, U.S. Fish and Wildlife Service, Houston, TX

Attachments



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**Correspondence from
Federal, State, and Local Agencies**



CULTURAL DEPARTMENT

December 19, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves (FE-47)
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Re: Proposed Expansion of the Strategic Petroleum Reserve,
West Hackberry, Bayou Choctaw, Clovelly, and Chacahoula,
Cameron, Calcasieu, Iberville, and Lafourche Parishes, Louisiana

We are in receipt of your letter, dated November 22, 2005, concerning the above-referenced project. The parish where the proposed project is to take place is part of the aboriginal Chitimacha homeland. That is, historically and prehistorically the Chitimacha Tribe of Louisiana was located in this area. This homeland contains many village sites, religious/sacred sites, and burial sites, which must be taken into account in the planning process.

Our records and oral traditions do not indicate that a specific Chitimacha archaeological site or Traditional Cultural Property is in the immediate vicinity of your project, therefore we have no objection to the implementation of the proposed activity. However, if archaeological remains representing a village site and/or burial site are discovered during the process of construction you should stop and contact the tribe and the State Historic Preservation Office immediately, in order to begin consultation regarding the encountered remains.

The Chitimacha Tribe of Louisiana appreciates your compliance with federal and state laws concerning Native American notification and consultation. Should you have any questions, do not hesitate to contact me at (337) 923-9923.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly S. Walden".

Kimberly S. Walden,
Director, Cultural Department

KW: JE

S0058

Fadely, Karen

From: Silawsky, Donald [Donald.Silawsky@hq.doe.gov]
Sent: Thursday, December 01, 2005 1:37 PM
To: Fadely, Karen
Subject: FW: Proposed Expansion of the Strategic Petroleum Reserve(Richton and Bruinsburg, Mississippi)

KAREN: Another SPR EIS comment.

ALL: Who should contact Mr./Ms. Cole to discuss the meeting that is being requested?

DON SILAWSKY

-----Original Message-----

From: Terry Cole [mailto:tcole@choctawnation.com]
Sent: Thursday, December 01, 2005 11:18 AM
To: Donald.Silawsky@hq.doe.gov
Subject: Proposed Expansion of the Strategic Petroleum Reserve(Richton and Bruinsburg, Mississippi)

Dear Mr. Silawsky: Regarding your request dated November 22, 2005, the project is within the boundaries of the homelands of the Choctaw people of Oklahoma, therefore we are very concerned

that ground disturbance may affect significant archaeological sites or historic sites. We are requesting a meeting with you to discuss the project. Thank you

K22

Terry D. Cole, THPO
Choctaw Nation of Oklahoma

Unknown

From: Terry Cole [tcole@choctawnation.com]
Sent: Wednesday, December 28, 2005 9:54 AM
To: Quick, Polly
Subject: RE: Polly Quick notes on phone conversation re Strategic Petroleum Reserve Expansion

Dear Polly,

I concur with the following report submitted on December 27, 2005. If there is anything I can do, please feel free to call my office. Thank you.

-----Original Message-----

From: Quick, Polly [mailto:PQuick@icfconsulting.com]
Sent: Tuesday, December 27, 2005 1:44 PM
To: tcole@choctawnation.com
Subject: Polly Quick notes on phone conversation re Strategic Petroleum Reserve Expansion

Hello Terry, thanks for returning my call today. Below are my notes, which I'll use as a basis for words in the Draft Environmental Impact Statement that we are preparing for the Department of Energy. We talked because you had sent an email December 1 to Don Silawsky at Department of Energy expressing indicating that project boundaries of the Richton MS and Bruinsburg MS sites fall within the traditional homeland of the Choctaw Nation of Oklahoma and that the tribe has concerns that ground disturbance might affect archaeological sites.

You said that you do not have site records in your office, that the MS SHPO has those. You asked if we had been in contact with Ken Carleton from the MS Band of Choctaw or with the Jena Band. I said we had written both groups but had received no response. You said that it is difficult for you in Oklahoma to cover the state of MS, but someone needs to do it, and that your concerns extend from the ancestral homelands along the Trail of Tears to your present location. You said this includes portions of Louisiana and Texas as well as Mississippi.

I explained that DOE will be selecting one of five locations to develop a new facility (I actually said six, but I am correcting that here). DOE is considering two sites in MS, two in Louisiana and one in Texas. Because only one of five will be selected, DOE is preparing Programmatic Agreements with the three state SHPOs that will stipulate that DOE will do on-the-ground survey for the facility that is selected, including associated pipeline routes. I am attaching a map that shows locations of the five possible new facility sites as well as existing locations being evaluated for expansion.

You said that what you require, once on-the-ground-survey is done, is copies of the survey reports and prior investigation reports that provide information on archaeological sites that might be affected. Your office will review those and then can discuss concerns, if any, with DOE. You indicated that you are comfortable with the Programmatic Agreement approach, waiting for selection of a specific site before on-the-ground survey is done.

I said that I would provide you with a list of the other tribes that received consultation letters, so you can let us know if others should be contacted. This is the list:

Alabama Coushatta Tribe, Chickasaw Nation of Oklahoma, Chitimacha Tribe, Choctaw Nation of Oklahoma, Coushatta Tribe, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Quapaw, Tunica-Biloxi Tribe of Louisiana; as well as the following state-recognized tribes: United Houma Nation, Point Au Chien Tribe, and Biloxi Chitimacha Confederation of Muskogee.

If you can reply to me to confirm these notes or provide corrections, it would assist me in moving forward with text for the Draft Environmental Impact Statement. Thanks for your help.

Polly

Polly McW. Quick, Ph.D.
Principal
ICF Consulting
60 Broadway
San Francisco, CA 94111
+1 415 677-7115 **47115**
+1 415 677-7177 fax
+1 510 703-7396 cell
pquick@icfconsulting.com

NOTICE:

This message is for the designated recipient only and may contain privileged or confidential information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this e-mail by you is prohibited.

Federal Agencies

S00057

Fadely, Karen

From: Donald Silawsky [silawsky@cfrr.com]
Sent: Monday, December 19, 2005 8:18 PM

To: Fadely, Karen

Subject: FW: MMS Comments on the Proposed Expansion of the Strategic Petroleum Reserve
KAREN: SPR EIS comments. Be sure to check this against the e-mail message from Dec. 16 and delete that.

DON SILAWSKY

----- Forwarded Message

From: "Christopher, Joseph" <Joseph.Christopher@mms.gov>
Date: Mon, 19 Dec 2005 10:12:16 -0500
To: silawsky@cfrr.com
Subject: MMS Comments on the Proposed Expansion of the Strategic Petroleum Reserve

Dear Mr. Silawsky,

[On December 16, we inadvertently sent you an email message with comments on this project. Please consider the following to be our official comments.]

The Minerals Management Service (MMS) Gulf of Mexico OCS Region has reviewed the proposal by the U.S. Department of Energy (DOE) for expansion of the Strategic Petroleum Reserve (SPR) and is providing the following scoping comments. The proposed action includes expansion of three existing SPR sites at West Hackberry and Bayou Choctaw in Louisiana, and Big Hill in Texas, and a new site would be selected from Chacahoula and Clovelly in Louisiana, Richton and Bruinsburg in Mississippi, and Stratton Ridge, Texas. The DOE would develop new caverns in salt domes to store additional crude oil. The proposed action also indicates that during the development of new cavern in the salt domes, the displaced brine would either be disposed on-site or carried by a pipeline and discharged through a diffuser in the Gulf of Mexico. The MMS has no objection to this proposed action. However, if DOE decides to allow discharge of brine in the Gulf, we would appreciate an opportunity to evaluate the specifics of this disposal method for potential conflicts with existing oil and gas infrastructure.

If you have any questions regarding our comments, please contact me.

Thanks,

12/20/2005

12/20/2005

Joseph A. Christopher

Regional Supervisor

Office of Leasing and Environment

Minerals Management Service

Gulf of Mexico OCS Region

New Orleans, LA 70123

(504) 736-2759

joseph.christopher@mms.gov <mailto:joseph.christopher@mms.gov> .

----- End of Forwarded Message



S0016

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701

October 6, 2005 F/SER46/RH:jk
225/389-0508

Mr. Donald Sliawsky
Office of Petroleum Reserves, (FE-47)
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Dear Mr. Sliawsky:

NOAA's National Marine Fisheries Service (NMFS) has reviewed your letters dated September 13, 2005, to our field offices in Baton Rouge, Louisiana, Galveston, Texas and Panama City, Florida related to the proposed expansion of the strategic petroleum reserves (SPR) at West Hackberry and Bayou Choctaw, Louisiana, and Big Hill, Texas. Additionally, one new site would be developed at Clovelly or Chacahoula, Louisiana; Righton, Mississippi; or Stratton Ridge, Texas. The expansion is planned to increase the current capacity of the SPR system from 727 million barrels to 1 billion barrels. Your letters transmitted limited information regarding potential project features, as well as maps identifying the general location of the existing and proposed SPR facilities. You indicated in your letters that the Department of Energy intended to prepare an Environmental Impact Statement (EIS) for this action and that they intended to use the National Environmental Policy Act (NEPA) process to comply with coordination requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Marine Mammal Protection Act.

According to your letters and the information they transmitted, expansion activities would include the creation of oil storage caverns located from 1,000 to 6,000 feet underground, the release of concentrated brine via diffusers in the Gulf of Mexico, construction of surface buildings, and the installation of pipelines to move brine and crude oil from the SPR sites to various distribution points. Some aquatic and tidally influenced wetland habitats potentially impacted by SPR expansion activities are designated as essential fish habitat (EFH) for postlarval, juvenile and subadult life stages of white shrimp, brown shrimp, and red drum; juvenile Spanish mackerel; and juvenile and adult bluefish. Categories of EFH in the project area include estuarine emergent wetlands; mud, sand and shell substrates; submerged aquatic vegetation, and estuarine and marine water column. Detailed information on federally managed fisheries and their EFH is provided in the 1998 generic amendment of the Fishery Management Plans for the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council (GMFMC). The generic amendment was prepared as required by the Magnuson-Stevens Act.

To fully address EFH and associated fisheries in the project area, NMFS recommends the EIS include sections titled "Essential Fish Habitat" and "Marine Fishery Resources" that identify fisheries resources of the project area and describe the potential adverse impacts associated with

2

the proposed expansion activities. The recommended EFH section of the document should describe and quantify the potential impacts of the proposed alternatives on EFH sub-categories (e.g., marsh edge, marsh ponds, submerged aquatic vegetation, mud bottoms, tidal creeks, water column, etc.). In addition, this section should describe the potential impacts of the proposed project on the utilization of these sub-categories of EFH by each fishery species and life stage listed above.

In addition to being designated as EFH for the species listed above, waterbodies and wetlands in tidally-influenced portions of the project areas provide nursery and foraging habitats supportive of a variety of economically important marine fishery species, such as striped mullet, Atlantic croaker, gulf menhaden, spotted and sand seatrout, southern flounder, black drum, and blue crab. Some of these species also serve as prey for other fish species managed under the Magnuson-Stevens Act by the GMFMC (e.g., mackerels, snappers, and groupers) and highly migratory species managed by NMFS (e.g., billfishes and sharks). We recommend the EIS fully describe the use of the various project areas by these species and evaluate the potential impacts of project implementation on marine fishery utilization of wetlands and water bottoms at each SPR site and pipeline construction zone.

No information was provided with your memorandum regarding the likely routes of all pipelines that would be used to discharge brine into the Gulf of Mexico or transport crude oil to distribution hubs. The exact alignment of all pipelines and locations of discharge outfalls should be coordinated with NMFS and other natural resource and regulatory agencies to ensure impacts to wetlands and fishery species are avoided and minimized to the maximum extent practicable. In addition, wetland restoration projects constructed under the auspices of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) are located in the vicinity of the various SPR sites in Louisiana. All expansion activities should be planned to avoid impacting constructed features of any CWPPRA project. For more information on CWPPRA projects that may be adversely impacted by SPR expansion activities, you may want to review the CWPPRA web site at www.lacoast.gov. Any EIS developed for this project should include those alternatives that best avoid and minimize adverse wetland impacts.

The NMFS recommends the EIS include a section titled "Mitigation" that discusses sequential measures to avoid, minimize, and offset impacts to wetlands. Section 1508.20 of the Council on Environmental Quality's regulations implementing NEPA defines mitigation as a sequencing process that should first attempt to avoid and minimize wetland impacts prior to developing compensatory mitigation options. Any compensatory mitigation plan to offset adverse impacts should be developed, in consultation with NMFS, and included in the EIS. The mitigation plan should include monitoring components, success criteria, and an identification of additional steps that might be necessary to ensure mitigation success.

The comments contained in this letter respond only to the portion of your request regarding EFH and the federally managed marine fishery resources for which EFH has been designated in the project area. This letter does not address threatened or endangered marine species or marine mammals, consultations for which are handled by the Protected Resources Division of NMFS.



³
Southeast Regional Office. The Protected Resources Division can be contacted at the following address and phone number:

David Bernhart
Assistant Regional Administrator
Protected Resource Division
Southeast Regional Office
National Marine Fisheries Service
263 13th Avenue, South
St. Petersburg, Florida 33701
(727) 551-5789

We appreciate your consideration of our comments. If you wish to discuss this project further or have questions concerning our recommendations, please contact Richard Hartman at (225) 589-0508, extension 203.

Sincerely,

Miles M. Croon
Assistant Regional Administrator
Habitat Conservation Division

cc:
FWS, Lafayette
EPA, Dallas
LA DWF
LA DNR
FISER4, Bernhart
FISER46, Ruebsamen
Files

Fadely, Karen

Silawsky, Donald [Donald.Silawsky@hq.doe.gov]
Thursday December 01, 2005 5:57 PM
To: Fadely, Karen
Subject: FW: Reopening scoping comment period and new site proposal of SPR expansion
Attachments: Mark.Thompson.vcf

Mark.Thompson.vcf
(360 kB)

KAREN: Another SPR EIS comment.

DON SILAWSKY

--- Original Message -----

From: Mark Thompson [mailto:Mark.Thompson@noaa.gov]
Sent: Thursday, December 01, 2005 5:41 PM
To: Silawsky, Donald
Cc: Rusty Swafford; Richard Hartman
Subject: Reopening scoping comment period and new site proposal of SPR expansion

Dear Mr. Silawsky,

NOAA, National Marine Fisheries Service (NMFS), Habitat Conservation Division (HCD), has reviewed your letters dated November 21, 2005, to our field offices in Panama City, Galveston, and Baton Rouge regarding the reopening of the scoping comment period for the proposed expansion of the strategic petroleum reserve sites in Mississippi, Louisiana, and Texas. This request also includes a new site at Brinnsburg, Mississippi.

NMFS, HCD by letter dated October 6, 2005, provided comments on your original request and those comments continue to be applicable to the current proposal. Accordingly, we have no further comments to make at this time.

We appreciate you coordinating with us. If you have any questions, please call me at 850-234-5611.

Sincerely,

/W/ Mark Thompson/
Team Leader
Panama City Office
Habitat Conservation Division



United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

N16(GUIS-RM)

October 28, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves
1000 Independence Avenue, SW
Washington, DC 20585-0301

RE: Proposed Expansion of the Strategic Petroleum Reserve (Richton, Mississippi)

Dear Mr. Silawsky:

Thank you for the opportunity to review and comment on the Department of Energy (DOE) proposal to expand the Strategic Petroleum Reserve (SPR), specifically the Richton, Mississippi alternative. Our review of the alternatives revealed that potential effects on Gulf Islands National Seashore would result from the Richton expansion site only and would be associated with the construction of the outfall pipeline and brine disposal in the Gulf of Mexico. The brine is a result of solution mining in the salt dome to create SPR storage caverns. Since the other alternative sites are far removed from the park, they appear to pose no park resource protection concerns.

Gulf Islands National Seashore was authorized by Congress in 1971 (P.L. 91-660, 84 Stat. 1967, 16 U.S.C. 459h) "to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values". As part of the coastal barrier island system, the gulf islands are among the last surviving portions of a natural ecological continuum that once extended from Cape Cod to Mexico.

The natural resources of the Seashore are, in and of themselves, highly significant. The water areas are exceptional and, in conjunction with the salt marshes, bayous, and submerged grassbeds, play a crucial role in the economy and ecology of the entire area. Of particular significance, the Mississippi islands are among the most pristine examples of intact coastal barrier ecosystems remaining. The significance of these resources is only amplified by the loss of similar habitats in the adjacent areas through development. Open space, accessible to the public, is at a premium.

In the Richton alternative, it appears the DOE is considering diffused brine disposal approximately thirteen miles offshore. In pursuing this disposal alternative, it appears that DOE would seek to locate the outfall pipeline across Gulf Islands National Seashore to reach waters of the Gulf of Mexico. While the Secretary of Interior has clear authority under the park's enabling statute to consider allowing new rights-of-way or easements for the transport of oil and gas pipelines to cross the park, this authority may not extend to a brine/waste disposal pipeline. The pertinent park enabling provision is as follows:

TAKE PRIDE IN AMERICA

Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper. (16 U.S.C. §459h-3; P.L. 91-660 §4)

Further, an examination of 16 U.S.C. §79 regarding rights-of-way for public utilities leads us to conclude that the brine pipeline does not fit under this public utility provision.

If a right-of-way could be issued for the disposal pipeline to cross the park, National Park Service permitting and consent would be necessary. This permitting would be in addition to full analysis under the National Environmental Policy Act and other statutes. Regulations found in 36 CFR Parts 9 and 14 provide standards which must be used in the determination of necessary and proper. Specifically, in order for the Secretary to grant a permit, sufficient justification must be provided to make a reasonable determination that it is necessary for this operation to pass through the boundaries of the Seashore and that the procedures utilized in construction and operation are proper, in that they provide adequate protection to the resources of the area. Most, if not all, of the natural resources and visitor use values for which the park was established have the potential to be impacted by construction of an outfall line and brine disposal in the vicinity of the seashore.

In 1978, Horn and Petit Bois Islands were designated wilderness by Congress in P.L. 95-625 through the establishment of the Gulf Islands Wilderness Area. The islands are managed to maintain their primeval character, in accordance with the Wilderness Act of 1964 (P.L. 88-577) whose purpose is to establish an enduring and unimpaired wilderness resource, where nature predominates, for public use and enjoyment. Wilderness status places significant restraints on possible developments on or near the two islands and requires substantial measures be taken to guarantee an undisturbed, wilderness experience for visitors. In addition to wilderness values, other barrier island functions and resources must be taken into consideration. These include but are not limited to:

1. Geological processes: littoral drift, inlet formation, and island migration
2. Threatened and endangered species and species of management concern: marine sea turtles, Gulf sturgeon, resting bald eagles and osprey, shorebirds, and migratory birds
3. Marine environment and fisheries
4. Submerged aquatic vegetation and benthic communities
5. Marine mammals
6. Water quality and clarity
7. Visitor use and recreation
8. Nationally designated historic sites

If further analysis of the Richton alternative becomes necessary, we will provide additional detail information concerning resources which may be impacted by the proposed pipeline and brine disposal.

Sincerely,

Jerry A. Eubanks
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE

Natchez Trace Parkway
2680 Natchez Trace Parkway
Tupelo, Mississippi 38804

DEC 09 2005

IN REPLY REFER TO

L76 (NAPR), L30
X3-R, S/T, U

Mr. Donald Silawsky
U.S. Department of Energy
Office of Petroleum Reserves (FE-47)
1000 Independence Ave., S.W.
Washington, DC 20585-0301

Dear Mr. Silawsky:

This is in response to your letter dated November 29, 2005, regarding the proposed expansion of the Strategic Petroleum Reserve. The Department of Energy has determined the proposed pipeline associated with the Bruinsburg candidate site would cross the Natchez Trace Parkway at a location yet to be determined in Claiborne County, Mississippi.

Without a specific crossing location, impacts to Parkway resources and values cannot be determined. However, after a review of the proposal, scoping efforts offer some recommendations that may assist in your scoping efforts. Utility corridors cross the Parkway at numerous points in Claiborne County. Locating the proposed pipeline underground, and within one of these corridors, would minimize ground and vegetative disturbance and the likelihood that archeological resources would be encountered. Moreover, visual impacts to Parkway visitors would be negligible once the site was recessed back to pre-disturbance conditions. Should the location of the proposed pipeline be in a location not within an existing utility right of way, or within a previously disturbed site, a greater level of impact would be expected. There would also be a greater potential for adverse effect on Parkway resources and values.

The National Park Service appreciates the opportunity to participate in this project of national and regional importance. Should you have any further requests or questions concerning these comments, please feel free to contact Natural Resource Specialist Bill Whitworth at (662) 680-4004, or by electronic mail at bill_whitworth@nps.gov.

Sincerely,

Wendell A. Simpson
Wendell A. Simpson
Superintendent



S0046

UNITED STATES DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
 Suite 320, Federal Building
 100 West Capitol Street
 Jackson, MS 39269
 COM (601) 965-2025 FAX (601) 965-4940

November 7, 2005

Mr. Donald Silawsky
 Office of Petroleum Reserves, (FE-47)
 Department of Energy 1000
 Independence Avenue, S.W. Washington,
 DC 20585-030!

Dear Mr. Silawsky:

Thank you for the opportunity to review and comment on the proposed expansion of the Strategic Petroleum Reserve at Richton, Perry County, Mississippi. The Natural Resources Conservation Service (NRCS) is responsible for insuring compliance with the Farmland Protection Policy Act.

In accordance with the Farmland Protection Policy Act (FPPA) of 1981, federal programs that contribute to the necessary and irreversible conversion of farmland to nonagricultural uses will be minimized. It follows that federal programs shall be administered in a manner that, as practicable, will be compatible with state and local government and private programs and policies to protect farmland.

Based on the limited data provided, NRCS was unable to determine if the Richon, Mississippi storage site and associated pipelines to the Gulf of Mexico would impact prime farmland in order to properly evaluate the impacts of the proposed project on prime farmland; a "Farmland Conversion Impact Rating for Corridor Type Projects", Form No. NRCS-CPA-106 should be completed

Please contact Mr. Wesley Kerr, Area Conservationist, Hattiesburg, MS by phone at (601) 296-1173 or email (Wesley.Kerr@ms.usda.gov) for assistance in preparing Form No. NRCS-CPA-106. Mr. Kerr's area encompasses the 24 most southern counties within the state of Mississippi.

If you have any questions or need additional assistance, please let me know.

Sincerely,

Homer L. Wilkes State
 Conservationist

cc: Kim Harris, State Conservation Engineer, NRCS, Jackson, MS
 Wesley Ken, Area Conservationist, NRCS, Hattiesburg, MS

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
 3737 Government Street Alexandria, LA
 71302

November 16, 2005

Mr. Donald Silawsky Office of
 Petroleum Reserves, (FE-47) 1000
 Independence Avenue, S.W.
 Washington, DC 20585-0301

Dear Mr. Silawsky:

PROPOSED EXPANSION OF THE STRATEGIC PETROLEUM RESERVE
**CLOVELLY, CHACAHOUA, WEST HACKBERRY, AND DAYOU CHOCTAW
 CAMERON, CALCASIEU, IBERVILLE, & LAFOURCHE PARISHES**

Thank you for providing our agency with the opportunity to respond to your letter regarding the above project.

NRCS has no objection to this project and it does not appear that it will affect any of our work in the immediate vicinity.

Should you have questions regarding the above comments, please feel free to contact Jerry Hall District Conservationist in our Addis Field Office, at (225) 687-2184, Mike Trusclair, District Conservationist in our Thibodaux Field Office, at (985) 447-3871, or Charles Starkovich, District Conservationist in our Lake Charles Field Office, at (337) 436-5020.

E.J. Giering III P.E.
 State Conservation Engineer

cc: Jerry Hall, District Conservationist, Addis Field Office
 Mike Trusclair, District Conservationist, Thibodaux Field Office Charles Starkovich, District Conservationist, Lake Charles Field Office



Natural Resources Conservation Service
Suite 1321, Federal Building
100 West Capitol Street
Jackson, MS 39269
COM: (601) 965-5205 FAX: (601) 965-4940

December 13, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves, (FE-47)
Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Dear Mr. Silawsky:

Thank you for the opportunity to review and comment on the proposed expansion of the Strategic Petroleum Reserve at Richton, Perry County, Mississippi and the Brumnsburg Salt Dome in Claiborne County, Mississippi. The Natural Resources Conservation Service (NRCS) is responsible for insuring compliance with the Farmland Protection Policy Act.

In accordance with the Farmland Protection Policy Act (FPPA) of 1981, federal programs that contribute to the necessary and irreversible conversion of farmland to nonagricultural uses will be minimized. It follows that federal programs shall be administered in a manner that, as practicable, will be compatible with state and local government and private programs and policies to protect farmland.

As stated in my November 7, 2005 letter to you concerning the proposed project, NRCS was unable to determine if the project would impact prime farmland based on the limited data provided. In order to properly evaluate the impacts of the proposed project on prime farmland, a "Farmland Conversion Impact Rating for Corridor Type Projects", Form No. NRCS-CPA-106 should be completed.

Please contact Mr. Wesley Kerr, Area Conservationist, Hattiesburg, MS by phone at (601) 296-1173 or email (Wesley.Kerr@ms.usda.gov) and Mr. Maurice Manning, Area Conservationist, Pearl, MS by phone at (601) 965-4559, Extension 235 or email (Maurice.Manning@ms.usda.gov) for assistance in preparing Form No. NRCS-CPA-106. Mr. Kerr's area encompasses the 24 most southern counties within the state of Mississippi which includes Perry County. Mr. Manning's area encompasses the 21 central counties within the state of Mississippi which includes Claiborne County.

If you have any questions or need additional assistance, please let me know.

Sincerely,

Jane Cizter
Homer L. Wilkes
State Conservationist

cc: Kim Harris, State Conservation Engineer, NRCS, Jackson, MS
Wesley Kerr, Area Conservationist, NRCS, Hattiesburg, MS



Natural Resources Conservation Service
3737 Government Street
Alexandria, LA 71302
COM: (601) 965-5205 FAX: (601) 965-4940

December 16, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves (FE-47)
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

RE: Proposed Expansion of the Strategic Petroleum Reserve-Reopening Scoping
Comment Period and New Site Proposal

Dear Mr. Silawsky:

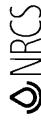
As per your request, my office has reviewed the soils information for the project areas in Louisiana concerning prime farmlands. We have also addressed hydric soils as they may pertain to wetland issues. The results are as follows:

The new proposed Chacahoula site is in Lafourche parish. The enclosed soil survey indicates the soils at this site to be the BB--Barbary-Fausse association. This map unit is not prime farmland. The soils are hydric and wetlands may be present if there is a prevalence of hydrophytic vegetation and wetland hydrology. Deposition of fill material in wetland areas is subject to Section 404 of the Clean Water Act. You should contact the U.S. Army Corps of Engineers concerning wetland matters. The new crude oil pipeline from the Chacahoula site to Clovelly was also reviewed. This 50-mile pipeline crosses several prime farmland and hydric soils. See the nine enclosed interpretive farmland classification soils maps and nine hydric classification soil maps for location of soils affected. The brine disposal pipeline to the Gulf of Mexico and the oil distribution pipeline to the St. James terminal were not evaluated due to the imagery indicating existing pipelines. If existing pipeline right-of-ways are used, then no additional land use changes or prime farmlands should be affected.

The new proposed Clovelly site is also in Lafourche parish. The enclosed soil survey indicates the soils at this site to be the LA—Lafitte-Clovelly Association. This map unit is also not prime farmland. They are hydric and wetland issues may have to be addressed through the Corps.

The proposed expansion of the existing West Hackberry site is in Cameron parish. The enclosed soil survey indicates the soils at this site to be the SG—Sharkley-Vidrine silt loams (prime farmland), MT—Mowata-Vidrine silt loams (prime farmland), GC—Gentilly muck (not prime farmland), and CO—Clovelly muck (not prime farmland). The MT, GC, and CO map units are hydric and may be subject to wetland issues.

If these proposed projects are approved and federal funding is involved with the construction,



Natural Resources Conservation Service
Pearl Area Office
311 Airport Road
Pearl, MS 39208

then the enclosed forms AD-1006 (Farmland Conversion Impact Rating) and NRCS-CPA-106 (Farmland Conversion Impact Rating for Corridor Type Projects) will have to completed. Part 1 and 3 are done by the federal agency making the request, and part 2, 4, and 5 are done by NRCS.

If additional information is needed, please contact Charles Guillory, Assistant State Soil Scientist, at 318-473-7789 or charles.guillory@la.usda.gov.

Sincerely,

Donald W. Gohmert
State Conservationist

Cc: Jerry J. Daigle, State Soil Scientist
Charles M. Guillory, Assistant State Soil Scientist

Enclosures

Ms. Emily Smail
ICF Consulting
9300 Lee Highway
Fairfax, VA 22031

Ms. Smail:

Please find attached an AD-1006 and a NRCS-CPA-106. It should be noted that on both forms the no prime, unique or statewide important farmland block has been checked. There are reasons for this.

With regard to the NRCS-CPA-106, the decision was made by our State and Area Soils Staff that once the pipe was laid and recovered the land had not actually been converted.

With regard to storage site near Brumnsburg (AD-1006), land to be converted is not considered prime or unique due to frequent flooding. There are however, other concerns at this site. An interview was conducted with the operator of this tract where I learned a pump and water line are to be installed to move water from either the Mississippi River or Bayou Pierre. An Army COE 404 permit will be required for this. There are at least two wetland areas that will be impacted; this too will require an Army COE 404 permit. There may also be an archeological site adjacent to Bayou Pierre.

Should you require further information or assistance, I may be contacted by phone at 601-962-4559 ext. 239.

Rex H. Chandler
Area Resource Soil Scientist, Pearl Area Office

cc: Mike Lilly, Acting Area Conservationist, Pearl A.O.
Tom Kilpatrick, Soil Scientist, Jackson S.O.
file

United States Department of Agriculture



Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501-7602

March 27, 2006

ICF Consulting
7300 Lee Highway
Fairfax, VA 22031-1207

Attention: Emily Smail, Research Assistant

**Subject: LNU-Farmland Protection-
Expansion of Strategic Petroleum Reserve**

Brazoria and Jefferson Counties, Texas

We have reviewed the information provided concerning the proposed expansion of the Strategic Petroleum Reserve-Texas City Tank Farm at Texas City in Galveston County, Texas as outlined in your letter of March 23, 2006. This is part of NEPA evaluation for the U. S. Department of Energy. We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed project does contain soils classified as Important Farmland and is subject to the FPPA. We have developed a composite rating for the soils at the SPR Texas City Tank Farm Site and completed the AD-1006 form. The total points in Part VII are 63 for the Stratton Ridge Texas City Tank Farm Site. The FPPA law states that sites that score less than 160 will need no further consideration. The Rating is low because most of the area around the site is already converted and most of the soils are not classified as Important Farmland soils. We know of no other environmental concerns.

I have attached the completed AD-1006 (Farmland Conversion Impact Rating) form for this project indicating the approval status. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

James M. Greenwade
James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.
An Equal Opportunity Provider and Employer

Mr. Donald Silawsky:

Please find attached comments from the Corps of Engineers, Regulatory Branch, New Orleans District in response to the scoping period for the proposed expansion of the Strategic Petroleum Reserve. For further information and/or clarification of comments please feel free to contact Ronnie W. Duke at (504) 862-2261 or Martin Mayer at (504) 862-2276. Thanks for giving us the opportunity to participate in the scoping process.

Scoping Period Comments: Proposed SPR New/Expansion Sites

Proposed New Sites Chacahoula

Facility encompasses approximately 285 acres of semi-permanently flooded bald **cypress** swamp in Lafourche Parish, Louisiana. Essential infrastructure includes approx. 1.39 miles of new pipeline.

Issues:

- Direct, secondary, cumulative impacts, short- and long-term, to high quality forested wetlands that provide vital wildlife habitat, fisheries support, floodwater storage, tidal buffer, recreation, aesthetics and water quality maintenance;
- Environmental threat from accidental brine/petroleum discharges into highly sensitive wetland areas necessitates contingency plans;
- High potential for ESA and/or cultural resource issues;
- Highly complex permitting involvement for proposed project and support facilities, with particularity to the practicability of less environmentally damaging alternative locations, pipeline alignments and facility designs;
- Extensive compensatory mitigation anticipated to offset impacts to high value wetland resources due to acreage affected and high environmental quality at the project site and proposed pipeline corridors;
- Impacts to essential transportation infrastructure (US Hwy 90, Hwy 20 and railroads) from proposed pipeline facilities;
- Support infrastructure may encroach on existing and planned hurricane protection and coastal restoration activities;
- Maritime impacts on navigation channels (GIWW, Bayou Lafourche, etc.).

Proposed New Sites Clovelly

Project proposes collocation at the present Louisiana Offshore Oil Port (LOOP) petroleum storage terminal, utilizing existing LOOP infrastructure (i.e., caverns and pipelines) near Galliano, Louisiana, in Lafourche Parish.

Issues:

- Potential direct, secondary, cumulative impacts, short- and long term, to high quality intertidal brackish marsh from activities occurring primarily outside existing LOOP facilities. Resource concerns include wildlife habitat, EFH, tidal buffer, recreation, aesthetics and water quality maintenance;
 - Environmental threat from brine/petroleum discharges into sensitive wetland areas necessitates contingency plans; Potential for ESA and/or cultural resource issues; The availability and practicability of alternatives that avoid and minimize environmental impacts must be addressed; -Compensatory mitigation will be required to offset impacts to important wetland resources at the project site; Project/support infrastructure may encroach on existing and planned hurricane protection and coastal restoration activities;
 - Proximity of the proposed site to the gulf coast makes it extremely vulnerable to being directly impacted by tropical storm and hurricane landfall.
- Local maritime interests may be affected by construction activities and facilities.

WEST HACKBERRY SPR STORAGE SITE

It appears from the drawings provided that the proposed Hackberry expansion would result in adversely impacting emergent wetlands that serve as habitat for numerous species of fish and wildlife species. Mitigation would be required for impacts to wetland resources.

Black Lake has been identified as an area capable of supporting various Coastal Restoration Projects. The proposed expansion of the Hackberry site into Black Lake could affect implementation of such restoration projects.

A less damaging alternative may be to consider storing the 15 million barrels targeted for Hackberry at another storage facility that could accommodate the 15 million barrels and will have to be constructed anyway in order to achieve additional storage of 273 million barrels, With implementation of improvements as proposed, could the Hackberry site be capable of storing future reserves in excess of the 15 million barrel target capacity if necessary without further impacts to wetland resources?

Proposed Expansion of the Existing Bayou Choctaw Site
Project proposes expansion of an existing SPR storage facility by on-site infrastructure upgrades at the location near Plaquemine, Louisiana, in Iberville Parish.

Issues:

Potential direct, secondary, cumulative impacts, short- and long-term, to high quality bald cypress-tupelo swamp associated with activities occurring within the footprint of the existing SPR facility. Resource concerns include fish and wildlife habitat, floodwater storage, recreation, aesthetics and water quality maintenance;

Environmental threat from brine/petroleum discharges into highly extremely sensitive wetland areas necessitates contingency plans;

Potential for ESA cultural resource issues;

The availability and practicability of alternatives that avoid and minimize environmental impacts must be **addressed**; Compensatory mitigation will be required to offset impacts to important wetland resources at the project site; Project support infrastructure may encroach on existing and planned navigation and flood control projects; Local maritime interests may be affected by construction activities.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
 ATLANTA FEDERAL CENTER
 61 FORSYTH STREET
 ATLANTA, GEORGIA 30303-8860



Fadeley, Karen

From: Silawsky, Donald [Donald.Silawsky@hq.doe.gov]
Sent: Monday, January 30, 2006 8:58 AM
To: Fadeley, Karen
Subject: FW: Proposed expansion of the SPR-new site proposal

Another straggler.

DON SILAWSKY

-----Original Message-----

From: Nvalleycd8.uscg.mil [mailto:Nvalleycd8.uscg.mil]

Sent: Saturday, January 28, 2006 2:00 PM

To: Silawsky, Donald

Subject: Proposed expansion of the SPR-new site proposal

Mr. Silawsky: I have made available the information about the subject proposal (described in your letter to me dated Nov 21, 2005) to the applicable CG Federal On-Scene Coordinators. There is no comment at this time from the CG about this project; although we are available at any time during the project to offer comment in areas that may affect our jurisdiction.

Thank you for allowing me time to comment. Do you need anything in writing more formal than an email?

Nathalie Valley, CDR
 Eighth CG District
 Chief, Response Branch
 (504) 589-4656
 Fax: (504) 589-4999

December 22, 2005

Mr. Donald Silawsky
 Office of Petroleum Reserve
 Department of Energy
 1000 Independence Avenue S.W.
 Washington, DC 20585-0031

RE: Proposed Expansion of the Strategic Petroleum Reserve Scoping Comments
Brunswick and Richton, Mississippi sites

Dear Mr. Silawsky:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) Region 4 reviewed the information you provided regarding the proposed Expansion of the Strategic Petroleum Reserve (SPR) regarding the Richton, Mississippi and Brunswick Salt Dome sites. The purpose of this letter is to provide you with our comments.

We completed our review of the project information you provided, and also met with your staff and contractors at their request for a briefing regarding the Richton, MS site. We appreciate their efforts to meet with us in our office in Atlanta.

We appreciate the opportunity to comment on the proposed project, and look forward to reviewing the Draft EIS. If you have any questions, please contact Ramona McConney of my staff at (404) 562-9615.

Sincerely,



Heinz Mueller, Chief
 NEPA Program Office

cc: EPA Region 6

EPA Region 4 Scoping Comments
Strategic Petroleum Reserve Expansion
Brunswick and Richton, Mississippi sites

General:

EPA Region 4 appreciates your early coordination and briefing with us regarding this proposed project. The presentation and illustrations you provided were helpful. Due to the new infrastructure that would be required if the Richton or Brunswick site were selected as a SPR site, EPA has concerns regarding several aspects of the project. The EIS should fully describe and discuss anticipated environmental impacts, both direct and cumulative. Also, the criteria for site selection should be fully described.

Impacts should be avoided/minimized to the maximum extent feasible. We appreciate that the potential pipeline locations would follow existing corridors. Placement of brine diffusers and pipelines need to avoid/minimize impacts to critical habitats and wetlands. The site selection for the brine diffusers should avoid areas with live bottoms such as hard/soft corals, seagrasses and other significant benthic assemblages. The extent of such areas with limited non-mobile organisms (sessile benthos) should encompass the area below the salinity plume. In contrast, areas with good flushing for the good mixing should be selected. The salinity plume should also be described in terms of its areal extent and salinities (including maximum salinities predicted and comparisons to ambient salinities). The continuous or intermittent nature of the brine discharges should also be documented. The overall timeframe for these discharges should also be discussed, to help assess the magnitude of the increased salinities. The EIS should describe mitigation plans for unavoidable impacts.

Alternatives:

Concerns exist regarding the quantity of surface water withdrawals which would be necessary for the project. The EIS should evaluate potential sources of water for the project, including surface water, groundwater, and other possible sources.

Relative to hurricane influences, the Brunswick and Richton sites have the advantage of being further inland than the other considered sites (aggregation of *all* SPR sites along coastal areas has obvious disadvantages). Conversely, Richton has the disadvantage of requiring longer brine and oil pipelines, which could have environmental impacts -- even if collocated -- and be more expensive. The Brunswick site would require a long oil distribution pipeline, but the brine disposal pipeline to wells located along the Baton Rouge crude oil pipeline would be shorter.

Identification of a preferred alternative in the DEIS may facilitate review and comment of the DEIS. Also, various environmental permits for this project will be required, and the permitting processes need to be given early consideration.

Environmental Justice & Endangered Species Act:

These impacts should be assessed as part of the pipeline studies. Emphasis should be placed on collocating new brine and oil pipelines in existing ROWs if these utilities are compatible. EPA will defer to FWS for ESA issues.

Secondary and Cumulative Impacts:

These impacts relate to those effects that would not occur but for the project (secondary or induced impacts) and those proposed or existing projects within the project area that are reasonably foreseeable. Emphasis would be for those projects with similar impacts to the proposal (e.g., if a desalination plant was located nearby that also had a brine disposal impact). CEQ provides guidance for the cumulative impacts assessment at: ceq.h.e.doe.gov/hepa/ccenepa/ccnepa.htm.

Intake Water:

If surface waters are used as source water, the entrainment of fish eggs and larvae need to be considered. Also, if these surface waters are contaminated, the disposal of these contaminants must be considered as part of the NPDES permit for the brine discharge. For both surface or groundwater use, the volume and effects of such withdrawals should be discussed -- particularly since these waters would be consumed, i.e., used and discharged to sea rather than returned to the source. Consumptive use could lower water tables, drain wetlands, and limit agriculture.

NPDES Discharges:

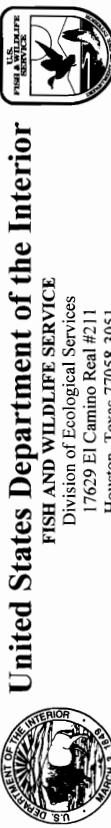
Construction of the disposal and distribution pipelines will need to be considered for NPDES coverage under the Mississippi's General Permit for Storm Water Discharges from Construction Activities.

The EIS should fully describe anticipated NPDES discharges. DOE will need to coordinate NPDES Permitting activities with MSDEQ for proposed point source discharges in to waters of the State of Mississippi, and with EPA for proposed discharges into federal waters in the Gulf of Mexico (if the Richton MS site were selected). If the Bruinsburg MS site were selected, brine disposal would take place offsite in underground injection wells.

Discuss alternative operational and disposal options, including no discharge, and the economic impact on the community for each.

Particular attention should be given to identify pollutants of concern in the source of raw water intakes.

Assess potential impacts on live bottoms in the vicinity of brine water discharge in the Gulf of Mexico.



Hydrocarbon Storage and Underground Injection Control (UIC) Wells:

The MS State Oil and Gas Board has regulations for the drilling, construction and permitting of hydrocarbon storage and UIC disposal wells and the DOE will need to coordinate with the Oil and Gas Board at various stages should any of the MS candidate sites be selected.

Air Quality:

The EIS should fully describe anticipated air emissions, measures to avoid/mitigate impacts, and compliance with air quality regulations. Air emissions should be discussed in the EIS, and related to the attainment status of the area. Emission sources include the oil blanket used during solution mining, construction equipment, and compressor stations along pipelines.

Land Use:

To the extent feasible, the land use surrounding the selected site should be controlled. EPA defers to DOE regarding site security.

Section 106:

We are aware that there are significant concerns regarding historic preservation at the Brumnsburg Salt Dome site. EPA recommends that the DOE coordinate with the State Historic Preservation Office regarding cultural resources and historic preservation. Therefore, EPA defers to the parties involved in the Section 106 consultation to consider and to address those potential effects associated with the proposed project.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Division of Ecological Services

17629 El Camino Real #211

Houston, Texas 77058-3051

281/286-8282 / (FAX) 281/488-5882

September 29, 2005

Donald Silawsky
Office of Petroleum Reserves
Department of Energy
1000 Independence Avenue S.W.
Washington, DC 20585-0301

Dear Mr. Silawsky:

This responds to your September 9, 2005 letter requesting threatened and endangered species information for the proposed expansion of the Strategic Petroleum Reserve (SPR) to its 1-billion barrel authorized capacity. Two Texas sites are being considered as part of the proposed project. The first site is the expansion of the existing SPR facility at Big Hill in Jefferson County. The second involves the construction of a new SPR facility at Stratton Ridge in Brazoria County.

U.S. Fish and Wildlife Service files indicate that a pair of bald eagles *Haliaeetus leucocephalus* is known to nest to the northwest of the proposed Stratton Ridge site. The approximate location of the nest is N 29.04140 W 95.38071.

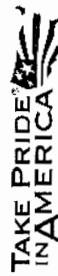
Once a suitable nesting territory is established, the eagle pair will return to the same area year after year, though they may use alternate nests within the territory during different breeding years. If a given nest or nest tree is lost, the pair often returns to the same territory to begin another. Nesting territories can even be inherited by subsequent generations. Additional information on bald eagles is enclosed.

Individual bald eagles exhibit considerable variation in their responses to human activity, depending upon the type, frequency, and duration of activity; the extent of environmental modification; the point in time of the bird's reproductive cycle; and various other factors not well understood. Although it cannot be predicted with absolute certainty the effects a given disturbance might have on a specific eagle or eagle pair, certain activities are known to disturb bald eagles more than others. The enclosed habitat management guidelines address some of these concerns and identify recommended restrictions that may avoid potential impact to bald eagles if they should occur at or near the proposed project site.

Our records of known threatened and endangered species are limited. You should also use the county by county listing of federally listed threatened and endangered species, available at <http://fws2es.fws.gov/endangered/species/lists/ListsSpecies.cfm>, and other current species information to determine whether suitable habitat for a listed species is present at each project site. If suitable habitat is present, a qualified individual should conduct surveys to determine whether a listed species is present.

After completing a habitat evaluation and/or any necessary surveys, you should evaluate the project for potential effects to listed species and make one of the following determinations:

No effect – the proposed action will not affect federal listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No



Bald Eagle *Haliaeetus leucocephalus*

coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Is not likely to adversely affect – the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. You should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation you used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect – adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires formal Section 7 consultation with this office.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Finally, a concern with major projects is the length of time that passes between environmental review, project planning and then construction. During this time, new locations of threatened and endangered species can be established and/or discovered or new species can be listed. Therefore, it is important that a mechanism be included in project planning so that updated threatened and endangered species information is gathered and reviewed periodically up until initiation of construction.

If you have any questions, or if we can be of further assistance, please contact Edith Erling or Catherine Yeargan at 281/236-8282.

Sincerely,
Frederick T. Werner
Assistant Field Supervisor, Clear Lake ES Field Office



STATUS: Endangered (32 FR 4001-March 11, 1967; 43 FR 6233-February 14, 1978) without critical habitat in all but five of the contiguous 48 states (listed as threatened in Washington, Oregon, Minnesota, Wisconsin, and Michigan)

DESCRIPTION: Large hawk-like bird with 6-7 feet wingspan and unfeathered feet. Adult has white head, neck, and tail. While gliding or soaring it keeps wings flat, not uplifted like vultures. Immatures are mostly dark, and may be confused with immature golden eagles. However, golden eagles have a more sharply defined white pattern on underside of wings and tail.

HABITAT: In Texas, preferred nesting habitat is along river systems, or within 1-2 miles of some other large body of water, such as a lake or reservoir. Nests are often located in areas where forest, marsh, and water meet. Large, tall (40-120 ft.) trees are used for nesting and roosting (taller than the general forest canopy, providing an unobstructed flight path to nest). Tree species used for nesting in Texas include obily pine, bald cypress, oak, cottonwood, and sycamore. Nearby (within 0.5 miles) wetland areas are necessary for feeding.

Fish is generally the primary food, but eagles in Texas also prey on waterfowl, turtles, small mammals, and carrion.

DISTRIBUTION:

Present: Nesting populations are gradually increasing in Texas, with territories located primarily along rivers, near reservoirs, and along the Gulf Coast. Wintering eagles may occur statewide on rivers, streams, reservoirs and other areas of open water where fish, waterfowl, and carrion are available for food. See **Bald Eagle Wintering Areas in Texas** on the following page.

Historic: Found throughout the contiguous United States, Canada, and northern Mexico.

THREATS AND REASONS FOR DECLINE: Past threats include reproductive failure caused by pesticides, loss of riparian habitat, and unrestricted killing by humans (including shooting, poisoning, and trapping). Current threats are habitat loss, human encroachment on nesting sites, and lead poisoning (even low levels can cause neurological dysfunction, behavioral abnormalities, anemia, and increased susceptibility to disease).

OTHER INFORMATION: In Texas, bald eagle nesting typically occurs from October to July. Clutch size varies from 1 to 3, dull white eggs are incubated for approximately 35 days. Young generally fledge in April, after 10-12 weeks of growth, but parental care continues for another 4-6 weeks. Northern migration begins in May; occasionally, a pair will remain within a territory year-round. Wintering Bald Eagles may arrive in north Texas as early as October and return north February through March. Bald eagles are particularly vulnerable to disturbance during the nesting period. Bald eagles are protected by the Endangered Species Act, Bald Eagle Protection Act and Migratory Bird Treaty Act.

REFERENCES:

- Lish, J.W. 1975. Status and Ecology of Bald Eagles and Nesting Golden Eagles in Oklahoma. Unpubl. Thesis, Oklahoma State University, Stillwater, Oklahoma.
- Texas Parks and Wildlife Department. 1993. Job No. 30: Bald eagle nest survey and management. Performance report, Federal Aid Project No. W-125-R-4. TPWD, Austin, TX.
- Texas Parks and Wildlife Department. 1993. Job No. 59: Bald eagle post-fledging survival and dispersal. Final report, Federal Aid Project No. W-125-R-4. TPWD, Austin, TX.
- U.S. Fish and Wildlife Service (USFWS). 1983. Northern States Bald Eagle Recovery Plan. USFWS, Endangered Species Office, Twin Cities, MN.
- _____. 1989. Southeastern States Bald Eagle Recovery Plan. USFWS, Endangered Species Office, Atlanta, GA.

REV. DATE 6/95

Enclosures

HABITAT MANAGEMENT GUIDELINES FOR BALD EAGLES IN TEXAS

March 1993



United States Department of the Interior

The following management guidelines were developed for the purpose of helping landowners and managers maintain or improve their land for the benefit of bald eagles, if the species occurs on their property, by protecting the environmental conditions the species requires. Emphasis is placed on providing information so that landowners may recognize and avoid or minimize those human-related activities which may adversely affect bald eagles, particularly nesting pairs. Bald eagles are protected by a number of Federal and State laws and regulations (including the Endangered Species Act, Bald Eagle Protection Act, and Migratory Bird Protection Act) which prohibit such acts as harassing, harming, disturbing, pursuing, etc., bald eagles, or destroying their nests.

Individual bald eagles exhibit considerable variation in their responses to human activity, depending upon the type, frequency, and duration of activity; the extent of environmental modification; the point in time of the bird's reproductive cycle; and various other factors not well understood. Although it cannot be predicted with absolute certainty the effects a given disturbance might have on a specific eagle or eagle pair, certain activities are known to disturb bald eagles more than others. Although an unsupervised, short-term loafing guideline addresses some of these concerns and identifies recommended restrictions that should avoid potential impacts to bald eagles (and avoid conflict with protective regulations), for additional information please contact THE CLEAR LAKE OFFICE OF THE U.S. FISH AND WILDLIFE SERVICE (FWS) AT 713-286-8282, OR THE TEXAS PARKS AND WILDLIFE DEPARTMENT (512-389-4505 or 512-446-4311).

NESTING:

GENERAL INFORMATION: Due to surveys carried out annually by the Texas Parks and Wildlife Department, bald eagle nest sites are currently known to occur in 27 southeastern Texas counties, although only a portion of these are active or successful each year. The bald eagle nesting period in Texas is normally October to July, with peak egg-laying in December and hatching or hatching in January. The young generally fledge in April after 10-12 weeks of growth, but parental care continues for another 4-6 weeks. Adults and young begin to migrate north in May, with a pair sometimes remaining within a territory all year. **EAGLES ARE VULNERABLE TO DISTURBANCE THROUGHOUT THE NESTING PERIOD,** but particularly during the first 12 weeks (during courtship, nest building, egg-laying, incubation, brooding); disturbance at this time may cause nest abandonment and chilled or overheated eggs or young. However, human activity even late in the nesting cycle may cause premature fledging and reduce the young's chances for survival.

Not only is protection of an actual NEST SITE important; so is protection of the NEST SITE itself and all the component factors that attracted the pair to the area in the first place. Once a suitable breeding territory is found, breeding pairs will return to the same area year after year, often using alternate nests within the territory during different breeding years. Although a given nest may be lost due to weather or age of the tree, a pair often returns to the same territory to begin another. In cases where one member of a pair dies, the nest may go unused for several years but then be recolonized by the surviving member returning with a new mate. Nesting territories can even be inherited by subsequent generations. Therefore, guidelines intended to protect a nesting territory should apply to an "abandoned" nest site for at least five consecutive years of documented non-use.

MANAGEMENT ZONES FOR NESTING HABITAT: THE FOLLOWING HABITAT MANAGEMENT GUIDELINES, DEVELOPED BY THE FWS AND TPWD FOR NESTING BALD EAGLES IN TEXAS, ARE BASED ON THE IDENTIFICATION OF TWO MANAGEMENT ZONES SURROUNDING EACH NEST SITE, WITH CERTAIN RECOMMENDED RESTRICTIONS APPLYING TO EACH ZONE.

A. PRIMARY MANAGEMENT ZONE FOR NEST SITES:

THIS ZONE ENCOMPASS AN AREA EXTENDING 250 TO 1,000 FEET OUTWARD IN ALL DIRECTIONS FROM THE NEST SITE. THE FWS RECOMMENDS THAT THE FOLLOWING ACTIVITIES NOT OCCUR WITHIN THIS ZONE:

1. Alteration of habitat or change in land use, such as would result from residential, commercial, or industrial development; construction projects; or mining activities.
2. Tree-cutting, logging, or removal of trees, either living or dead.
3. Use of chemicals toxic to wildlife.
4. Placement of above-ground electrical transmission or distribution lines, (Collision with power lines and electrocution on powerline structures remain important causes of raptor mortality. Placement of underground lines is strongly recommended near bald eagle nests and winter concentration sites.)
5. Helicopter or fixed-wing aircraft operation within 500 feet vertical distance or 1,000 feet horizontal distance of the nest site, except during the non-nesting season (about late-July to early-October).
6. Human entry, except as described below (or as otherwise specifically allowed):
 - a) Minimal-disturbance activities (such as hiking, fishing, camping, bird-watching), and certain land-use activities (such as farming, ranching, hunting), which are existing practices and have occurred historically on the site, can be carried out safely during the non-nesting period if no physical alteration of the primary zone is involved.
 - b) The activities mentioned in (a) above which are existing practices and have occurred historically on the site during the nesting season, and do not appear to be adversely impacting the success of the nest site, can be carried out safely during the nesting season as well (late-October to early-July). (continued)

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

October 3, 2005

Mr. Donald Silawsky
U.S. Department of Energy
Office of Petroleum Reserves
1000 Independence Avenue S. W.
Washington, DC 20585-0301

Dear Mr. Silawsky:

Please reference your September 13, 2005, letter requesting review of the U.S. Department of Energy's proposal to expand the Strategic Petroleum Reserve (SPR) to its 1 billion-barrel authorized capacity. Four sites are being considered throughout Louisiana including the existing West Hackberry SPR facility in Cameron and Calcasieu Parishes, the existing Bayou Choctaw SPR facility in Iberville Parish, and two candidate sites in Lafourche Parish, the proposed Clovelly and Chacahoula SPR facilities. The U.S. Fish and Wildlife Service (Service) has reviewed the information you provided, and offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Project-area forested wetlands associated with each proposed facility site may provide habitat for nesting bald eagles (*Haliaeetus leucocephalus*), which are federally listed as a threatened species, and our records indicate that a bald eagle nest is located within the proposed Chacahoula facility project area. Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in bald cypress trees near fresh to intermediate marshes or open water in the southeastern Parishes. Areas with high numbers of nests include the Lake Verret Basin south to Houma, the southern marsh/ridge complex from Houma to Bayou Vista, the north shore of Lake Pontchartrain, and the Lake Salvador area. Eagles also winter and infrequently nest near large lakes in central, southwestern, and northern Louisiana. Major threats to the species include habitat alteration, human disturbance, and environmental contaminants (i.e., organochlorine pesticides and lead).

Breeding bald eagles occupy "territories" that they will typically defend against intrusion by other eagles, and that they likely return to each year. A territory may include one or more alternate nests that are built and maintained by the eagles, but which may not be used for nesting in a given year. Potential nest trees within a nesting territory may, therefore, provide important alternative bald eagle nest sites. In forested areas, bald eagles often select the tallest trees with

limbs strong enough to support a nest that may weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water or area where the eagles usually forage. Shoreline trees or snags located near large waterbodies provide the visibility and accessibility needed to locate aquatic prey. Bald eagles are most vulnerable to disturbance during courtship, nest building, egg laying, incubation, and brooding (roughly the first 12 weeks of the nesting cycle). Disturbance during this critical period may lead to nest abandonment, cracked and chilled eggs, and exposure of small young to elements. Human activity near a nest late in the nesting cycle may also cause flightless birds to jump from the nest tree, thus reducing their chance of survival. Should the proposed project or associated work activities encroach within 1,500 feet of an eagle nest during the nesting season (October through mid-May), further consultation with this office will be necessary. We further caution that the proposed project should not damage any portion of bald eagle nest trees, including their root systems (i.e., through soil compaction or disturbance).

The proposed project sites are located within areas where colonial nesting waterbirds may be present. Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s. Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season. To minimize disturbance to colonial nesting birds (i.e., herons, egrets, night-herons, ibis, and roseate spoonbills, anhingas, and/or cormorants), all activity occurring within 1,000 feet of a rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, depending on species present). In addition, we recommend that on-site contract personnel be informed of the need to identify colonial nesting birds and their nests, and should avoid affecting them during the breeding season.

Finally, activities associated with expansion of the SPR may also impact wetlands. For a complete jurisdictional wetland delineation of the proposed project, please contact Mr. John Bruza (504/862-1288) at the New Orleans District, U.S. Army Corps of Engineers (Corps). If the Corps determines that the proposed project is within their regulatory jurisdiction, official Service comments will be provided in response to the corresponding Public Notice.

We appreciate the opportunity to provide comments in the early planning stages of this proposed activity, and we look forward to providing additional assistance as the project progresses. If you need further assistance, please contact Angela C. Trahan (337/291-3137) of this office.

Sincerely,

Russell C. Watson
Supervisor
Louisiana Field Office

U.S. Army Corps of Engineers, New Orleans, LA
LDWF, Natural Heritage Program, Baton Rouge, LA

cc:



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

October 20, 2005

Mr. Donald Siliawsky
Office of Petroleum Reserves (FE-47)
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0301

Dear Mr. Siliawsky:

The U.S. Fish and Wildlife Service (Service) received your letter dated September 13, 2005, concerning the preparation of an Environmental Impact Statement (EIS) regarding the expansion of the Strategic Petroleum Reserve (SPR) per the Energy Policy Act of 2005 (EPACT), enacted on August 8, 2005. One site proposed as a storage facility is the subterranean salt domes found near Richton, Perry County, Mississippi. The Department of Energy has initiated preparation of the EIS by publication of a Notice of Intent at 70 FR 52099 on September 1, 2005. Our comments are submitted in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661-667c) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed construction site is salt dome caverns found to the northwest of Richton and north of Mississippi Highway 42. The approximately 30 acre project site would function as a new oil storage area with up to 160 million barrels of storage capacity. Also, a raw water system for leaching and oil drawdown, a brine settling and disposal system, a crude oil injection/distribution system, a fire protection system, a central control system, and multiple above-ground buildings would be constructed onsite.

Offsite impacts would include a raw water intake in the Leaf River; pipelines for water supply; a 96-mile brine disposal pipeline and an 83-mile oil distribution pipeline to the Gulf of Mexico via Jackson County; a 118-mile oil distribution pipeline to Liberty, Mississippi; and marine oil distribution facilities at the Port of Pascagoula.

Several federally listed threatened or endangered species and their habitats could be adversely impacted by the proposed construction or operation of the oil storage facility. Potential impacts to the following species should be considered during the environmental assessment and addressed in the EIS.

Forrest, George, Greene, Jackson, Lamar, Marion, Perry, and Walhall Counties

Amite, Forrest, George, Greene, Jackson, and Perry Counties

The threatened gopher tortoise (*Gopherus polyphemus*) inhabits well-drained sandy soils, especially in areas of longleaf pine. The gopher tortoise digs a burrow used as a shelter and nesting area. Groups of these tortoises dig burrows in the same location forming a colony. Gopher tortoises are attracted to the low growing vegetation normally found on utility ROWs. In addition, the threatened eastern indigo snake (*Drymarchon corais couperi*) is known to inhabit gopher tortoise burrows.

Amit, Forrest, George, Greene, Jackson, and Perry Counties

The endangered red-cockaded woodpecker (*Picoides borealis*) excavates nesting cavities in mature pine trees (60+ years old). A mated pair of birds and all helper birds form a clan. A cluster of cavity trees where the clan nests and roosts is called a colony. All cavity trees, active and inactive, are important to the colony and should therefore be avoided. Also, older (30+) year pine stands within a half-mile of a colony should be considered foraging habitats and should not be disturbed.

Forrest, George, Greene, Jackson, and Perry Counties

The black pine snake (*Pituophis melanoleucus* spp. *loddingi*), a Caudicidate Species, prefers uplands with well-drained sandy soils in areas of longleaf pine and hardwood tree species. Candidates are those species currently under review for possible addition to the federal listed of threatened or endangered species. All efforts should be made to avoid harm or harassment to this species.

Forrest, George, Greene, Jackson, and Perry Counties

The endangered plant Louisiana quillwort (*Isoetes louisianensis*) is a nonflowering grasselike plant that lives in water or in very wet habitats. Mature plants are six to ten inches long, mostly evergreen, with spore-bearing structures below ground.

Forrest, George, Greene, Jackson, and Perry Counties

The threatened yellow-blotched map turtle (*Graptemys flavimaculata*) is found in the Chickasawhay, Leaf, and Pascagoula Rivers. The yellow-blotched map turtle prefers river stretches with moderate currents, abundant bushing sites, and sand bars. Stream modification and changes in water quality have significantly contributed to the decline of this species.

Marien County

The threatened ringed map turtle (*Graptemys oculifera*) is found in the Pearl River. It prefers river stretches with moderate currents, abundant basking sites, and sand bars for nesting. Stream modification in the Pearl River, such as flood control and urban development, has significantly contributed to the decline of the species. Also, water quality degradation has posed a serious problem for the turtle.

Forrest, George, Greene, Jackson, Perry, Pike, and Marion Counties

The threatened Gulf sturgeon (*Acipenser oxyrinchus desotoi*) is found in the Pearl, Leaf, and Pascagoula Rivers. Gulf sturgeons are primitive, anadromous fish that annually migrate from the Gulf of Mexico into freshwater streams. Subadults and adults spend eight to nine months each year in rivers. Although Gulf sturgeon activity is not well documented, the species has been found in the river as far north as the Fluiterville metropolitan area. The decline of the Gulf sturgeon is primarily due to limited access to migration routes and historic spawning areas, habitat modification, and water quality degradation.

Forrest, George, Jackson, Jones, and Perry Counties

The pearl darter (*Percina aurora*), a Candidate Species, is found only in the Pascagoula River system. The darter prefers stable gravel riffles or sandstone exposures with large-sized gravel or rock. Habitat loss or degradation has been a major contributor to the reduction in pearl darter numbers. Candidates are those species currently under review for possible addition to the federal listed of threatened or endangered species. All efforts should be made to avoid harm or harassment to this species.

Amite, Forrest, George, Greene, Jackson, Lamer, Marion, Perry, Pike, and Walthall Counties

The Louisiana black bear (*Ursus a. luteolus*) is one of 16 subspecies of the American black bear. Historically, it occurred throughout southern Mississippi, all of Louisiana, and eastern Texas. Currently, there are only two known breeding bear subpopulations: the Tensas River basin and the Atchafalaya River basin. Although there have been reported sightings along the Mississippi River corridor in Mississippi and Louisiana. While Louisiana black bear habitat consists mostly of bottomland hardwood forests, they are opportunistic omnivores and will frequent agricultural areas. Historical habitat has been reduced by 80% throughout its range. The remaining habitat has been reduced by forest fragmentation and human encroachment.

Jackson County

The endangered Brown pelican (*Pelecanus occidentalis*) nests mostly on offshore islands, but has been known to nest in onshore estuaries. Nesting areas are usually in low shrubs, trees or on the ground, and contain groups of 25-250 birds. They also congregate to feed near coastal wharves and pilings. Disturbance of nesting areas should be avoided.

The threatened Piping Plover (*Charadrius melodus*) does not nest in Mississippi but winters along the coastal beaches and barrier islands. These feeding areas have been threatened by urban development. Hence, Critical Habitat has been designated along several areas of the Mississippi Gulf Coast.

The endangered Mississippi Sandhill Crane (*Grus canadensis pulla*) is found only in a small area west of the Pascagoula River in Jackson County. Critical Habitat has been established on and adjacent to the Mississippi Sandhill Crane National Wildlife Refuge.

The endangered Alabama red-bellied turtle (*Pseudemys alabamensis*) is found in the lower Pascagoula River and its tributaries: Bluff Creek and the Escatawpa River. It is also found in Old Fort Bayou, the Tchoutacabouffa River, the Biloxi River, and the Back Bay of Biloxi. Destruction of nesting areas along river banks and feeding areas of submerged aquatic vegetation, and reduced water quality have impacted this species.

Green turtle (*Chelonia mydas*)

Kemp's ridley turtle (*Lepidochelys kempii*)

Loggerhead turtle (*Caretta caretta*)

Potential impacts to these sea turtles and their habitats are overseen by the National Marine Fisheries Service (NMFS). The Service will coordinate with NMFS during the environmental assessment phase.

Statewide

The threatened bald eagle (*Haliaeetus leucocephalus*) is the only species of "sea eagle" regularly occurring on the North American continent. The bald eagle is predominantly a winter migrant in the southeast; however, increasing occurrences of nesting have been observed. The bald eagle nests in the transitional area between forest and water. They construct their nests in dominant living pines or bald cypress trees. Eagles often use alternate nests in different years with nesting activity occurring between September and January of each year. Young are usually fledged by midsummer.



United States Department of the Interior

Summary

Surveys for many of the above species must be conducted on the storage facility site as well as along the pipeline routes. Areas surveyed should also include ingress and egress areas, equipment storage areas, and staging areas.

Assumption of presence can be made for many of the aquatic species eliminating the need for surveys. Presently, it is our opinion that changes in water levels and flow in the Leaf, Chickasawhay, and Pearl Rivers will likely impact all of the listed species in these water bodies; therefore, further consultation with the Service will be necessary at a minimum on these species.

We appreciate the opportunity to comment on the subject project, and we look forward to being a part of the environmental process. If you have any additional questions, please feel free to contact Kathy W. Luncford in this office, telephone: (601) 321-1132.

Sincerely,

Curtis B. James
Curtis B. James
Assistant Field Supervisor

Cc: USFWS, Atlanta, GA
Attn: Jeff Waller
NMFS, St. Petersburg, FL
Attn: David Keys
MDWFP, Jackson, MS
Attn: Andrew Whitehurst, Tom Mann
EPA, Atlanta, GA

K-43

December 5, 2005

FISH AND WILDLIFE SERVICE
Mississippi Field Office 6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

Mr. Donald Silawsky
Office of Petroleum Reserves (FE-47)
Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Dear Mr. Silawsky:

This is in regard to your November 21, 2005, letter concerning reopening the scoping period for the preparation of an Environmental Impact Statement (EIS) for the Proposed Expansion of the Strategic Petroleum Reserve (SPR). The U.S. Department of Energy is considering sites for storage of crude oil in underground salt domes. Our October 20, 2005, letter supplied comments on a proposed site near Richton, Mississippi, during the first scoping period. A new candidate site at the Brumby Salt Dome along the Mississippi River in Claiborne County, Mississippi, is proposed for the new scoping period. Our comments are submitted in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed 285 acre site is located a few miles north of Port Gibson along the Mississippi River in Claiborne County. The proposed construction includes developing caverns in salt domes to provide up to 100 million barrels of crude oil storage. Also, a raw water system for leaching and oil drawdown, a brine setting and disposal system, a crude oil injection/distribution system, a fire protection system, a central control system, and multiple above-ground buildings would be constructed onsite.

Offsite construction would include a 2.5 mile raw water pipeline to the Mississippi River, raw water lift pumps on the bank of the river; 4.5 mile oil distribution pipeline to Capline Pipeline's Peculiar Pump Station; 10.5 mile oil distribution pipeline to Baton Rouge accessing refinery and marine facilities; and a 1.5 mile brine disposal pipeline to wells located along the Baton Rouge crude oil pipeline. In addition, 60 brine disposal wells would be constructed along the brine and crude oil pipeline right-of-way. The wells would be placed 1,000 feet apart.

Several federally listed threatened or endangered species and their habitats could be adversely impacted by the proposed construction and operation of the crude oil storage facility. Potential impacts to the following species should be considered during the environmental assessment and addressed in the EIS.

Adams, Claiborne, Jefferson, and Wilkins Counties

The endangered pallid sturgeon (*Scaphirhynchus albus*) is one of the largest fish found in the Mississippi River. This bottom-dwelling fish has a distinctive flattened, shovel-shaped snout. It spawns in the main channel during late spring through early summer over substrates of rock, rubble, or gravel. This species has experienced a dramatic decline because its habitat has been modified through river channelization, construction of impoundments, and related changes in flow regimes. Operation of the raw water intake during spawning and nursery season could result in loss of larval and juvenile pallid sturgeons through entrainment and impingement.

Claiborne and Copiah Counties

The threatened Bayou darter (*Etheostoma rubrum*) is found only in Bayou Pierre and its tributaries. White Oak Creek, Foster Creek, and Turkey Creek. The latter prefers stable gravel riffles or sandstone exposures with large sized gravel or rock. Habitat loss or degradation has been a major contributor to the reduction in bayou darter numbers.

Amitie, Franklin, and Wilkinson Counties

The endangered red-cockaded woodpecker (*Picoides borealis*) excavates nesting cavities in mature pine trees (60+ years old). A mated pair of birds and all helper birds forms a clan. A cluster of cavity trees where the clan nests and roosts is called a colony. All cavity trees, active and inactive, are important to the colony and should therefore be avoided. Also, older (30+ years) pine stands within a half-mile of a colony should be considered foraging habitats and should not be disturbed.

Claiborne County

The endangered interior least tern (*Sterna antillarum*) may potentially be found along the Mississippi River in the proposed project area. It migrates up the Mississippi River and lays its egg directly on the sandbars associated with the river. Hundreds of these birds may nest together to form a colony.

The breeding season for terns is approximately May through July. Avoidance of nesting areas during the above time would prevent adverse impacts to the species. The species can change nesting areas from year to year, so an onsite survey for the species before start of construction and operation is recommended.

Jefferson County

The endangered fat pocketbook mussel (*Potamilus capax*) is found in the Mississippi River and associated tributaries. It is broad, rounded, and slightly angular mussel with a smooth, yellowish, and frequently clouded with brown, exterior color. Fat pocketbooks occur primarily in sand and mud substrates, although the species has been found in fine gravel and hard clay occasionally. Water depth ranges from a few inches to several feet. The fish host for this species is primarily the freshwater chum.

Adams, Amitie, Claiborne, Copiah, Franklin, Jefferson, Jefferscou and Wilkinson Counties

The threatened Louisiana black bear (*Ursus a. luteolus*) occurs primarily in bottomland hardwoods and floodplain forests along the Mississippi River and the southern part of the state. Although the bear is capable of surviving under a range of habitat types, some necessary habitat requirements include hard mast, soft mast, escape cover, denning sites, forested corridors, and limited human access. Forest management practices, agricultural, commercial and industrial development, and highways can cause adverse impacts to bear habitat by increasing human disturbance, fragmenting forests, and removing den trees.

Franklin County

The Natchez and Chucko stoneflies are species of interest. They occur in small streams with stable sandy bottoms and good water quality.

Statewide

The threatened bald eagle (*Haliaeetus leucocephalus*) is the only species of "sea eagle" regularly occurring on the North American continent. The bald eagle is predominantly a winter migrant in the southeast; however, increasing occurrences of nesting have been observed. The bald eagle nests in the transitional area between forest and water. They construct their nests in dominant living pines or bald cypress trees. Eagles often use alternate nests in different years with nesting activity beginning between September and January of each year. Young are usually fledged by midsummer.

All of the above species are very sensitive to human disturbance. Therefore, before construction of onsite facilities and offsite pipeline right-of-ways, the Service recommends a qualified biologist conduct a visual survey for these species. Areas surveyed should also include ingress and egress areas, equipment storage areas, and staging areas. If any of these species or their habitats is identified, further consultation with the Service will be necessary.

In addition, proposed onsite and offsite construction activities may result in loss of wetland habitats. Wetlands support an abundant variety of wildlife species and provide energy rich foods for song birds. They also provide resting and nesting areas. Wetland sediment and pesticide residues, recharge ground water, and control flooding by temporarily holding flood waters and releasing them slowly. The environmental values of wetlands are well documented and widely recognized. Presidential executive orders require that federal projects result in no net loss of wetlands. The Service mitigation policy requires that unavoidable loss of wetlands be fully mitigated inland.

If you have any questions, please contact Mr. Lloyd Imon of this office staff at (601) 321-1134.

Sincerely,

Ray Aycock

Cc: Robert Seyfarth, Mississippi Department of Environmental Quality, Jackson, MS.
Jeff Weller, USFWS, Atlanta, GA Tom Mann, Natural Science Museum, Jackson, MS

Fadely, Karen

From: Silawsky, Donald [Donald.Silawsky@hq.doe.gov]
Sent: Thursday, December 08, 2005 3:10 PM
To: Fadely, Karen
Subject: FW: Proposed expansion of the strategic petroleum reserve Stratton Ridge Texas Site

KAREN: SPR EIS comment.

DON SILAWSKY

----- Original Message -----

From: Tracey McDonnell [mailto:Tracey.McDonnell@fws.gov]
 Sent: Thursday, December 08, 2005 3:20 PM
 To: Silawsky, Donald
 Subject: Proposed expansion of the strategic petroleum reserve Stratton Ridge Texas Site

Dear Mr. Silawsky,

Thank you for the opportunity to provide any comments concerning the proposed expansion of the SPR at the Stratton Ridge site in Texas. Because this existing site does not currently impact our refuges, in addition, based on the map you provided in your November 21, 2005 letter, we believe that the expansion will not effect us as well, we will not be submitting any comments. However, I would be interested in being included on any future mailings concerning this site.

Thank you again,
 Tracey McDonnell

Tracey McDonnell
 Project Leader
 Texas Mid-Coast NWR Complex
 1212 N. Velasco, Suite 200
 Angleton, TX 77515
 (979) 849-7771, ext. 25
 (979) 849-5118 Fax

From: Silawsky, Donald [Donald.Silawsky@hq.doe.gov]
Sent: Tuesday, December 13, 2005 9:32 AM
To: Karen FW: FWS JACKSON
Subject:

KAREN: SPR EIS comment, below. DON SILAWSKY

----- Original Message -----
 From: Angela.Trahan@fws.gov [mailto:Angela.Trahan@fws.gov]
 Sent: Tuesday, December 13, 2005 9:23 AM
 To: Silawsky, Donald
 Subject: Re: FWS JACKSON

Thanks, Don.

Since the additional site is located in Mississippi, we will not be providing additional comments for the new site proposal. We look forward to reviewing the forthcoming EIS.
 Have a great day,
 Angela

Angela C. Trahan
 U.S. Fish and Wildlife Service
 Lafayette Field Office
 337/291-3137 ph
 337/291-3139 fax

To <Donald.Silawsky@hq.doe.gov>
cc 12/12/2005 04:37
Subject FWS JACKSON

United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Texas Chenier Plain Refuge Complex
 P.O. Box 278
 Anahuac, Texas 77514
 Phone: (409) 267-3337 Fax: (409) 267-4314

December 14, 2005

Mr. Donald Silawsky Office of
 Petroleum Reserves (FE-47) 1000
 Independence Avenue, S.W.
 Washington, D.C. 20585-0301

Dear Mr. Silawsky:

Thank you for your letter of November 21, 2005 announcing the reopening of the Scoping Comment Period and New Site Proposal for the Proposed Expansion of the Strategic Petroleum Reserve, and requesting comments and identification of issues to be addressed in the Environmental Impact Statement for this project.

The brine line associated with the Big Hill SPR site in Jefferson County, Texas crosses the McFaddin National Wildlife Refuge, a unit of the National Wildlife Refuge System (NWRS) administered by the U.S. Fish and Wildlife Service (Service). Potential environmental issues with work in this pipeline corridor include impacts to jurisdictional wetlands and other refuge habitats, and to certain Service trust resources including several migratory bird species. If the project requires any work not covered by the existing legal Right-of-Way for the brine line, additional R-O-W permitting by the Service may be required. Finally, all new uses on NWRS lands and waters must be reviewed for compatibility with refuge establishment purposes and the NWRS mission prior to being permitted.

Thank you again or this opportunity to comment. Please contact me if I can be of further assistance.

Sincerely,

Andy Loranger
 Project Leader

cc: Aaron Archibeque, USFWS, Albuquerque, NM
 Carlos Mendoza, USFWS, Clear Lake Ecological Services FO, Houston, TX

S0052

Fadely, Karen

From: Donald Silawsky [silawsky@cfi.rr.com]
Sent: Saturday, December 24, 2005 8:12 AM
To: Fadely, Karen
Subject: FW: Department of Energy SPR - Dec. 19th Meeting
Attachments: SPR Expansion EIS -- agency meetings MS-DEQ v2.ppt

KAREN: Another SPR EIS comment, below.

DON SILAWSKY

----- Forwarded Message -----
From: Don R Neal <donneal@fs.fed.us>
Date: Fri, 23 Dec 2005 13:49:51 -0500
To: silawsky@cfi.rr.com
Subject: Re: Department of Energy SPR - Dec. 19th Meeting

Elizabeth,

We were not able to provide a representative for the Dec. 19th meeting due to scheduled annual leave this time of year. I have reviewed the package sent by Donald Silawsky and discussed this proposal with our Forest Minerals Specialist - Hunter Howell.

The proposed Brinsburg site location is located well off Forest Service land. The proposed general pipeline alignment associated with this project crosses the Homochitto National Forest. The map is of such a scale that specific environmental/social concerns or impacts can not be addressed. If this proposal is selected, we would need to be involved with the planning of the site specific placement of the pipeline location. Some of the issues we need to address would be - impacts to T&E species, impacts to water quality, impacts to wildlife, impacts to cultural resources, impacts to recreational visitors, impacts to existing special use permits and easements, etc..

The Raw Water Intake Structure on the proposed Richton site borders the northern boundary of the De Soto National Forest. The scale of the map makes it hard to determine if it actually lies on National Forest land. If any of the project lies on National Forest land we would need to coordinate with you on similar issues as mentioned on the Brinsburg site.

We appreciate the opportunity to comment and the information you have provided. If you have any further site specific information on the location of the Brinsburg pipelines or the Richton Raw Intake Structure please contact me.

Richard D. (Don) Neal

12/27/2005

Staff Officer
Engineering/Lands/Minerals/Special Uses
100 W. Capitol St.
Suite 1141
Jackson, MS 39269
(601) 965-4391 Voice
(601) 965-5519 Fax
donneal@fs.fed.us

U.S. Forest Service

"Zelasko,
Elizabeth"
<EZelasko@icfcons
ulting.com> <donneal@fs.fed.us>
To
cc
12/16/2005 12:42
PM
Subject
Department of Energy SPR - Dec.
19th Meeting

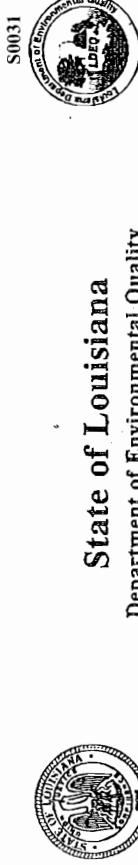
On Wednesday, I sent you an email with more details on the Department of Energy meeting on Monday, December 19th in Jackson, MS. In case you are unable to attend the meeting and wish to participate through conference call, I have attached a copy of the presentation.

Please contact me if you have any questions regarding the meeting.

Thank you and have a nice weekend.

Elizabeth

From: Zelasko, Elizabeth
Sent: Wednesday, December 14, 2005 4:20 PM
To: 'Andrew.Whitehurst@mms.state.ms.us'; 'Lloyd_inmon@fws.gov'; 'Harold.lee@mvk02.usace.army.mil'; 'Richard.Hartman@noaa.gov'; 'mark.thompson@noaa.gov'; 'Alice.taylor@dmr.state.ms.us'; 'GMCWhorter@sos.state.ms.us'; 'pdukes@sos.state.ms.us'; 'Gary_hopkins@nps.gov'; 'Riley_hoggaard@nps.gov'; 'Rick.clark@nps.gov'; 'donneal@fs.fed.us'; 'bill_whitworth@nps.gov'; 'curtis_james@fws.gov'; 'ronald.j.ventola@mvn02.usace.army.mil'
Cc: 'Maya.Rao@deq.state.ms.us'; 'Stribley, Todd'
Subject: Department of Energy SPR - Dec. 19th Meeting



State of Louisiana
Department of Environmental Quality

KATHLEEN BAUMEAUX BLANCO
 October 20, 2005

MIRE D. McDANIEL, Ph.D.
 SECRETARY

Donald Silawsky
 U.S. Department of Energy
 Office of Petroleum Reserves (FE-47)
 1000 Independence Avenue, S.W.
 Washington, DC 20585-0301

RE: Proposed Expansion of the Strategic Petroleum Reserve
 West Hackberry (A# 9002), Bayou Choctaw (A# 9005), Clovelly and
 Chacahoula, Louisiana

Dear Mr. Silawsky:

The Office of Environmental Assessment, Air Quality Assessment Division, acknowledges receipt of a copy of your letter dated September 13, 2005, addressed to Secretary Mike McDaniel and containing information relative to proposed expansion of two existing Strategic Petroleum Reserve (SPR) sites and the possible development of a new SPR site in southern Louisiana. We understand that this proposed DOE action is in response to a 2005 Energy Policy Act mandate to expand oil storage capacity of the SPR from 727 million barrels to 1 billion barrels.

Please be advised that with the exception of the Bayou Choctaw site, all other proposed sites are located in parishes that are in attainment of the national ambient air quality standards (NAAQS). However, modifications to the existing Bayou Choctaw storage site in Iberville Parish will require compliance with the State's general conformity regulations (AAC 33:III.14.A). General conformity applies to the proposed expansion of the Bayou Choctaw site because Iberville Parish is currently designated by US EPA as an 8-hour ozone nonattainment parish and is classified as marginal. For his marginal nonattainment area, ozone precursor *de minimis* levels are set at 100 tons per year per pollutant (volatile organic compounds and nitrogen oxides). Accordingly, LD&EQ requests that DOE address these general conformity issues in the forthcoming draft Environmental Impact Statement.

Should you have any questions regarding state rules and regulations pertaining to general conformity, please contact me directly at (225) 219-5556, or Mr. Ron Rebouche of my staff at (225) 219-3561. Thank you for affording us the opportunity to comment on this proposed DOE action.

Sincerely,

Terri F. Lanoue
 Environmental Scientist Manager
 Air Quality Assessment Division

TFL:RR
 c: Dr. Chuck Carr Brown, OES
 Wilbert Jordan, OEA
 Peggy Wade, EPA Region 6

OFFICE OF ENVIRONMENTAL ASSESSMENT
 P.O. BOX 4314 • BATON ROUGE, LOUISIANA 70804-4314 • TELEPHONE: (225) 219-3226 • FAX: (225) 219-3239
 AN EQUAL OPPORTUNITY EMPLOYER

NDU 03 2005 10:28

Fadely, Karen

From: Donald Silawsky [silawsky@cfi.rr.com]
 Sent: Thursday, December 22, 2005 8:00 AM
 To: Fadely, Karen
 Subject: FW: Strategic Petroleum Reserve comments

KAREN: SPR EIS comment. Note that the sender is asking for additional info.

DON SILAWSKY

----- Forwarded Message -----

From: Al Hindrichs <Al.Hindrichs@LA.GOV>
 Date: Wed, 21 Dec 2005 18:35:14 -0500
 To: silawsky@cfi.rr.com
 Subject: Strategic Petroleum Reserve comments

Mr. Silawsky,
 I was asked to comment on a series of proposed expansions of the Strategic Petroleum Reserve, in particular the proposed Bruinsburg, Mississippi; Richton, Mississippi; and Bayou Choctaw, Louisiana sites. These sites are described in your letter and attachments dated November 21, 2005.

The proposed Bruinsburg site is located in the aquifer recharge area for Baton Rouge and many other communities in southern Mississippi and Louisiana. The Richton and Bayou Choctaw sites may not be as much of a problem but are still in the vicinity of this aquifer. Due to this concern I would like to request additional information regarding the design of these proposed caverns, in particular their depth and the depth of the proposed brine disposal wells. Both the storage of oil and the disposal of brine underground in this region could severely impact water quality in communities served by this aquifer. Therefore, I require additional information before making a determination.

You can provide the information either by email or by U.S. Postal mail. My mailing address is:

Albert Hindrichs
 Water Quality Assessment Division
 P.O. Box 4314
 Baton Rouge, LA 70821-4314

Please let me know if you have any questions.

Sincerely,

Albert E. Hindrichs
 Environmental Scientist Staff
 Louisiana Department of Environmental Quality
 Water Quality Assessment Division

12/23/2005

PPGE, 02



State of Louisiana
Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO
 GOVERNOR

January 11, 2006

MIKE D. Mc DANIEL, PH.D.
 SECRETARY

Mr. Donald Siliawsky
 Department of Energy
 Office of Petroleum Reserves (FE-47)
 1000 Independence Ave., S.W.
 Washington, DC 20585-0301

RE: DEQ0612060082; Lafourche, Cameron, Calcasieu and Ibererville Parishes Proposed Expansion of the Strategic Petroleum Reserve - Reopening Scoping Comment Period and New Site Proposal

Dear Mr. Siliawsky:

The Department of Environmental Quality, Office of Environmental Assessment and Office of Environmental Services has received your request for comments on the above referenced project.

There were no objections based on the limited information submitted to us. However, the following comments have been included and/or attached. Should you encounter a problem during the implementation of this project, please make the appropriate notification to this Department.

The Office of Environmental Services recommends that you investigate the following requirements that may influence your proposed project:

1. If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
2. If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify their LPDES Permit before accepting the additional wastewater.
3. LDDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact Aaron Cox at (225) 219-3022 to determine if your proposed improvements require one of these permits.
4. All precautions should be observed to control nonpoint source pollution from construction activities.

January 11, 2006
 Page 2

5. If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps to inquire about the possible necessity for permits. If a Corps permit is required, part of the application process may involve a Water Quality Certification from IDEQ.
6. All precautions should be observed to protect the groundwater of the region (SEE ATTACHMENT).

Currently, Iberville Parish is classified as nonattainment with the National Ambient Air Quality Standards.

Currently, Lafourche, Cameron, and Calcasieu Parishes are classified as attainment parishes with the National Ambient Air Quality Standards for all criteria air pollutants.

Please forward all future requests to the Louisiana Department of Environmental Quality, Office of Management and Finance, Contracts & Grants, P. O. Box 4303, Baton Rouge, LA 70821-4303, and we will expedite your request as quickly as possible. Should you need any additional information please call me at (225) 219-3815.

Sincerely,

Lisa L. Miller
 Contracts & Grants

lhm:vhn
 Enclosure

S0003

Karen

From: Silawsky, Donald [Donald.Silawsky@hq.doe.gov]
Sent: Thursday, October 06, 2005 9:57 AM
To: Fadely, Karen
Subject: FW: Proposed expansion of the Strategic Petroleum Reserve

KAREN: Another EIS comment.

DON SILAWSKY

-----Original Message-----

From: Rosalind Green [mailto:rgreen@dhb.la.gov]

Sent: Wednesday, September 28, 2005 9:14 AM

To: Silawsky, Donald

Cc: Dianne Digas

Subject: Re: Proposed expansion of the Strategic Petroleum Reserve

An important issue that should be addressed is the impact of the construction of new oil storage caverns and placement of underground injection wells on local aquifers. This would fall under the analysis of the impact on water resources, as listed in the "Notice of Intent to Prepare and Environmental Impact Statement and Conduct Public Scoping Meetings; Site Selection for the Expansion of the Strategic Petroleum Reserve" document at the following website:

http://www.lc.doe.gov/programs/reserves/spr/noi/1991/05_1.pdf

Hackberry residents have previously expressed concerns about cancer rates in their community to the Louisiana DHII. The US DOE needs to be prepared to address such health-related concerns in the communities in which they've planned expansion new storage sites.

For each community, a flier/brochure/presentation should be made available to address community concerns about the stability of these sites, what salt dome storage involves, how extensive construction would be at a given site, and why these particular sites are being considered.

A proposed timeline should be estimated for the analyses of potential environmental impacts. The public needs a sense of the progression from environmental study to implementation of construction plans.

Rosalind M Green, Sc.D.
Environmental Health Scientist Coordinator Louisiana DHII/OPI/SEET
325 Loyola Ave, Room 210
New Orleans, LA 70112
email: rgreen@dhb.la.gov
phone: (504) 568-8537
fax: (504) 568-7035

S0051
KATHLEEN BABINEAUX BLANCO
GOVERNOR
Scott A. Angelle
SECRETARY
JAMES H. WELSH
COMMISSIONER OF CONSERVATION

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

December 9, 2005

Mr. Donald Silawsky Office of Petroleum Reserves (FE-47) United States Department of Energy 1000 Independence Ave, S.W.
Washington, DC 20583-0301
Re: Proposed Expansion of the Strategic Petroleum Reserve - Reopening Scoping Comment Period and New Site Proposal

Dear Mr. Silawsky:

The Louisiana Office of Conservation appreciates the additional opportunity to comment on the U.S. Department of Energy's proposed expansion of the Strategic Petroleum Reserve (SPR). We are pleased that four of the eight candidate sites are in the State of Louisiana. Louisiana's association with the Strategic Petroleum Reserve goes back to its near beginnings when, on December 22, 1975, the Energy Policy and Conservation Act (Public Law 94-163) was signed into law. Since then, we have been home to four separate SPR sites, of which two are still operating, in addition to the Department of Energy owned St. James Marine Terminal on the Mississippi River.

Bayou Choctaw and West Hackberry, two existing Louisiana SPR candidate sites for expansion, are both strong candidates. With existing infrastructures already in place and needing only minor upgrades to support expansion, either of these two facilities are persuasive in terms of cost effectiveness, ease of satisfying regulatory permit requirements, minimal environmental impact, and affording timely expansion and operational startup.

A proposed new SPR site at the Clovelly salt dome has its own unique possibilities. In place at the salt dome are several solution-mined salt caverns presently used by the Louisiana Offshore Oil Port (LOOP) for crude oil storage. The advantages of this site are identical to the existing SPR sites mentioned above with the additional advantage of having access to the only port in the United States capable of offloading the largest, deep draft tankers. An SPR site at the Clovelly salt dome would provide potential access to over 50 percent of the United States refinery capacity.

P.O. BOX 94275 - BATON ROUGE, LOUISIANA 70804-9275 • 617 NORTH THIRD STREET • 9TH FLOOR • BATON ROUGE, LA 70802
PHONE: (225) 342-5540 • FAX (225) 342-3094 • WEB <http://www.dnr.state.la.us/conservation>

Mr. Donald Silawsky
Office of Petroleum Reserves
December 9, 2005

Page 2 of 2



As a new SPR site, the Chacahoula salt dome would require the building of more infrastructure than the other three previously discussed Louisiana sites. Any additional costs should be comparable, if not somewhat less, than some proposed SPR sites in neighboring states. Yet, Chacahoula's relatively short tie-access to existing oil distribution facilities makes this proposed site practicable.

After reviewing the conceptual plan submitted by the State of Mississippi for the Brinsburg salt dome, we are unable to ascertain the location of the 15-mile brine pipeline and final location of the proposed 60 ofsite brine disposal wells to be spaced 1,000 feet apart. Please provide additional detail regarding the location of the brine pipeline and the ofsite brine disposal wells in relation to the candidate facility. Our concern is the appearance that the disposal wells may be located in Louisiana while the storage facility is proposed in Mississippi.

Please contact Mr. Joe Ball at 225-342-5569 or joe.ball@la.gov with additional information or if you have questions.

Sincerely,

James H. Welsh
Commissioner
of Conservation

KATHLEEN BABINEAUX BLANCO
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE SECRETARY

December 12, 2005

SCOTT A. ANGELLE
SECRETARY

RE: C20050552, Solicitation of Views
U. S. Dept. of Energy
Office of Petroleum Reserves (FE-47)
1000 Independence Avenue, S. W.
Washington, DC 20585-0301

cc: Scott A. Angelle, Secretary
Louisiana Department of Natural Resources

I have received your letter of November 21, 2005, requesting input regarding issues which should be addressed in the Environmental Impact Statement (EIS) being prepared for the proposed expansion of the Strategic Petroleum Reserve. Review of the scoping document indicates that the proposed expansion is a Direct Federal Action that will require submittal of a Consistency Determination for the Louisiana Coastal Zone in accordance with the approved Louisiana Coastal Resources Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. Issues of concern to Louisiana that need to be addressed in the EIS and the Consistency Determination are discussed below.

The construction and operation of new or expanded SPR facilities that will adversely affect wetlands within the Louisiana Coastal Zone are a primary concern of the State of Louisiana as we have a "no net loss of wetland" policy in which the applicant must provide compensatory mitigation for any wetland losses resulting from those proposed activities. These include direct impacts from expansion of facilities into wetland areas, such as pipeline routing or facility siting, or indirect or cumulative impacts of the proposed activities on wetlands or wetland resources such as raw water removal from surface water bodies in areas prone to saltwater intrusion, or brine disposal in offshore areas. For sites with proposed brine wells, precaution must be taken to avoid contamination of drinking water aquifers.

Another concern is safety or potential safety hazards resulting from construction or operation of the facilities. There needs to be a spill response plan with provisions for precluding or

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addressing oil or brine spills from pipelines. Also, a thorough geologic and geophysical investigation of the proposed cavern sites needs to be undertaken to identify, address, and make and design provisions for any potential sources of cavern failure or leakage, in order to avoid a repeat of the Week Bay abandonment.

I want to thank you for the opportunity to comment on the proposed expansion of SPR facilities, which are not only of concern to the State of Louisiana, but are of National Energy Policy interest and concern. I look forward to the upcoming EIS on the SPR expansion, and can be reached at 225-342-2710 if I can be of assistance in any way on this matter.

Very truly yours,
Sue L. Angelle
Secretary



October 7, 2005

Mr. Donald Silavsky
Office of Petroleum Reserves (FE-47)
1000 Independence Avenue
Washington, DC 20585-0301

Dear Mr. Silavsky:

Your letter of September 13, 2005, states that the U.S. Department of Energy is proposing to expand the Strategic Petroleum Reserve (SPR) to one billion barrels. I believe this is a prudent step by the Department of Energy as the United States' dependency on foreign oil continues to increase. With country's demand for petroleum products at around 20 million-barrels per day, and our domestic production hovering between five to 5.5 million barrels per day, our energy supply and our economy are at the whim of foreign governments. Increasing the strategic reserve will protect the United States against supply interruptions from foreign governments, and additionally, will help mitigate the impact of supply interruptions from storms like hurricanes Katrina and Rita.

Your letter states that two existing SPR sites located within Louisiana will be expanded and a third site remains to be selected. Of the new sites under consideration, Clovelly and Chacahoula, I believe the Clovelly site, co-located with LOOP (Louisiana Offshore Oil Port), is the logical choice.

The proposed site at Chacahoula would require a 58-mile pipeline for brine disposal to the Gulf of Mexico and a 50-mile pipeline for oil distribution to LOOP at Clovelly and/or a 21-mile pipeline to the marine facilities located at St. James, Louisiana. The pipeline route to the Gulf will be through Louisiana's marsh and wetlands. Although the State of Louisiana supports the expansion of the SPR as it will provide both security of supply to the nation and create additional jobs for the state, if the infrastructure already exists at LOOP, why would we build new pipelines through Louisiana's marsh and wetlands?

All of the infrastructure requirements to build additional storage for the SPR already exist at LOOP. I believe use of the existing LOOP infrastructure will reduce construction time, save taxpayer money, and will do less damage to Louisiana's marsh and wetlands. I also understand LOOP's distribution system is connected to nearly 50 percent of the nation's refining capacity, which would be difficult to duplicate at the other proposed locations.

The framework for oversight and coordination of regulatory and environmental issues associated with locating the proposed SPR expansion project at the Clovelly site are already in place by virtue of the Louisiana Offshore Terminal Authority (LOTA) Act. This statute created LOTA as an office within the Department of Transportation and Development and provides for a "clearing house" approach to permitting of deepwater port activities. This coordinated approach is designed to prevent duplication of effort by regulatory authorities with complementary or overlapping jurisdiction. This has significantly streamlined the federal, state and local permitting process for deepwater port construction and operations without compromising environmental standards. The same process would be used to modify and update LOOP's construction and operating permits to incorporate additional air emissions, storage wells, etc. However, a permit modification would not require the extensive procedures associated with permitting a new facility.

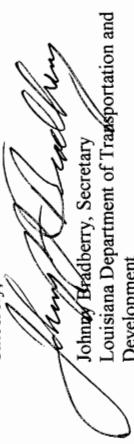
An environmental monitoring program under the direction of LOTA is in place to determine any impacts associated with the construction and operation of the deepwater port. Extensive baseline, construction and post construction data has been gathered and analyzed to capture and quantify such impacts. The results of this program have shown that there were no long-term adverse impacts associated with the construction or operation of the LOOP facility. A major component of this monitoring program included studies on the effects of discharging large volumes of brine to the Gulf of Mexico over an extended period of time. These studies indicated no long term harmful effects on the fisheries in the area of the brine discharge.

Another important consideration relative to the Clovelly site is that an extensive Environmental Impact Statement (EIS) was prepared prior to construction of this facility which thoroughly addressed all potential impacts of the construction, operation and potential expansion of the complex. The leaching of additional storage caverns at Clovelly should only require an update of that EIS. The data collected in the extensive environmental monitoring program discussed above will provide pertinent information in updating the EIS. With significant data in place to facilitate that update, the NEPA process should be significantly expedited.

The Clovelly site has an extensive security and emergency response capability in place. As a facility subject to the Maritime Transportation Security Act, detailed procedures are in place to insure facility and operational security. A surveillance system, monitored on a 24-hour basis by trained security personnel is in place throughout the complex. LOOP maintains a close relationship with local, state and federal intelligence and enforcement personnel who are positioned to assist in the event of a threatened or actual security or other emergency situation. LOOP conducts routine emergency response training on a regular basis with its Emergency Response Team and numerous federal, state and local agencies to insure the safety and security of this facility.

Based upon the information you provided, I endorse, and the great state of Louisiana supports, an expansion of the strategic reserve facilities at the existing Louisiana sites and at Clovelly co-located with LOOP.

Sincerely,



John Bradberry, Secretary
Louisiana Department of Transportation and
Development
P.O. Box 942545
Baton Rouge, Louisiana 70804-9245

S0018



State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES

Dwight Landreneau

SECRETARY

KATHLEEN BABINEAUX BLANCO
GOVERNOR

October 3, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves, (FE-47)
Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Re: Proposed Expansion of the Strategic Petroleum Reserve (West Hackberry, Bayou
Choctaw, Clovelly and Chacahoula, LA)

Dear Mr. Silawsky:

The professional staff of the Office of Wildlife reviewed your letter of September 13, 2005 concerning the above referenced project. The following has been determined:

Chacahoula Site - *Ceratopteris pteridoides* may potentially be impacted by the proposed project. *Ceratopteris pteridoides* is a native fern which usually floats on the water surface. It is considered imperiled in the State of Louisiana with a Natural heritage ranking of S2. It occurs in cypress-tupelo swamps and in and along sluggish bayous and canals. The Chacahoula populations were last observed in the fall of 2003.

Two bald eagle nests may potentially be affected by the proposed project. No major activities should occur during the nesting period (October 1- May 15) within one mile of the nest tree. We recommend that, to protect the nesting area, there be no activity within a 1,500-foot radius of the nest tree at any time. All bald eagle nests (active, inactive or seemingly abandoned) should be protected. Within the nesting area, no large trees should be removed. Within the buffer zone, a minimum of three to five large trees should be saved for potential roost and perch trees. For specific location information applicant should contact the Louisiana Natural Heritage Program [LNHP] zoologist at 225-765-2823 and reference EOR#135 and EOR#102.

West Hackberry Site - LNHP database indicates observations of Mississippi diamondback terrapin (*Malaclemys terrapin*) in the project vicinity. The diamondback terrapin is considered imperiled in the state of Louisiana, and is currently ranked S2. Barrier island marshes and sea-grass beds on the bayside of islands are important habitats for this species. Females use mud and sandbars for nesting. Work activities should be completed in such manner as to minimize the impacts on these habitats. If active nests are found contact the LNHP at 225-765-2820 to coordinate activities.

Clovelly - Colonial nesting bird species are known to occur in the project vicinity. If active or inactive nests are found within 400 m (700 m for Brown Pelicans) of the project site, applicant must contact LNHP at 225-765-2820 or 2823 to coordinate activities. Colonial nesters include terns, gulls, skimmers, ibises, herons, egrets, cormorants, anhingas, spoonbills and pelicans.

The proposed project lies within the designated coastal management zone. Contact Rocky Hinds or Bill Pittman with the Department of Natural Resources Coastal Management Division at 225-342-7591 or 1-800-267-4019 concerning coastal use permits.

Each of the proposed project sites has wetlands occurring in them. We strongly recommend that you contact Mr. Ronnie W. Duke of the Corps of Engineers New Orleans District at (504) 862-2261 concerning wetland permit issues.

Mr. Fred Dunham of my staff is assigned to this project and can be reached at (225) 765-2367 and at fduham@wlf.louisiana.gov. The Department of Wildlife and Fisheries seeks to work with you in a facilitative manner on this and future such endeavors. Please call my staff should you need further assistance.

Sincerely,

Michael Carloss
Biologist Program Manager

C: LNHP, Venise Ortego



State of Louisiana
Dwight Landreneau
SECRETARY
DEPARTMENT OF WILDLIFE & FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA 70808-9800
(225) 765-2800

Date March 8, 2006
Name Karen M. Fadely
Company ICF Consulting
Street Address 9300 Lee Highway
City, State, Zip Fairfax, VA 22031
Project Dept. of Energy: Proposed Oil Reserve Expansion and Pipeline Installation
Invoice Number 06030801

Personnel of the Habitat Section of the Fur and Refuge Division have reviewed the preliminary data for the captioned project.

Our records indicate the proposed project may potentially impact 9 bald eagle (*Haliaeetus leucocephalus*) nesting sites. This species is listed as threatened under the Endangered Species Act. No major activities should occur during the nesting period (October 1 - May 15) within one mile of the nest tree. To protect the core nesting area, there should be no activity within a 1,500-foot radius of the nest tree at any time. All bald eagle nests (active, inactive or seemingly abandoned) should be protected. Within the core nesting area, no large tree should be removed. For specific location information applicant should contact the LNHP zoologist at 225-765-2823 or 2820 and reference EOR #'s 362, 364, 135, 363, 304, 287, 399, 305, and 435. For consideration of exceptions, applicant must contact Brigitte Firmen with USFWS to coordinate activities at 225-291-3108.

The proposed project may impact two ground-nesting birds of concern in Louisiana. The Louisiana Waterthrush (*Seiurus motacilla*) and Worm-eating Warbler (*Helminthes vermivorus*) are known to nest in East and West Felician Parishes of Louisiana. Breeding habitat for these birds include wet forested areas along streams and creeks flowing through hilly terrain. We recommend a qualified biologist conduct a survey along the proposed right way if activity takes place during the breeding season. Results of the survey should be sent to the above address care of LNHP. The breeding season for these two species is generally mid-April through July.

The proposed project may potentially impact the long-tailed weasel (*Mustela frenata*). This species is found in a wide variety of habitats, usually near water. Favored habitats include brushland and open woodlands, field edges, riparian grasslands, swamps, and marshes. Dens are in abandoned burrows of other mammals, rock crevices, brushpiles, stump hollows, or spaces among tree roots; one individual may use multiple dens. Research indicates that long-tailed weasels may be sensitive to agriculturally induced fragmentation of habitat and the importance of maintaining landscape connectivity for species conservation.

The proposed project may impact Southern Shield Wood-fern (*Dryopteris ludoviciana*) and Rooted Spike-rush (*Eleocharis radicans*). Both of these plants are considered extremely imperiled in Louisiana due to extreme rarity. A forested seep with large populations of these plants is located in the direct path of the proposed pipeline right of way extending north from Baton Rouge. The area is located at the following lat./lon. Location: [REDACTED] Please contact LNHP botanist Chris Reed at (225) 765-2828 to discuss measures to avoid impacts to these rare plants.

Our database indicates the presence of many waterbird nesting colonies within the proposed project area or within one mile of the proposed project. Please keep in mind that rookeries can move from year to year and no current information is

available on the status of these rookeries. We recommend that a qualified biologist inspect the proposed worksite for the presence of nesting colonies during the nesting season. We recommend that on-site contract personnel be informed of the need to identify colonial nesting birds and their nests and should avoid disturbing them during the breeding season. No activity is permitted within 400 meters (700 meters for Brown Pelicans) around rookeries during the breeding season, which is generally March 15-July 15. Contact the US Fish and Wildlife Service at (337) 291-3100 to discuss impacts on rookeries. To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

- For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, roseate spoonbills, anhingas, and/or cormorants), all activity occurring within 300 meters of a rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, depending on species present).

- For colonies containing nesting gulls, terns, and/or black skimmers, all activity occurring within 400 meters of a rookery should be restricted to the non-nesting period (i.e., September 16 through April 1, depending on species present).

The Louisiana Natural Heritage Program has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the state of Louisiana. Heritage reports summarize the existing information known at the time of the request regarding the location in question. The quantity and quality of data collected by the LNHP are dependent on the research and observations of many individuals. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Louisiana have not been surveyed. This report does not address the occurrence of wetlands at the site in question. Heritage reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. The Louisiana Natural Heritage Program requires that this office be acknowledged in all reports as the source of all data provided here. If you have any questions or need additional information, please call Louisiana Natural Heritage Program at 225-765-2357.

Sincerely,

Gary Lester, Coordinator
Natural Heritage Program

**Department of Energy**

Washington, DC 20585

September 13, 2005

No known archaeological sites or historic properties will be affected by this undertaking. This effect determination could change should new information come to our attention.	Date: 10-13-05
<i>Pam Breaux</i> Pam Breaux, State Historic Preservation Officer	

Ms. Pamela Breaux
Louisiana Office of Culture
Recreation and Tourism
P.O. Box 44247
Baton Rouge, Louisiana 70804

Re: Proposed Expansion of the Strategic Petroleum Reserve (West Hackberry,
Bayou Choctaw, Clovely and Chacahoula, LA)

Dear Ms. Breaux:

The U.S. Department of Energy is proposing to expand the Strategic Petroleum Reserve (SPR) to its 1 billion-barrel authorized capacity. The Strategic Petroleum Reserve Office of the U.S. Department of Energy (DOE) has determined that this project is subject to the National Environmental Policy Act (NEPA). The purpose of this letter is to request information from the Louisiana Office of Culture, Recreation and Tourism on resources that the project could potentially affect, as well as any permits and approvals required for construction. Four sites being considered for the proposed project in Louisiana are: (1) West Hackberry (Cameron and Calcasieu Parishes), an existing SPR facility that would be expanded under the proposal; (2) Bayou Choctaw (Iberville Parish), an existing SPR facility that would be expanded under the proposal; (3) Clovely (east of Galliano, LA), which would be a candidate for a new SPR facility; and (4) Chacahoula (LaFourche Parish), which would be a candidate site for a new SPR facility.

Maps are enclosed which show the location of the proposed project sites. Additional attachments include a narrative description of the proposed action and figures of the proposed action from the 1992 Draft Environmental Impact Statement for the Expansion of the Strategic Petroleum Reserve.

DOE has initiated preparation of an Environmental Impact Statement with publication of a Notice of Intent (70 FR 52088) on September 1, 2005. The Energy Policy Act of 2005 (EPACT), enacted on August 8, 2005, requires the Secretary of Energy to select sites necessary to expand the SPR to 1 billion barrel capacity no later than one year after enactment. This requires an extremely fast NEPA review process in order to provide decision makers with information for a Record of Decision (ROD) in early August of 2006.

Information on any additional issues or concerns that you consider appropriate would also be appreciated. We request that you respond by October 13, 2005, so that we may schedule meetings, site visits or surveys, conduct any necessary follow-up activities, and

S0011



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September 19, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves, (FE-47)
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

RE: Proposed Expansion of the Strategic Petroleum Reserve
(Richton, Mississippi)

Dear Mr. Silawsky:

We have reviewed the documents you provided in your letter of September 13, 2005, concerning the proposed expansion of the Strategic Petroleum Reserve and the preparation of an Environmental Impact Statement (EIS). We have also received a phone call from ICFC Consulting regarding this matter. Our understanding is that, in the interest of a speedy completion of the EIS, the consultants would obtain all known information regarding the Richton, Mississippi alternative, but that a cultural resources survey would only be conducted once the preferred alternative was selected and only of that alternative.

This plan is agreeable to us and we anticipate working with the consultants in due course in providing information on file in our records. Should the Richton site be selected as the preferred alternative, we would anticipate working with you and your consultants in evaluating a cultural resources survey and providing appropriate comments.

If you have questions or need additional information, please let us know.

Sincerely,

H. T. Holmes
State Historic Preservation Officer
Thomas H. Waggener
BY: Thomas H. Waggener
Review and Compliance Officer

Board of Trustees: William F. Winter, president / Arch Dalrymple III / Kate Dutto / Lynn Cosby Gammill / E. Jackson Garner
Gilbert R. Mason, Sr. / Duncan M. Morgan / Martin D. Ramage, Jr. / Rosemary Taylor Williams / Department Director: H. T. Holmes

October 4, 2005

Mr. Donald Silawsky
Office of Petroleum Reserves
1000 Independence Avenue SW
Washington, DC 20585-0301
Re: Proposed Expansion of the Strategic Petroleum Reserve
Richton, Mississippi

Dear Mr. Silawsky:

We have reviewed your follow-up letter of September 27, 2005, providing more detail concerning the identification of cultural resources potentially affected should the Richton, Mississippi site be the preferred alternative selected for the proposed expansion of the Strategic Petroleum Reserve. Our records are available for the use of your representatives to locate National Historic Landmarks and/or properties or sites listed or eligible for listing in the National Register of Historic Places which could potentially be affected by this proposal.

Native American tribes which may have cultural affiliations in the area of this project known to us are the Choctaw Nation of Oklahoma, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, and the Tunica-Biloxi Tribe of Louisiana.

We will be happy to begin working with staff of the Department of Energy on a Programmatic Agreement to be in effect should the Richton site be selected, with a view of having a signed Programmatic Agreement no later than March 2006, the date you specified.

If you have any further questions or need additional information, please contact Tom Waggener, our Review and Compliance Officer, at 601-6940 or by email at twag@mdah.state.ms.us.

Sincerely,

H. T. Holmes
State Historic Preservation Officer
BY: Kenneth H. P'Pool
Deputy State Historic Preservation Officer

Kenneth H. P'Pool
BY: Kenneth H. P'Pool
Deputy State Historic Preservation Officer

Board of Trustees: William F. Winter, president / Arch Dalrymple III / Kate Dutto / Lynn Cosby Gammill / E. Jackson Garner
Gilbert R. Mason, Sr. / Duncan M. Morgan / Martin D. Ramage, Jr. / Rosemary Taylor Williams / Department Director: H. T. Holmes

2 March 2006
Karen M. Fadely
Associate
ICF Consulting
9300 Lee Highway
Fairfax, VA 22031
Regarding: Comments on Potential Mississippi-Based Components of Strategic Petroleum Reserve

Dear Ms. Fadely:

Below we provide specific observations, recommendations, and corrections regarding the EIS provided us; a summary of some of the plant communities found along the proposed Bruinsburg pipeline corridor and the Richton pipeline corridors (Liberty to Richton and Richton to Pascagoula), and a list (via attachment) of special concern animals and plants within the provided buffer of each element of the project alternatives. Included with each community is its Heritage State Rank, the typical species that define each type and the associated plant species of concern.

The Mississippi Natural Heritage Program (MNHP) has compiled a database that is the most complete source of information about Mississippi's rare, threatened, endangered, or otherwise significant plants, animals, plant communities, and natural features. The quantity and quality of data collected by MNHP are dependent on the research and observations of many individuals and organizations. In many cases, this information is not the result of comprehensive or site-specific field surveys; most natural areas in Mississippi have not been thoroughly surveyed and new occurrences of plant and animal species are often discovered. Heritage reports summarize the existing information known to the MNHP at the time of the request and cannot always be considered a definitive statement on the presence, absence, or condition of biological elements on a particular site.

Bruinsburg comments:

The Bruinsburg site lies entirely within the floodplain of the Mississippi River at its confluence with the Bayou Pierre. The biological assessment indicates that choice of the Bruinsburg alternative would have no impact on the federally and state listed Bayou Darter (*Etheostoma nubrum*). This claim may be in error. Placement of this facility, presumably protected with dikes, within the floodplain could result in altered high water flow patterns. This could induce changes in the channel morphology of the nearby Bayou Pierre and initiate another round of destabilizing channel adjustments upstream. In addition to the Bayou Darter, the state endangered Crystal Darter (*Crystallaria asprella*) occurs in Bayou Pierre, and both would be negatively affected by channel destabilization.

The dike wall around the Bruinsburg site could be breached by flood or earthquake, potentially leading to the contamination of the Mississippi River with oil and/or brine. This would be potentially catastrophic, for all of the listed and unlisted species in and along the Mississippi River downstream.

Pipelines under Bruinsburg Option 3 should be directionally drilled beneath the Big Black, Bayou Pierre and Baker's Creek. The Big Black contains two state endangered species, the Pyramid Pigioe Mussel (*Pleurodema rubrum*) and Rabbitfoot Mussel (*Quadrula cylindrica*). Bayou Pierre contains one federally threatened species, the Bayou Darter, and two state endangered species, the Bayou Darter, and Crystal Darter. Baker's Creek drains into Fourteen Mile Creek, which drains into the Big Black River at the site where the Rabbitfoot Mussel occurs.

The new oil pipeline to Baton Rouge should be directionally drilled beneath major streams along its transect, including Cole's and Fairchild Creeks.

The pipeline from Bruinsburg to Baton Rouge will intersect an NRCS project in Adams County. Please contact this federal agency regarding any complications this might generate.

Oil and brine pipelines, and brine disposal wells on each of the alternatives, should have contingency plans for timely detection of leaks and deployment of effective containment measures.

Richton Site Comments:

Because of the importance of the Leaf River near Hattiesburg to spawning and juvenile sturgeon, it is recommended that water withdrawals be discontinued if discharge from the Leaf reaches 30% of mean daily discharge, a percentage determined by Evans and England (1995) to protect fisheries in Georgia's unregulated, warm-water streams. This is well above the 7Q10 level, which is mainly intended to preserve the ability of a stream to assimilate organic material, not for conservation of fisheries. Given the relatively short interval when solution mining will be implemented, this limitation may not become an issue.

Although we have provided known centroid localities of tortoise occurrences, these animals are mobile, and move away from habitat degraded by fire suppression, heavy site preparation, and/or excessive tree stocking densities, and will move toward more open habitat maintained by fire, thinning, or mowing along ROWs. All proposed and existing pipeline ROW and other facility footprints associated with the Richton alternative from Walthall County to points east should be surveyed for tortoises and their burrows if on moderately well-drained to excessively well-drained sandy soils. If tortoises or their burrows are found, contact Tom Mann (601-354-6367, ext. 116; Mississippi Dept. of Wildlife, Fisheries, and Parks (MDWFP) and Will McDearman (601-321-1126; U.S. Fish and Wildlife Service (USFWS)) regarding measures which will need to be taken to avoid harm to this federally threatened, state endangered species. Tortoises may be relocated only with concurrence of the USFWS and MDWFP, and according to strict protocols and within seasonal windows specified by these agencies. The Richton to Liberty ROW is largely on a new location (although we advocate co-location within existing ROWs), so there is the potential for avoiding burrows, particularly relatively large clusters of burrows.

Tallahala Creek probably supports the state endangered Pearl Darter and drains into the Leaf River, critical habitat for the Gulf Sturgeon, so it is recommended that it be directionally drilled. Cogon grass should be mapped along ROWs within the range of the tortoise and should be selectively sprayed with materials approved for use around tortoises (contact Will McDearman,

USFWS) prior to soil disturbance. Care should be taken to avoid indiscriminate spraying which can poison plants important as food for tortoises. Also, care should be taken to avoid spreading cogon grass during pipeline installation. It would be prudent to spray it once or twice prior to ground disturbing activities. Care should be taken to avoid moving cogon grass propagules from sites where it is present to those where it isn't yet established.

The pipeline from Richton to Liberty passes through a portion of Percy Quinn State Park, not apparently on an existing ROW. We recommend use of an existing ROW in the Percy Quinn area if available.

Corrections—

Pseudomyrsinella alabamensis is listed as endangered by the state of Mississippi (page 5)

The following is a summary of some of the plant communities found along the proposed Brumfield pipeline (Anchorage to Brumfield and Brumfield to Jackson) corridors. Included with each community is its Heritage State Rank, the typical species that define each type and the associated plant species of concern.

Community: Sweetgum - mixed oak bottomland forest

State Rank: S4

Typal Species: Liquidambar styraciflua – Ulmus americana – Quercus sp.

Associated plant species of concern within the buffered areas:

- Carya liodermis
- Spiranthes ovalis

Community: Coastal Plain Loess Forest

State Rank: S4

Typal Species: Quercus (pagoda, alba) – Fraxinus americana – Acer barbatum – Lindera benzoin

Associated plant species of concern within the buffered areas:

- Athyrium pycnocarpon
- Carya liodermis
- Celastrus scandens
- Erythrodia quercetica
- Hexalectris spicata
- Panax quinquefolius
- Physalis carmentri
- Schisandra glabra
- Spiranthes ovalis
- Trillium foetidissimum

Community: Beech - Magnolia Forest

State Rank: S1

Typal Species: Fagus grandifolia – Magnolia sp.

Associated plant species of concern within the buffered areas:

- Celastrus scandens

Hexalectris spicata
Panax quinquefolius
Schisandra glabra
Spiranthes ovalis

The following is a summary of some of the plant communities found along the proposed Richton pipeline (Liberty to Richton and Richton to Pascagoula) corridors. Included with each community is its Heritage State Rank, the typical species that define each type and the associated plant species of concern

Community: Subxeric Longleaf Pine - Saw Palmetto Woodland

State Rank: S1

Typal Species: Pinus palustris - Serenoa repens

Associated plant species of concern within the buffered areas:
Aristida spiciformis
Stylisma pickeringii

Community: Bayhead Forest

State Rank: S3

Typal Species: Nyssa biflora - Magnolia virginiana - Acer rubrum

Associated plant species of concern within the buffered areas:
Agalinis aphylla
Chamaecyparis thyoides
Dryopteris ludoviciana
Macranthera flammea
Melanthium virginicum
Pamassia grandifolia

Community: Wet Slash Pine Savanna/Forest

State Rank: S2

Typal Species: Pinus (palustris, elliotii) - Andropogon sp. - Wetland Herbs
Wet low flat coastal areas; acidic, nutrient poor, loamy soils with impervious clayey subhorizon.

Associated plant species of concern within the buffered areas:
Agalinis aphylla
Agalinis filicaulis
Andropogon perangustatus
Aristida spiciformis
Calopogon barbatus
Carex strigosa var. striata
Carex vernicosa
Chamaecyparis thyoides
Cladonia mniszechii
Dichanthelium erectifolium
Eulophia cerasista
Hypericum myrtifolium
Ruellia noctiflora

Rhynchospora globularis var. pinetorum
Rhynchospora macra
Rhynchospora stenophylla

Rhynchospora stenophylla
Ruellia noctiflora

Community: Wet Pond Cypress Depression
 State Rank: S2
 Typical Species: Taxodium ascendens - Saururus cernuus spp. jamaicense
 Depressions that receive runoff from upslope and collect water during the winter and spring seasons; areas normally remain saturated throughout most of the growing season; abandoned stream channels that have silted in are good examples.

Associated plant species of concern within the buffered areas:

- Agalinis aphylla*
- Agalinis filicaulis*
- Andropogon perangustatus*
- Calopogon barbatus*
- Carex strata var. striata*
- Carex verrucosa*
- Cladium mariscoides*
- Dichanthelium erectifolium*
- Dichanthelium wrightianum*
- Hypericum myrtifolium*
- Ilex cassine*
- Lobelia boykinii*
- Pieris phillyreifolia*
- Polygonia crenata*
- Polygala hookeri*
- Sabatia batramii*
- Sarracenia leucophylla*
- Stylisma aquatica*
- Utricularia purpurea*

Community: Wet Pine - Pond Cypress Savanna
 State Rank: S2
 Typical Species: Taxodium ascendens - *Pinus elliottii* - *Woodwardia virginica*
 Wet coastal depressions and flats, or gentle lower slopes which receive subsurface lateral flow from adjacent areas; acidic, nutrient poor soils.

Associated plant species of concern within the buffered areas:

- Agalinis aphylla*
- Agalinis filicaulis*
- Andropogon perangustatus*
- Calopogon barbatus*
- Carex strata var. striata*
- Carex verrucosa*
- Cladium mariscoides*
- Dichanthelium erectifolium*
- Dichanthelium wrightianum*
- Hypericum myrtifolium*
- Ilex cassine*
- Lobelia boykinii*
- Pieris phillyreifolia*
- Polygonia crenata*
- Polygala hookeri*
- Sabatia batramii*
- Sarracenia leucophylla*
- Stylisma aquatica*
- Utricularia purpurea*

Community: Pine Seepage Slope
 State Rank: S2
 Typical Species: *Pinus (palustris, elliottii)* - *Sarracenia alata* - Wetland Herbaceous
 Associated plant species of concern within the buffered areas:

- Agalinis aphylla*
- Agalinis filicaulis*
- Andropogon capillipes*
- Aristida simpliciflora*
- Aristida speciformis*
- Calopogon barbatus*
- Eriocaulon texense*
- Lachnocaulon digynum*
- Lindera subcoriacea*
- Macranthera flammnea*
- Melanthium virginicum*
- Panicum nudicaule*
- Peltandra virginica*
- Pinguicula primuliflora*
- Platanthera blephariglottis*
- Platanthera integrifolia*
- Polygonia crenata*
- Polygala hookeri*
- Rhynchospora macrocephala*
- Rhynchospora stenophylla*
- Sarracenia rosea*
- Xyris drummondii*
- Xyris scabrifolia*

Community: Pitcher Plant Flat/Bog/Wet Savanna
 State Rank: S2
 Typical Species: *Sarracenia alata* - *Sarracenia psittacina*, *Rhynchospora* sp., *Stokesia laevis*,
Lophiola aurea, *Eriocaulon compressum*
 Consistently wet infertile, acidic lowlands or seepage slopes, often receiving subsurface lateral moisture flow from uplands.

Associated plant species of concern within the buffered areas:

- Agalinis aphylla*
- Agalinis filicaulis*
- Andropogon perangustatus*
- Aristida simpliciflora*
- Calopogon barbatus*
- Coreopsis shellanthoides*
- Eriocaulon texense*
- Hypericum myrtifolium*
- Lachnocaulon digynum*
- Lindera subcoriacea*
- Lycopodium cernuum*
- Macranthera flammnea*
- Melanthium virginicum*
- Panicum nudicaule*
- Peltandra sagittifolia*
- Pinguicula primuliflora*
- Platanthera blephariglottis*
- Platanthera integrifolia*
- Polygonia crenata*
- Polygala hookeri*
- Rhynchospora macrocephala*
- Rhynchospora stenophylla*
- Ruellia noctiflora*
- Ruellia pedunculata* spp. *pinetorum*
- Sabatia campestris*
- Sarracenia leucophylla*
- Sarracenia rosea*
- Xyris drummondii*
- Xyris scabrifolia*

Community: Quaking Bog
State Rank: S1
Typal Species: *Lindera subcoriacea* - *Carex exilis* - *Sphagnum* sp.
Associated plant species of concern within the buffered areas:
Andropogon capillipes
Eriocaulon texense
Lachnocalyx digynum
Lindera subcoriacea
Panicum nudicaule
Peltandra sagittifolia
Pinguicula primuliflora
Platanthera integrata
Sarracenia leucophylla
Sarracenia rosea
Xyris sexbifolia

Community: Coastal Plain Small Stream Swamp Forest

State Rank: S3

Typal Species: *Magnolia virginiana* - *Acer rubrum* - *Nyssa biflora* - *Pinus elliottii*
Wetlands adjacent to small streams, on dark loamy soils; these usually remaining wet
throughout the year,

Associated plant species of concern within the buffered areas:

Andropogon capillipes
Chamaecyparis thyoides
Dryopteris ludoviciana
Epidendrum conopseum
Lindera subcoriacea
Lycopodium cernuum
Macranthera flammula
Melanthium virginicum
Parnassia grandifolia
Paronychia erecta
Peltandra sagittifolia
Pinguicula primuliflora
Platanthera integrata
Sarracenia leucophylla
Utricularia purpurea

Community: White Cedar Swamp Forest

State Rank: S1

Typal Species: *Chamaecyparis thyoides* (Atlantic white cedar)
Associated plant species of concern within the buffered areas:
Chamaecyparis thyoides

Community: Maritime Live Oak Forest
State Rank: S1

Typal Species: *Quercus virginiana* - *Quercus hemisphaerica*
Mesic sandy coastal uplands, usually adjacent to estuarine marshes; often situated on
old beach ridges, most of which have been extensively developed.

Associated plant species of concern within the buffered areas:

Juniperus silicicola
Quercus myrtifolia

Community: Shell Midden Shrub/Woodland
State Rank: S1

Typal Species: *Juniperus virginiana* var. *silicicola* - *Sideroxylon lanuginosum*
Estuarine, Supra-tidal, Shrub/Woodland, Coarse Shell Substrates, Partially Enclosed,
Mixohaline; Native American Shell Midden Sites.

Associated plant species of concern within the buffered areas:

Juniperus silicicola
Lycium carolinianum
Sageretia minutiflora
Sapindus marginatus

Community: Coastal Plain Loess Forest
State Rank: S4

Typal Species: *Quercus (pagoda, alba)* - *Fraxinus americana* - *Acer barbatum* -
Lindera benzoin
Associated plant species of concern within the buffered areas:

Trillium foetidissimum
Schisandra glabra
Solidago auriculata

Community: Beech - Magnolia Forest
State Rank: S1

Typal Species: *Fagus grandifolia* - *Magnolia* sp.
Associated plant species of concern within the buffered areas:
Trillium foetidissimum
Schisandra glabra
Solidago auriculata

Please contact us if we can be of additional assistance.

Sincerely,

Tom Mann, Zoologist,
Heather Sullivan, Botanist, and
Melanie Caudill, Database Manager

Mississippi Natural Heritage Program,
Mississippi Museum of Natural Science
2148 Riverside Drive, Jackson, MS 39202-1353

Kathleen Beeson White, Chairwoman
Barry R. Rauch, Manager, Correspondence
Larry R. Soward, Counselor, O&G
General Counsel's Office, Texas, U.S.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Office of the Texas Big Hill Site Environmental Compliance

October 28, 2005

Mr. Donald Shrawsky

Office of Petroleum Reserves (EP-47)
U.S. Department of Energy
1000 Independence Ave SW
Washington, D.C. 20585-0501

Re: Strategic Petroleum Reserves Expansion

Dear Mr. Shrawsky:

Texas State Agencies

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the September 1, 2005, Federal Register notice concerning the intent of the U.S. Department of Energy to prepare an Environmental Impact Statement (EIS) for the expansion of the Strategic Petroleum Reserve (SPR). The notice indicated that the existing Big Hill SPR site will be expanded and that Stratton Ridge, Texas is being considered as one of four alternative locations for a new SPR site. The TCEQ offers comments on the applicability of the general conformity regulations to this project and on the construction and operational emissions.

General Conformity

The existing Big Hill SPR site is located in Jefferson County, Texas, which is designated as a marginal nonattainment area for ozone, while Stratton Ridge is located in Brazoria County, Texas, which is designated as a moderate nonattainment area for ozone. In nonattainment areas, major federal actions are subject to the general conformity rule. The general conformity rule was created to help ensure that major federal activities would not jeopardize a state's ability to achieve national ambient air quality standards.

The emissions that will result from the expansion of the Big Hill site will need to be documented in the EIS, and if the total volatile organic compounds (VOC) or oxides of nitrogen emissions (NOx) are estimated to be above 100 tons per year, then a general conformity determination will be required. Emissions will also need to be estimated for the new Stratton Ridge SPR site only, if it is the preferred alternative for the new location of a SPR site in the EIS. If the proposed new Stratton Ridge SPR site's estimated total emissions of either VOC or NOx are greater than 100 tons per year, then another general conformity determination will be required for that site.



Mr. Donald Silawsky
Page 2
October 28, 2005

Construction Emissions

Please estimate the emissions for the following construction activities and include them in the EIS:

- All nonrad and onroad equipment used for the construction of all onsite infrastructure needed for the water supply, brine disposal, and oil distribution systems
- The pumps needed for the cavern leaching process
- The construction of water supply, brine disposal, and oil distribution pipelines

Operational Emissions

Please estimate the emissions for the following operational activities and include them in the EIS:

- The initial filling of the caverns with crude oil
- Any future fills and drawdowns that are reasonably foreseeable.

The TCTQ will continue to monitor this project and will provide comments as needed throughout the development of this project. If you have questions about this information, please feel free to contact Ms. Candice Garrett, Director of the Air Quality and Implementation Division, at (512) 239-2376.

Sincerely,

Albert Hawkins
Albert Hawkins

David C. Schanacher, P.E., Chief Engineer
Texas Commission on Environmental Quality

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

ALBERT HAWKINS
EXECUTIVE COMMISSIONER

January 3, 2006

Mr. Donald Silawsky

U.S. Department of Energy

Office of Petroleum Reserves (FE-47)
1000 Independence Avenue S.W.
Washington, D.C. 20585-0301

Dear Mr. Silawsky:

Thank you for your letter notifying this agency that the U.S. Department of Energy is reopening the scoping comment period for the proposed expansion of the Strategic Petroleum Reserve sites located in Big Hill and Stratton Ridge, Texas. We have reviewed our files and determined that on September 19, 2005, the Department of State Health Services (DSHS) received a similar letter requesting comments and information regarding permit and approval requirements for project construction. A DSHS staff member, Ms. Punitha Patel, was assigned to review the regulatory issues and provide a response.

Ms. Patel determined that the Railroad Commission (RRC) of Texas is the state agency with regulatory authority over oil storage caverns. She contacted you to provide this information and to notify you that your letter would be forwarded to Mr. Steve Seni of the Environmental and Underground Storage Services Section of the RRC. We then followed up with Mr. Seni to assure he received the documents. Mr. Seni advised us that he had reviewed the proposed expansion and provided comments from his agency.

Please let me know if you have any questions or need additional information. Ms. Annabelle Dillard is serving as the lead staff on this matter and can be reached at 512-834-6608 or by e-mail at Annabelle.Dillard@dshs.state.tx.us.

Sincerely,

Albert Hawkins
Albert Hawkins



Mr. Donald Silawsky
Department of Energy
Office of Petroleum Reserves
1000 Independence Avenue, S.W.
Washington, DC 20585-0301

Re: Proposed Expansion of the Strategic Petroleum Reserve

Dear Sirs:

This letter is in response to your request via letter dated September 9, 2005 for natural resource information and potential Texas Parks & Wildlife Department (TPWD) concerns regarding the (potential) Texas sites for expansion of the Strategic Petroleum Reserve. These sites include a potential new site in Stratton Ridge in Bexar County and expansion of the Big Hill site in Jefferson County. Department staff met with you representatives from ICF Consulting on October 5, 2005 and therefore these comments may reiterate Department concerns expressed in that meeting.

The information provided to TPWD regarding the Stratton Ridge site at this point has been preliminary, with no defined pipeline routes and no current site information. It is the understanding of TPWD staff that the expansion of the Big Hill site may require new pipeline installation or replacement. Due to the preliminary nature of the information provided, Department concerns expressed herein are preliminary and the Department of Energy should continue ongoing coordination with TPWD as new information is made available. The following comments will fall into two broad categories: rare natural resources and general natural resource concerns.

Rare Natural Resources

Given the small proportion of public versus private land in Texas, the TPWD Natural Diversity Database (NDD) (formerly the Biological and Conservation Data System) does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the NDD does not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project areas. This data cannot substitute for an on-site evaluation by your qualified biologists. The NDD information is intended to assist you in avoiding harm to species that may occur on your sites.

Currently in the NDD, the following species, special features, natural communities, and managed areas have been documented in the general area of the petroleum reserve sites and their estimated pipeline routes:

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

Mr. Silawsky
Page 2 of 5

Big Hill Site

Federal and State Listed Threatened
Piping Plover (*Charadrius melanotos*)

Species of Concern
Pig frog (*Rana grylio*)
Gulf saltmarsh snake (*Nerodia clarkii*)
Texas diamondback terrapin (*Malaclemys terrapin littoralis*)
Correll's false dragon-head (*Physostegia correllii*)

Special Features and Natural Communities
Colonial Waterbird Rookeries
Migratory Songbird Fallout Areas
Coastal Live Oak-Pecan (*Quercus virginiana-Carya illinoensis*) Series
Little Bluestem-Brownseed Paspalum (*Schizachyrium scoparium-Paspalum plicatum*) Series
Marshhay Cordgrass (*Spartina patens*) Series
Rush-Sedge (*Juncus* spp.) Series
Seacoast Bluestem-Gulfside Paspalum (*Schizachyrium scoparium var. littoralis-Paspalum monostachyum*) Series
Sea Oats-Bitter Panicum (*Uniola paniculata-Panicum amarum*) Series
Smooth Cordgrass (*Spartina alterniflora*) Series

Managed Areas

JD Murphree Wildlife Management Area
Sea Rim State Park
McFaddin National Wildlife Refuge
Anahuac National Wildlife Refuge

Straton Ridge Site

Federal and State Listed Endangered
Attwater's Greater Prairie Chicken (*Tympanuchus cupido attwateri*)
Whooping Crane (*Grus americana*)
Jaguarundi (*Herpailurus yagouaroundi*)
Kemp's ridley sea turtle (*Lepidochelys kempii*)

Federal and State Listed Threatened (Federal Proposed for Delisting)
Bald Eagle (*Haliaeetus leucocephalus*)

Federal and State Listed Threatened
Piping Plover (*Charadrius melanotos*)

Species of Concern
Texas diamondback terrapin (*Malaclemys terrapin littoralis*)



Mr. Silawsky
Page 3 of 5

Gulf saltmarsh snake (*Nerodia clarkii*)
Coastal gay-feather (*Liatris bracteata*)
Grand Prairie evening primrose (*Oenothera pilosella* ssp. *sessilis*)
Houston daisy (*Rayjacksonia aurea*)
Runyon's water-willow (*Justicia runyonii*)
Texas windmill-grass (*Chloris texensis*)
Threeflower broomweed (*Thurovia triflora*)

Special Features and Natural Communities
Colonial Waterbird Rookeries
Migratory Songbird Fall Out Areas
Coastal Live Oak-Pecan (*Quercus virginiana-Carya illinoiensis*) Series
Glasswort-Saltwort (*Salicornia bigelovii/S. virginica-Batis maritima*) Series
Little Bluestem-Brownseed Paspalum (*Schizachyrium scoparium-Paspalum plicatum*) Series
Marshhay Cordgrass (*Spartina patens*) Series
Saltgrass-Cordgrass (*Distichlis spicata-Spartina spp.*) Series
Seacoast Bluestem-Gulfdune Paspalum (*Schizachyrium scoparium var. littoralis-Paspalum monostachyum*) Series
Sea Oats-Bitter Panicum (*Uniola paniculata-Panicum amarum*) Series
Smooth Cordgrass (*Spartina alterniflora*) Series
Water Oak-Coastal Live Oak (*Quercus nigra-Quercus virginiana*) Series

Managed Areas
Brazoria National Wildlife Refuge
Peach Point Wildlife Management Area
San Bernard National Wildlife Refuge

The proposed Stratton Ridge site is located within a Bald Eagle nesting territory. A printout for this occurrence record is included for your planning reference. **Please do not include NDD occurrence printouts in your draft or final documents.** Because some species are especially sensitive to collection or harassment, this record is for your reference only. Brent Ortego, TPWD regional biologist, may be contacted at (361) 576-0022 for information on the current season's nesting activities for Bald Eagles.

Please note that because the exact pipeline routes were not shown on the maps provided, species occurrences along the pipeline routes are not known. However, this response includes occurrences in the general area of estimated pipeline routes. The pipeline from the Big Hill site to Nederland could potentially run across or adjacent to the JD Murphree Wildlife Management Area (WMA) and the raw water intake and/or brine disposal pipelines could cross the McFaddin National Wildlife Refuge. Occurrences on or within 1.5 miles of the estimated route of the Stratton Ridge pipelines in Brazoria and Galveston counties include the Whooping Crane, Jagnarundi, Coastal gray-feather, Runyon's water willow,

Mr. Silawsky
Page 4 of 5

Threeflower broomweed, Colonial Waterbird Rookeries, Marshhay Cordgrass Series, Little Bluestem-Brownseed Paspalum Series, and the Seacoast Bluestem-Gulfdune Paspalum Series. This route could also cross the Brazoria National Wildlife Refuge, and Bryan Mound is less than .75 mile from Peach Point Wildlife Management Area. For more site-specific data, please include a map of any crude oil distribution, brine disposal, and raw water pipelines that are proposed to be constructed or replaced, as well as any proposed ponds, in the Environmental Impact Statement (EIS). Additionally, should the proposed pipeline routes cross or run adjacent to any of the Department's holdings, you will need to address the routes with Dennis Gissell, TPWD WMA coordinator, at (512) 389-4407.

Enclosed are updated TPWD lists of rare, threatened, and endangered species for Enclosed are updated TPWD lists of rare, threatened, and endangered species for Brazoria, Galveston, and Jefferson Counties. When additional information becomes available, please use these lists and the enclosed Rare Resources Review Request form for your analysis and as guidance during preparation of your EIS.

General Natural Resource Concerns

Big Hill Site

The major potential impact regarding the Big Hill site expansion arises from the need to replace the 24 mile long crude oil distribution pipeline between the Big Hill site and refineries in Nederland, Texas. Permanent wetland impacts from pipeline installation has been well documented (Polasek, 1997). Although the proposed pipeline will follow existing rights-of-way, there will likely be additional wetland impacts from installation. TPWD recommends proposed rights-of-way and work corridors be minimized for all pipeline installation through wetlands and other sensitive habitat. TPWD also recommends the use of the enclosed pipeline monitoring procedures that were developed in concert with the United States Fish and Wildlife Service and the National Marine Fisheries Service.

Stratton Ridge

Aerial photography and National Wetland Inventory data regarding the Stratton Ridge site indicate the presence of the forested wetlands throughout the site. All wetland impacts should be minimized to the greatest extent practicable. Also, all proposed pipeline corridors should be coordinated with TPWD staff when that information becomes available. The selected route should be monitored utilizing the monitoring criteria referenced in the above section. All wetland impacts should be adequately compensated for to ensure a no net loss of wetland functions. This should include all wetlands that may be deemed "isolated" by the Galveston District of the United States Army Corps of Engineers. These wetlands play a critical role maintaining water quality in streams by intercepting and assimilating pollutants, sediments and excess nutrients prior to their entrance into downstream receiving waters. These wetlands are also critical wildlife habitat

Texas Parks & Wildlife
Annotated County List
JEFFERSON COU

*** BIRDS-RELATED ***

Colonial waterbird nesting areas - many rookeries active annually
Migratory songbird fallout areas - oak mottes and other woods/thickets provide
foraging/roosting sites for neotropical songbirds

****FISHES****

American Eel (*Anguilla rostrata*) - most aquatic habitats with access to ocean; spawns
January-February in ocean, larva move to coastal waters, metamorphose, then
females move into freshwater; muddy bottoms, still waters, large streams, lakes;
can travel overland in wet areas; males in brackish estuaries

*** MAMMALS ***

Black Bear (*Ursus americanus*) - within historical range of Louisiana Black Bear in eastern Texas, Black Bear is federally listed threatened and inhabits bottomland hardwoods and large tracts of undeveloped forested areas; in remainder of Texas, Black Bear is not federally listed and inhabits desert lowlands and high elevation forests and woodlands; dens in tree hollows, rock piles, cliff overhangs, caves, or under brush piles

Louisiana Black Bear (*Ursus americanus luciolus*) - possible as transient; bottomland hardwoods and large tracts of inaccessible forested areas

Plains Spotted Skunk (*Spilogale putorius intermixta*) - catholic; in habitat; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie

Kafainesque's Big-eared Bat (*Corynorhinus rafinesquii*) - roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures

Ted Wolf (*Canis rufus*) (extirpated) - formerly known throughout eastern half of Texas in brushy and forested areas, as well as coastal prairies

southeastern Myotis Bat (*Myotis austrocoastalis*) - roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures

****MOLLUSKS****

Treeper (Squawfoot) (*Strophitus undulatus*) - small to large streams, prefers gravel or gravel and mud in flowing water; Colorado, Guadalupe, San Antonio, Neches (historic), and Trinity (historic) River basins

Cawnsfoot (Common) (*Truncula donaciformis*) - small and large rivers especially on sand, mud, rocky mud, and sand and gravel; also silty and cobble bottoms in still to swiftly flowing waters; Red (historic), Cypress (historic), Sabine (historic), Neches, Trinity, and San Jacinto River basins.

Little Spectaclecase (*Villosa liziosa*) - creeks, rivers, and reservoirs, sandy substrates in slight to moderate current, usually along the banks in slower currents; east Texas, Cypress through San Jacinto River basins

Louisiana Pigtoe (*Pleurobema ridgei*) - streams and moderate-size rivers, usually flowing water on substrates of mud, sand, and gravel; not generally known from impoundments; Sabine, Neches, and Trinity (historic) River basins

Astrollopis (*Trigona vernalis*) - stable substrate, rock, hard mud, silt, and soft bottoms, often buried deeply; east and central Texas, Red through San Antonio River basins

Texas Parks & Wildlife
Annotated County Lists of Rare Species
JEFFERSON COUNTY, cont'd

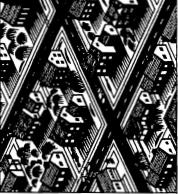
Last Revision: 2 Jun 2005
Page 3 of 4

Federal Status	State Status
Colonial waterbird nesting areas	many rookeries active annually
Migratory songbird fallout areas	- oak mottes and other woods/thickets provide
foraging/roosting sites for neotropical migratory songbirds	
****BIRDS-RELATED****	
American Eel (<i>Anguilla rostrata</i>)	- most aquatic habitats with access to ocean; spawns January–February in ocean, larva move to coastal waters, metamorphose, then females move into freshwater; muddy bottoms, still waters, large streams, lakes; can travel overland in wet areas; males in brackish estuaries
****FISHES****	
Black Bear (<i>Ursus americanus</i>)	- within historical range of Louisiana Black Bear in eastern Texas, Black Bear is federally listed threatened and inhabits bottomland hardwoods and large tracts of undeveloped forested areas; in remainder of Texas, Black Bear is not federally listed and inhabits desert lowlands and high elevation forests and woodlands; dens in tree hollows, rock piles, cliff overhangs, caves, or under brush piles
Louisiana Black Bear (<i>Ursus americanus luteolus</i>)	- possible as transient; bottomland hardwoods and large tracts of inaccessible forested areas
Plains Spotted Skunk (<i>Spilogale putorius intermixta</i>)	- catholic; in habitat; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie
Coyotes' Big-eared Bat (<i>Corynorhinus rafinesquii</i>)	- roosts in cavity trees of bottomland hardwoods, concrete culverts and abandoned man-made structures
Wolf (<i>Canis rufus</i>) (extirpated)	- formerly known throughout eastern half of Texas in bushy and forested areas, as well as coastal prairies
Southeastern Myotis Bat (<i>Myotis austroriparius</i>)	- roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures
****MAMMALS****	
Treeper (Squawfoot) (<i>Strophitus undulatus</i>)	- small to large streams, prefers gravel or gravel and mud in flowing water; Colorado, Guadalupe, San Antonio, Neches (historic), and Trinity (historic). River basins
Clawfoot (Common) (<i>Truncilla donaciformis</i>)	- small and large rivers especially on sand, mud, rocky mud, and sand and gravel; also silt and cobble bottoms in still to swift flowing waters; Red (historic), Cypress (historic), Sabine (historic), Neches, Trinity, and San Jacinto River basins.
Little Spectaclecase (<i>Villosa flexosa</i>)	- creeks, rivers, and reservoirs, sandy substrates in slight to moderate current, usually along the banks in slower currents; east Texas, Cypress through San Jacinto River basins
Louisiana Pigtoe (<i>Pleurobema riddeilli</i>)	- streams and moderate-size rivers, usually flowing water on substrates of mud, sand, and gravel; not generally known from impoundments; Sabine, Neches, and Trinity (historic) River basins
Lipstick (<i>Interseria vernicosa</i>)	- stable substrate, rock, hard mud, silt, and soft bottoms, often buried deeply; east and central Texas, Red through San Antonio River basins

Texas Parks & Wildlife
Annotated County Lists of Rare Species
JEFFERSON COUNTY, cont'd

Last Revision: 2 Jun 2005
Page 4 of 4

TEXAS PARKS AND WILDLIFE



Wildlife Habitat Assessment Program

Threatened and Endangered Species

3000 S. IH-35, Suite 100

Austin, Texas 78704

512/912-7011 phone

512/912-7058 fax

www.tpwd.state.tx.us

Rare Resources Review Requests

(Including Threatened and Endangered Species)

This service includes an analysis of your site-specific assessment of environmental information and potential impacts to threatened, endangered, and other rare species, natural communities, and special features presently known or potentially occurring in the vicinity of a project. If you need only state or county rare species lists for preliminary project planning, in lieu of submitting this form please contact our administrative staff at (512) 912-7011.

Review requests for this analysis should include all the information listed on Page 2 below and be sent to the attention of Celeste Brancel at the above address. We will provide you an analysis based on the most current information available to Texas Parks and Wildlife Department regarding sensitive natural resources. Please expect our response to take on average 4 to 6 weeks from receipt, depending on the size of your request. Note the more pertinent information you provide, the more customized our review, and the faster our turnaround. Review requests submitted without adequate project detail may cause a delay in our response while we contact you and wait for supplemental information. The potential for adverse impacts to rare resources from project activities varies based on the type of activity; location; season; vegetation; present physical features (both natural and man-made); degree of disturbance; planned avoidance, minimization, mitigation, enhancement, and restoration measures; and species-specific tolerance levels. Current site color photographs and aerial photographs greatly facilitate the review process. More information allows us to more accurately assess a project's potential impacts as well as assists in narrowing the list of species or impacts you and we would need to address.

TPWD charges for this review service. Since TPWD is largely a self-funded agency, this revenue allows for additional staff to provide more timely responses to review requests! The charges are based on a flat fee (minimum charge of \$50/project site), except when the project is unusually large (\$25/additional hour). An invoice will accompany the TPWD response letter for the review request, which will be due upon receipt; please do not prepay. Government agencies are exempted from these charges. Private consultants performing work under contract for government entities are not exempt.

This analysis does not include a review of general fish and wildlife habitat impacts (such as impacts to wetlands, water bodies, other fish and wildlife species, forests, parklands, etc.). Should you need such a review, a separate request should be sent to Kathy Boydston, TPWD Wildlife Division, Wildlife Habitat Assessment Program, 4200 Smith School Road, Austin, TX 78744-3391.



TPWD

Status Key	LE, LT - Federally Listed Endangered/Threatened	PE, PT - Federally Proposed Endangered/Threatened	E/SA, T/SA - Federally Listed Endangered/Threatened by Similarity of Appearance	C1 - Federal Candidate for Listing, Category 1; information supports proposing to list as endangered/threatened	DL, PDL - Federally Delisted/Proposed for Delisting	NL - Not Federally Listed	E, T - State Listed Endangered/Threatened	blank - Rare, but with no regulatory listing status
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Species appearing on these lists do not all share the same probability of occurrence. Some species are migrants or wintering residents only, or may be historic or considered extirpated.

- Rare Resources Review Requests
 - (Including Threatened and Endangered Species), cont'd. -

If this form is filled out electronically, please use a font or style that will contrast with the text below. If sending in a separate attachment, it is not necessary to return the blank form, providing all the information below is included on the attachment.

Name:

Your Company:

Your Company Address:

City, State, Zip:

Project Title & Site Location:

1) Scope of Project

- a) What regulations will this review help you to comply with? OR If not regulatory, why is the review being requested?
 - b) What activities will be conducted at the site? (Especially activity types, extent, and acreage of ground, waterway, and vegetation disturbance and total acreage of site)
 - c) Schedule of activities – Approximately when will the project be active on the site?
- 2) Vegetation - Species, structure and composition, vegetation layers, height of layers, natural vegetation community type

3) Other Natural Resources/Physical Features

- a) Soils and geology
- b) Habitat, watercourses, animals, etc.

4) Existing Site Development - Extent of pavement, gravel, shell, or other cover; buildings, landscaped, xeriscaped, drainage system, etc.)

5) Historic Use/Function of Site – Pasture, forest, urban, row crops, rangeland, wetland, etc.

6) Has a threatened and endangered species survey or assessment already been performed?

- (In general, TPWD recommends an **on-site habitat assessment be performed**).
- a) If yes, provide survey name, qualifications, methods or protocols, acreage surveyed, level of effort, weather conditions, time of day, and dates the survey was performed.
 - b) If yes, please provide results and copy of survey/assessment report.

7) Could current on-site or adjacent habitat support rare species? Specifically, explain why or why not.

8) Brief description of potential negative impacts from project activities and avoidance, minimization, and mitigation measures planned.

9) Brief description of planned beneficial enhancements or restoration efforts.

- 10) Clearly delineate exact location of site on original or photocopy of relevant portion of USGS 7.5' topographic quadrangle (most preferable) or best map available. Topographic map should show name of quadrangle. The map must contain identifiable features and a scale that allows us to accurately pinpoint your site.
- 11) Originals or color-copy photographs of site and surrounding area with captions or narratives.
- 12) Aerial photographs when available. Aerials should show the year photograph was taken.



**Notes for
County Lists of Texas' Special Species**

The Texas Parks and Wildlife (TPWD) county lists include:

Vertebrates, Invertebrates, and Vascular Plants on the special species lists of the TPWD, Non-game and Rare Species Program, Natural Diversity Database (NDD) (formerly the Biological and Conservation Data System). These special species lists are comprised of all species, subspecies, and varieties that are federally listed; proposed to be federally listed; have federal candidate status; are state listed; or carry a global conservation status indicating a species is imperiled, very rare, vulnerable to extirpation; and some species ranked rare or uncommon.

Colonial Waterbird Nesting Areas and Migratory Songbird Fallout Areas
 are included on the county lists for coastal counties only.
 The TPWD county lists exclude:

Natural Plant Communities such as Little Bluesem-Indiangrass Series (native prairie remnant), Water Oak-Willow Oak Series (bottomland hardwood community), Saltgrass-Cordgrass Series (salt or brackish marsh), Sphagnum-Breakrush Series (seepage bog).

Other Significant Features such as non-coastal bird rookeries, comprehensive migratory bird information, bat roosts, bat caves, invertebrate caves, and prairie dog towns.

These lists are not all inclusive for all rare species distributions. The lists were developed and are updated based on field guides, NDD occurrences data, staff expertise, and scientific publications. In order to keep the lists to a reasonable length, historic ranges for some state extirpated species, full historic distributions for some extant species, accidentals and irregularly appearing species, and portions of migratory routes for particular species are not included.

The **revised date** on each county list reflects the last date any changes or revisions were made for that county and reflects current listing statuses and taxonomy.

Species that appear on county lists do not all share the same probability of occurrence within a county. Some species are migrants or wintering residents only. Additionally, a few species may be historic or considered extirpated within a county. Species considered extirpated within the state are so flagged on each list.

This information is for your assistance only; due to continuing data updates,
 please do not reprint or redistribute the information, instead refer all
 requesters to our office to obtain the most current information available.

The Natural Diversity Database



The NDD gathers biological information from museum and herbarium collection records, peer reviewed publications, experts in the scientific community, organizations, qualified individuals, and on-site field surveys conducted by TPWD staff on public lands or private lands with written permission. TPWD staff botanists, zoologists, and ecologists perform field surveys to locate and verify specific occurrences of high-priority biological elements and collect accurate information on their condition, quality, and management needs.

The NDD can be used to help evaluate the environmental impacts of routing and siting options for development projects. It also assists in impact assessment, environmental review, and permit review.

Given the small proportion of public versus private land in Texas, the NDD does not include a representative inventory of rare resources in the state. Although it is based on the best data publicly available to TPWD regarding rare species, these data cannot provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features in any area. Nor can these data substitute for on-site evaluation by qualified biologists. The NDD information is intended to assist the user in avoiding harm to species that may occur.

Please use the following citation to credit the source for this county level information:

Texas Parks and Wildlife Department, Wildlife Division, Non-game and Rare Species and Habitat Assessment programs. [County Lists of Texas' Special Species, [county name(s)] and revised date(s)].

For information on obtaining a project review form or a site-specific review of a project area for rare species, and for updated county lists, please call (512) 912-7011.

**Code Key for Printouts from
Texas Parks and Wildlife Department
Natural Diversity Database (NDD)**

This information is for your assistance only; due to continuing data updates, vulnerability of private land to trespass and of species to disturbance or collection, please do not publish in public documents or otherwise reprint or redistribute the information, instead refer all requesters to our office to obtain the most current information available.

LEGAL STATUS AND CONSERVATION RANKS

FEDERAL STATUS (as determined by the US Fish and Wildlife Service)

LE	Listed Endangered
LT	Listed Threatened
PE	Proposed to be listed Endangered
PT	Proposed to be listed Threatened
PDL	Proposed to be Delisted (Note: Listing status retained while proposed).
ESEA, T/S/A	Listed Endangered on basis of Similarity of Appearance, Listed Threatened on basis of Similarity of Appearance
DL	Delisted/Endangered/Treatened Candidate, Category 1, USFWS has substantial information, subspecies, subspecies viability and threats to support proposal to list as threatened or endangered. Data are being gathered on habitat needs and/or critical habitat designations.
C1	C1, but lacking known occurrences
C1*	C1, but lacking known occurrences, except in captivity/cultivation
XE	Essential Experimental Population
XN	Non-essential Experimental Population
Blank	Species is not federally listed

TX PROTECTION (as determined by the Texas Parks and Wildlife Department)

E	Listed Endangered
T	Listed Threatened
Blank	Species is not state-listed
G1**	G1, but lacking known occurrences
G2	G2, but lacking known occurrences
G3	G3, but lacking known occurrences
G4	G4, but lacking known occurrences
G5	G5, but lacking known occurrences
GH	Demonstrably secure globally
GU	Historical occurrence through its range
G#G#	Possibly in part range-wide, but status uncertain
GX	Ranked within a range as status uncertain
Q	Apparently extinct throughout range
#?	Rank qualifier denoting taxonomic assignment is questionable
C	Rank qualifier denoting uncertain rank
G#H#	In captivity or cultivation only

"G" refers to species rank, "T" refers to variety or subspecies rank

STATE (SUBNATIONAL) RANK (as determined by the Texas Parks and Wildlife Department)

S1	Critically imperiled in state, extremely rare, vulnerable to extirpation, typically 5 or fewer viable occurrences
S2	Imperiled in state, very rare, vulnerable to extirpation, typically 6 to 20 viable occurrences
S3	Rare or uncommon in state, typically 21 to 100 viable occurrences
S4	Apparently secure in State
S5	Demonstrably secure in State
S#S#	Ranked within a range as status uncertain
SH	Of historical occurrence in state and may be rediscovered
SU	Unrankable - due to lack of information or substantially conflicting information
SX	Apparently extirpated from State
SNR	Unranked - State status not yet assessed
SNA	Not applicable - species is not a suitable target for conservation activities
?	Rank qualifier denoting uncertain rank in State

ELEMENT OCCURRENCE RECORD

Element Occurrence Record (EOR)	Spatial and tabular record of an area of land and/or water in which a species, natural community, or other significant feature of natural diversity is, or was, present and associated information, may be a single, contiguous area or may be comprised of discrete patches or subpopulations
Occurrence #	Unique number assigned to each occurrence of each element when added to the NDD
Watershed Code	Eight digit numerical code determined by US Geological Survey (USGS)
Watershed Name	Name of watershed as determined by USGS
Quadrangle Name	Name of USGS topographical map
Directions	Directions to geographic location where occurrence was observed, as described by observer or in source
First/Last Observation Survey Date	Date a particular occurrence was first/last observed; refers only to species occurrence as noted in source and does not imply the first/last date the species was present if conducted, date of survey
EO Type	State rank qualifiers:
	Migrant – species occurring regularly on migration at staging areas, or concentration along particular corridors; status refers to the transient population in the State
	B Qualifier indicating basic rank refers to the breeding population in State
	N Qualifier indicating basic rank refers to the non-breeding population in State
EO Rank	A Excellent, Introduced
	B Good, Introduced
	C Marginal, Introduced
	D Poor, Introduced
	E Extant/Present
	H Historical/No Field Information
	X Destroyed/Extirpated
	O Obscure
EO Rank Date	Latest date EO rank was determined or revised
Observed Area	Acres, unless indicated otherwise
Description	General physical description of area and habitat where occurrence is located, including associated species, soils, geology, and surrounding land use
Comments	Comments concerning the quality or condition of the element occurrence at time of survey
Protection Comments	Observer comments concerning legal protection of the occurrence
Management Comments	Observer comments concerning management recommendations appropriate for occurrence conservation
Site Name	Title given to site by surveyor
DATA	Biological data; may include number of individuals, vigor, flowering/fruiting data, nest success, behaviors observed, or unusual characteristics, etc.
MANAGED AREA INFORMATION	Place name or (on EOR printout) name of area when the EO is located within or partially within an area identified for conservation, such as State or Federal lands, nature preserves, parks, etc.
Alias	Additional names the property is known by
Acres	Total acreage of property, including non-contiguous tracts
Manager	Contact name, address, and telephone number for area or nearest area land steward

Please use the following citation to credit the source for the printout information:

Texas Parks and Wildlife Department, Wildlife Division, Science, Research, and Diversity Program, Natural Diversity Database [date(s) posted on printouts].

BRAZORIA COUNTY

							Federal Status	State Status
*** BIRDS ***								
Arctic Peregrine Falcon (<i>Falco peregrinus tundrius</i>)	- potential migrant						DL	T
Attwater's Greater Prairie-chicken (<i>Tympanuchus cupido attwateri</i>)	- county within historical distribution; open prairies of mostly thick grass one to three feet tall; from near sea level to 200 feet along coastal plain on upper two-thirds of Texas coast; males form communal display flocks during late winter-early spring;						LE	E
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	- found primarily near seacoasts, rivers, and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds						LT	PDL
Black Rail (<i>Laterallus jamaicensis</i>)	- salt, brackish, and freshwater marshes; pond borders, wet meadows, & grassy swamps; nests in or along edge of marsh sometimes on damp ground, but usually on mat of previous year's dead grasses; nest usually hidden in marsh grass or at base of Salicornia						LE	E
Brown Pelican (<i>Pelecanus occidentalis</i>)	- largely coastal and near shore areas, where it roosts on islands and spoil banks						LE	E
Henslow's Sparrow (<i>Ammospiza henslowii</i>)	- wintering migrant (not flocks) found in weedy fields or cut-over areas where lots of bunch grasses occur along with vines and brambles; a key component is bare ground for running/walking; likely to occur, but few records within this county						LT	T
Mountain Plover (<i>Charadrius montanus</i>)	- shortgrass plains and plowed fields (bare, dirt fields); primarily insectivorous; winter resident in this area						LT	T
Piping Plover (<i>Charadrius melodus</i>)	- wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats						LT	T
Reddish Egret (<i>Egretta rufescens</i>)	- resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal islands in brushy thickets of yucca and prickly pear						LT	T
Snowy Plover (<i>Charadrius alexandrinus</i>)	- wintering migrant along the Texas Gulf Coast beaches and bayside mud or salt flats						LT	T
Sooty Tern (<i>Sterna fuscata</i>)	- predominately "on the wing"; does not dive, but snatches small fish and squid with bill as it flies or hovers over water; breeding April-July						LT	T
Swallow-tailed Kite (<i>Elanoides forficatus</i>)	- lowland forested regions, especially swampy areas, ranging into open woodland; marshes, along rivers, lakes, and ponds; nests high in tall tree in clearing or on forest woodland edge, usually in pine, cypress, or various deciduous trees						LT	T
White-faced Ibis (<i>Plegadis chihi</i>)	- prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in hulushes or reeds, or on floating mats						LT	T
White-tailed Hawk (<i>Buteo albicaudatus</i>)	- near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May						LT	T
Whooping Crane (<i>Grus americana</i>)	- potential migrant; winters in and around Aransas National Wildlife Refuge and migrates to Canada for breeding; only remaining natural breeding population of this species						LE	E

Texas Parks & Wildlife
Annotated County
BIBLIOGRAPHY

Texas Parks & Wildlife
Annotated County Lists of Rare Species
BRAZORIA COUNTY, cont'd

Federal Status	State Status	
Smooth Pimpleback (<i>Quadula houstonensis</i>)	T	small to moderate streams and rivers as well as moderate size reservoirs; mixed; mud, sand, and fine gravel, tolerates very slow to moderate flow rates, appears not to tolerate dramatic water level fluctuations, scoured bedrock substrates, or shifting sand bottoms, lower Trinity (questionable), Brazos, and Colorado River basins
Texas Fawnsfoot (<i>Truncilla macrodon</i>)	T	little known; possibly rivers and larger streams, and intolerant of impoundment; flowing rice irrigation canals, possibly sand, gravel, and perhaps sandy-mud bottom; in moderate flows; Brazos and Colorado River basins
*** REPTILES ***		
Atlantic Hawksbill Sea Turtle (<i>Eretmochelys imbricata</i>)	LE	Gulf and bay system
Green Sea Turtle (<i>Chelonia mydas</i>)	LT	Gulf and bay system
Gulf Saltmarsh Snake (<i>Nerodia clarkii</i>)	T	saline flats, coastal bays, & brackish river mouths
Kemp's Ridley Sea Turtle (<i>Lepidochelys kempii</i>)	LE	Gulf and bay system
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	LE	Gulf and bay system
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	LT	Gulf and bay system
Smooth Green Snake (<i>Liochlorophis vernalis</i>)	T	Gulf Coastal Plain; mesic coastal shortgrass prairie vegetation; prefers dense vegetation
Texas Diamondback Terrapin (<i>Malaclemys terrapin littoralis</i>)	T	coastal marshes, tidal flats, coves, estuaries, and lagoons behind barrier beaches; brackish and salt water; burrows into mud when inactive, may venture into lowlands at high tide
Texas Horned Lizard (<i>Phrynosoma cornutum</i>)	T	- open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil; enters rodent burrows, or hides under rock when inactive; breeds March-September
Timber/Canebrake Rattlesnake (<i>Crotalus horridus</i>)	T	- swamps, floodplains, upland pine and deciduous woodlands, riparian zones, abandoned farmland; limestone bluffs, sandy soil or black clay; prefers dense ground cover, i.e. grapevines or palmetto
*** VASCULAR PLANTS ***		
Coastal gray-feather (<i>Liatris bracteata</i>)	endemic	; black clay soils of prairie remnants; flowering in fall
Texas windmill-grass (<i>Chionis texensis</i>)	endemic	; sandy to sandy loam soils in open to sometimes barren areas in prairies and grasslands, including ditches and roadsides; flowering in fall
Threeflower broomweed (<i>Thurrovia triflora</i>)	endemic	; black clay soils of remnant grasslands, also tidal flats; flowering July-November
Status Key: LE,LT - Federally Listed Endangered/Threatened PE,PT - Federally Proposed Endangered/Threatened E/SA,T/SA - Federally Endangered/Threatened by Similarity of Appearance C1 - Federal Candidate, Category 1; information supports proposing to list as endangered/threatened DL,PD - Federally Delisted/Delisted NL - Not Federally Listed E,T - State Endangered/Threatened ** - P.L. - Potential List Species		
Wood Stork (<i>Mycteria americana</i>)	T	- forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960
*** BIRDS-RELATED ***		
Colonial waterbird nesting areas	T	- many rookeries active annually foraging/roosting sites for neotropical migratory songbirds
*** FISHES ***		
American Eel (<i>Anguilla rostrata</i>)	T	- most aquatic habitats with access to ocean; spawns January-February in ocean, larva move to coastal waters, metamorphose, then females move into freshwater; muddy bottoms, still waters, large streams, lakes; can travel overland in wet areas; males in brackish estuaries
Sharpnose Shiner (<i>Notropis oxyrhynchus</i>)	C1	- endemic to Brazos River drainage; also, apparently introduced into adjacent Colorado River drainage; large turbid river, with bottom a combination of sand, gravel, and clay-mud
*** MAMMALS ***		
Black Bear (<i>Ursus americanus</i>)	T/SA; NL	- within historical range of Louisiana Black Bear in eastern Texas, Black Bear is federally listed threatened and inhabits bottomland hardwoods and large tracts of undeveloped forested areas; in remainder of Texas, Black Bear is not federally listed and inhabits desert lowlands and high elevation forests and woodlands; dens in tree hollows, rock piles, cliff overhangs, caves, or under brush piles
Jaguarundi (<i>Herpailurus yagouaroundi</i>)	LE	- thick brushlands, near water favored; six month gestation, young born twice per year in March and August
Louisiana Black Bear (<i>Ursus americanus lauvolisi</i>)	T	- possible as transient; bottomland hardwoods and large tracts of inaccessible forested areas
Ocelot (<i>Leopardus pardalis</i>)	LE	- dense chaparral thickets; mesquite-thorn scrub and live oak mottes; avoids open areas; breeds and raises young June-November
Plains Spotted Skunk (<i>Spi洛gate putorius interstripata</i>)	E	- catholic in habitat; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie
West Indian Manatee (<i>Trichechus manatus</i>)	LE	- Gulf and bay system; opportunistic, aquatic herbivore
*** MOLLUSKS ***		
False Spike Mussel (<i>Quincuncina michellii</i>)	T	- substrates of cobble and mud, with water lilies present; Rio Grande, Brazos, Colorado, and Guadalupe (historic) river basins
Pistolgrip (Tritogonia vetucosa)	T	- stable substrate, rock, hard mud, silt, and soft bottoms, often buried deeply; east and central Texas, Red through San Antonio River basins
Rock-pocketbook (<i>Arcidens confragosus</i>)	T	- mud, sand, and gravel substrates of medium to large rivers in standing or slow flowing water, may tolerate moderate currents and some reservoirs; east Texas, Red through Guadalupe River basins

Species appearing on these lists do not all share the same probability of occurrence. Some species are migrants or wintering residents only, or may be historic or considered extirpated.

GALVESTON COUNTY

*** BIRDS ***

- Arctic Peregrine Falcon (*Falco peregrinus tundrus*)** - potential migrant
- Attwater's Greater Prairie-chicken (*Tympanuchus cupido atriventer*)** - open prairies of mostly thick grass one to three feet tall; from near sea level to 200 feet along coastal plain on upper two-thirds of Texas coast; males form communal display flocks during late winter-early spring; booming grounds important; breeding February-July
- Bald Eagle (*Haliaeetus leucocephalus*)** - found primarily near seacoasts, rivers, and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds
- Black Rail (*Laterallus fuscus*)** - salt, brackish, and freshwater marshes, pond borders, wet meadows, & grassy swamps; nests in or along edge of marsh, sometimes on damp ground, but usually on mat of previous year's dead grasses, nest usually hidden in marsh grass or at base of Salicornia
- Brown Pelican (*Pelecanus occidentalis*)** - largely coastal and near shore areas, where it roosts on islands and spoil banks
- Henslow's Sparrow (*Ammmodramus henslowii*)** - wintering individuals (not flocks) found in weedy fields or cut-over areas where lots of bunch grasses occur along with vines and brambles; a key component is bare ground for running/walking; likely to occur, but few records within this county
- Mountain Plover (*Charadrius montanus*)** - shortgrass plains and plowed fields (bare, dirt fields); primarily insectivorous; winter resident in this area
- Piping Plover (*Charadrius melodus*)** - wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats
- Reddish Egret (*Egretta rufescens*)** - resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal islands in brushy thickets of yucca and prickly pear
- Snowy Plover (*Charadrius alexandrinus*)** - wintering migrant along the Texas Gulf Coast beaches and bayside mud or salt flats
- Sooty Tern (*Sterna fuscata*)** - predominately "on the wing"; does not dive, but snatches small fish and squid with bill as it flies or hovers over water; breeding April-July
- Swallow-tailed Kite (*Elanoides forficatus*)** - lowland forested regions, especially swampy areas; ranging into open woodland; marshes, along rivers, lakes, and ponds; nests high in tall tree in clearing or on forest woodland edge, usually in pine, cypress, or various deciduous trees
- White-faced Ibis (*Plegadis chihi*)** - prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats
- White-tailed Hawk (*Buteo albonotatus*)** - near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May
- Whooping Crane (*Grus americana*)** - potential migrant; winters in and around Aransas National Wildlife Refuge and migrates to Canada for breeding; only remaining natural breeding population of this species

	Federal Status	State Status	Federal Status	State Status
	T			

Wood Stork (*Mycetiza americana*) - forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active herons); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960.

*** BIRDS-RELATED ***

- Colonial waterbird nesting areas** - many rookeries active annually
- Migratory songbird fallout areas** - oak mottes and other woods/thickets provide foraging/roosting sites for neotropical migratory songbirds
- ***FISHES*****
- American Eel (*Anguilla rostrata*)** - most aquatic habitats with access to ocean; spawns January-February in ocean, larva move to coastal waters, metamorphose, then females move into freshwater; muddy bottoms, still waters, large streams, lakes; can travel overland in wet areas; males in brackish estuaries

*** MAMMALS ***

- Black Bear (*Ursus americanus*)** - within historical range of Louisiana Black Bear in eastern Texas, Black Bear is federally listed threatened and inhabits bottomland hardwoods and large tracts of undeveloped forested areas; in remainder of Texas, Black Bear is not federally listed and inhabits desert lowlands and high elevation forests and woodlands; dens in tree hollows, rock piles, cliff overhangs, caves, or under brush piles
- Louisiana Black Bear (*Ursus americanus luteolus*)** - possible as transient; bottomland hardwoods and large tracts of inaccessible forested areas
- Plains Spotted Skunk (*Spilogale putorius intermixta*)** - catholic in habitat; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie
- West Indian Manatee (*Trichechus manatus*)** - Gulf and bay system; opportunistic, aquatic herbivore

*** MOLLUSKS ***

- Pistolgrip (*Triogonia ventricosa*)** - stable substrate, rock, hard mud, silt, and soft bottoms, often buried deeply; east and central Texas, Red through San Antonio River basins

*** REPTILES ***

- Alligator Snapping Turtle (*Macrochelys temminckii*)** - deep water of rivers, canals, lakes, and oxbows; also swamps, bayous, and ponds near deep running water; sometimes enters brackish coastal waters; usually in water with mud bottom and abundant aquatic vegetation; may migrate several miles along rivers; active March-October; breeds April-October
- Atlantic Hawksbill Sea Turtle (*Eretmochelys imbricata*)** - Gulf and bay system
- Green Sea Turtle (*Chelonia mydas*)** - Gulf and bay system

Texas Parks & Wildlife
Annotated County Lists of Rare Species
GALVESTON COUNTY Cont'd

Last Revision: 2 Jun 2005
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Element Occurrence Record

Gulf Saltmarsh Snake (<i>Nerodia clarkii</i>) - saline flats, coastal bays, & brackish river mouths	Federal Status	State Status	LE	E	Common Name:	Haliaeetus leucocephalus	Occurrence #:	120	TX Protection Status:	T	Eo Id:	4018	LT-PDL
Kemp's Ridley Sea Turtle (<i>Lepidochelys kempii</i>) - Gulf and bay system	Global Rank:	LE	E	Common Name:	Bald Eagle	State Rank:	S3B, S3N	Federal Status:	T	Eo Rank:	LT-PDL		
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>) - Gulf and bay system	Global Rank:	LT	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-A3, Oyster Creek				
Loggerhead Sea Turtle (<i>Caretta caretta</i>) - Gulf and bay system	Global Rank:	LE	E	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-A4, Lake Jackson				
Smooth Green Snake (<i>Liochlorophis vernalis</i>) - Gulf Coastal plain; mesic coastal shortgrass prairie vegetation; prefers dense vegetation	Global Rank:	LT	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	28095-H3, Freeport				
Texas Diamondback Terrapin (<i>Malaclemys terrapin terrapin</i>) - coastal marshes, tidal flats, coves, estuaries, and lagoons behind barrier beaches; brackish and salt water; burrows into mud when inactive; may venture into lowlands at high tide	Global Rank:	LT	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	28095-H4, Jones Creek				
Texas Horned Lizard (<i>Phrynosoma cornutum</i>) - open, arid and semi-arid regions with sparse vegetation, including grass, cactus, and/or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Timber/Canebrake Rattlesnake (<i>Crotalus horridus</i>) - swamps, floodplains, upland pine and deciduous woodlands, riparian zones, abandoned farmland; limestone bluffs, sandy soil or black clay; prefers dense ground cover, i.e. grapevines or palmetto	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
*** VASCULAR PLANTS ***	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Coastal gay-feather (<i>Liatris bracteata</i>) - endemic; black clay soils of prairie remnants; flowering in fall	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Corell's false dragon-head (<i>Physostegia corelli</i>) - wet soils including roadside ditches and irrigation channels; flowering June-July	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Grand Prairie evening primrose (<i>Oenothera pilosella</i> ssp. <i>sessilis</i>) known in Texas from a single collection made in the 1850's from Galveston Island; elsewhere	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Houston daisy (<i>Ray Jacksonia aurea</i>) - endemic; seasonally wet, saline barren areas, around the base of mima mounds in coastal prairies, or barren to somewhat vegetated openings in grasslands, including pastures and roadsides, on loamy to sandy loam soils; flowering October-November	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Texas windmill-grass (<i>Chloris texensis</i>) - endemic; sandy to sandy loam soils in open to sometimes barren areas in prairies and grasslands, including ditches and roadsides; flowering in fall	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Threeflower broomweed (<i>Thuniora triflora</i>) - endemic; black clay soils of remnant grasslands, also tidal flats; flowering July-November	Global Rank:	T	Common Name:	Austin-Oyster	County Name:	State:	Mapsheet:	29095-H4, Jones Creek					
Status Key: LE, LT - Federally Listed Endangered/Threatened PE, PT - Federally Proposed Endangered/Threatened E/SA, T/SA - Federally Listed Endangered/Threatened by Similarity of Appearance C1 - Federal Candidate for Listing, Category 1; information supports proposal to list as Endangered/Threatened DI, PDL - Federally Delisted/Proposed for Delisting NL - Not Federally Listed E, T - State Listed Endangered/Threatened "blank" - Rare, but with no regulatory listing status	Site:	Site Name:	Site Name:	Site Name:	Site Name:	Site Name:	Site Name:	Site Name:	Site Name:	Site Name:	Site Name:	Site Name:	
Species appearing on these lists do not share the same probability of occurrence. Some species are migrants or wintering residents only, or may be historic or considered extirpated.	EO Data:	NEST #020-8A-2000, ACTIVE NEST WITH ONE YOUNG FLEDGED; 2001, ACTIVE NEST WITH TWO YOUNG FLEDGED	Last Observation:	2001	EO Rank:	EO Rank Date:							

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K-74

10/7/2005

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Element Occurrence Record

Managed Area:

Managed Area Name	TPWD Pipeline Monitoring Protocol
Reference:	ORTEGO, BRENT. 2001. PERFORMANCE REPORT, PROJECT NO. W-125-R-12, SEPTEMBER 30, 2001.
Citation:	ORTEGO, BRENT. 2002. MAPS CLARIFYING QUESTIONS ABOUT BALD EAGLE TERRITORY LOCATIONS FROM THE 2001 SURVEY. RECEIVED JUNE 13, 2002.
Specimen:	POLASEK, LEN G. 2000. PERFORMANCE REPORT, PROJECT NO. W-125-R-11; AUGUST 31, 2000. MANAGEMENT, FEDERAL AID GRANT NO. W-125-R-11.

TPWD Pipeline Monitoring Protocol

The permittee will use aerial photography with GIS analysis to monitor the entire pipeline construction corridor and an additional 200 meter buffer zone (100 meters paralleling each side of the construction corridor). The purpose of the GIS analysis is to quantify habitat conversion, particularly emergent marsh to open water. The resource agencies recommend the following GIS/ Remote Sensing method and standard be used in order to produce accurate and consistent results.

The pipeline corridor will be monitored by providing pre- and post- construction aerial photography, (taken 24 months after construction completion to allow for vegetative regrowth) at a scale of 1: 4800 or 1 inch to 400 feet. The applicant will then be required to utilize GIS and Remote Sensing techniques to conduct an analysis of change to determine the amount of vegetated marsh impacted by pipeline construction activities. Monitoring reports should be submitted by the applicant that includes at a minimum:

- 1) a pre-project GIS analysis assessing the existing emergent marsh to open water ratio, in acres, within the permitted corridor (which includes the construction corridor and the 200 meter buffer zone).
- 2) a post-project GIS analysis assessing the emergent marsh to open water ratio, in acres, within the entire permitted corridor (which includes the construction corridor and the 200 buffer zone).
- 3) Ortho corrected imagery covering the construction corridor and buffer zone, maximum of 6 inch pixel size and CIR imagery, +/- 2 meters spatial accuracy, 4) All vector deliverable to be in Arcview Shapefile format with FGDC compliant metadata and all raster imagery in GeoTiff format with FGDC compliant metadata. A binary classification system should be used consisting of open water and vegetated areas. The classified data should meet or exceed 90% attribute accuracy as determined by industry standard and be verified by statistically valid ground truth sampling techniques, this can include GPS based ground surveys.

S0014



TEXAS
GENERAL LAND OFFICE
JERRY PATTERSON, COMMISSIONER

Please contact Mr. Thomas Calhan if you have any questions or concerns at (512) 463-5100 or
thomas.calhan@glo.state.tx.us.

October 4, 2005

Mr. Donald Silawsky
Department of Energy
Office of Petroleum Reserves
1000 Independence Avenue S. W.
Washington, DC 20585-0301

Re: Proposed Expansion of the Strategic Petroleum Reserve (SPR) in Texas

Dear Mr. Silawsky:

Thank you for the opportunity to review the proposed project listed above. The Texas sites under consideration are: (1) Big Hill, Jefferson County, an existing SPR facility to be expanded; and (2) Stratton Ridge, Brazoria County, which is a candidate for a new SPR facility.

The General Land Office (GLO) staff is concerned about potential adverse impacts to Coastal Natural Resource Areas (CNRAs), as defined in 31 TAC §501.3(b). It appears that at least part of the proposed project is in the Coastal Management Program (CMP) boundary. The CMP requires that, if practicable, the project should avoid and/or minimize any adverse impacts to CNRAs in the CMP boundary, as delineated in 31 TAC §503.1. Information on the Texas CMP can be found at the following website: <http://www.glo.state.tx.us/coastal/cmp.htm/>.

Based on the information provided, it also appears that there may be impacts to coastal wetlands. A wetland delineation may be conducted by the U.S. Army Corps of Engineers (Corps) or a qualified consultant to determine if the wetlands are jurisdictional and a Corps permit is required. Also, a Texas Commission on Environmental Quality (TCEQ) Section 401 water-quality certification may also be needed.

Because part of the proposed project may be on state-owned submerged lands and a GLO coastal lease or easement may be required, I have forwarded the information on the proposed expansion to Mr. Garry McMahan, GLO Asset Inspections in La Porte, Texas at (281) 470-1191 or at garry.mcmahan@glo.state.tx.us.

Also, Mr. Dolan Dunn, Chief, Regulatory Branch, Corps – Galveston District, can be contacted at (409) 766-3930, and Mr. Mark Fisher, TCEQ, is at (512) 239-4586.



TEXAS
HISTORICAL
COMMISSION
The State Agency for Historic Preservation

S0029

October 18, 2005

Donald Silawsky
Department of Energy
Office of Petroleum Reserves
1000 Independence Avenue S.W.
Washington, DC 20585-0301

Rc: Project review under Section 106 of the National Historic Preservation Act of 1966
Expansion of the Strategic Petroleum Reserve (Big Hill and Stratton Ridge, Texas)
(DOE)

Dear Mr. Silawsky:

Thank you for contacting us about the proposed expansion of the Strategic Petroleum Reserve. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The Big Hill facility has never been surveyed for cultural resources. Since the facility was not constructed until 1967, none of the buildings associated with its operation would be old enough to be considered historic properties. Although no archeological sites are recorded in the surrounding vicinity, the unique nature of the Big Hill landform may have attracted prehistoric populations. We believe that any previously undisturbed areas should be surveyed for archeological sites.

The Stratton Ridge location has not been surveyed for cultural resources, aside from a pipeline right-of-way that parallels the road about 100 m north of Oyster Creek. One prehistoric sand midden site is recorded on the south side of Oyster Creek immediately across from the project area. It is possible that additional sites are present along the northern bank of Oyster Creek within the proposed project area. This entire area should be surveyed.

We would be happy to work with the Department of Energy to develop a programmatic Agreement that will satisfy your Section 106 responsibilities if either of these proposed expansion areas are selected for expansion. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If we may be of further assistance, please call Bill Martin of our staff at 512/463-5867.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Lawrence Oaks".

for
F. Lawrence Oaks, State Historic Preservation Officer

FLOWMAN

P.O. Box 12276 • AUSTIN, TX 78711-2276 • 512/463-6100 • FAX 512/475-1872 • TDD 1-800-735-2089
www.dch.state.tx.us

Louisiana Local Agencies

Donald Siliawsky
Office of F^{ederal} Circuitum Reserves, (FE-47)
11000 Independence Avenue, S.W.
Washington, D.C. 20595-0201

Re: Proposed Expansion of the Strategic Petroleum Reserve (SPR) within Lafourche Parish.

Dear Mr. Silawsky:

You identified two new proposed SPR sites within Lafourche Parish, Chacahoula and Clewleyville. The enclosures indicate that Chacahoula would be a completely new site that is somewhat remote from any existing infrastructure. New pipelines will have to be built throughout our marsh and wetlands plus new buildings, roads etc.

The site at Clovelly would be located within the existing facilities of the Louisiana Offshore Oil Port (LOOP). This would eliminate the need for new pipelines, roads and other infrastructure. The Lafourche Parish Emergency Preparedness Office has worked with LOOP for a number of years. We are able to share resources and we participate in drills to prepare for local emergencies. With LOOP's existing infrastructure no new pipelines or roads would have to be built through our marsh or wetlands and therefore I believe by banding any new SPR facilities within Lafourche Parish at the Clovelly/LOOP

Because of our longstanding work relationship with LOOP, we do not expect any negative effects on public resources due to this proposed expansion. Rather, we see this as a positive step in the economy of this area. LOOP has demonstrated that it is committed to protecting its public health and safety through its daily operations and

the first time, and the author has been unable to find any record of it in any of the standard works on the subject. It is described as follows:—
The plant is a small shrub, 1-2 m. high, with slender, erect, pubescent branches. The leaves are opposite, elliptic-lanceolate, acute, 10-15 mm. long, 5-7 mm. wide, with a prominent midrib and a few scattered hairs on the upper surface. The flowers are numerous, white, bell-shaped, 10-12 mm. long, arranged in cymes at the ends of the branches. The fruit is a small, round, yellowish-orange drupe, 5-7 mm. in diameter.

Appendix L
Applicable Laws, Regulations, Executive Orders, and DOE Orders

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LIST OF TABLES

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Appendix L

Applicable Laws, Regulations, Executive Orders, and DOE Orders

Permits and approvals are required for the expansion of the storage capacity of the SPR from 727 million to 1.0 billion barrels by expanding existing Strategic Petroleum Reserve (SPR) storage sites in Texas, Louisiana, or both, and creating one new site in Texas, Mississippi, or Louisiana. Permits regulate many aspects of facility construction and operations, including the quality of construction, fugitive dust control requirements, and discharges of effluents to the environment. These permits would be obtained, as required, from the appropriate Federal, State, and local agencies.

Table L-1 identifies the major Federal and State laws, regulations, Executive Orders, and other compliance actions that apply to the proposed projects. The Department of Energy (DOE) would conduct its operations in an environmentally safe manner and in compliance with all applicable statutes, regulations, and standards.

Table L-2 lists the DOE Orders that are potentially relevant. DOE Orders are part of the DOE Directives, which are official communications of policies, requirements, and procedures and encompass the Orders, Policies, Orders, Notices, Manuals, and Guides that are intended to direct, guide, inform, and instruct employees in the performance of their jobs and enable them to work effectively within DOE and with agencies, contractors, and the public.

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Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Air Resources (Federal)	CAA	42 U.S.C. 7401 et seq.	EPA	Requires sources to meet standards and obtain permits to satisfy NAAQS, SIPs, NSPS, NESHAPs, and NSR.
	CAA: NAAQS SIP	42 U.S.C. 7409 et seq.	EPA	Requires compliance with primary and secondary ambient air quality standards governing SO ₂ , NO _x , CO, O ₃ , Pb, and particulate matter, and emission limits/reduction measures as designated in each state's SIP.
Air Resources (Louisiana)	Chapter 2, Rules and Regulations for the Fee System of the Air Quality Control Programs	LAC Title 33 Part 3	LDEQ	Establishes fees for DEQ air emissions permits, including for major sources. Covers both application fees and annual fees. Lists in table 1 the fee schedule with fees 1340 to 1368 covering petroleum storage and pipelines, fees 2200 through 2310 covering AT fees, and fees 2600 through 2630 covering accident prevention program annual fees.
	Chapter 5, Permit Procedures	LAC Title 33 Part 3	LDEQ	Contains permit rules for all sources of air pollution in the State. Covers major (and other) sources and pipelines. Contains insignificant activities list. Establishes in section 504, table 1, threshold levels for major sources. Establishes in section 509, table A, "Stationary Sources of Air Pollutants," including "petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels." Matches the Federal definition of major sources. Establishes in section 515 specific pipeline requirements.
	Chapter 6, Regulations on Control of Emissions through the Use of Emissions Reductions Credit Banking	LAC Title 33 Part 3	LDEQ	Establishes an emissions credit banking program for major sources to allow for offsets of emissions.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Chapter 7, Ambient Air Quality	LAC Title 33 Part 3	LDEQ	Establishes ambient air quality standards for the State. Includes provisions for sulfur dioxide.
	Chapter 9, General Regulations on Control of Emissions and Emissions Standards	LAC Title 33 Part 3	LDEQ	Establishes requirements for new sources, reporting, and data requirements including emissions inventories.
	Chapter 15, Emission Standards for Sulfur Dioxide	LAC Title 33 Part 3	LDEQ	Contains emission regulations for sulfur dioxide and hydrogen sulfide.
	Chapter 21, Control of Emission of Organic Compounds	LAC Title 33 Part 3	LDEQ	Sets standards for VOC emission levels, mostly covering standards for above-ground storage tanks. Covers in section 2104 crude oil and condensate; in section 2107, loading requirements; in section 2109, oil and water separation; in section 2111, pumps and compressors; in section 2115, waste gas disposal; in section 2122, fugitive emissions; and sets controls in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Point Coupee, and West Baton Rouge. Covers in section 2153 emissions from industrial wastewater.
	Chapter 29, Odor Regulations	LAC Title 33 Part 3	LDEQ	Establishes odor regulations and testing procedures for all odor sources.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Chapter 30, Standards for New Stationary Sources (NSPS)	LAC Title 33 Part 3	LDEQ	Establishes NSPS standards. Incorporates by reference, for the most part, 40 CFR 60.
	Chapter 51, Comprehensive Toxic Air Pollutant Emission Control Plan	LAC Title 33 Part 3	LDEQ	Establishes AT program for owners of major sources in Louisiana, including MACT standards and reporting requirements.
	Chapter 59, Chemical Accident Prevention and Minimization of Consequences	LAC Title 33 Part 3	LDEQ	Contains accidental release requirements as well as risk management requirements. Incorporates 40 CFR 68 by reference.
Air Resources (Mississippi)	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 4.	MSC 49-17-01 et seq.	MDEQ	Contains specific criteria for sources of sulfur compounds, including odor and opacity requirements.
	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 5.	MSC 49-17-01 et seq.	MDEQ	Contains criteria for sources of chemical emissions not otherwise regulated.
	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 6.	MSC 49-17-01 et seq.	MDEQ	Embodies regulations for new sources of air emissions. Incorporates by reference 40 CFR 60.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	APC-S-1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants, Section 8.	MSC 49-17-01 et seq.	MDEQ	Contains regulations concerning the production of HAPs. Incorporates by reference 40 CFR 61 and 40 CFR 63. Also incorporates Federal MACT requirements by reference.
	APC-S-2: Permit Regulation for the Construction and/or Operations of Air Emissions Equipment	MSC 49-17-01 et seq.	MDEQ	Establishes permitting requirements for new sources of air pollution sources in Mississippi. Establishes that the Permit Board will issue two types of air pollution control permits, a permit to construct air emissions equipment and a State Permit to Operate such equipment. A State Permit to Operate is required for synthetic minor sources, major Title V sources, and significant minor sources.
	APC-S-3: Mississippi Regulations for the Prevention of Air Pollution Emergency Episodes	MSC 49-17-01 et seq.	MDEQ	Requires notification of appropriate state agencies in an emissions event. Establishes alert levels for different emissions events and pollutants including sulfur dioxide. Lists emissions reductions objectives for hydrocarbons in table 4.
	APC-S-4: Ambient Air Quality Standards	MSC 49-17-01 et seq.	MDEQ	States that except for odor (covered below), the ambient air quality standards for Mississippi shall be the Primary and Secondary National Ambient Air Quality Standards as duly promulgated by the U.S. Environmental Protection Agency in (or to be printed in) 40 CFR Part 50, pursuant to the Federal Clean Air Act, as amended. States that no odorous substances shall be released into the ambient air in concentrations sufficient to adversely and unreasonably: (1) affect human health and well-being; (2) interfere with the use or enjoyment of property; or (3) affect plant or animal life.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	APC-S-5: Mississippi Regulations for the Prevention of the Significant Deterioration (PSD) of Air Quality	MSC 49-17-01 et seq.	MDEQ	Establishes PSD criteria for Mississippi air. Incorporates by reference 40 CFR 52.21.
	APC-S-6: Air Emissions Operating Permit Regulations for the Purposes of Title V of the Clean Air Act	MSC 49-17-01 et seq.	MDEQ	Defines requirements for Title V permits, including major source categories and levels, permit applications, issuance, fees, and insignificant activities. Includes in the definitions of major sources: "petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels," which matches the Federal definition of major sources.
	APC-S-8: Air Toxics Regulations	MSC 49-17-01 et seq.	MDEQ	Regulates case-by-case maximum achievable control technology (MACT) applicable to facilities affected by the requirements of section 112(g) of the Federal Clean Air Act as those regulations duly promulgated by the United States Environmental Protection Agency in (or to be printed in) Subpart B of Part 63 of Title 40 of the Code of Federal Regulations (CFR).
Air Resources (Texas)	Emissions Events and Scheduled Maintenance, Startup and Shutdown Activities	30 TAC Chapter 101	TCEQ	Requires notification of appropriate state agencies in an emissions event. Contains "nuisance odor" rule in section 101.4.
	Control of Pollution from Volatile Organic Compounds	30 TAC Chapter 115	TCEQ	States in subchapter C the requirements for transfer operations.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Control of Hydrogen Sulfide: Allowable off property concentrations (ambient standards) and Calculation methods	30 TAC Chapter 112	TCEQ	Establishes emission rates for sulfur dioxide emissions. Also contains provision for odor controls related to hydrogen sulfite (sections 112.31 to 112.34).
	Permits by Rule: Control of Air Pollution by Permits for New Construction or Modification	30 TAC Chapter 116	TCEQ	Controls the permission to construct and contains definitions for how non-attainment areas are handled, as well as PSD review definitions. Contains rules in subchapter O, sections 106.351 to 106.355 for oil and gas facilities.
	Air GOP No. 511: Oil and Gas General Operating Permit	30 TAC Chapter 122	TCEQ	Contains provisions for obtaining an Oil and Gas General Operating Permit for Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties.
	Air GOP No. 514: Oil and Gas General Operating Permit	30 TAC Chapter 122	TCEQ	Contains provisions for obtaining an Oil and Gas General Operating Permit for all Texas Counties except Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, San Patricio, Tarrant, Travis, Victoria, and Waller.
	Air GOP No. 515: Bulk Fuel Terminal General Operating Permit	30 TAC Chapter 122	TCEQ	Issues Bulk Fuel Terminal General Operating Permit Number 515, developed for use by petroleum bulk stations and terminals industry sites. Petroleum bulk stations and terminals industry sites are primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid storage facilities. The permit holders of GOP No. 515 were required to submit an application for a site operating permit on or before September 1, 2004.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Routine Maintenance, Startup and Shutdown of Facilities, and Temporary Maintenance Facilities	30 TAC 106.263	TCEQ	Authorizes routine maintenance, start-up and shutdown of facilities, and specific temporary maintenance facilities if operations meet certain conditions.
Biological Resources (Federal)	Bald and Golden Eagle Protection Act	16 U.S.C. 668 et seq.	USFWS	Consultations should be conducted to determine if any protected birds are found to inhabit the area. If so, DOE must obtain a permit that may be required because of construction or operation of project facilities before moving any nests.
	Clean Water Act, as amended	33 U.S.C. 1313 (Section 404)	U.S. Army Corps of Engineers	Requires permits for discharge or fill placed in jurisdictional waters, including wetlands. Requires alternatives analysis including practicable alternatives that avoid impacts (404b(1) guidelines).
	Endangered Species Act	16 U.S.C. 1531 et seq.	USFWS	Requires consultation to identify endangered or threatened species and their habitats, assess impacts, obtain necessary biological opinions, and, if necessary, develop mitigation measures to reduce or eliminate adverse effects of construction or operations.
	E.O. 13112: Invasive Species	64 FR 6183 February 8, 1999	Federal agencies	Requires agencies, to the extent practicable and permitted by law, to prevent the introduction of invasive species; to provide for their control; and to minimize the economic, ecological, and human health impacts that invasive species cause.
	E.O. 13186, Responsibilities of Federal Agencies to Protect Migratory Birds	66 FR 63349 December 6, 2001	Federal agencies	Requires Federal agencies to avoid or minimize the negative impacts of their actions on migratory birds and to take active steps to protect birds and their habitats.
	Fish and Wildlife Coordination Act	16 U.S.C. 661-667e March 10, 1934	USFWS	Provides the basic authority for USFWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Forest Service Manual: Title 2600 – Wildlife, Fish, and Sensitive Plant Habitat Management	Amendment No. 2600-91-5, July 19, 1991	U.S. Forest Service	Provides a process and standard by which to ensure that threatened and endangered, proposed, and sensitive species receive full consideration; requires Federal agencies to comply with requirements for critical habitat of federally listed species; and ensures that Forest Service actions do not contribute to loss of viability of any native or desired non-native plant and do not contribute to animal species or trends towards Federal listing of any species.
	Magnuson-Stevens Fishery Conservation and Management Act	16 U.S.C. 1801 et seq.	NOAA-NMFS	Requires consultation with NMFS and assessment of impacts from activities that may affect Essential Fish Habitat and managed species.
	Marine Mammal Protection Act	16 U.S.C. 1361-1421h	Department of Commerce and Department of Interior, USFWS	Establishes a Federal responsibility to conserve marine mammals, with management vested in the Department of Commerce for cetaceans and pinnipeds other than walrus. The Department of the Interior is responsible for all other marine mammals, including sea otter, walrus, polar bear, dugong, and manatee. The act generally assigns identical responsibilities to the secretaries of the two departments.
	Migratory Bird Treaty Act	16 U.S.C. 703 et seq.	USFWS	Requires consultation to determine whether construction or operation of project facilities has any impacts on migrating bird populations.
Biological Resources (Louisiana)	Chapter 3, Statewide Flood Control Program	LAC Title 56 Part 3	Louisiana Wildlife and Fisheries Commission	States that subchapter C contains requirements for determining the effects of projects on threatened and endangered species; these regulations appear to apply primarily to flood control projects, but may have applicability to projects that otherwise affect water flow.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Chapter 3, Special Powers and Duties	LAC Title 76 Part 1	Louisiana Wildlife and Fisheries Commission	States that subchapter E lists threatened and endangered species in Louisiana.
Biological Resources (Mississippi)	Non-Game and Endangered Species Conservation	MSC 49-5-101 et seq.	Mississippi Commission on Wildlife, Fisheries and Parks	Establishes Mississippi regulations concerning the handling of nongame and endangered species; chapter 111 grants specific permissions permission to remove, capture, or destroy endangered species.
	Mississippi Natural Heritage	MSC 49-5-141 et seq.	Mississippi Commission on Wildlife, Fisheries and Parks	Allows Mississippi to establish natural heritage areas including those containing threatened and endangered species.
Biological Resources (Texas)	Subchapter G. Threatened and Endangered Non-Game Species	31 TAC Chapter 65	Texas Parks and Wildlife Department	Contains lists of threatened and endangered species and other provisions, as well as regulations and penalties concerning such listed species.
	Subchapter A. Endangered, Threatened and Protected Native Plants	31 TAC Chapter 69	Texas Parks and Wildlife Department	Contains lists of threatened, endangered, and protected plants and other provisions including permitting requirements. Contains penalties concerning unauthorized removal or destruction of plants.
Cultural Resources (Federal)	American Antiquities Act	16 U.S.C. 431 et seq.	Each Federal land managing agency	Requires the agency to protect historic and prehistoric ruins, monuments, and objects of antiquity including vertebrate paleontological resources, on lands owned or controlled by the Federal Government.
	American Indian Religious Freedom Act	42 U.S.C 1996	Each Federal agency	Establishes Federal policy to protect and preserve the right of American Indians to believe, express, and exercise their religions. Requires agencies to prepare a report evaluating how their actions might interfere with these beliefs, expressions, and actions.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Archeological and Historic Preservation Act	16 U.S.C. 469 et seq.	Each Federal agency	Authorizes all Federal agencies to expand program or project funds to evaluate, protect, or recover archeological and historical data jeopardized by their projects; explicitly calls for analysis and publication of data.
	Archaeological Resources Protection Act	16 U.S.C. 470aa et seq.	Each Federal land managing agency (in this case, DOE, DOI, USDA)	Requires a permit for excavation or removal of archaeological resources from publicly held or Native American lands.
	Executive Order 13007	61 FR 26771	All Federal agencies	Directs Federal agencies to avoid adverse effects to sacred sites and provide access to those sites for religious practices, and to plan projects to provide protection for and access to sacred sites.
	Native American Graves Protection and Repatriation Act	25 U.S.C. 3001	DOI	Requires the development of procedures to address unexpected discoveries of Native American graves or cultural items during activities on Federal or tribal land.
	National Historic Preservation Act, as amended	16 U.S.C. 470 et seq.	Each Federal agency (in this case, DOE)	States that for a Federal undertaking, section 106 requires consultation with State historic preservation officers, federally recognized tribes, and other consulting parties to evaluate effects on historic properties (properties eligible for listing in the National Register of Historic Places), and consider ways to avoid effects or reduce them to the level of no adverse effect.
	Protection of Historic Properties	36 CFR 800	Advisory Council on Historic Preservation	Lists implementing regulations that specify process for above-listed requirements of section 106 of National Register of Historic Places.
Cultural Resources (Louisiana)	Archeological Treasures Act	Louisiana Revised Statutes 41:1601-1613	Louisiana Departments of Archaeology and Historic Preservation	Declares State policy to protect and preserve archaeological sites that have scientific value and are of historic interest to the public.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Louisiana Unmarked Human Burial Sites Act	Louisiana Revised Statutes 8:673	Louisiana Department of Culture, Recreation, and Tourism	Protects unmarked human burials on both public and private lands.
Cultural Resources (Mississippi)	Antiquities Law of Mississippi	Title 39 Chapter 7, Mississippi Code of 1972 as amended	Board of Trustees of the Mississippi Department of Archives and History	Declares State policy to protect and preserve archaeological sites that have scientific value and are of historic interest to the public. Provides for a State landmark program; requires permits for excavations or alterations of State landmarks; prohibits disturbance of Native American human burials
Cultural Resources (Texas)	Antiquities Code of Texas	Title 9 Chapter 191, Texas Natural Resources Code	Texas Historical Commission	Requires archeological surveys ahead of ground disturbance on State or local public lands; requires permits that authorize archeological studies before construction.
Land Use (Federal)	Coastal Zone Management Act, as amended	16 U.S.C. 1451 et seq.	Various state agencies	Protects the coastal environment from growing demands associated with residential, recreational, commercial, and industrial uses. Provisions help States develop Coastal Zone Management Plans to manage and balance competing uses of the coastal zone. For major projects, requires consultation with the state agency delegated to administer the CZMA and requires securing a determination of consistency with a state's Coastal Management Plan.
	Farmland Protection Policy Act	7 U.S.C. 4201 et seq.	NRCS, USDA	Minimizes any adverse effects to prime and unique farmlands.
Noise (Federal)	Noise Control Act	42 U.S.C. 4901 et seq.	EPA	Requires facilities to maintain noise levels that do not jeopardize the health and safety of the public. Applicable to construction noise.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Water Resources (Federal)	Clean Water Act, as amended	33 U.S.C. 1251 et seq. (Sections 401 and 402)	State agencies	Requires EPA or state-issued permits, NPDES permits, and compliance with provisions of permits regarding discharge of effluents to surface waters and additional wetland protection requirements.
	Clean Water Act, as amended	33 U.S.C. 1313 (Section 404)	U.S. Army Corps of Engineers	Requires permits for discharge or fill placed in jurisdictional waters, including wetlands. Requires alternatives analysis including practicable alternatives that avoid impacts (404b(1) guidelines).
	E.O. 11988: Floodplain Management; E.O. 11990: Protection of Wetlands Management	42 FR 26951 May 24, 1977 42 FR 26961 May 24, 1977 10 CFR 1022 (implementing regulations)	Federal agencies	Requires that where there is no practicable alternative to development in floodplains and wetlands, Federal agencies are required to prepare a floodplains and wetlands assessment, design mitigation measures, and provide public review. For floodplain involvement, Federal agencies must issue a Floodplain Statement of Findings. DOE will coordinate its review with other appropriate Federal agencies. Where applicable, DOE will combine floodplains and wetlands assessments, public review, and statement of findings with the NEPA process.
	Safe Drinking Water Act	42 U.S.C 300j-9(i) Dec 12, 1974	EPA	Establishes a Federal program to monitor and increase the safety of the nation's drinking water supply. The Act instructs EPA to establish a national program to prevent underground injections of contaminated fluids that would endanger drinking water sources. Applicable to underground injection wells used for brine disposal.
Water Resources (Louisiana)	Chapter 3, Permits	LAC Title 33 Part 9	LDEQ	Prescribes procedures and guidelines for implementation and operation of the Louisiana Water Discharge Permit System (LWDPS). Requires that an LWDPS permit be obtained before any construction begins that may introduce pollutants to the waters of Louisiana.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Chapter 9, Spill Prevention and Control	LAC Title 33 Part 9	LDEQ	Sets spill prevention requirements for facilities operating in Louisiana.
	Chapter 11, Surface Water Quality Standards	LAC Title 33 Part 9	LDEQ	Sets surface water quality standards for Louisiana waters.
	Subchapter B (Chapters 31 through 47), The Louisiana Pollutant Discharge Elimination System (LPDES) Program	LAC Title 33 Part 9	LDEQ	Defines the requirements for the Louisiana LPDES program, which applies to all facilities that come under the jurisdiction of the Federal NPDES program.
Water Resources (Mississippi)	LW-2: Surface Water and Groundwater Use and Protection	MSC 49-17-01 et seq.	MDEQ	Establishes that all water, whether occurring on the surface of the ground or underneath the surface of the ground, is subject to the provisions of the regulation.
	WPC-1: Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification	MSC 49-17-01 et seq.	MDEQ	Provides Mississippi's implementation of the Federal NPDES system. Regulates the use of wetlands, both natural and artificial, when they receive a discharge stream from a source. The text of the regulation states that "Unless otherwise provided by these regulations, natural wetlands shall not be used to meet a facility's final effluent limits or to achieve pollutant levels necessary to meet the State's Water Quality Criteria in the waterbody immediately downstream."
	WPC-2: Water Quality Criteria for Intrastate, Interstate, and Coastal Waters	MSC 49-17-01 et seq.	MDEQ	Sets State policy to "protect water quality existing at the time these water quality standards were adopted and to upgrade or enhance water quality within the State of Mississippi." States that "Waters shall be free from floating debris, oil, scum, and other floating materials attributable to municipal, industrial, agricultural, or other discharges in amounts sufficient to be unsightly or deleterious."

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Water Resources (Texas)	General Permits for Waste Discharges	30 TAC Chapter 205	TCEQ	Provides that the commission may issue a general permit to authorize the discharge of waste into or adjacent to water in the state depending on the nature of the discharge and the surrounding water bodies.
	Criteria and Standards for the National Pollutant Discharge Elimination System	30 TAC Chapter 308	TCEQ	Defines the requirements for the Texas Pollutant Discharge Elimination System (TPDES), the Texas implementation of the NPDES program. This applies to all facilities that fall under the jurisdiction of the Federal NPDES program.
	Spill Prevention and Control	30 TAC Chapter 327	TCEQ	Contains requirements for spill prevention and control, including oil- related spills.
Worker Safety and Health (Federal)	Occupational Safety and Health Act	29 U.S.C. 651 et seq.	OSHA	Requires agencies to comply with all applicable work safety and health legislation (including guidelines of 29 CFR 1960) and prepare, or have available, Material Safety Data Sheets.
	Hazard Communication Standard	29 CFR 1910.1200	OSHA	Requires DOE to ensure that workers are informed of all chemical hazards in the DOE workplace and are trained to handle them.
Other (Federal)	NEPA	42 U.S.C. 4321 et seq. 40 CFR 1500–1508	CEQ	Follows 40 CFR 1500–1508, which directs all Federal agencies in the implementation of NEPA; DOE NEPA regulations are in 10 CFR Part 1021.
	E.O. 12088: Federal Compliance with Pollution Control Standards	43 FR 47707 October 17, 1978	Office of Management and Budget	Requires Federal agencies to consult with the EPA and state agencies regarding the best techniques and methods for the prevention, control, and abatement of environmental pollution.
	Hazardous materials transportation law	49 U.S.C. 51015127 et seq.	DOT	Requires compliance with the requirements governing hazardous materials and waste transportation. Applies primarily to the construction phase.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
	Marine Transportation Security Act of 2002	46 U.S.C. 70101 et seq.	U.S. Coast Guard	Specifies that all U.S. port facilities deemed at risk for a transportation security incident such as fossil fuel processing and storage facilities, must prepare and implement security plans for deterring such incidents to the “maximum extent practicable.”
	Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities	40 CFR 112	EPA	Establishes procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and contain such discharges. Requires Spill Prevention, Control, and Countermeasure Plans, and Facility Response Plans. Regulations apply to non-transportation-related onshore facilities.
	Toxic Substances Control Act	42 U.S.C. 2601 et seq.	EPA	Requires compliance with inventory reporting requirements and chemical control provisions of TSCA to protect the public from the risks of exposure to chemicals. TSCA imposes strict limitations on the use and disposal of PCB-contaminated equipment. Applicable primarily to the construction phase.
	E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	59 FR 7629 February 16, 1994	EPA	Requires Federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
	Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace	FAA AC No. 70/460-2K	FAA	Requires that each proponent of a project that could pose an aviation hazard must file a “Notice of Proposed Construction or Alteration” (Form 7640) with the FAA. Applies to electricity transmission lines.
	Obstruction Marking and Lighting	FAA AC No. 70/460-1K	FAA	States that objects that may pose a navigation hazard must be marked and lighted according to FAA standards established using the criteria in 14 CFR 77. Applies to electricity transmission lines.

Table L-1 Applicable Federal and State Laws, Regulations, and Executive Orders^a

Resource Category	Statute/Regulation/Order	Citation	Administering Agency	Permits, Approvals, Consultations, and Notifications
Other (Texas)	Texas Administrative Code: Underground Storage of Liquid or Liquefied Hydrocarbons in Salt Formations	16 TAC 3.95 (d) (1)	Railroad Commission of Texas	Establishes policy that an underground hydrocarbon storage facility may be created, operated, or maintained only in an impermeable salt formation in a manner that will prevent waste of the stored hydrocarbons, uncontrolled escape of hydrocarbons, pollution of fresh water, and danger to life or property.

^a Abbreviations: AC = Advisory Circular; AT = air toxics; CAA = Clean Air Act; CEQ = Council on Environmental Quality; CFR = *Code of Federal Regulations*; CO = carbon monoxide; CWA = Clean Water Act; CZMA = Coastal Zone Management Act; DOE = U.S. Department of Energy; DOI = U.S. Department of Interior; DOT = U.S. Department of Transportation; E.O. = Executive Order; EPA = U.S. Environmental Protection Agency; ESA = Endangered Species Act; et seq. = *et sequentes*, which means "and the following"; FAA = Federal Aviation Administration; FR = *Federal Register*; HAP = hazardous air pollutant; LAC = Louisiana Administrative Code; LDEQ = Louisiana Department of Environmental Quality; LWDPS = Louisiana Water Discharge Permit System; MACT = maximum achievable control technology; MDEQ = Mississippi Department of Environmental Quality; MSC = Mississippi State Code; NAAQS = National Ambient Air Quality Standards; NEPA = National Environmental Policy Act; NESHAP = National Emission Standards for Hazardous Air Pollutants; NHPA = National Historic Preservation Act; NMFS = National Marine Fisheries Service; NOAA = National Oceanic and Atmospheric Administration; NOx = nitrogen oxides; NPDES = National Pollutant Discharge Elimination System; NRCS = Natural Resources Conservation Service; NRHP = National Register of Historic Places; NSPS = New Source Performance Standard(s); NSR = New Source Review; O₃ = ozone; OSHA = Occupational Safety and Health Administration; Pb = lead; PCB = polychlorinated biphenyl; PSD = prevention of significant deterioration; ROW = right-of-way; SHPO = State Historic Preservation Officer; SIP = State Implementation Plan; SO₂ = sulfur dioxide; TAC = Texas Administrative Code; TCEQ = Texas Commission on Environmental Quality; TMDL = total maximum daily load; TPDES = Texas Pollutant Discharge Elimination System; TSCA = Toxic Substances Control Act; U.S.C. = *United States Code*; USDA = U.S. Department of Agriculture; USFWS = U.S. Fish and Wildlife Service; VOC = volatile organic compound.

Table L-2: DOE Orders Potentially Relevant to the Expansion and Operation of the Storage Capacity of the SPR^a

Order	Subject	Description
151.1C	Comprehensive emergency management	Establishes policy and assigns and describes roles and responsibilities for the DOE Emergency Management System, which provides the framework for development, coordination, control, and direction of all emergency planning, preparedness, readiness assurance, response, and recovery actions.
231.1A	Environment, safety, and health reporting	Establishes the requirements and procedures for information with environmental protection, safety, or protection significance for DOE operations.
252.1	Technical standards	Promotes the use of voluntary consensus standards by DOE, provides DOE with the means to develop needed technical standards, and manages overall technical standards information, activities, issues, and interactions.
413.3	Project management	Demonstrates that DOE will support the development of documentation for the critical-decision process.
414.1C	Quality assurance	Establishes an effective quality assurance management system using the performance requirements of this order, coupled with technical standards, where appropriate.
420.1B	Facilities Safety	Establishes facility and programmatic safety requirements for DOE facilities, including nuclear and explosives safety design criteria, fire protection, criticality safety, natural phenomena hazards mitigation, and the System Engineer Program.
430.1B	Real property asset management	Defines life-cycle asset management, building codes, and value engineering. Establishes procedures to follow in all phases of the management of DOE facilities.
430.2A	Energy management	Requires designs for facilities to be consistent with the Energy Management Plan, sustainable design, and water efficiency required by this Order.
440.1A	Worker protection management for DOE Federal and contractor employees	Establishes a comprehensive worker protection program that ensures that DOE and its contractor employees have an effective worker protection program to reduce or prevent injuries, illnesses, and accidental losses by providing DOE, Federal, and contractor workers with a safe and healthful workplace.
450.1	Environmental protection program	Establishes DOE policy to conduct its operations in an environmentally safe and sound manner and to conduct its activities in compliance with applicable laws and regulations through implementation of environmental management systems at DOE sites.
451.1B	National Environmental Policy Act compliance program	Establishes DOE requirements and responsibilities for implementing the NEPA, Council on Environmental Quality regulations, for implementing the procedural provisions of NEPA, and for the DOE procedures that implement NEPA.

Table L-2: DOE Orders Potentially Relevant to the Expansion and Operation of the Storage Capacity of the SPR^a

Order	Subject	Description
470.2B	Independent oversight and performance assurance program	Enhances the DOE safeguards and security; cyber security; emergency management; and environment, safety, and health programs by providing an independent evaluation of the adequacy of DOE policy and the effectiveness of line management performance.
5480.4	Environmental protection, safety, and health protection standards	Specifies and provides requirements for the application of the mandatory environmental protection, safety, and health standards applicable to all DOE and DOE contractor operations, provides a listing of reference safety and health standards, and identifies the sources of the mandatory and reference safety and health standards.
5480.19	Conduct of operations requirements for DOE facilities	Provides requirements and guidelines for departments to use in developing directives, plans, and procedures for conducting operations at DOE facilities that should result in improved quality and uniformity of operations.

^a Abbreviations: DOE = U.S. Department of Energy; NEPA = National Environmental Policy Act; SPR = Strategic Petroleum Reserve.

Appendix M:
Contractor Disclosure Statement

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Appendix M **Contractor Disclosure Statements**

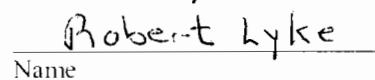
CEQ regulations at 40 CFR 1506.5(c), which have been adopted by DOE (10 CFR 1021), require contractors who prepare an EIS to execute a disclosure specifying that they have no financial or other interest in the outcome of the project. The term "financial interest or other interest in the outcome of the project" is defined for the purposes of this disclosure in Question 17 of the guidance *"Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations"* (46 FR 18026-18038):

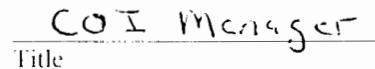
"Financial or other interest in the outcome of the project" includes "any financial benefit such as a promise of future construction or design work on the project, as well as indirect benefits the contractor is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients)."

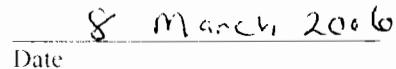
The proposed action analyzed in this EIS entails the development of a plan for expanding the Strategic Petroleum Reserve from its current 727 million barrel capacity to a 1 billion barrel capacity pursuant to Congressional directive in the Energy Policy Act of 2005 (P.L. 109-58). Storage capacity would be developed by expanding two or three of the existing Strategic Petroleum Reserve sites and creating one new site or a combination of two new sites. In accordance with these requirements, ICF Consulting hereby certifies that it has no financial or other interest in the outcome of the project.

Certified by:


Signature


Name


Title


Date

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Contractor Disclosure Statement

CEQ regulations at 40 CFR 1506.5(c), which have been adopted by DOE (10 CFR 1021), require contractors who will prepare an EIS to execute a disclosure specifying that they have no financial or other interest in the outcome of the project. The term "financial interest or other interest in the outcome of the project" is defined for the purposes of this disclosure in Question 17 of the guidance "*Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*" (46 FR 18026-18038):

"Financial or other interest in the outcome of the project" includes "any financial benefit such as a promise of future construction or design work on the project, as well as indirect benefits the contractor is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients)."

The proposed action analyzed in this EIS entails the development of a plan for expanding the Strategic Petroleum Reserve from its current 727 million barrel capacity to a 1 billion barrel capacity pursuant to Congressional directive in the Energy Policy Act of 2005 (P.L. 109-58). Storage capacity would be developed by expanding two or three of the existing Strategic Petroleum Reserve sites and creating one new site or a combination of two new sites. In accordance with these requirements, I hereby certify that I have no financial or other interest in the outcome of the project.

Certified by:

Robert E. Randall

Signature

Robert E. Randall

Name

Consultant

Title

March 2, 2006

Date

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Contractor Disclosure Statement

CEQ regulations at 40 CFR 1506.5(c), which have been adopted by DOE (10 CFR 1021), require contractors who will prepare an EIS to execute a disclosure specifying that they have no financial or other interest in the outcome of the project. The term "financial interest or other interest in the outcome of the project" is defined for the purposes of this disclosure in Question 17 of the guidance *"Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations"* (46 FR 18026-18038):

"Financial or other interest in the outcome of the project" includes "any financial benefit such as a promise of future construction or design work on the project, as well as indirect benefits the contractor is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients)."

The proposed action analyzed in this EIS entails the development of a plan for expanding the Strategic Petroleum Reserve from its current 727 million barrel capacity to a 1 billion barrel capacity pursuant to Congressional directive in the Energy Policy Act of 2005 (P.L. 109-58). Storage capacity would be developed by expanding two or three of the existing Strategic Petroleum Reserve sites and creating one new site or a combination of two new sites. In accordance with these requirements, EEE Consulting, Inc. hereby certifies that it has no financial or other interest in the outcome of the project.

Certified by:



Signature

Ian Frost

Name

President

Title

3/2/06

Date

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