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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
IN THE MATTER OF: : Docket Number  
ROCKIES EXPRESS PIPELINE PROJECT : PF06-3-000  
- - - - -x

Holiday Inn  
664 Chase Blvd.  
Sidney, Nebraska

Tuesday, January 24, 2006

The above-entitled matter came on for scoping  
meeting, pursuant to notice at 7:05 p.m.

MODERATOR: ALISA LYKENS

## P R O C E E D I N G S

(7:05 p.m.)

MS. LYKENS: Good evening.

My name is Alisa Lykens, and I'm an Environmental Project Manager for the Federal Energy Regulatory Commission. I'm assisting the Environmental Project Manager that's assigned to this project, Mr. Dave Swearingen, in presiding over the meeting tonight.

I would also like to introduce Dave Hanibek, who is here to my left, who is also with Commission. And at the sign-in table is Dave Trump with TRC, an environmental consulting firm. TRC is going to be helping the Commission prepare the environmental impact statement for this proposal.

On behalf of the Commission, I would like to welcome all of you tonight.

The purpose of this meeting is to give an opportunity to provide environmental comments on the Rockies Express pipeline. Rockies Express entered into the Commission's pre-filing process on November 18, 2005. We are beginning a review of these facilities that we refer to as the Western Phase.

The Rockies Express Pipeline Project, Western Phase, is a stand-alone project that, if approved and constructed, will be able to deliver gas from the Rocky

1 Mountain region to interstate the pipeline system in the  
2 Midwest.

3 Rockies Express has informed us that it  
4 contemplates building a larger system that would extend the  
5 Western Phase eastward, linking the Rocky Mountain region  
6 and the upper Midwest and the eastern United States. This  
7 overall plan may or may not come to proposal stage due to  
8 business or market considerations. Should proposals for  
9 extending the Rockies Express line come forward they will be  
10 considered at that time.

11 The Rockies Express project consists of about 710  
12 miles of 42-inch diameter pipeline. Five new compressor  
13 stations are planned to help move the gas. The pipeline  
14 would extend from the Cheyenne Hub in Weld County, Colorado,  
15 to interconnection with the Panhandle Eastern Pipeline  
16 system in Audrain County, Missouri. Most of the pipeline  
17 route would be co-located or placed next to other pipeline  
18 and utility rights-of-way.

19 There are additional ancillary facilities that  
20 Rockies Express is considering. In a few minutes I'll ask a  
21 representative of Rockies Express to take the floor to  
22 present to you a more detailed project description. They  
23 will be able to answer some of your questions regarding the  
24 project and they will be available for questions after the  
25 formal meeting is concluded.

1                   Now I'd like to discuss the scoping process.

2                   The National Environmental Policy Act requires  
3                   that the Commission take into consideration the  
4                   environmental impacts associated with new natural gas  
5                   facilities. Scoping is a general term for soliciting input  
6                   from the public before the environmental analysis is  
7                   conducted. The idea is to get information from the public,  
8                   as well as agencies and other groups, so that we can  
9                   incorporate issues of concern into our review.

10                  Our scoping for the Rockies project started last  
11                  month when we issued our Notice of Intent, or NOI, to  
12                  prepare the environmental impact statement. We have extra  
13                  copies of the NOI in the back if you need one, and you can  
14                  put your name on our mailing list if you're not already on  
15                  it. Additional brochures about our website are also  
16                  available.

17                  I need to make a note of explanation about the  
18                  last paragraph of the Notice of Intent that was recently  
19                  mailed. This referenced the FERC intervention process.  
20                  Intervention is a separate part of the regulatory process.  
21                  It's not available until formal application has been filed  
22                  with the Commission. And since there is no filing before us  
23                  at this time, the scoping period will only consider your  
24                  environmental comments. And therefore the intervention  
25                  requests will not be considered until an application is

1 filed with the Commission.

2 This project is still in the design state.  
3 Specific details have not been finalized. A formal  
4 application has not yet been filed. The goal of this  
5 prefiling process is to help facilitate the interaction  
6 between federal, state and local agencies, and affected  
7 property owners. We would like to know now what the  
8 environmental issues are so we can address them now rather  
9 than when the application is filed.

10 I also want to state that the FERC is an advocate  
11 for this prefiling process and not an advocate for the  
12 project.

13 The official scoping period ends on February  
14 10th. However, the end of the scoping period is not the end  
15 of the public involvement. There will be additional points  
16 along the process for public input. Scoping is just the  
17 very first step.

18 The first step in this process, to prepare the  
19 EIS, is to determine which environmental resource issues are  
20 most important to you. Your comments and concerns, along  
21 with all the other people and agencies who have been asked  
22 to participate in this process will be used to focus our  
23 environmental analysis. Your comments tonight, together  
24 with any written comments that we may receive, will be added  
25 to the record as comments on the environmental proceeding.

1           Now I'd like to differentiate between the roles  
2 of the FERC Commission, who are appointed by the president  
3 and confirmed by Congress, and that of the Commission's  
4 environmental staff, which I work for. I am part of the  
5 environmental staff. The Commission itself is responsible  
6 for making a decision by a Commission vote on whether to  
7 issue a certificate of public convenience and necessity to  
8 Rockies Express. This EIS prepared by environmental staff  
9 does not make that decision.

10           In general, an EIS describes the project  
11 facilities and associated environmental impact, the  
12 alternatives to the project, and includes mitigation to  
13 avoid or reduce impacts. And it also includes our  
14 conclusions and recommendations. Therefore when an EIS is  
15 prepared it will be used to advise the Commission and to  
16 disclose to the public the environmental impacts of  
17 constructing and operating the proposed project.

18           The Commission will consider the environmental  
19 information from the EIS along with the public comments, as  
20 well as a host of non-environmental issues, which may  
21 include the engineering design, markets, rates, finances,  
22 tariffs and design and cost of the project. And they'll use  
23 all this information to make an informed decision on whether  
24 or not to approve the project.

25           Only after taking the environmental and non-

1 environmental factors into consideration the Commission will  
2 make its final decision.

3 So the purpose of tonight's meeting is to take  
4 your comments, together with what is filed in the written  
5 forms, into consideration. We will publish those findings  
6 in a draft environmental impact statement which will be  
7 mailed out to our mailing list and will be publicly noticed  
8 for comments. The draft EIS will include any mitigation  
9 recommendations needed to reduce impacts as appropriate.

10 Once the draft EIS is issued for public comment  
11 the public will have 45 days to provide written comments.  
12 We will also come back here and have another public meeting  
13 to hear your comments on the draft EIS in a meeting similar  
14 to this one.

15 Now regarding the environmental mailing list,  
16 because of the size of this mailing list, and to save the  
17 government some money in mailing, our preferred version of  
18 the draft EIS is the CD-ROM format with the EIS files in  
19 Adobe Acrobat. That means, unless you tell us otherwise,  
20 the draft EIS that you will find in your mailbox will be  
21 that of a CD-ROM format. If you would prefer to have a hard  
22 copy -- which is a big thick document about this big, very  
23 heavy; it looks like a phone book -- you must indicate the  
24 choice on the return mailer attached to your NOI, or you can  
25 fill it out and hand to the person in the back of the room

1 when the meeting is concluded.

2 At this time I would like to introduce Ryan  
3 Childs with Rockies Express. I'm going to ask him to  
4 explain the project a little further.

5 MR. CHILDS: Thank you, Alisa.

6 I'm going to speak from this board over here. It  
7 kind of helps keep me running a little bit too on the  
8 project.

9 By way of introduction, my name is Ryan Childs.  
10 I am part of the project management team for Rockies Express  
11 Pipeline Company. Dirk Peterson here with me is also with  
12 the project management team. Right behind him there is  
13 Sterling Hopper. He's one of our right-of-way supervisors  
14 for this area.

15 Also by way of introduction, I would mention that  
16 Rockies Express Pipeline Company is a development of Kinter  
17 Morgan Energy Partners and Sempra Pipeline and Storage,  
18 which is in turn part of Sempra Energy.

19 So briefly about our project here, it is a major  
20 investment in our nation's energy infrastructure. And it  
21 will allow the movement of our domestic supplies of natural  
22 gas from southwest Wyoming and northwest Colorado primarily  
23 to come from their existing and currently being constructed  
24 pipeline over here to Weld County, Colorado is our start  
25 point on the Grady Highway there, Highway 85, just a little

1 south of the Wyoming line.

2 As Alisa mentioned, on this Western Phase it runs  
3 from here in Weld County, Colorado, basically 710 miles over  
4 here to northeast of Columbia, Missouri, where it does  
5 interconnect with this Panhandle Eastern Pipeline System.  
6 It will be a 42 inch pipeline, so about three and a half  
7 inch in diameter, all steel, all buried. It will be  
8 designed, built, tested and operated to strict safety  
9 standards of the Department of Transportation and in  
10 accordance with any federal, state and local environmental  
11 permits and conditions.

12 On background there, we do have under the current  
13 design standards five compressor station locations we're  
14 looking at. In this area we would have one over at the very  
15 beginning, back over at that general pipeline hub area over  
16 on the Grady Highway. Closer to here would be -- the  
17 current design standards have a compressor station being  
18 located a little east of Interstate 76. So that's kind of  
19 the initial design consideration.

20 If this continues forward, as Alisa mentioned, it  
21 would ultimately continue from this point here in Missouri,  
22 which is shown on the smaller map, and come all the way over  
23 to the eastern side of Ohio. Again, the idea being to move  
24 all that gas that is currently being produced and the whole  
25 production area being greatly expanded and moving that gas

1 over to the upper Midwest and eastern market areas of the  
2 country.

3 As Alisa mentioned, we're in the preliminary  
4 stages of this project from our standpoint, which means  
5 we're out there designing it right now. We're doing that  
6 design with input from the different federal and state  
7 regulatory agencies; also with input from the land owners  
8 and a lot of what we see with our survey crews that are out  
9 there right now. We have civil survey on our crews out in  
10 the field right now along the project area.

11 If you're a land owner out there where the line  
12 is proposed to be crossed at this time you have been  
13 contacted or attempted to be contacted regarding survey  
14 permission to allow our crews to come onto your property and  
15 physically survey so we have a, you know, we can tie that  
16 point down.

17 And then following behind that we would have  
18 archaeologists that would be looking for cultural resources,  
19 as we're required to by the Federal Energy Regulatory  
20 Commission.

21 Just to add to that a little bit, our overall  
22 schedule -- like I said, we're in the design and approval  
23 process now. We anticipate filing our application at the  
24 end of May of this year. We're going to have all our  
25 engineering and our necessary field studies done by that

1 point in time. We'll file with the Federal Energy  
2 Regulatory Commission. Subject to their approval and all  
3 our other necessary environmental and safety permits, we  
4 would go forward with construction in 2007, as early as  
5 April of 2007 kind of for the setup and bringing equipment  
6 out to the area, and the actual mainline pipeline  
7 construction being more in the May to June time frame for a  
8 start, continuing across that year, and be able to place  
9 this entire section, 710 miles, in service by January 1 of  
10 2008.

11 A lot of things have to happen between now and  
12 then, as Alisa has mentioned. But that is our anticipated  
13 schedule right now.

14 I brought with us alignment sheets, preliminary  
15 alignment sheets and maps that can help locate where the  
16 proposed line is on your property if it is crossed by that.  
17 Dirk and myself and Sterling will be available afterwards to  
18 discuss the project with you.

19 But I would also mention by way of information,  
20 you should have received one of the initial requests, a  
21 letter request for survey permission. I have a little  
22 handout that's got the same map with it. And it gives you  
23 kind of some more general information about the project.  
24 And most importantly, it has a 1-800 number there and a  
25 website that our company has up for your review that has a

1 lot of information about the project, comments, things that  
2 have come up in either our open house meetings that we had  
3 back in December in this area or from landowners that we've  
4 received since that time frame, with more information about  
5 all those comments. I would encourage you to take a look at  
6 that if you get a chance.

7 I look forward to hearing your comments and  
8 questions here. And we'll be available afterwards as long  
9 as you want to talk about it.

10 Thanks very much.

11 MS. LYKENS: Thank you.

12 You may have noticed that we have a court  
13 reporter here who is transcribing this meeting. So all the  
14 comments will be transcribed and put into the public record.  
15 I ask that if you would like to speak you come up to the  
16 microphone up here and identify yourself. Identify, if  
17 appropriate, the agency or group that you might be  
18 representing. Also, please spell your name for the record  
19 and speak clearly into the microphone. Remember, the more  
20 specific your comments about the environment the more useful  
21 they will be for us to analyze.

22 I specifically at this point am looking for  
23 comments on the record. Our team will be glad to answer any  
24 specific questions you might have following the meeting.

25 And if you would rather not speak tonight you may

1 hand in written comments tonight or you can send them --  
2 mail them to the secretary of the Commission by following  
3 the procedures in the Notice of Intent. And either way,  
4 your comments will be considered.

5 Do we have any speakers tonight? I do not have  
6 anybody who has signed up to speak. Is there anybody who is  
7 interested in speaking?

8 Please come to the microphone. Thank you.

9 MR. SHEPLER: I have several questions. And I  
10 haven't had time to go through all the material.

11 How deep is the pipeline?

12 MR. CHILDS: Well, the typical depth of cover out  
13 here is -- of course, it will all be in compliance with the  
14 Department of Transportation safety standards. Those  
15 standards require it to be a minimum of 30 inches. Our  
16 design requirement is -- what we're looking at is 36 inches.  
17 And then we'll cover from top of ground to top of pipe. In  
18 some areas it will be deeper than that to go under other  
19 existing features like roads and water bodies or other  
20 pipelines or things like that. But in general, you know,  
21 across the project area you're looking at three feet of  
22 cover from ground level to top of pipe.

23 MR. SHEPLER: How long will the trench be opened?  
24 I mean how many miles can you lay in a day?

25 MR. CHILDS: Well, it varies all over the place.

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Dirk, what do you normally see?

MR. PETERSON: Typically if you watch where the initial pipeline starts, where they start the clearing and then the grading and everything, typically it's 30 days from the time that you cut the ground until you put the pipe in the ground. So if you watched all these different activities go by, we try to do it within 30 days.

MR. CHILDS: I was going to say --

MR. PETERSON: And that's weather-dependent, condition dependent. We can't get out there and slip around on the ground. We have to do it safely.

MR. SHEPLER: So if you've got cattle in the pasture then they're at risk then, or is there somebody there to keep them out of the trenches?

MR. PETERSON: Generally what we do, sir, is if you've got grazing that's going on around here what we do with our right-of-way department is get a grazing deferment plan that -- if there's some way that we can work out an agreement where we can have those cattle excluded from that area. Then also while we're working in those trenches -- not only just for cattle but for safety's sake -- like any time we're up against roads or things like that -- we also use safety fence around the trench so that nothing will get in there.

1           And then again what we do not only for humans in  
2           the trench but also anything else that might be in there as  
3           well, we have a safety slope that we have to maintain for  
4           OSHA requirements, and we have exit ramps on them as well,  
5           trench cuts basically that serve as exit ramps for anything  
6           that might be in --

7           MR. SHEPLER:   What is the surface damage?

8           MR. PETERSON:   The extent of our right-of-way  
9           right now we plan to have a 50 foot permanent right-of-way  
10          with a 125 foot total construction area.  And after  
11          construction is complete then we would revert to just  
12          operating our pipeline on that 50 foot permanent easement.

13          MR. SHEPLER:   How am I compensated for that?

14          MR. PETERSON:   Monetarily.

15          MR. CHILDS:    I don't know what -- Probably after  
16          the right-of-way situation Sterling can talk about the  
17          compensation process.  But before he does --

18          MR. SHEPLER:   I'd just like to talk about this  
19          afterwards a little bit.

20          MS. LYKENS:    Could you identify yourself, please,  
21          for the record?

22          MR. SHEPLER:   My name is Gary Shepler.  And I'm  
23          south of Kimble, about directly south of Kimble.  And  
24          there's already a pipeline through there.  So I don't know  
25          what the arrangements were when that pipeline was put

1 through there.

2 I also haven't any objection to the line. I just  
3 am concerned about -- you know, grass is what I raise.

4 MR. CHILDS: Sure.

5 MR. SHEPLER: People think I raise cattle, but  
6 grass is how I've made my living. And so if it's damaged or  
7 it's destroyed or I lose the use of that then it affects me.

8 MR. CHILDS: Yes, sir.

9 MR. SHEPLER: Then the other thing is if you do  
10 have a pipeline through you then is there an easement --

11 MR. CHILDS: Yes, sir.

12 MR. SHEPLER -- a right of easement? And what is  
13 the term for that? Is it a ten-year lease or is it

14 MR. CHILDS: We're getting a lot of questions  
15 here on points that aren't environmental issues.

16 I don't know, Alisa, if you want to address it.  
17 We'd be happy to --

18 MS. LYKENS: No.

19 Yeah, I'd prefer if we could take care of that  
20 off the record and you can talk to them after the meeting  
21 about that.

22 MR. CHILDS: I will speak to I guess your  
23 environmental questions that are with regard to the  
24 restoration issues.

25 MR. SHEPLER: Yes.

1                   MR. CHILDS: Just to add a little bit to what  
2 Dirk was saying with the 30-day time frame, that's again an  
3 average area out there from the time we come out and grade  
4 until the time the trench is closed and the initial grade  
5 put back. And then we have a process where we go through  
6 full restoration of the area.

7                   When we're actually digging the trench we'll do  
8 topsoil segregation as specified in the work environmental  
9 standards for the project. And then we'll put that all  
10 back. And then we will reseed. And typically what we do  
11 for restoration in grassland areas is we would be doing the  
12 seed mix that either the land-owner specifies, the seed mix  
13 and fertilizer application rates that the land-owner  
14 specifies. In lieu of that we fall back to what the NRCS  
15 would typically recommend to us.

16                   We contact all the NRCS offices along the route -  
17 - or in Nebraska the NRD offices as well -- to get  
18 recommendations before that restoration happens out there.  
19 And that overall -- people always say, 'well, that trench  
20 was open on my property longer than that.' There's certain  
21 areas where we will see that, like a road crossings or maybe  
22 a stream installation where there might be activity in that  
23 same spot. But Dirk's talking about 30 days is 30 to -- I'd  
24 typically say 30 to 45 days. But that's generally what  
25 you're looking at as an outside range.

1                   MR. SHEPLER: The other -- the last question I  
2 have is on -- if that line happened to be sabotaged and it  
3 was set afire, what do you have for a plan to control that?  
4 I mean you could set the whole country on fire. That  
5 happened down there in Louisiana when that gas escaped down  
6 there in Louisiana. And you're looking at the fire  
7 department.

8                   MR. CHILDS: Sure.

9                   MR. SHEPLER: You know, I mean, this is all --  
10 I'm one guy and one truck. So I'm interested in how you  
11 would set in process a way of shutting that down --

12                   MR. CHILDS: Sure.

13                   MR. SHEPLER: -- so it doesn't, you know, sever  
14 the whole state like it did up here in Nebraska when those  
15 trains set that country on fire up there.

16                   MR. CHILDS: Yes, sir.

17                   MR. SHEPLER: I don't know how you would -- what  
18 you have -- what you have in a plan to prevent that from  
19 spreading.

20                   MR. CHILDS: Okay.

21                   Alisa, would you like me to address that? I'd be  
22 happy to address it generally here or we can just take it as  
23 a comment and I can give you the answer after this.

24                   MS. LYKENS: Let's just take it as a comment at  
25 this point and maybe you can talk to him after.

1 MR. CHILDS: Sure.

2 MS. LYKENS: We will also address that in our  
3 environmental impact statement. We have it on record as a  
4 common concern from you.

5 Is there anybody else that would like to speak?

6 Please come up. And please identify yourself.

7 MR. THEOBALD: Lance Theobald, in the  
8 southeastern corner of Wyoming.

9 My concern is the diameter of this pipe and the  
10 friction through it, and the heat we're going to retain.  
11 Are we going to be able to grow a decent crop over this with  
12 it only being 30 to 36 inches of cover? I would prefer at  
13 least a four foot cover.

14 Also, in the damages we're going to receive, are  
15 we going to be entitled to come back to you people, be it  
16 wheat or be it native grass, Mr. Shepler said, or CRP, to  
17 request you replant this if we don't get a growth? And how  
18 many years are we going to be able to do that. In the state  
19 of our condition there right now there's no moisture for six  
20 foot deep. If you went out there to plant grass seed today  
21 I don't think that you'd get a stand. I don't think you'll  
22 get a stand until we get some moisture.

23 These two items would be very much a  
24 consideration for me.

25 MS. LYKENS: Okay.

1 MR. THEOBALD: Thank you.

2 MS. LYKENS: Thank you.

3 Was there anyone else who would like to speak?

4 (No response.)

5 MS. LYKENS: Come on. Don't be shy.

6 (No response.)

7 MS. LYKENS: Okay. I guess -- Oh. Please.

8 MR. KOKES: My name is Bruce Kokes. I am  
9 representing my brother, Kent Kokes.

10 And one of the things -- do you know for sure,  
11 you know, after all these studies when this -- We have a  
12 right-of-way on -- We have an existing line going through  
13 there. We have a right-of-way where we have trees planted  
14 as a windbreaker wildlife type deals. And we would like to  
15 move them as soon as possible, as soon as we can find out.  
16 If we have another year of growth they're going to be harder  
17 to move. And, you know, my question is when this  
18 environmental study, if it be done, you know, quickly to  
19 where the trees are still dormant, it's a lot easier to move  
20 the trees when they're dormant. We've got approximately I  
21 think they counted 100 or 150 trees that we'd have to move  
22 in this right-of-way to be moved and they're a lot easier to  
23 move at this time when it's cold and winter and dormant as  
24 opposed to during the heat and when they're trying to grow.  
25 And then of course I'd have to get with the right-of-way as

1 far as what compensation it u be, if they would pay to help  
2 move the trees and then replacing them.

3 And as far as environmentally, I was around and  
4 watched the project go in the last time in there when they  
5 put the pipeline in. As far as cropland, we don't see any -  
6 - actually the first few years the crops were actually a  
7 little bit better where the pipeline was. But it does  
8 create a lot of heat.

9 And I have also -- I'm with the fire department  
10 and we went through safety issues with the pumping station,  
11 the Pete's pumping station in there. And with additional  
12 line in there they have told us how much -- it could be a  
13 considerable amount of damage if they do burst. But they  
14 assured us that it wasn't going to burst.

15 But anyway, as far as environmentally it's  
16 actually a lot better to have it underground because you  
17 don't see it as opposed to having above the ground pipeline.  
18 I see the small natural gas line laying next to the pipe,  
19 and that's actually more dangerous than, I would think, than  
20 the underground stuff.

21 MS. LYKENS: Thank you.

22 Anybody else?

23 (No response.)

24 MS. LYKENS: All right.

25 I suppose I will conclude and close. Anyone who

1 would like to purchase a copy of the transcript you may see  
2 the court reporter after the meeting. A copy of the  
3 transcript will be placed on our website. And I encourage  
4 you to take a couple of those brochures. There is one about  
5 landowners -- for landowners over there. And the one up  
6 here is called "Your Guide to Electronic Information at  
7 FERC." It's really geared to help you surf our website and  
8 use it to make it user-friendly for you to be able to view  
9 all the documents that are filed in this proceeding.

10 And on that I would like to close the meeting.  
11 Let the record show that this meeting concluded at about  
12 7:30.

13 Okay. Thank you.

14 (Whereupon, at 7:34 p.m. the meeting in the  
15 above-entitled matter was adjourned.)  
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