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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
IN THE MATTER OF: : Project Number:  
EAST END EXPANSION PROJECT : PF06-34-000  
- - - - -x

Carmichael Community Center  
801 S. Elm Street  
Searcy, AR

Tuesday, January 9, 2007

The above-entitled matter came on for scoping  
meeting, pursuant to notice, at 6:00 p.m.

BEFORE:  
JOHN J. WISNIEWSKI, FERC

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

2 MR. WISNIEWSKI: Okay. We're going to start our  
3 meeting now.

4 Good evening, ladies and gentlemen. My name is  
5 John Wisniewski. I work for the Federal Energy Regulatory  
6 Commission in Washington, D.C. We're known as F-E-R-C, or  
7 FERC. I'm the environmental project manager for the Ozark  
8 Gas Transmission LLC's East End Expansion Project. The FERC  
9 Docket Number is PF06-34-000.

10 With me here this evening is Scott Flickinger of  
11 Tetra Tech NUS Inc., who is our environmental contractor who  
12 will be helping us prepare an environmental impact statement  
13 for the project.

14 And also in the back of the room is Shonda Sumter  
15 who works for Tetra Tech. Shonda's helping us prepare  
16 sheets for people to sign up if they would like to speak  
17 tonight or obtain a sheet to send in comments about the  
18 project.

19 This is a public scoping meeting for the project.  
20 We sent out a notice of intent to prepare an environmental  
21 impact statement for the project on December the 4th, 2005.  
22 The staff of FERC will prepare a draft Environmental Impact  
23 Statement and a Final Environmental Impact Statement for the  
24 project covering the facilities. The Final Environmental  
25 Impact Statement will be used by the Commission to determine

1       whether a Certificate of Public Convenience and Necessity  
2       should be issued for the pipeline project.

3               Although no formal application has been filed  
4       yet, the FERC staff has already initiated its NEPA review  
5       under the NEPA prefiling process for the project. The  
6       purpose of the prefiling process is to encourage the early  
7       involvement of interested stakeholders and to identify and  
8       resolve issues before an application is officially filed  
9       with the FERC.

10              The Docket Number PF06-34-000 has been assigned  
11       for the Ozark East End Expansion Project. Once a formal  
12       application is filed with the FERC a new docket number will  
13       be established.

14              We may not have answers to your questions right  
15       now, but we want to get the issues so the applicant can  
16       address them in their application. The FERC has interagency  
17       agreements with the U.S. Department of Interior, the U.S.  
18       Department of Agriculture, the U.S. Department of Energy,  
19       the Council on Environmental Quality, the U.S. Environmental  
20       Protection Agency, and the Advisory Council on Historic  
21       Preservation, the Department of Commerce, the U.S. Army  
22       Corps of Engineers, and the U.S. Department of  
23       Transportation and the Department of Energy. The Department  
24       of Transportation Research has a Special Programs  
25       Administration, called RSPA, who has authority to enforce

1 safety regulations and standards for the transportation in  
2 or affecting interstate or foreign commerce under pipeline  
3 safety laws.

4 The FERC is the lead federal agency responsible  
5 for authorizing construction and operation of interstate  
6 natural gas pipelines and compressor stations that may be  
7 associated with a project under Section 7 under the Natural  
8 Gas Act. FERC will ensure a complete review of the entire  
9 project in our Draft Environmental Impact Statement and the  
10 Final Environmental Impact Statement as required under NEPA  
11 for the approval of new facilities.

12 Besides FERC there are some other agencies who  
13 have jurisdiction over these facilities. They would include  
14 the U.S. Fish and Wildlife Service, the National Marine  
15 Fishery Service where applicable, the Advisory Council on  
16 Historic Preservation, the Natural Resource Conservation  
17 Service, the Department of Army U.S. Army Corps of  
18 Engineers, and the Little Rock, Vicksburg and Memphis  
19 districts, and the Department of Agriculture -- I think I  
20 mentioned that -- Natural Resources Conservation Service in  
21 Arkansas and Mississippi, and the Environmental Protection  
22 Agency Regions 4 and 6.

23 In addition, several Arkansas and Mississippi  
24 state and local agencies would be involved, including the  
25 Arkansas Department of Environmental Quality, Arkansas

1 Natural Heritage Commission, the Arkansas Fish and Game  
2 Commission, Arkansas Historic Preservation Program, Arkansas  
3 Historic Preservation Office, the Mississippi Department of  
4 Environmental Quality, Mississippi Department of Archives  
5 and History, the Mississippi Museum of Natural Science, and  
6 the Mississippi Department of Wildlife, Fisheries and Parks.

7 The facilities for the Ozark East End Expansion  
8 Project would involve approximately 235 miles of 36-inch  
9 diameter pipeline and looping beginning in Conway County,  
10 Arkansas, and ending in Calhoun County, Mississippi. In  
11 addition there would be approximately eight miles of 24-inch  
12 diameter pipeline extension called the Noark Extension from  
13 the existing Noark pipeline to the proposed Wonderview  
14 compressor station, all within Conway County, Arkansas.

15 Three compressor stations would be built, at  
16 Wonderview, Searcy, and Helena compressor stations in  
17 Conway, White, and Phillips Counties, Arkansas,  
18 respectively, each with two 10,000 horsepower electric-drive  
19 compressors. In addition, five gas meter stations would be  
20 built with connections to Texas Gas Meter Station, ANR Meter  
21 Station, Trunkline Meter Station, Tennessee Gas Meter  
22 Station, and Columbia Gulf Meter Station.

23 In addition, interconnections between Ozark Gas  
24 Transmission's existing 16-inch diameter pipelines, Noark,  
25 and the Ozark Gas Transmission's existing 20-inch diameter

1 pipeline. And also be four pig launching and receiver  
2 facilities would be constructed.

3 The project would be designed and constructed to  
4 receive and transport about 1.0 billion cubic feet of  
5 natural gas per day. Ozark Gas Transmission proposes to  
6 have the project constructed and operational by  
7 approximately December 2008.

8 I guess at this point I can call an Ozark  
9 representative forward to provide some little background and  
10 a little bit more detail about the project.

11 Is Mr. Obee here tonight?

12 Thank you.

13 MR. OBEE: Thank you very much.

14 On behalf of Ozark Gas Transmission, we're here  
15 tonight to provide an overview of the project we have  
16 provided to expand the infrastructure of the interstate  
17 natural gas transmission system.

18 Ozark has been part of the landscape for well  
19 over 20 years in Arkansas. We currently operate a system  
20 that comprises 560 miles of interstate transmission  
21 pipeline. We move 360 million cubic feet a day to market.

22 We are a transporter. We do not own the  
23 commodity. We do not connect wells. We do not lay flow  
24 lines. We are purely an interstate transmission network.

25 We originate in southeastern Oklahoma. We carry

1 city gates, make deliveries from the Fort Smith area right  
2 on up to Mountain Home and on up to Kennett, Missouri on the  
3 16-inch system known here as the Noark segment of our pipe.  
4 And then we have a 20-inch system that terminates in Searcy  
5 here today. And on that system we interconnect down at --  
6 south of town and deliver to NGPL, Mississippi River  
7 Transmission, as well as Texas Eastern Gas Transmission.

8 We're proposing a project in order to meet the  
9 needs of the public in order to provide an outlet to market  
10 of gas that's currently being developed in basins very  
11 similar to the one here called the Fayetteville shell. I  
12 think that's the one here that we're very -- all aware of.  
13 Currently the basin is being produced. We are currently  
14 moving about 60 million cubic feet a day out of that basin  
15 and taking that gas to market.

16 We are very rapidly reaching our capacity of  
17 being 100 percent utilized. At that point the network, in  
18 order to take production that's coming on-line, we will not  
19 be able to move it. And I believe I can say from an  
20 industry standpoint the market outlets are a key component  
21 of being able to see the development going forward with  
22 shale. And I make that comment on behalf of the Arkansas  
23 Oil and Gas Commission.

24 We're proposing a project that would start and  
25 originate in Conway County. It would basically be running

1 parallel to our existing pipeline system that comes into  
2 Searcy. From Searcy then we would be heading toward market  
3 areas. The market potential here that has requested  
4 interconnects with us is down in the area of Helena.  
5 There's power generation at Helena that's looking for  
6 alternate supplies. And then likewise, crossing the  
7 Mississippi River; there's five other interstates that have  
8 capacity to take gas and haul it to markets.

9 We don't dictate markets. All we do is respond  
10 to market conditions. The market has come to us and asked  
11 us if we would consider putting infrastructure in place to  
12 allow interconnects to these markets so they can go to other  
13 power generators, other home heating markets, chemical  
14 utilities, et cetera.

15 Again, being a natural gas interstate  
16 transmission system, this is the same gas that may heat your  
17 home. Okay? If you're connected to a local distribution  
18 system that sells natural gas at your home, at your farm, at  
19 your dryer, at your power plant, this is a commodity that is  
20 commercial quality. There is no processing of this system;  
21 all that is done upstream of receipt. We are under the  
22 regulations, if you will, of a tariff that our pipeline  
23 quality gas is burner-trip quality going to market.

24 We're proposing, as Mr. Wisniewski said, that --  
25 to construct 235 miles of pipeline. That pipeline would

1 provide an outlet to new markets. The pipeline itself would  
2 be powered by three new compressor stations. Those  
3 compressor stations would be electric-driven motors that  
4 would drive a compressor. They're very quiet; they're very  
5 state of the art. They're very fuel efficient as far as  
6 from an electric utilization; they're very efficient with  
7 electric motors. There's currently wholesale generation  
8 capacity available here in Arkansas to power these  
9 facilities. Okay?

10 As stated earlier, we're proposing the pipeline  
11 to be constructed in 2008 is our proposal. As we go  
12 forward, we've entered pre-filing with the Federal Energy  
13 Regulatory Commission. As the process goes forward, in  
14 April we'll be filing a filing for a certificate. We  
15 anticipate receipt of that some time by year's end of '07  
16 with the opportunity then to go forward with construction in  
17 2008.

18 With that stated, that's our proposal. And we  
19 thank you very much.

20 MR. WISNIEWSKI: Thank you, Mr. Obee.

21 As I previously indicated, anybody that would  
22 like to speak this evening, there's a sign up sheet at the  
23 back of the table and Shonda Sumter is taking everybody's  
24 name down who wanted to comment this evening. If you want  
25 to speak please sign your name on the sheet.

1           And we also have some pamphlets on the table in  
2 the back that provides general information about the FERC  
3 and the pipeline project. And we also have a pamphlet about  
4 FERC's electronic record system whereby the public can view  
5 the documents filed on the project on their computer.

6           Comments. Your comments this evening will be  
7 recorded by our court reporter, sitting to my left. When  
8 you speak please identify your affiliation, such as a land-  
9 owner, a company or an agency, and please spell your last  
10 name. And please speak clearly into the microphone in the  
11 center of the room so our court reporter can make an  
12 accurate transcript of your comments. We will use your  
13 comments when we prepare our environmental impact statement.

14           If you would rather send in written comments on  
15 the project please do so by January 31st, 2007 and follow  
16 the instructions in our notice of intent that we issued.

17           So it's now time to start the important part of  
18 our meeting: Is to get your comments. I'm going to have to  
19 obtain them from Mr. Flickinger.

20           Okay. I have -- Seven people have signed up for  
21 comments this evening.

22           If you have general questions we may be able to  
23 answer them here. But if they are detailed please submit  
24 them in writing and they will be addressed in our Draft  
25 Environmental Impact Statement when FERC issues it for the

1 project. And also if you have questions about the locations  
2 of the projects and maps, they are available in the NOI we  
3 mailed out to you, and also representatives here from Ozark  
4 may be able to provide detailed maps on your project or your  
5 landowner -- specific landowner area for your property.

6 We will now start our comment period.

7 When I introduce a speaker please spell your last  
8 name and walk up to the podium and -- I mean to the  
9 microphone and speak clearly into the microphone.

10 The first speaker is Mr. Danny Hayes.

11 MR. HAYES: I just had a question.

12 I guess you want my name: H-a-y-e-s.

13 I've got some -- we've got some property out  
14 there that the pipeline is going to go across. We got it  
15 split up in lots. And I notice they said something about a  
16 115 foot easement. Is that additional to what easement's  
17 already there or is that including the easement?

18 MR. WISNIEWSKI: It's my understanding Ozark Gas  
19 Transmission is proposing a 115 foot construction right of  
20 way in addition to what existing permanent right of way they  
21 already have on the property.

22 MR. HAYES: Okay.

23 Will the pumping station be where the pumping  
24 station is out here? Or will it be at other --

25 MR. WISNIEWSKI: The three compressor stations

1 will be brand new.

2 MR. HAYES: So when you say Searcy, do we have  
3 any idea where they'll be?

4 MR. WISNIEWSKI: Yeah, we do.

5 Did you get a copy of the NOI? The compressor  
6 stations are shown on the maps that we sent out.

7 MR. HAYES: Okay.

8 MR. WISNIEWSKI: If you're a landowner you should  
9 have gotten a copy of the NOI.

10 MR. HAYES: Okay. I guess I didn't see that.

11 Will there be any future -- Like I say, we've got  
12 this land in lots now. Do you think there will be any  
13 future expansion or any more pipelines that we would need to  
14 allow for to start building houses that--

15 MR. WISNIEWSKI: I don't know if there's any --  
16 at this time any future expansion provided -- or proposed by  
17 Ozark.

18 There is another project in the area called the  
19 Texas Gas Project, and we just recently received a PF filing  
20 from Texas Gas at FERC. And that pipeline proposes to  
21 parallel parts of this project. But I don't have details on  
22 that at this time. But there is another project proposed at  
23 FERC by Texas Gas.

24 MR. HAYES: Okay. I was just concerned that  
25 before I start building houses and --

1                   MR. WISNIEWSKI: I have the docket number of that  
2 one if you're interested.

3                   MR. HAYES: Okay.

4                   MR. WISNIEWSKI: It's PF07-2-000. And that's  
5 called the Fayetteville/Greenville Expansion Project by  
6 Texas Gas.

7                   MR. HAYES: Texas Gas.

8                   I was wondering if you could give us somebody to,  
9 say if we needed to redo the plot plan that -- where it  
10 would not interfere with the pipeline if they ever want to  
11 expand it or something.

12                   MR. WISNIEWSKI: You'll probably be best to talk  
13 to your Ozark land agent when you're talking about easement  
14 for that.

15                   MR. HAYES: Okay.

16                   MR. WISNIEWSKI: But I don't have any real  
17 detailed information yet on this Texas Gas project other  
18 than it looks like the route proposes to parallel parts of  
19 the Ozark Pipeline as well.

20                   MR. HAYES: That's all I had. Thank you.

21                   MR. WISNIEWSKI: Thank you very much, Mr. Hayes.  
22 Our next speaker this evening is Joyce Wright.

23                   MS. WRIGHT: I'll pass, please.

24                   MR. WISNIEWSKI: You pass? All right.

25                   The next speaker this evening is Mr. Ken -- Is it

1           Cornfield or --

2                   MR. CANFIELD:   Canfield.

3                   MR. WISNIEWSKI:  -- Canfield.  Sorry, sir.

4                   MR. CANFIELD:  C-a-n-f-i-e-l-d.

5                   MR. WISNIEWSKI:  Thank you.

6                   MR. CANFIELD:  I'm probably a little early on my  
7           question also.  I have property in Woodruff County.  The  
8           pipeline is proposed to cross Cash River on my property.  I  
9           really was wondering, you know, probably when they get down  
10          to actually signing an easement with me, then I would be  
11          able to discuss with them what they're going to do with the  
12          excess dirt when they drill under the river and what not.  
13          Would that be a fair assessment?

14                   MR. WISNIEWSKI:  Yes.  If it's on your property  
15          the Ozark representative should discuss the construction  
16          procedures they propose on your property, including the  
17          movement of spoil, placement of spoil piles, the total  
18          construction work area.  They should discuss all that with  
19          you.

20                   MR. CANFIELD:  Okay.  Thank you.

21                   MR. WISNIEWSKI:  You're welcome.

22                   Our next speaker this evening is Mr. Robert  
23          Hutchins.

24                   MR. HUTCHINS:  I believe my question is the same  
25          as Mr. Canfield's:  When will all that happen?

1                   MR. WISNIEWSKI: Can you come up and speak into  
2 the microphone?

3                   MR. HUTCHINS: I just had a question that was  
4 similar to Mr. Canfield, is when somebody might contact us  
5 to talk about physical location and things like that.

6                   MR. WISNIEWSKI: Oh. Your question is when they  
7 will be talking about that?

8                   MR. HUTCHINS: Yes, sir.

9                   MR. WISNIEWSKI: My understanding is Ozark now is  
10 in the preparation of doing their survey work. And when  
11 they prepare their detailed alignment sheets they will have  
12 that information to discuss with you. And they may not be  
13 that far ahead yet in the construction process and the  
14 alignment preparation. But I can't give you an answer when.

15                   Perhaps an Ozark representative might be able to  
16 respond to his question?

17                   Mr. Obee, do you think you can give this  
18 gentleman an indication of when the alignment sheets might  
19 be able to be --

20                   VOICE FROM THE AUDIENCE: He stepped out.

21                   MR. WISNIEWSKI: Oh. He stepped out? Okay.

22                   If you could see Mr. Obee before the end of the  
23 meeting, Mr. Hutchins, he can probably provide that  
24 information to you.

25                   All right. Our next speaker this evening is

1 Larry Brooks.

2 MR. BROOKS: I might speak a little loud because  
3 I'm hard of hearing. But I barely can hear what you're  
4 saying now.

5 But I'm speaking as a landowner. The name is  
6 Larry Brooks. I know quite a few people in here.

7 And I guess I'm speaking on behalf of a level  
8 playing field. You all people have come in here and a lot  
9 of us has been ripped off big time. You know, you're going  
10 to pay us a right-of-way for this 115 foot, you know, we'd  
11 like to know -- or, you know, at least I would -- what is,  
12 you know, what is the money going to be per foot or  
13 whatever, rod, or whatever you say on this easement.

14 And also who determines the value of the  
15 property. Say right now the property is worth maybe three  
16 to six thousand dollars. Well, twenty years from now what's  
17 the property going to be worth. You know, this is a concern  
18 through everything.

19 And about this 115 foot easement you're riding  
20 right along the side of the existing pipeline with all this  
21 terrorism and stuff like this that goes on, and you're  
22 wanting to -- and then what I've rode around and seen were  
23 these young operators who were operating these big pieces of  
24 equipment. You know, it hasn't been just too many years ago  
25 where one of them operators hit one of them big gas lines

1 down there in Texas and all you found was the soles of their  
2 shoes, you know. And, you know, what else is he going to  
3 destroy.

4 And, you know, it's really a concern of mine, and  
5 everything else that -- if you lease somebody of some  
6 property and you've got to pay the taxes on this property.  
7 And, you know, if you've got a pretty good stretch of  
8 property that they're going across that's a pretty good  
9 little sum of money every time.

10 Now I read in a Commission thing that they can  
11 waive the property tax. But that don't mean it's going to  
12 happen in Arkansas.

13 And I guess that's all I have to say.

14 MR. WISNIEWSKI: Mr. Jackson, I can just answer a  
15 couple of your questions that I -- or, I'm sorry, Mr.  
16 Brooks, I can answer a couple of your questions.

17 You're asking about how the money or the value of  
18 the easement is determined. That is between the landowner  
19 and the company. The FERC doesn't get involved in landowner  
20 negotiations.

21 And in my experience if a landowner can't come to  
22 negotiation with the company what the company needs -- or  
23 usually does is go to court and a court decides on what the  
24 fair value of the land should be. But we, the FERC, don't  
25 get involved in the landowner negotiation.

1                   MR. BROOKS:  Where you come into this habeas  
2 corpus thing?

3                   MR. WISNIEWSKI:  Well, I don't know what that  
4 means.

5                   MR. BROOKS:  Take the land regardless of -- even  
6 if --

7                   MR. WISNIEWSKI:  Well, the way it works is that  
8 the company cannot condemn a landowner's property unless a  
9 certificate is issued by the FERC.  In other words, the FERC  
10 issues a -- approves this project and issues a certificate  
11 of public convenience and necessity then a company needs to  
12 accept a certificate and then it could proceed to build a  
13 project.

14                   If the landowners can't come to an agreement with  
15 the company on the easement then what the pipeline has to  
16 do, then they have to go to the court -- whatever court that  
17 may be in this area, state or local -- and then obtain an  
18 easement through the court.  And then the judge has to make  
19 a decision on what the value is for that easement.  And the  
20 value -- values vary through the country.  Different parts  
21 of the country have different values.  So it's not a fixed  
22 number by any part.

23                   (Conference off-microphone.)

24                   MR. WISNIEWSKI:  Mr. Flickinger just reminded me  
25 to inform you that when they -- a company gets an easement

1 they don't take the property, they don't own it; they only  
2 have an easement to use the property for -- to install and  
3 operate their pipeline.

4 MR. BROOKS: Can't build anything on it.

5 VOICE FROM THE AUDIENCE: Yes, but.

6 MR. WISNIEWSKI: That's right. You're not  
7 allowed to build a structure over the easement because they  
8 have to --

9 VOICE FROM THE AUDIENCE: -- evaluating your  
10 property.

11 MR. WISNIEWSKI: -- they have to maintain the  
12 right-of-way, maintain the operation of the pipeline, so  
13 that the right-of-way has to be open for maintenance. So a  
14 landowner can't put a house or a structure over the  
15 easement.

16 (Conference off-microphone.)

17 MR. WISNIEWSKI: Another item you talked about,  
18 Mr. Brooks, was safety. And we just wanted to highlight  
19 that the Department of Transportation regulates safety  
20 aspects of pipeline. So the regulations of the DOT have to  
21 be followed by the company for safety aspects.

22 And you mentioned restoration or putting the land  
23 back into its original condition. In the projects that FERC  
24 authorizes the company needs to follow what we call the  
25 erosion and sediment control plan and the wetland and

1 waterbody construction procedures. And we also do  
2 inspections of the pipeline to show that -- to indicate that  
3 the company has in fact restored the right-of-way to  
4 satisfactory conditions and so that it's revegetated after  
5 construction is completed.

6 I hope that helps to answer some of your  
7 questions.

8 We want to finish our sign-up sheet first; then  
9 we can get some other hands.

10 Okay. The next speaker this evening is Randall  
11 Jackson.

12 MR. JACKSON: My name is Randall Jackson, J-a-c-  
13 k-s-o-n. I'm a landowner.

14 My first question was partially answered, about  
15 how many pipelines there may eventually be going across  
16 here. I mean I'm aware of the Ozark one, Texas Gas. But  
17 I've also had surveyors and people from Center Point Energy.  
18 Are they also proposing a pipeline?

19 MR. WISNIEWSKI: It is my knowledge that Center  
20 Point has not provided an application at the FERC at this  
21 time. They do have an existing pipeline there that I  
22 understand is under operation.

23 MR. JACKSON: Okay.

24 My second question is the environmental impact on  
25 the Cadron Creek watershed, which is the area that I live in

1 and probably a lot of these people in the local area are  
2 residents of and what impact this may have on the watershed  
3 itself.

4 MR. WISNIEWSKI: When we prepare our Draft  
5 Environmental Impact Statement and our Final Environmental  
6 Impact Statement we will have a water resources section in  
7 the document and that will address impacts to water  
8 resources.

9 MR. JACKSON: Thank you.

10 MR. WISNIEWSKI: You're welcome very much.

11 Our next speaker this evening is Seneca Jacobs.

12 MR. JACOBS: My name is Seneca Jacobs, S-e-n-e-c-  
13 a. And I'm with the Helena West Helena Landfill. We're  
14 with a company called Fields & Associates. We're a  
15 consultant for the landfill. And I got a few quick  
16 questions maybe you guys can answer.

17 In this area where the pipeline is pretty much  
18 coming through you're going to be in the New Madrid fault  
19 zone. And I was wanting to know -- with that kind of  
20 situation earthquakes can happen -- are you guys required to  
21 take any kind of additional steps and measures to address  
22 potential issues with earthquakes.

23 MR. WISNIEWSKI: That's another topic that will  
24 be addressed in the Environmental Impact Statement. It's  
25 usually under geology. And we also -- we evaluate potential

1 impacts to seismic activity of projects. So, yes, that will  
2 be addressed in our document.

3 MR. JACOBS: But you can't give any information  
4 on that topic tonight?

5 MR. WISNIEWSKI: No. We haven't done our  
6 analysis yet. The purpose of this meeting is to get issues  
7 that we need to address in our document.

8 MR. JACOBS: Okay.

9 I know with -- I saw recently where a company --  
10 I think it's Kendall Morgan or somebody -- had a pipeline  
11 explosion outside in like Wyoming or somewhere. Are you  
12 guys required to have an evacuation plan; is there certain  
13 standards to go in place with those kind of things? Are you  
14 supposed to evacuate within like a half-mile or a quarter-  
15 mile or--?

16 (Conference off-microphone.)

17 MR. WISNIEWSKI: I don't have a good answer to  
18 your question at this point. I know that in the past  
19 pipeline companies have established emergency response plans  
20 if -- in the event an emergency or a fire or an explosion  
21 occurs on a pipeline. Each individual company usually has  
22 an emergency response plan to deal with that, meaning like  
23 they contact the fire department; they're going to have  
24 contacts in with the local government people.

25 But I don't think, if I can recall right now,

1 that we require that in our Environmental Impact Statement.  
2 But I'll have to get back to you in -- We're going to have  
3 to address that in our document probably. But I don't have  
4 a good answer for you for that question right now.

5 MR. JACOBS: Okay.

6 A third question I have is with the pipeline  
7 you're going through a lot of different kind of terrain.  
8 Some of it's going to be coarse terrain, some of it's going  
9 to be -- going to have, you know, shallow groundwater, high  
10 groundwater tables. When you develop your pipeline is there  
11 certain construction standards you're supposed to use like  
12 state standards? Is there a certain agency inside Arkansas  
13 that you use their guidelines to go by? Or how do you  
14 determine the depth to bury the pipeline in different  
15 counties in different terrain?

16 MR. WISNIEWSKI: That is dependent upon the  
17 Department of Transportation's regulations for pipeline  
18 construction. I'm not aware of whether Arkansas has any  
19 particular specifications for pipeline construction.

20 MR. JACOBS: I guess the next question I have is,  
21 you know, with all this surveying you guys are doing and the  
22 borings and testing to go ahead and determine where to put  
23 the pipeline, when you come through on property-owner's  
24 property and if you damage their crops or if you damage  
25 their wooded area are you required to pay damages? Do you

1 submit a claim to someone?

2 MR. WISNIEWSKI: You're talking just for  
3 surveying purposes?

4 MR. JACOBS: Yes, just for surveying purposes.

5 MR. WISNIEWSKI: First of all, the FERC doesn't  
6 do the surveying. The company does the surveying. And the  
7 company should contact the landowner when they do surveys on  
8 your property. If you haven't been contacted by the  
9 landowner -- excuse me, if you haven't been contacted by the  
10 company they have no business being on your property. They  
11 need to get your permission to do surveys on your property.

12 MR. JACOBS: Well, I'm just saying if they come  
13 on your property and they damage your property and then, you  
14 know, somebody needs repair and it's not for actual  
15 construction of the pipeline -- if they come out surveying  
16 on four-wheelers or whatever and they damage your property  
17 is the pipeline -- Ozark required to compensate property-  
18 owners?

19 MR. WISNIEWSKI: I think that's an issue that  
20 you'd have to take up with the company. And if they don't  
21 have permission to be on your property I would call the  
22 police because they need to fully inform you what they're  
23 doing on your property, whether it's surveying prior to this  
24 project -- they have to get your permission to survey on  
25 your property.

1           And whether -- if they do damage to your property  
2 while surveying, I don't have an answer to that. That  
3 sounds to me like it's a civil matter and you can pursue  
4 that in a local court. But the first thing you should do is  
5 call the police if they're not supposed to be there in the  
6 first place.

7           MR. JACOBS: The last question I really have is  
8 after you build the pipeline, you know, after Ozark or  
9 whoever builds the pipeline comes through, what -- is there  
10 any kind of maintenance requirements that FERC puts in place  
11 or some other government body puts in place they've got to  
12 come back every six months or year?

13           MR. WISNIEWSKI: Yes. They're required -- at  
14 least in the FERC's requirements we have an erosion sediment  
15 control plan. And part of that plan the company has to file  
16 status reports after construction. And they do their own  
17 inspections for restoration of the right-of-way.

18           And we at FERC also do inspections of the  
19 pipeline right-of-way to look for problems. If we find  
20 problems we usually issue the company a letter to repair  
21 them.

22           MR. JACOBS: Now is that just right after  
23 construction or is that like five and ten years down the  
24 road?

25           MR. WISNIEWSKI: We usually inspect it until the

1 right-of-way is restored.

2 (Conference off-microphone.)

3 MR. WISNIEWSKI: Mr. Flickinger has some  
4 additional information he wants to share with you on that.

5 MR. JACOBS: Okay.

6 MR. FLICKINGER: Just real quick, I think what  
7 you're asking is out-years.

8 MR. JACOBS: Right.

9 MR. FLICKINGER: What's going to happen to  
10 maintenance in out-years.

11 MR. JACOBS: Five, ten, fifteen years down the  
12 road.

13 MR. FLICKINGER: Right. And the company is  
14 required -- at that point FERC is kind of out of the  
15 picture. They're involved here during the construction  
16 phase. But you're talking about operations.

17 The company is required to keep a minimum area  
18 along the pipeline -- I believe it's fifteen feet either  
19 side of the center line -- to keep the vegetation  
20 maintained. So they may come through and mow every three to  
21 five years, something like that. But it's not going to be  
22 the full, you know, the full easement. Maybe there's a 50  
23 foot easement in there; so it would only be thirty feet that  
24 would have to be maintained, especially of woody vegetation.

25 MR. JACOBS: And so that makes sure that the

1 minimum cover for the pipe's maintained too where it's --

2 MR. FLICKINGER: Right. There's also DOT  
3 requirements to go out and do checks. The companies walk  
4 the line and check for leaks. They also fly the lines  
5 periodically to check for encroachments and those kind of  
6 things. At that point it's kind of handed off to the  
7 operator to, you know, maintain the facilities in accordance  
8 with DOT regulations.

9 MR. JACOBS: Okay.

10 That's all I have.

11 MR. WISNIEWSKI: I just wanted to -- I just  
12 remembered that the FERC's erosion sediment control plan  
13 also has three- to five-year maintenance mowing requirements  
14 in our plan. I had forgotten about that. That's like  
15 consistent with the DOT's regulations.

16 That's the last speaker that's signed up on our  
17 sheet this evening. Would somebody else like to speak?

18 Yes, sir.

19 MR. COOK: My name is Kenneth Cook, C-o-o-k. And  
20 I wasn't too sure who the company was that was going to be  
21 here tonight, whether it'd be Texas or Ozark, or what was  
22 going on. I tried to ask several different people.

23 But as far as how far behind Texas Gas Pipeline  
24 is, I've already seen survey maps where they're coming  
25 across the property up there by Ball and Oddin. So this

1       seems to me to be a lot further along than what you're  
2       saying here. They've already talked about the area they're  
3       coming across. They've got survey markers down. I haven't  
4       received anything about a meeting. We've received phone  
5       calls here and there and it's hard to contact the people  
6       sometimes. But that project seems to be a whole lot further  
7       along than what you all are indicating here.

8                It's my understanding that after this thing goes  
9       through again you're saying it may just be fifteen feet each  
10      side. And you've probably -- the wood line can come back up  
11      that close to it after it's all over with, after -- down the  
12      road?

13               MR. WISNIEWSKI: Depending on the, you know --  
14      Well, did you have another question?

15               MR. COOK: Yeah.

16               MR. WISNIEWSKI: Do you want to ask all your  
17      questions first?

18               MR. COOK: And as far as local response, I heard  
19      a gentleman ask about emergency services and stuff like  
20      that. A lot of our fire departments in this area are just  
21      volunteer fire departments; they're real local type folks.  
22      Maybe in the towns you have larger departments. But these  
23      outskirt towns with the income they have, I don't see how  
24      they're suitable to be able to respond to some kind of big  
25      emergency and be able to do something unless someone has got

1 a better plan to adapt to this program if something was to  
2 happen down the road.

3 But I just got to find out now when this Texas  
4 Gas Company meeting is going to be, if it's going to be real  
5 heavily publicized or not publicized or, you know, where  
6 it's going to be at for the next company because, like I  
7 said, I think that's going to be pretty soon because there a  
8 lot further along than what you're anticipating right here.

9 Thanks.

10 (Conference off-microphone.)

11 MR. WISNIEWSKI: Mr. Cook, I just wanted to  
12 inform you that Texas Gas has just recently filed a PF  
13 docket at FERC so they have not had public scoping meetings  
14 yet or open house meetings. We would expect these meetings  
15 to come in the near future.

16 (Conference off-microphone.)

17 MR. FLICKINGER: With respect to your maintenance  
18 you're just trying to find out if some of the vegetation --  
19 like if you've got woodlands if they can come up, I'd have  
20 to look into that. I don't know exactly if woody vegetation  
21 came come within that permanent easement, say it's a 50-foot  
22 permanent easement. But I can look into that and you can --

23

24 MR. COOK: (Off-microphone.)

25 MR. FLICKINGER: Yeah, it was 15 feet either side

1 of the center line is the typical requirement for the heavy  
2 vegetation. But I want to confirm if -- I think it's up to  
3 the company in terms of operations of the permanent easement  
4 and what the permanent easement aspects say. So I can get  
5 back -- I can get up with you afterwards.

6 (Conference off-microphone.)

7 MR. WISNIEWSKI: Regarding your comment about  
8 emergency response plans and small towns didn't have enough  
9 resources to address that, we can address that in our  
10 environmental document. That's something we need to look  
11 into. Okay? We appreciate your comment.

12 Is there anybody else that would like to speak  
13 this evening?

14 Yes, ma'am.

15 MS. HANSEN: My concerns are more or less as the  
16 man that --

17 MR. WISNIEWSKI: Could you --

18 MS. HANSEN: Patricia Hansen, landowner.

19 MR. WISNIEWSKI: Could you spell your last name,  
20 please?

21 MS. HANSEN: H-a-n-s-e-n.

22 Most of my questions have been pretty much the  
23 same as the others here tonight. And I appreciate their  
24 comments.

25 My question is more or less like the man that has

1 the land and desires to set it up into lots and to sell it.  
2 Originally I believe that we were told that the drilling  
3 wouldn't be possibly 200 feet nearest a dwelling place.  
4 From what I understand now is that on top of the existing  
5 gas pipeline that already exists there's going to be  
6 possibly 115 more feet north. If that would be the case  
7 then there would be some dwelling places involved needing to  
8 be moved or whatever.

9 How soon could we expect someone from the gas  
10 companies to come about and discuss this with us?

11 MR. WISNIEWSKI: That would depend on Ozark Gas  
12 Company's representatives. I don't have their schedule of  
13 how they're going to be approaching landowners at this  
14 point.

15 Carlos in the back, would you have any idea of  
16 how far you're along on that?

17 (Response off-microphone.)

18 CARLOS: I don't. I'm not with Ozark. I'm a  
19 consultant on the environmental side. And I really don't  
20 have any answers regarding any kind of land issues. You  
21 know, we had our open house meetings in this very same  
22 building a couple of months ago and I believe all the  
23 landowners were invited to that.

24 And there will be a continuing outreach by  
25 Ozark's right-of-way agents to speak with every landowner.

1 So that will be coming in the near future. And that's all I  
2 can say to you.

3 MS. HANSEN: Are they going to be doing their  
4 speaking through meetings like this or will they contact the  
5 landowners at our residence?

6 (Response off-microphone.)

7 CARLOS: Again my understanding -- and I'm not  
8 Ozark -- but my understanding is that you will have right-  
9 of-way agents speaking to everybody individually.

10 MS. HANSEN: Thank you.

11 MR. WISNIEWSKI: Would anybody else like to  
12 speak?

13 Yes, sir. Would you please state your name. And  
14 spell your last name, please.

15 MR. STRAIN: My name is George Strain, S-t-r-a-i-  
16 n.

17 Ozark crossed us for a mile and a half. And  
18 they, when they come across us in the '80s they took a 70  
19 foot right-of-way. And they told us then that they was  
20 going to lay another line on that same right-of-way. Why  
21 are they taking another 75 foot from us.

22 Another question -- well, not really a question;  
23 just a fact: If you all was involved back in the '80s when  
24 Ozark come through on the cleanup and the restoration, they  
25 need to fire a bunch of people.

1 (Conference off-microphone.)

2 MR. WISNIEWSKI: Mr. Strain, I can just comment  
3 on your first question that Ozark is proposing to use 115  
4 foot construction right-of-way for their new pipe.

5 MR. STRAIN: (Comment off-microphone.)

6 MR. WISNIEWSKI: 175 feet?

7 MR. STRAIN: 115 construction and keeping 75 more  
8 feet of requirement.

9 MR. WISNIEWSKI: Okay. My understanding is that  
10 they're asking for a 50 foot permanent right-of-way for the  
11 new pipeline.

12 MR. STRAIN: (Comment off-microphone.)

13 MR. WISNIEWSKI: Okay. Well, we're going to have  
14 to clarify that. We'll be sending probably data requests to  
15 the company to clarify the right-of-way dimensions.

16 MR. STRAIN: I was told by Niagara -- Wyoming  
17 that the State of Wyoming had a right-of-way or something --  
18 that if a public utilities line already had an easement and  
19 they wanted to come through with another line or whatever  
20 they had to stay on that same easement. Does Arkansas have  
21 that?

22 MR. WISNIEWSKI: I don't know the answer to that  
23 question. We're going to have to investigate it.

24 (Conference off-microphone.)

25 MR. WISNIEWSKI: Okay. Mr. Strain, you mentioned

1 that back in the '80s they did a poor job in constructing  
2 through your property. We now have at FERC, you know, in  
3 the recent few years we use our plan and procedures that we  
4 require companies to use to restore the right-of-way and to  
5 restore wetlands and water bodies which back in the early  
6 '80s the FERC didn't have that. So we would expect  
7 companies to do a lot better job now than they did in the  
8 early '80s.

9 MR. STRAIN: I hope so.

10 (Conference off-microphone.)

11 MR. WISNIEWSKI: Is there anybody else who would  
12 like to speak this evening?

13 Yes, sir.

14 MR. TAYLOR: I'm Joe Taylor, T-a-y-l-o-r.

15 And I'd like to know how much cover you're going  
16 to have over this line.

17 (Conference off-microphone.)

18 MR. WISNIEWSKI: The cover is usually three to  
19 four feet. Three feet in uplands and in agricultural lands  
20 I believe we usually have like four foot of cover above the  
21 pipe.

22 MR. TAYLOR: Well, most places I've got five  
23 lines across my farms. Some of them I can't even chisel  
24 plow because I hit the line, six to seven inches deep.

25 (Conference off-microphone.)

1                   MR. WISNIEWSKI: Mr. Taylor, I can't comment on  
2 the existing lines that were built years ago. But --

3                   MR. TAYLOR: I know it. But I mean I'm talking  
4 about yours now.

5                   MR. WISNIEWSKI: Yeah, the new lines now, they're  
6 going to be over three feet of cover -- a minimum of three  
7 feet of cover over the pipeline.

8                   MR. TAYLOR: And what do we do if we have to dig  
9 a water line or irrigation line and run into that line, do  
10 we have to go under it or over it? We'd have to go under  
11 it. And some of our big tools now go down two or three feet  
12 subsoil.

13                   MR. WISNIEWSKI: Yeah. You would have to talk to  
14 the company when you want to route pipes under them. I  
15 would discuss it with Ozark before you did that.

16                   MR. TAYLOR: Well, past experience has been  
17 pretty rare with the gas companies.

18                   How much pressure will you have on this line,  
19 too?

20                   MR. WISNIEWSKI: I don't know the pressure Ozark  
21 is proposing. But they're usually around 1000 pounds per  
22 square inch --

23                   MR. TAYLOR: Okay.

24                   MR. WISNIEWSKI: -- of pipeline pressure.

25                   MR. TAYLOR: Do you realize that that will raise

1 the ground temperature 20 degrees to 30 degrees better where  
2 that line's constructed and the crops will go ahead and  
3 mature early?

4 MR. WISNIEWSKI: We've had that issue raised in  
5 the past near compressor stations, not necessarily long  
6 distances away from compressor stations.

7 MR. TAYLOR: Well, I've got one out here that's  
8 the same way. And it runs 850 pounds per square inch.

9 (Conference off-microphone.)

10 MR. WISNIEWSKI: We'll take note of your comment  
11 and we'll have to address that in our environmental  
12 document. But I know that that issue has come up before in  
13 previous projects.

14 MR. TAYLOR: Well, what I'm saying, the lines are  
15 very dangerous that shallow; especially if you hit it with a  
16 400 horsepower tractor or something like that, it's going to  
17 tear it out.

18 MR. WISNIEWSKI: Yeah. Usually pipeline breaks  
19 are made from construction equipment, external construction  
20 equipment hitting lines.

21 Is there anybody else that would like to comment  
22 this evening?

23 Yes, ma'am.

24 MS. CALLAHAN: I'm Christine Callahan. The last  
25 name is C-a-l-l-a-h-a-n.

1           I now have a line across my property that belongs  
2 to Ozark and also one that belongs to Center Point.  
3 However, I'm forced to agree with Mr. Strain about the  
4 restoration of the land. Back in the '80s it was not done  
5 correctly because I for one have picked up the rocks off of  
6 that property since then. I did it myself. John Doe didn't  
7 do it.

8           But I now have a tree farm on part of that land  
9 that Ozark has. Those trees will be uprooted, I'm sure.  
10 This is a concern of mine because I paid to have that done.  
11 And how close will those trees be able to be put back in to  
12 that line. I understood you to say a while ago that there  
13 would be -- maybe the wooded area wouldn't be within 15 foot  
14 of a main line. Is that correct?

15           MR. WISNIEWSKI: The permanent right-of-way  
16 should be -- would be cleared for maintenance purposes. But  
17 if you have a tree farm the company should pay for damages  
18 of your tree farm when you do your easement negotiation and  
19 they should come up with a fair value of your trees.

20           MS. CALLAHAN: Well, it's not the trees right now  
21 that's my concern. It's 25 or 30 years down the road that  
22 I'm going to lose the value of the trees, you know. Do you  
23 understand my position?

24           MR. WISNIEWSKI: Yeah. I think you ought to use  
25 that as your guideline when you talk to Ozark on your

1 compensation that you want for damages.

2 MS. CALLAHAN: Okay.

3 MR. WISNIEWSKI: I mean that's an issue that I  
4 think forestry companies used that I recall. They base  
5 their easement or the amount of money they want based on the  
6 loss of their forest products over 20, 30 years, and they  
7 came up with a number. And you can negotiate that number  
8 with Ozark when you negotiate your easement.

9 MS. CALLAHAN: They will contact me personally on  
10 that loss there, or what? Will that be at a meeting? Or do  
11 you--

12 MR. WISNIEWSKI: That should be done between you  
13 and Ozark. We don't schedule meetings on easements. The  
14 FERC doesn't get involved with easement negotiations.

15 MS. CALLAHAN: Is that the Mr. Claude Palmer  
16 that's in that area I know sometimes?

17 MR. WISNIEWSKI: I don't know the land agent's  
18 name.

19 MS. CALLAHAN: But they will contact me?

20 MR. WISNIEWSKI: Yeah.

21 MS. CALLAHAN: Okay.

22 MR. WISNIEWSKI: They will have to contact you  
23 when they want to negotiate your easement.

24 MS. CALLAHAN: Okay. Okay. Thanks.

25 MR. WISNIEWSKI: You're welcome.

1                   Is there anybody else who would like to speak  
2 this evening?

3                   (No response.)

4                   MR. WISNIEWSKI: All right. I'd like to conclude  
5 our scoping meeting for this evening. Thank you all for  
6 coming.

7                   (Whereupon, at 7:00 p.m., the scoping meeting in  
8 the above-entitled matter was adjourned.)

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