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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
IN THE MATTER OF: : Docket Number  
KINDER MORGAN LOUISIANA : PF06-16-000  
PIPELINE, LLC :  
- - - - -x

Iowa Community Center  
207 West Highway 90  
Iowa, Louisiana

Thursday, May 11, 2006

The above-entitled matter came on for scoping  
meeting, pursuant to notice at 6:30 p.m.

MODERATOR: MEDHA KOCHHAR, Ph.D., FERC

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

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(6:30 p.m.)

DR. KOCHHAR: Good evening everybody. Welcome to the Federal Energy Regulatory Commission meeting for Kinder Morgan Pipeline Project. This is an environmental scoping meeting for the proposed project. This project is being proposed by Kinder Morgan Pipeline Company.

Let the record show that the meeting started at 6:30 p.m. My name is Medha Kochhar and I'm the FERC project manager for the Kinder Morgan Pipeline Project. I'm here with Steven Wyngarden. He's sitting right over there. He's from ICF. James Little is from U.S. Army Corps of Engineers. And also with us today we have Wayne Kicklighter from Entrix, and John Peconom, he is with me from FERC. Wayne and Steve both are part of our third-party contracting companies. Steve represents ICF and Wayne represents Entrix. Entrix is working with us here. Both of these companies, together, will form a consulting firm for us as third party and help us produce an Environmental Impact Statement for this project.

Today, James Little from U.S. Army Corps of Engineers will also make a short presentation to give you what is the process for the Corps of Engineers.

FERC is the federal agency -- lead federal agency

1 for the National Environmental Policy Act, NEPA, review of  
2 the project and for the preparation of the Environmental  
3 Impact Statement. DOT, Department of Transportation, Office  
4 of Pipeline Safety has the responsibility for ensuring the  
5 natural gas pipeline facilities comply with several  
6 regulations and standards under the Natural Gas Pipeline  
7 Safety Act.

8 This meeting is also called a NEPA scoping  
9 meeting. The purpose of tonight's meeting is to provide  
10 each of you with an opportunity to give us your  
11 environmental comments on the proposed Kinder Morgan  
12 Pipeline Project. We are here tonight to learn from you.  
13 It will help us the most if you give comments as specific as  
14 possible to the pipeline project regarding the potential  
15 environmental impacts and reasonable alternatives of the  
16 proposed project. Your comments will be used to determine  
17 what issues we need to cover in the EIS.

18 If you wish to speak tonight, please be sure to  
19 sign the speaker's list at the sign-in table. If you do not  
20 wish to speak tonight, you can pick up one of the handouts  
21 at the sign-in table that provides instructions on how to  
22 send written comments to us. Also, at the table you will  
23 find these two pamphlets. This one gives you our website,  
24 [www.FERC.gov](http://www.FERC.gov), and it gives the information as to how to do  
25 the electronic filings. This brochure is "An Interstate

1 Natural Gas Facility on My Land -- What Do I Need to Know?"  
2 A lot of landowners have questions which are answered in  
3 this pamphlet.

4 On March 24, 2006, we issued a notice of intent  
5 to prepare an EIS for this project. The comment period  
6 ended on April 24, 2006. However, we are still accepting  
7 written comments on the project. We will take comments  
8 throughout our review of the project. However, we ask that  
9 you provide comments as soon as possible in order to give us  
10 time to analyze and research the issues.

11 I have a hard copy. I don't have my published,  
12 printed copy with me, which I gave away to somebody  
13 yesterday. On the back of this Notice of Intent, which was  
14 mailed out, there is a form that says "Information Request."  
15 If you will fill this form and send it to us, we will keep  
16 your name on the mailing list and also just ask you whether  
17 you want a hard copy of the draft EIS or you would prefer a  
18 CD. So, accordingly, we will take care of that.

19 I would like to add that FERC strongly encourages  
20 electronic filing of any comments. The instructions for  
21 this can be located on our website, [www.FERC.gov](http://www.FERC.gov), under the  
22 E-filing link. The handouts at the sign-in table provide  
23 additional information about electronic filing of comments.

24 Regarding our process, we have begun a pre-filing  
25 environmental review of this project. A formal application

1 has not been filed with FERC, however, the FERC staff has  
2 already started its NEPA review of the project to allow  
3 early involvement by the public, governmental entities and  
4 other interested parties.

5 This project is right now in pre-filing status.  
6 That means there is no formal certificate processing  
7 application. And pre-filing is a kind of new process here  
8 at this point for the last couple of years which allows the  
9 FERC staff and the applicant to work together to develop,  
10 review and also to smooth out any issues, problems that NEPA  
11 has on the project. So, in other words, we work up front  
12 like seven, eight months before the filing is actually,  
13 officially made to FERC.

14 Regarding the process, we have begun a pre-filing  
15 environmental review of the project. The formal application  
16 has not been filed with FERC and the pre-filing process also  
17 gets another docket number, which is PF06-16-000. In other  
18 words, if you want to file your comments, you must put in  
19 the document number, which is PF06-16-000.

20 The cooperating agencies will work with us in  
21 this process. We have requested that the U.S. Corps of  
22 Engineers, the U.S. Fish and Wildlife Service, the United  
23 States Department of Commerce, National Oceanographic and  
24 Atmospheric Administration, Office of National Marine  
25 Fishery Service to be cooperating agencies. Corps has

1       accepted to be a cooperating agency and they will work with  
2       us.

3               Then we have review of the project. We will  
4       assemble information from a variety of sources, including  
5       Kinder Morgan, you -- the public -- other state, local and  
6       federal agencies and our own independent analysis and pre-  
7       work. We will analyze the information and prepare a draft  
8       Environmental Impact Statement that will be distributed to  
9       the public for their comments.

10              If you want a copy of the draft EIS, there are  
11       three ways to let us know. You can send a written comment  
12       to FERC or you can sign up at the sign-in table tonight, or  
13       you can return the mailing list retention form, which I  
14       showed you from NOI. That was included in the Notice of  
15       Intent. You must do one of these three things to ensure  
16       that you stay on our mailing list. It's very important that  
17       any comments you send included our docket number, which I  
18       already gave to you.

19              After the draft EIS is issued, you will have 45  
20       days to comment. Normally, we schedule a public comment  
21       meeting, which is towards the end of 45 days of the comment  
22       period. At this meeting, you can give us your comments --  
23       at this meeting I mean to say the comment meeting from the  
24       DEIS. You can give us your comments on the draft EIS orally  
25       or alternately, you may provide comments in writing. At the

1 end of the 45-day comment period, we will use your comments  
2 and any new information that we have been able to gather to  
3 finalize the final EIS. The final EIS will be mailed to  
4 people who are on our environmental mailing list. If you  
5 receive a copy of the draft EIS, you will be sure that you  
6 will get a copy of the final EIS. After the final EIS is  
7 issued, the FERC commissioners will use our findings to  
8 assist their determination on whether to approve or deny a  
9 certificate for the project.

10 Before we start taking comments from you all, we  
11 would request Kinder Morgan to come and give us an overview  
12 of the project. Tonight, Mr. Red Iler is going to make a  
13 brief presentation.

14 Mr. Iler.

15 MR. ILER: Thank you, Medha. Good afternoon,  
16 ladies and gentlemen. My name is Red Iler. I'm the senior  
17 project manager for Kinder Morgan Louisiana Pipeline and  
18 Kinder Morgan. With me tonight I have several individuals  
19 from different groups from our company. We have our land  
20 staff, Mr. Johnnie McGee, Harry Gollier, Steven Butcher and  
21 Amy Girouard. I have Gina Dorsey who is with our  
22 environmental group in Houston. Mike Roccaforte who is over  
23 the pipeline operations group for Louisiana and southeast  
24 Texas and I have our engineering and environmental counter-  
25 part from AMEC Paragon, Mr. Daniel Ransbottom.

1                   Kinder Morgan operates well over 25,000 miles of  
2 pipeline. We do it in a safe and efficient manner. What we  
3 are seeking at this point is certification from FERC in  
4 order to build an approximately 137 mile, 42-inch natural  
5 gas pipeline, which start in Sabine Pass and move north and  
6 northeast just north of Eunice.

7                   Thank you for coming.

8                   DR. KOCHHAR: Thank you, Mr. Iler.

9                   As you have seen there are posters around here.  
10 Kinder Morgan has brought these posters to help you assess  
11 where your property is or answer some questions and they  
12 will have some alignment sheets also here. So they will be  
13 able to answer your questions after the meeting.

14                   Now we will have Mr. James Little to make a short  
15 presentation.

16                   James?

17                   MR. LITTLE: Good evening. I'm James Little,  
18 Jr., U.S. Army Corps of Engineers, New Orleans District. On  
19 behalf of Colonel Richard P. Wagenaar, District Engineer of  
20 the New Orleans District, I join with the Federal Energy  
21 Regulatory Commission in welcoming you to this public  
22 meeting to construct a natural gas pipeline from the Sabine  
23 Pass LNG terminal to the Rayne, Louisiana area. The  
24 proposed project will require the installation of  
25 approximately 130 miles of 42-inch diameter, 1 mile of 136-

1       inch diameter and 2.2 miles of one 24-inch diameter  
2       conveyance pipeline.

3               The Corps of Engineers has been granted  
4       permitting authority under Section 10 of the Rivers and  
5       Harbors Act of 1899, which prohibits the unauthorized  
6       obstruction or alteration of any navigable water of the  
7       United States and Section 404 of the Clean Water Act of  
8       1972, which regulates the discharge of dredged or fill  
9       material on the waters of the United States.

10              To date, the New Orleans District has not  
11       received a permit application requesting the Department of  
12       the Army authorization to construct the Kinder Morgan  
13       pipeline. However, a pre-application meeting was conducted  
14       on May 12, 2005 with representatives from Kinder Morgan  
15       Pipeline concerning submittal of a permit application for  
16       the proposed pipeline facilities.

17              Upon receipt of a complete application form, the  
18       New Orleans District will solicit comments from the public  
19       via a 30-day public comment advertisement. The Corps will  
20       evaluate the proposed work in accordance with our  
21       regulations and guidelines and in cooperation with the  
22       Federal Energy Regulatory Commission and other federal and  
23       state resource and regulatory agencies.

24              The Federal Energy Regulatory Commission will be  
25       the lead agency in preparation of the Environmental Impact

1 Statement required by the National Environmental Policy Act  
2 of 1969. The Corps will be a cooperating agency in the  
3 preparation of the EIS. The Corps is neither a proponent  
4 nor opponent of the proposed action. The decision whether  
5 to issue a permit will be based on an evaluation of the  
6 probable impacts, including the cumulative impacts of the  
7 proposed activity on the public interest. That decision  
8 will reflect the national concern for both protection and  
9 utilization of the important resources.

10 All factors which may be relevant to the proposal  
11 will be considered, such as conservation, economics,  
12 aesthetics, wetlands, historic properties, fish and wildlife  
13 resources, flood hazards and the need and welfare of the  
14 people, just to name a few. The EIS process will be used to  
15 identify the impacts of the project -- both beneficial as  
16 well as detrimental.

17 As stated earlier, the purpose of this meeting is  
18 to gather information from you, the public, as to what  
19 issues you feel are important and should be addressed in the  
20 EIS. Your input is important to the evaluation of the  
21 proposed action and its potential impact on the human and  
22 biological communities. So please feel free to comment and  
23 we look forward to hearing from you tonight. If you don't  
24 feel like voicing your concerns this evening, you can submit  
25 written comments. Please do not hesitate to contact me for

1 assistance during the permitting evaluation process. Thank  
2 you.

3 DR. KOCHHAR: Thank you, James.

4 Are there any public officials here tonight?

5 MR. FONTENOT: Ms. Kochhar, can I ask you all to  
6 refrain from using acronyms that we are not aware of?

7 DR. KOCHHAR: Okay. We'll try our best. Is  
8 there any name I used that and you want --

9 MR. FONTENOT: Well, both of you all were using  
10 acronyms and I'm not aware of them. And I'm sure most of  
11 the people in this room are not aware of them or the meaning  
12 of most of them.

13 MR. LITTLE: Were there any in particular that  
14 you remember.

15 MR. FONTENOT: I think you said EIS.

16 DR. KOCHHAR: EIS means Environmental Impact  
17 Statement. And when we say DEIS, that's draft  
18 Environmental Impact Statement. If it is FEIS, it is final  
19 Environmental Impact Statement. And I also used the acronym  
20 NEPA. That is National Environmental Policy Act.

21 Anything else?

22 (No response.)

23 DR. KOCHHAR: Are there any public officials  
24 here?

25 (No response.)

1 DR. KOCHHAR: No? Okay.

2 John, we have the speaker's list. There are no  
3 speakers here tonight? Okay.

4 You sure you don't want to speak? Nobody has  
5 comments, questions or anything? No? Very good.

6 Well, I was going to say, if you have any  
7 comments, come over to the podium.

8 Sure. Come in and please step up to the  
9 microphone and give us your name clearly so the court  
10 reporter can take it very clearly. And any comments,  
11 questions you have right now they will all be transcribed by  
12 the court reporter and they'll become part of the  
13 proceedings. Thank you.

14 Come on.

15 MR. GREATHOUSE: I'm Lawrence Greathouse and I'm  
16 a property owner that has land in this project. I was late  
17 getting here. We were just behind a wreck. Anyhow, I  
18 farmed a chunk of that land that you're coming across for 50  
19 years. I was born right there, been there ever since and I  
20 think I can give you some good advice about some things  
21 there. Where it crosses my property I believe that if you  
22 drop down a little lower -- and I've talked about this with  
23 Kinder Morgan and they seemed to think that I had a valid  
24 reason, you know, and it sounded good. And, if you drop  
25 down a little bit, you get into something, some land a

1 little bit lower and not desirable to build houses on and --  
2 but it's not wetlands. And so, therefore, I could point  
3 you to a better route that just goes a little bit south and  
4 then goes up and meets back with what you have and the  
5 distance is probably approximately the same. It's just that  
6 you'd be driving on land and it's 6, 7 feet above sea level  
7 -- some down to 5 rather than going across my place, which  
8 is 12 to 15 feet and only a mile away from subdivisions  
9 building from Lake Charles. I mean I'm willing to work with  
10 you anyway, but I just think that would be a more suitable  
11 place to put it if you could put it -- in a place where  
12 nobody, in my opinion, nobody should ever build houses down  
13 there because they might get 3 feet of water some day. And  
14 so, I would like to be kept informed. And if you want more  
15 information from me about details and such, I'd be glad to  
16 work with anybody about it rather than just stand here  
17 trying to cover the whole thing right now. Okay.

18 DR. KOCHHAR: Would you please meet with us so we  
19 can get the milepost location where you are located -- where  
20 your property is?

21 MR. GREATHOUSE: I guess that's milepost 56. I'm  
22 right here.

23 DR. KOCHHAR: This is the only property you have?  
24 Okay. We can meet with you at the end of the meeting.

25 MR. GREATHOUSE: Yeah. You see, I own this land

1 here, but for 50 years I've farmed 1500 acres, including all  
2 this over here.

3 DR. KOCHHAR: Okay. I'll meet with you after the  
4 meeting so that if anybody else has questions let's go with  
5 them and I'll meet with you after the meeting.

6 MR. GREATHOUSE: Thank you.

7 DR. KOCHHAR: Okay. Thank you very much, Mr.  
8 Lawrence.

9 Anybody else? No questions? No comments?

10 MR. FONTENOT: I have a question.

11 DR. KOCHHAR: Okay.

12 MR. FONTENOT: Who's going to be building the  
13 actual construction? Is your company going to be building  
14 the construction or a subcontractor?

15 DR. KOCHHAR: I'm with the government. I'm with  
16 the Federal Energy Regulatory Commission. We analyze the  
17 project. Kinder Morgan is the applicant who is doing this  
18 project. They may hire some contractors who do the  
19 construction work and I'm sure Mr. Iler would be able to  
20 expand on that more.

21 Could you speak your name, please, sir?

22 MR. FONTENOT: My name is Charles Fontenot.

23 DR. KOCHHAR: Charles?

24 MR. FONTENOT: Charles Fontenot.

25 DR. KOCHHAR: Did you get it right, Chris?

1           MR. ILER: Typically, we would seek bids from  
2 contractors that we felt were capable of handling a job this  
3 size. Those contractors, upon submittal of bids, would be  
4 reviewed. Their safety records were reviewed, drug and  
5 alcohol policies before we enter into an agreement with  
6 them. At that point, they would be the contractor building  
7 the line, although we have inspectors on every inch of that  
8 line, construction managers that work specifically for  
9 Kinder Morgan to ensure that the contractor is doing exactly  
10 what he's supposed to be doing, not only to protect our  
11 interest but to protect yours as well.

12           MR. FONTENOT: What type of a liability overlap  
13 are you going to have for property owners if someone gets  
14 hurt on somebody else's property?

15           MR. ILER: In what fashion liability overlap?

16           MR. FONTENOT: If somebody gets hurt on the  
17 property.

18           MR. ILER: In the construction agreement, the  
19 contractors have the insurance on their own employees.  
20 They'll have contractor's liability insurance. In what  
21 quantities, I'm not sure. I know greater than \$2 million in  
22 one occurrence is what we require. As far as overlaps on  
23 adjoining properties, that's something we would probably  
24 have to look into. I'm not aware of the legal implications  
25 of that. If they were not on the property they were

1       supposed to be and were hurt. Was that your question?

2               MR. FONTENOT: Well, partially. But my concern  
3       is, if, in a worst case scenario, if someone were to get  
4       killed on our property, you know, in this day and time,  
5       anybody can sue anybody for anything. And, if they're  
6       carrying, say, a \$2 million liability policy and there's a  
7       death, \$2 million is not going to come close. So that's  
8       going to start falling back on the landowner.

9               MR. ILER: That is a negotiable item when you  
10      talk with our land agents about indemnification language in  
11      any contract, which basically would indemnify you against  
12      problems that occurred on your property. We have standard  
13      language for that.

14              MR. FONTENOT: Is this project going to conform  
15      with DOT standards?

16              MR. ILER: Yes, sir.

17              MR. FONTENOT: So there will be random drug  
18      testing?

19              MR. ILER: Yes, sir.

20              MR. FONTENOT: And who will administer that?

21              MR. ILER: The contractor will have a separate  
22      company administer those. It's a DOT-qualified company and  
23      the contractor also has to be a member of IS Network and  
24      several other unbiased groups that are out there that  
25      maintain all this information. They basically handle the

1 drug testing portions and accumulating the safety records,  
2 which have to be filed with the federal government on any  
3 employees who get hurt. It's an OSHA law. They give that  
4 contractor a score. We won't use a contractor whose score  
5 is less than -- you know, almost Grade A in the safety area.  
6 Their drug and alcohol policy has to cover, you know,  
7 everyone across the board. You know, the random for cause  
8 has to be administered by an outside party rather than the  
9 contractor itself.

10 MR. FONTENOT: And who will be the contacting --  
11 who is going to be our contact person? Say, if a  
12 subcontractor comes on the property and we have an issue  
13 with them and we're not getting anywhere with the general  
14 foreman or the subcontractors, who do we appeal to?

15 MR. ILER: To Kinder Morgan.

16 MR. FONTENOT: To Kinder Morgan? And you'll have  
17 all of that information?

18 MR. ILER: Yes, sir. Our land agents can provide  
19 you with contact lists.

20 MR. FONTENOT: And what depth are you all talking  
21 about normally for the pipeline?

22 MR. ILER: Typically, in upland areas, we're  
23 looking at 36 inches of cover.

24 MR. FONTENOT: Of cover?

25 MR. ILER: Yes, sir. From top of pipes to grade

1 level -- natural grade level and road crossing, ditches it  
2 would be slightly deeper, but the typical DOT requirements  
3 are 32 inches. Realistically, we're looking at 36 inches of  
4 cover.

5 Does that answer your question?

6 MR. FONTENOT: I believe so.

7 MR. ILER: Okay. Thank you, sir.

8 DR. KOCHHAR: Any other questions? No?

9 If there are no more questions, we'll adjourn the  
10 meeting. Thank you for coming to the meeting tonight. If  
11 you have questions, stay back. We can informally discuss --  
12 that will not be part that will not be part of the  
13 transcript.

14 Thank you for coming tonight.

15 (Whereupon, at 7:00 p.m., the above-entitled  
16 matter was concluded.)

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