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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Docket No.  
ROCKIES WESTERN PHASE PROJECT : CP06-354-000  
: CP06-401-000  
: CP06-423-000  
- - - - -x

Best Western Inn  
1200 Hwy 24 East  
Moberly, MO

Thursday, December 14, 2006

The above-entitled matter came on for public meeting,  
pursuant to notice, at 7:02 p.m.

MODERATOR: DAVE SWEARINGEN, FERC

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

(7:02 p.m.)

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3 MR. SWEARINGEN: My name is Dave Swearingen and  
4 I'm an environmental project manager with the Federal Energy  
5 Regulatory Commission or FERC. To my immediate left is J.H.  
6 Drum with TRC, an environmental consulting corporation. TRC  
7 is assisting us in our environmental analysis. Erica Lund,  
8 also with TRC, is at the sign-in table at the back when you  
9 signed in. Also here tonight is Tom McMaster with the  
10 Department of Transportation's Pipeline and Hazardous  
11 Material Safety Administration. He is to the left of this  
12 table right here.

13 On behalf of the FERC, I want to welcome you all  
14 here tonight. Let the record show that the Moberly public  
15 comment meeting began at 7:02 p.m., December 14, 2006.

16 The purpose of this meeting is for the FERC to  
17 get your comments on the draft Environmental Impact  
18 Statement or the draft EIS, which is this document right  
19 here that we recently released for the Rockies Western Phase  
20 Project. You probably got a CD version in the mail. If you  
21 got a CD version and you prefer to have a hard copy version  
22 of the final when it comes out, you just let Erica know out  
23 by the table and we'll be glad to send you a hard copy.

24 In a moment I'm going to give a brief overview of  
25 the FERC process and then Tom, with the Department of

1       Transportation, will say a few words.

2                       Where we are in the process? We're in the middle  
3 of a 45-day comment period on the draft EIS. That comment  
4 period ends on December 28th. All comments that we receive  
5 within the comment period will be addressed in our final  
6 EIS. To speak tonight there was a sign-up sheet on the  
7 table when you came in. If you'd like to speak and you  
8 haven't signed up already, I'd ask you to go ahead and do  
9 so. If you prefer not to speak tonight, you can submit  
10 written comments on the document or you can submit comments  
11 electronically. It doesn't matter to me how you wish to  
12 submit your comments, whether you speak tonight, mail them  
13 in or do them through the FERC website. We treat all  
14 comments with equal weight. To submit comments through the  
15 website or through the mail, the directions on how to do  
16 that are in the first few pages of the draft EIS, the hard  
17 copy and the CD version. And if you have any additional  
18 questions about that, you can talk to me after the meeting.

19                      Like I said, the purpose of this meeting is to  
20 get your comments on this draft EIS that we've recently  
21 prepared. So the types of comments that are most helpful to  
22 us are comments that are specific. If you were reading  
23 through the area that was of concern to you and you think  
24 that some of the data are wrong or the analysis is flawed or  
25 that we missed something and you point that out to us, that

1 is very helpful so that when we revise this document and  
2 issue the final we can take those concerns under  
3 considerations.

4 Other types of comments like, you know, people  
5 sometimes they say, well, I don't like the project. You're  
6 free to say that. That doesn't exactly help us to revise  
7 the draft into a revised document, but when I give you the  
8 floor you're free to make whatever kind of comments that you  
9 like. Just be aware that the more specific you can make  
10 your comments the more helpful it is to us.

11 If you have questions specifically for Rockies  
12 Express, if you want to talk about your negotiation or  
13 something specific to your land that you think that Rockies  
14 Express needs to know about or you have questions  
15 specifically to their personnel, personnel from Rockies  
16 Express are here tonight and they can be available after the  
17 meeting is over and you can talk with them one-on-one. That  
18 will not be a part of the public record. That is just  
19 something you have the opportunity while you're here and  
20 they're here at the same time.

21 If you received a copy of the draft EIS, whether  
22 a hard copy or a CD, you're on the mailing list to get a  
23 copy of the final. If you didn't get a copy of the draft,  
24 you have a chance to sign up to make sure you get a copy of  
25 the final at the sign-in table. Once we've finished the

1 final EIS and mailed it out, we will forward that document  
2 onto our commissioners at the FERC. The Commission will  
3 consider our environmental analysis along with a host of  
4 non-environmental issues in order to determine whether or  
5 not to issue an authorization for the Rockies Western Phase  
6 Project. So the EIS in itself is one tool in the process.  
7 It is a decision-making document.

8 Now I want to turn the meeting over to Tom with  
9 the DOT's Pipeline and Hazardous Materials Safety  
10 Administration.

11 MR. McMASTER: Good evening. My name is Tom  
12 McMaster. I'm an engineer with the Office of Pipeline  
13 Safety, which is a branch of the U.S. DOT Pipeline and  
14 Hazardous Materials Safety Administration or PHMSA. I'd  
15 like to thank Dave for inviting me to the meeting.

16 Given the concerns of the public with respect to  
17 pipeline safety, my purpose at this meeting is to assure you  
18 that if Rockies Express receives a favorable review from  
19 FERC, the Pipeline and Hazardous Materials Safety  
20 Administration will maintain a continual regulatory watch  
21 over the pipeline from its construction to its testing and  
22 for the entire operational life of the pipeline. This  
23 regulatory oversight will consist of measuring the pipeline  
24 operator's performance to ensure that the pipeline is  
25 designed and constructed with suitable materials, welded in

1       accordance with industry standards, that the welders  
2       themselves are qualified to join the pipeline, the pipeline  
3       is externally coded to assure effective cathodic protection  
4       from corrosion, the pipeline is installed to the proper  
5       depth with suitable backfill and that it is properly tested  
6       upon completion to ensure that it can hold the needed  
7       pressures.

8                 Beyond the construction process, PHMSA's pipeline  
9       safety program conducts inspections periodically over all  
10       aspects of the operations and maintenance of the pipeline.  
11       The operator must have a written O&M plan in place to  
12       instruct their personnel in proper operation of the pipeline  
13       and some of the O&M items included are corrosion control and  
14       cathodic protection, periodic patrolling and leakage surveys  
15       of the pipeline, annual testing of the pipeline valves and  
16       pressure regulation and relief devices, following proper  
17       pipeline repair procedures and following integrity  
18       management program requirements such as hydrostatic testing  
19       and smart bidding of the pipeline.

20                Other programs require the operators include  
21       operator qualification, which is requiring pipeline  
22       operators to ensure, by testing and other means, that their  
23       personnel are qualified to perform normal operating  
24       maintenance or emergency response operations to minimize  
25       operator error as the cause of any pipeline failure. Public

1 awareness requiring operators to inform the public near the  
2 pipeline about recognizing leaks and taking appropriate  
3 action and damage prevention. The State of Missouri has  
4 legislation that requires anyone performing excavating  
5 activities to call the One Call Center in advance of the  
6 work and have all underground utilities located and marked.

7           Since third-party damage is one of the major  
8 causes of damage to pipelines and the recent cause of a  
9 fatality, it is important for each of us to utilize the One  
10 Call system prior to doing any excavations and to make sure  
11 that other digging in our neighborhoods to have their  
12 underground utilities located prior to excavating by looking  
13 for the paint and flags that are used to mark those  
14 pipelines.

15           Lastly, if a pipeline operator's procedures are  
16 found inadequate or if an operator is not following these  
17 procedures or appropriate regulatory requirements, PHMSA is  
18 authorized to seek punitive action in the form of remedial  
19 actions, civil penalties -- a frequent practice -- and even  
20 criminal action. The authority is granted by Congress and  
21 PHMSA is responsible to Congress for the execution of its  
22 mandates.

23           I hope that this has been informative for you.  
24 Our Pipeline Safety Program's mission is safety and we want  
25 to assure the public that its interest is not ignored in

1 this area.

2 If there are any questions, I'll be around for a  
3 short while at the conclusion of this meeting. And if you  
4 have questions after I leave, our phone number in our Kansas  
5 City office is 816-329-3800. Thank you.

6 MR. SWEARINGEN: Thank you, Tom.

7 Right now is the part of the meeting where I open  
8 up the floor to people who wish to make comments. If you  
9 have a question regarding the FERC process or the  
10 environmental analysis that I could answer, I'll be glad to  
11 do so. If it's something that we just need to take down,  
12 you'll see our response to your comments and questions in  
13 our final EIS.

14 We have a transcription service to make sure that  
15 all the comments are recorded and placed into the public  
16 record. You see the gentleman to the left. Since it  
17 doesn't look like the microphone is working, what I'm going  
18 to ask you to do is step up the podium here when you make  
19 your comments. There's a small microphone that goes  
20 directly into his arrangement over there.

21 Two people have signed up on cards and I'll call  
22 those first, and then after that's over I will open up the  
23 floor to anybody else who wishes to speak.

24 The first person I have signed up is Jerry -- I'm  
25 afraid I can't read the last name.

1                   MR. CRUTCHFIELD: It's Jerry Crutchfield. This  
2 gentleman can go first, if he chooses.

3                   MR. SWEARINGEN: If you could, when you come up,  
4 just spell your name for the record so the we can get it  
5 accurate.

6                   MR. CRUTCHFIELD: I am Jerry Crutchfield, C-R-U-  
7 T-C-H-F-I-E-L-D. I live at 1320 County Road 2150,  
8 Huntsville, Missouri 65259, Section 21, Township 53, Range  
9 15 West of Randolph County.

10                   The pipeline marker that exist on my property now  
11 reads 789. I live on a family lake in Randolph County with  
12 three other family members. Apparently, the project, the  
13 Rec West Project will affect about 850 acres of shoreline -  
14 - pardon me, 850 feet of shoreline, probably go under 2 to  
15 300 feet of the lake. At this time I'm really not sure  
16 where or how it will go. It's not been determined yet.

17                   I guess as this process continued I'd like to  
18 think that some of those issues with the lake, the  
19 shoreline, the old road timber would be addressed in an  
20 environmental aspect. I have offered the land agent an  
21 alternative route. The land agent has mentioned a possible  
22 reroute. But at this point in time, I don't even think  
23 we're in negotiations. If the pipeline company would  
24 consider a reroute of this pipeline, it would allow them to  
25 avoid taking my driveway, all of my parking, my electric

1 service, my telephone service, my water service, my sewer  
2 service, my alternative water service. It would avoid the  
3 permanent easement passing through a section of my house.  
4 It would avoid the temporary easement taking my entire  
5 house. It would avoid crossing the lake. It would avoid  
6 destroying 650 foot of water line, shore line. It also  
7 would avoid destroying 200 old growth trees, a shelter house  
8 and a public pet cemetery.

9 I just would like before this process is ended to  
10 have some of these thing addressed. Maybe we're progressing  
11 along. I have no idea. I have no idea. I have had  
12 contacts with people, but that's about all I can say. I've  
13 asked at a couple of these meetings and I guess I don't  
14 expect it answered, but somewhere I would like someone to  
15 describe a high consequence area and I'd also like for  
16 someone from the pipeline to describe a catastrophic event  
17 of a 42-inch natural gas pipeline under 1450 pounds of  
18 pressure exploding. I've never been able to get an answer  
19 to that question.

20 That's all I have to say at this time. Thank u  
21 very much.

22 MR. SWEARINGEN: Thank you, Mr. Crutchfield.  
23 Is there anybody else who would like to make  
24 comments?

25 MR. HARVEY: Yes, I turned in a card. Jerry

1 Harvey is my name.

2 MR. SWEARINGEN: Come right on up. Okay, Mr.  
3 Harvey.

4 MR. HARVEY: My name is Jerry Harvey. I live in  
5 Keithville. I'm at mile marker 648.

6 The pipeline has proposed on the disk. It goes  
7 through my property. At that farm the pipeline was going 40  
8 feet away from the one directly to the north of it. As it  
9 passes through my property, in order to miss my house, they  
10 have moved the pipeline to where it is within 20 feet of the  
11 existing pipeline. The existing pipeline, at this point,  
12 has had a problem in prior years. I am really concerned,  
13 from a safety standpoint, about passing this 42-inch  
14 pipeline that close to an existing pipeline with the normal  
15 pressure that it's going to be operating on.

16 I have offered an alternative to where the  
17 pipeline could exist, but it was not taken seriously by the  
18 right-of-way people. That's all I have to say.

19 MR. SWEARINGEN: Thank you, Mr. Harvey.

20 Is there anybody else who would like to make  
21 comments? We have another gentleman who is going to make  
22 comments and then I can certainly entertain more comments  
23 after that. But if you know you want to speak now -- okay.

24 With that, Mr. Bradley.

25 (Pause.)

1                   MR. BRADLEY: My name is Aubrey Bradley. The  
2 project tracks on my property are MO-RA-040.NO1,MO-RA-42.1,  
3 MO-RA-042.2, Randolph County, Missouri. I live at County  
4 Road 2450. I have brought this map. It's not really all  
5 that clear, but I wanted to address the issue of this  
6 pipeline going across my waterways. I have the -- there are  
7 two creeks on my property that join. The water flows here  
8 from south to north, this direction. I'm at the headwaters  
9 of these creeks. One course through side of my property and  
10 joins here. The other begins across the road from my  
11 property and also joins here and on out the north side of my  
12 property.

13                   Both of these creeks are spring fed. We have  
14 about an 1100 acre cow-calf operation out there. We need  
15 approximately 1500 to 2000 gallons of water per day. That's  
16 every day. My home is right here. My parents home is right  
17 here. Pardon me, that's one of my rental properties. And  
18 my parents' home and our base of operations are right here.  
19 All three of these homes have been occupied for over 30  
20 years. They're occupied now and all of them are within less  
21 than 300 feet of this proposed project. I have grave  
22 concerns and now I have another one.

23                   (Pause.)

24                   MR. HARVEY: Anyway, on my picture there I had a  
25 small circle down towards the bottom there's a drill well

1       there that we do use for our cattle operations and during  
2       the construction of this project, if the water issue is not  
3       addressed, I'm not going to have water for my cattle. And  
4       in the recent past I had a fellow over there that was doing  
5       some dynamiting under my property and I got two drill wells  
6       go dry from the shocks of the rocks of the blast.

7                 This is a redneck rendition of my property. This  
8       denotes the 4-foot rock ledge under the property. This  
9       denotes a 4-foot vein of coal that goes under, courses under  
10      the property. I have an existing pipeline out there now.  
11     It does not go through this 4-foot ledge of rock. It goes  
12     over it. When it was put in there, they didn't have the  
13     technology to go through the rock so they stuck it to the  
14     side of the hills. One of these ravines out there you can  
15     drive a semi under this pipeline that's there. These two  
16     are on my property. There's a deeper one over here on my  
17     neighbor's property. That's a little taller.

18                Anyway, my concerns are when they begin  
19     jackhammering this rock that it's going to alter my  
20     underground aquifer that feeds my creeks and my water supply  
21     for my cattle. If that happens, I'm out of business.  
22     That's the long and short of it. That's my very real, very  
23     genuine concern.

24                MR. SWEARINGEN: Yes, sir. Thank you for those  
25     comments.

1 MR. HARVEY: You're welcome.

2 MR. SWEARINGEN: Is there anybody else who wishes  
3 to make comments tonight. This is your meeting, your  
4 opportunity to let the FERC know what your issues are with a  
5 statement so we can prepare a revised final.

6 (No response.)

7 MR. SWEARINGEN: If there are no more comments,  
8 I'll go ahead and close the public part of this meeting.  
9 Anyone wishing to keep up with the official activity  
10 associated with the Rockies Western Phase Project can use  
11 the FERC website. It's [www.FERC.gov](http://www.FERC.gov). That's [www.FERC.gov](http://www.FERC.gov).  
12 Within the website there's a link called eLibrary. You type  
13 in the document number. For this project it's CP-06-354.  
14 You can use eLibrary to gain access to everything on the  
15 public record concerning the Western Phase portion of the  
16 project, including all the public filings and information  
17 submitted by Rockies Express.

18 Like I said before, I'm going to hang around  
19 after I close the meeting and the personnel from Rockies  
20 Express will also be around if you have a specific question  
21 or a concern that you wish to ask while they're here.

22 On behalf of the Federal Energy Regulatory  
23 Commission and the Department of Transportation, I want to  
24 thank you all for coming here tonight. Let the record show  
25 that the comment meeting concluded at 7:25 p.m. Thank you.

1                   (Whereupon, at 7:25 p.m., the above-entitled  
2 matter was concluded.)

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