
FERC MEETING
Docket No. CP08-6-000
MID-CONTINENT EXPRESS PROJECT

Public Hearing

Tuesday, 7:00 p.m. CDT

March 25, 2008

Quitman Depot

Main Street and Railroad Avenue

Quitman, Mississippi

REPORTED BY:

Harvey J. Rayborn, CSR #1274

Mid-Continent Express Pipeline Project
March 25, 2008

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APPEARANCES:

Shannon K. Jones
FERC - Project Manger

Wayne Kicklighter
Entrix

Kara Harris
FERC

Chris Janak
Mike Letson
Dennis Egger
for Kinder Morgan

Stacy Atella
Neil Nixon
Shea Cain
Julie Rasmusser
James Fugate
Randolph Perry
G. Otega

for Mid-Continent Express Pipeline

The Public

Mid-Continent Express Pipeline Project
March 25, 2008

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

2 SHANNON JONES: Good evening everyone.
3 Thank you for coming. My name is Shannon Jones, and
4 I work for the Federal Energy Regulatory Commission.
5 I'm an environmental scientist.

6 This is a public comment meeting on the
7 Draft Environmental Impact Statement that we've
8 prepared for the Mid-Continent Express Pipeline
9 Project. I'm assisting the FERC's environmental
10 project manager, Charlie Brown, who's running a
11 similar series of meetings this week in Texas and
12 western Louisiana.

13 Wayne Kicklighter is here with me tonight.
14 He's representing Entrix. He's an environmental
15 consultant assisting FERC in preparing our analysis
16 for the project.

17 We also have Kara Harris. She's FERC
18 staff. She's at the sign-in table. She's got
19 helpful pamphlets and she's generating the speaker's
20 list if you want to sign up to speak, and the mail
21 list, and feel free to see Kara if you have any
22 questions during the meeting or wish to sign up to
23 speak.

24 We also have some representatives from
25 Mid-Continent here. Just to introduce you to a few

Mid-Continent Express Pipeline Project
March 25, 2008

1 people here in the front, we have Mike Letson,
2 He's from Kinder Morgan, an environmentalist;
3 Chris Janak, Kinder Morgan environmentalist;
4 Stacy Atella with TRC, environmental consultant, and
5 Julie Rasmusser with Kinder Morgan Land Department.

6 I'd like to start with a little bit of
7 background on the FERC for anyone who wasn't
8 familiar with us. The FERC is an independent
9 federal agency that regulates the interstate
10 transmission of electricity, natural gas and oil.
11 We're located in Washington, DC, and headed by five
12 presidentially appointed commissioners, with about
13 1,200 staff members. We review proposals and
14 authorize construction interstate natural gas
15 pipelines, storage facilities, liquefied natural gas
16 terminals, and we also have jurisdiction over
17 hydropower projects and electric transmission
18 corridors. The FERC's primary purpose is to protect
19 the public and energy customers, ensuring that
20 regulated energy companies are acting within the
21 law.

22 The FERC is the lead agency ultimately
23 responsible for approving or denying Mid-Continent's
24 proposal. It's proposed to build approximately
25 504 miles of 30, 36 and 42-inch diameter pipeline

Mid-Continent Express Pipeline Project
March 25, 2008

1 stretching from Oklahoma to Alabama. The project
2 also includes 1 booster and 4 compressor stations,
3 13 meter regulated stations, a 4-mile lateral
4 pipeline in Louisiana, and other pertinent
5 facilities that are necessary to safely operate the
6 pipeline, that includes main line valves and pig
7 stations and that sort of thing.

8 Before the FERC makes any sort of decision
9 on a pipeline proposal, the staff has to conduct an
10 extensive environmental review and that's to comply
11 with the National Environmental Policy Act. So over
12 the past year we've been doing just that. We've
13 been compiling data and analyzing data and comments
14 from the public, all of the letters that we receive.
15 We've been conducting meetings with state, local,
16 and federal resource agencies in individual states.
17 And we've worked in formal cooperation with a number
18 of the agencies, including the Fish and Wildlife
19 Service, the National Park Service, the Natural
20 Resources Conservation Service, the Corp of
21 Engineers, Louisiana Department of Environmental
22 Quality, Texas Parks and Wildlife Department and the
23 Alabama Department of Conservation and Natural
24 Resources, and those agencies have been providing
25 input into our analysis and reviewing our work and

Mid-Continent Express Pipeline Project
March 25, 2008

1 providing comments on it.

2 We've been doing this now for about a year
3 and now we're at a point where we summarize all of
4 our findings and our recommendations in this formal
5 report for the Draft Environmental Impact Statement,
6 and we're here tonight to take your comments on our
7 work and our recommendations. This was issued
8 February 8th, and mailed to everyone that was on our
9 mailing list. So if you didn't get a copy of it,
10 you're not on our mailing list, and you can get on
11 our mailing list tonight by signing up with Kara, or
12 if you write in a comment. That also puts you on
13 our mailing list and that will ensure that you get a
14 copy of the Final Environmental Impact Statement,
15 which will be a revised version of this that
16 incorporates our responses to any comments that we
17 receive during this 45-day comment period and
18 additional information that we've requested from the
19 applicant.

20 So, as I mentioned, there's a 45-day
21 public formal comment period and we're nearing the
22 end of that. It actually ends next Monday, March
23 31st. And there's a couple of ways that we can
24 receive comments on our Draft Environmental Impact
25 Statement. First, you can write verbal comments

Mid-Continent Express Pipeline Project
March 25, 2008

1 tonight, and we ask that you sign up on the
2 speaker's list if you would like to do that.
3 You can also provide us written comments, send them
4 through the mail, or electronically, which we
5 encourage. There are instructions on the first
6 couple of pages that detail how to send us written
7 comments through the mail and there's some pamphlets
8 called The Guide to Electronic Information to FERC,
9 and those outlines are about how you can send us
10 comments electronically if that's easier for you.

11 Let's see. The formal comment period does
12 end March 31st, which is next week. So if you're
13 going to mail comments, we ask you to try and get
14 them in as soon as possible so we'll have time to
15 receive those and prepare appropriate responses.

16 In the revised version of this document
17 called the Final EIS, we designate a section and we
18 list all the comments that we've received and
19 provide responses. So all of these comments are
20 carefully considered.

21 One thing I wanted to note is that our
22 environmental analysis that the staff does is not a
23 decision document. It's prepared to advise the FERC
24 commissioners and to disclose to the public the
25 environmental impact of the proposal by

Mid-Continent Express Pipeline Project
March 25, 2008

1 Mid-Continent. And once we issue our Final EIS, the
2 document is published, it's mailed to everyone on
3 our mailing list and it's forwarded to our
4 commissioners, and the FERC's commissioners will
5 independently consider our analysis of the
6 environmental impacts, along with the
7 non-environmental issues, that other staff at FERC
8 work on, including engineering, market, rates, and
9 individually consider all of that information to
10 decide whether this project is in the public's
11 convenience.

12 So if it is approved, the Commission will
13 provide Mid-Continent what's called a Certificate of
14 Public Convenience and Necessity, which is
15 essentially a permit authorizing the project. The
16 certificate will require that Mid-Continent meet
17 certain conditions to limit environmental impact,
18 and the environmental conditions flow from our
19 recommendations that are contained in this document.
20 There are 49 conditions that we have recommended to
21 minimize environmental impact.

22 If the project is approved, the FERC will
23 have inspectors that monitor the project through
24 construction and restoration. They will perform
25 daily on-site inspections to ensure environmental

Mid-Continent Express Pipeline Project
March 25, 2008

1 compliance with conditions of the certificate.

2 That's it in a nutshell how the process
3 works, and we're now at the part of the meeting
4 where we would like to take comments from anyone who
5 would like to speak, who has concerns or questions
6 about this document here. So I would ask that when
7 I call your name if you would come to the front area
8 of the room and please speak your name and spell it,
9 if it's a difficult spelling, for our transcriber
10 here. If you're a landowner on the pipeline, it
11 would be helpful if you could identify the pipeline
12 mile post if you know that, or provide a general
13 location if you don't know. And if you -- when
14 you're providing your comments, if you have any
15 questions that I think we can readily answer for
16 you, we will try to do that. If we can't, if it's
17 specific information that I just can't answer for
18 you right now, it will be addressed when we provide
19 our revision. As I said, we have a section of the
20 document where we list all of the comments received
21 and provide a response.

22 There is a transcript being prepared
23 tonight so we accurately record everything that was
24 said so that we can address your comments and
25 concerns, and those transcripts will be part of the

Mid-Continent Express Pipeline Project
March 25, 2008

1 public record. They'll be posted on the our web
2 site and they'll be available for review. Our web
3 site is www.ferc.gov. At this point, we will get
4 started.

5 WAYNE KICKLIGHTER: I guess I would like
6 to reiterate a couple of things. One is that we're
7 here to get your comments on the Draft Environment
8 Impact Statement, and that can be verbal, as Shannon
9 has indicated. It can also be written, and they're
10 given equal weight. It's what you're most
11 comfortable with. So if you want to make verbal
12 comments tonight, then we'd like to hear them.
13 If you would like to provide written comments
14 tonight, there are forms over there that you can
15 complete and provide to us, or you can send them to
16 us after you've thought about it some more.

17 Then the other part of this is that there
18 are Mid-Continent representatives here that --
19 I guess I want to just highlight that the public
20 meeting is to discuss the contents of the
21 Environmental Impact Statement.

22 Representatives of Mid-Continent are also
23 here to answer questions you might have in regards
24 to the non-environmental aspect process, especially
25 if you're a landowner. And I'd like to -- I mean,

Mid-Continent Express Pipeline Project
March 25, 2008

1 you can make comments for the public record
2 associated with those concerns. But in regard to
3 getting into dialogue on specific locations, it's --
4 I guess I would ask that you do that informally
5 after we've completed the public part of the
6 meeting. And with that said, we only have one
7 speaker.

8 SHANNON JONES: Okay. Paul Bergin.

9 PAUL BERGIN: You got it. No, I was
10 interested in how deep y'all are going to put the
11 line. As far as environmentally, there's always a
12 problem with trucks crossing the line, and they say
13 it's going to be 3-foot. Why not put it on in the
14 ground and get it out of the way?

15 And these creek crossings, they just want
16 to throw the dirt back up and want bell it and rock
17 it. I don't think they're treating the landowners
18 quite properly there.

19 I think it ought to be done in a way
20 better fashion than what I've seen some of it done.
21 Thank you.

22 SHANNON JONES: Anybody else who would
23 like to provide a comment or ask a question?

24 MARTY BERGIN: Why is it 3 feet?

25 COURT REPORTER: Name, please.

Mid-Continent Express Pipeline Project
March 25, 2008

1 MARTY BERGIN: Marty Bergin.

2 SHANNON JONES: Three feet is the standard
3 cover. It might be a DOT requirement. It is
4 generally 3 feet below creeks, road beds and that
5 sort of thing. Sometimes it is provided deeper.
6 Those kind of things.

7 FREDDIE BERGIN: Freddie Bergin. We've
8 got one pipeline going through his property and my
9 property and his property. That's Marty Bergin,
10 Freddie Bergin and Paul Bergin. And every time we
11 want a truck to go across the line, you get a load
12 of timber, y'all make us the Plantation makes what
13 you ramp up. Put more dirt on it at our expenses.
14 You put it deep enough it would be good enough,
15 won't it? Just going to keep saying 3-foot deep.

16 MARTY BERGIN: It's not deep enough.

17 SHANNON JONES: Okay. We'll certainly
18 note your concern about the depth cover and we'll
19 prepare and look into that and prepare a response
20 for you. Yes, sir.

21 GREG JACKSON: Greg Jackson. I don't know
22 if this is a question for the environmental side or
23 Mid-Continent, but I'd like to know more about the
24 hydrotesting procedures in terms of and what
25 pressure pipeline hydrotested and the operating

Mid-Continent Express Pipeline Project
March 25, 2008

1 pressure as well.

2 SHANNON JONES: I don't have those details
3 available to me right now. It may be contained
4 within the document, but I don't have it right now.
5 I know that a number -- do you guys have it at the
6 moment?

7 DENNIS EGGER: The operating pressure is
8 going to be 1480, and the minimum test pressure will
9 be 1.25 times the operating pressure. There's going
10 to be water before we ever introduce gas. So, we
11 hydro test it. We test it with water at a minimum
12 of 1.25 times, and then once that fluid holds with a
13 minimum of eight hours with no leaks.

14 GREG JACKSON: What schedule is that pipe?

15 DENNIS EGGER: Seventy-seven.

16 GREG JACKSON: Then what are you going to
17 displace it with after the hydro test?

18 DENNIS EGGER: We push it with pigs,
19 compressed air.

20 GREG JACKSON: Compressed air. And then
21 you purge it again right before the gas?

22 DENNIS EGGER: Once it's hydro tested, we
23 tie all the sections together and they've all been
24 hydrotested, and then we push out any remaining
25 residual water and dry the pipeline first. And then

Mid-Continent Express Pipeline Project
March 25, 2008

1 once it's dry, then it's ready for completion.

2 GREG JACKSON: How do you know it's dry?

3 DENNIS EGGER: With dryers, just dry air,
4 the pigs and dry air.

5 GREG JACKSON: Seams or seamless?

6 DENNIS EGGER: What's that?

7 GREG JACKSON: The pipes?

8 DENNIS EGGER: What's that?

9 GREG JACKSON: Seams or seamless pipe?

10 DENNIS EGGER: It's spiral, most all the
11 large pipelines are spiral.

12 GREG JACKSON: And how far between
13 connection points?

14 DENNIS EGGER: They're originally 40-foot
15 joints, but we're double jointing them, 80-foot
16 joints.

17 GREG JACKSON: 80-foot.

18 DENNIS EGGER: Is that it?

19 GREG JACKSON: No, I've got more, but
20 I don't want to get in the environmental side.

21 SHANNON JONES: Thank you.

22 GREG JACKSON: Well -- Greg Jackson still.
23 What is your emergency protocol if there is a leak?

24 DENNIS EGGER: During operation?

25 GREG JACKSON: If it's only going to be

Mid-Continent Express Pipeline Project
March 25, 2008

1 buried three feet, what happens if you get a leak?

2 DENNIS EGGER: Operations would have to
3 answer that.

4 GREG JACKSON: How do you know if you've
5 got a leak?

6 DENNIS EGGER: We have a leak detection
7 system with a monitor and it'll automatically shut
8 down if there's a drop in pressure. That's why
9 we've got valves. If there's a drop in pressure,
10 it'll automatically shut down.

11 GREG JACKSON: Smart Pigging.

12 DENNIS EGGER: Smart pigging as required
13 via a computer. It's not every year, but every
14 three years. Three years. We have requirements
15 that we have to follow for that. The government
16 sets up a requirement. That comes over our
17 operations.

18 GREG JACKSON: Corrosion?

19 MR. ORTEGA: That's required --

20 COURT REPORTER: You have to speak up over
21 there.

22 MR. ORTEGA: I said the pipeline will be
23 coded -- (Inaudible) -- corrosion.

24 MARTY BERGIN: When y'all get that right
25 of way for one line and one line only, don't come

Mid-Continent Express Pipeline Project
March 25, 2008

1 back two or three years later and say that, well,
2 we've got the right of way, we want to run another
3 one through here. Negative. One line and one line
4 only.

5 SHANNON JONES: Any other questions or
6 comments?

7 PAUL MOSELEY: I'm Paul Mosel ey wi th
8 Clarke County Board of Supervi sors.

9 SHANNON JONES: Yes, si r.

10 PAUL MOSELEY: When you actual ly start
11 construction, who's going to be in charge of the
12 construction on our roads? Who do we need to talk
13 to on construction?

14 DENNIS EGGER: I can meet wi th you
15 afterward and give you my card. We wi ll be boring
16 all the county roads. We won't be open-cutting any
17 road. They' ll all be bored.

18 PAUL MOSELEY: Below the pavement?

19 DENNIS EGGER: Well, it's -- it's
20 general ly 5-foot below the lowest point. If you've
21 got a ditch 5-foot, below the bottom of the ditch.

22 SHANNON JONES: Okay. Well, we' ll all
23 still be here. What I think I wi ll do at this point
24 is conclude the formal portion of the meeting, and
25 we wi ll remain and be avai lable to talk wi th you

Mid-Continent Express Pipeline Project
March 25, 2008

1 further, and the Kinder Morgan folks will stay a bit
2 so we can answer any questions you might have off
3 line. Unless there are anymore comments for the
4 record --

5 PAUL BERGIN: I'd like to make a comment.
6 What -- what can the land be used for after the
7 pipeline has been dug; the landowner, what can he
8 use if for?

9 SHANNON JONES: What can the landowner use
10 the land for?

11 PAUL BERGIN: (Nods head affirmatively.)

12 SHANNON JONES: There are certain
13 restrictions within the Department of Easement for
14 permit structures and those sort of things. The
15 pipeline company needs to maintain --

16 PAUL BERGIN: Grass -- (Inaudible) --

17 COURT REPORTER: Speak up, please.

18 DENNIS EGGER: -- (Inaudible) --

19 SHANNON JONES: Yeah, pasture and
20 agricultural. That generally goes back to previous
21 land use.

22 PAUL BERGIN: No fruit trees or nothing of
23 that type?

24 SHANNON JONES: The FERC allows to have a
25 plan for vegetation maintenance that we require most

Mid-Continent Express Pipeline Project
March 25, 2008

1 companies to follow and that provides for annual
2 mowing of a 15-foot corridor over the center of the
3 pipeline and then the entire 50-foot permanent right
4 of way can be cleared every three years. So there
5 will be ongoing annual vegetation maintenance.

6 PAUL BERGIN: Just grass basically.

7 GREG JACKSON: Once the pipeline is there,
8 if you don't have any valve stations or anything
9 else on your property, if you just have pipe, what
10 do you envision as the frequency of having someone
11 on your property within that permanent easement, or
12 what do you view as a requirement to checking that
13 right of way after the pipe's in place?

14 MR. ORTEGA: We have to go and mow the
15 grass at least once a year --

16 (Numerous speakers at one time.)

17 COURT REPORTER: Speak one at a time.

18 DENNIS EGGER: -- aerial observation and
19 road crossings and things like that.

20 COURT REPORTER: Speak one at a time.

21 PAUL BERGIN: What are you going to do
22 about the topsoil?

23 SHANNON JONES: The topsoil?

24 PAUL BERGIN: On your right of way now.

25 SHANNON JONES: Generally, the topsoil

Mid-Continent Express Pipeline Project
March 25, 2008

1 stripping will be stripped by some nature and
2 agricultural and residential area.

3 PAUL BERGIN: I didn't understand you.

4 SHANNON JONES: The topsoil will be
5 stripped and replaced on the right of way during
6 restoration of the land.

7 Anymore questions?

8 TONY FLEMMING: Tony Flemming, Clarke
9 County Supervisor. How big of a right of way is
10 this pipeline are they requiring as far as easement?

11 SHANNON JONES: We've recommended that the
12 construction right of way be limited to a hundred
13 feet wide during construction and permanent easement
14 limited to 50 feet wide.

15 TONY FLEMMING: Fifty feet wide?

16 SHANNON JONES: Yes.

17 TONY FLEMMING: With all that's happening
18 with pipelines nowadays, we've had some situations
19 with pipelines, anything talked, as far as on FERC's
20 end, as far as buffer zones on these pipeline as far
21 as how close someone can come back to that pipeline
22 and build a structure?

23 SHANNON JONES: We don't have any
24 established buffer zones as long as structures are
25 off of that. They just cannot be on top of that

Mid-Continent Express Pipeline Project
March 25, 2008

1 50-foot right of way. They can be adjacent to it,
2 but we don't have any established buffers.

3 Yes, sir.

4 PAUL BERGIN: Since you'll got that
5 50-foot, see, there's no more use to the landowner
6 except to grow grass. You can't grow timber.
7 What are you going to get in 20 years? 10 years?
8 But, yet, y'all don't want to pay very much for any
9 existing operation that will be there in 15, 20
10 years. In other words, the landowner has a piece of
11 land that we're paying taxes on that holds one side
12 to the other side. That's all it amounts to. It's
13 just a big void there. Really, what it all boils
14 down to is we're paying taxes for a void area that
15 we can't use. I think we ought to be compensated
16 for some of that also in mind when they buy that
17 easement.

18 SHANNON JONES: I understand your concerns
19 there, and I can only mention that when the FERC
20 authorizes the projects we try to ensure they're
21 cited in such a way that they minimize impact to the
22 landowner. But when it comes to compensation, it's
23 a completely private matter between you and the
24 company and we generally do not intervene in that.
25 A fair compensation, that would be a negotiation

Mid-Continent Express Pipeline Project
March 25, 2008

1 between you and the company.

2 TONY FLEMMING: In Clarke County, is there
3 any structures in the path of the right of way?

4 DENNIS EGGER: No.

5 SHANNON JONES: Structures? I don't know
6 that information offhand. That's something we would
7 have to look into.

8 WAYNE KICKLIGHTER: I believe there's only
9 about seven in the State of Mississippi that would
10 be within 50 feet of the pipeline center line, most
11 of those are along the Mississippi.

12 SHANNON JONES: Any other questions?

13 (No responses.)

14 SHANNON JONES: I think at this point
15 we'll conclude the formal portion of the meeting.
16 And, as I said, we'll still be here to speak with
17 anyone who wishes to speak with us.

18 I thank you all for coming tonight, and at
19 this point we will conclude the formal portion.

20 (End of Proceedings.)

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Mid-Continent Express Pipeline Project
March 25, 2008

CERTIFICATE OF COURT REPORTER

I, Harvey J. Rayborn, Court Reporter and Notary Public in and for the County of Hinds, State of Mississippi, hereby certify that the foregoing 22 pages, and including this page, contain a true and correct transcript of the above-styled public hearing, as taken by me in the aforementioned matter at the time and place heretofore stated, as taken by stenotype and later reduced to typewritten form under my supervision by means of computer-aided transcription.

I further certify that I am not in the employ of or related to any counsel or party in this matter and have no interest monetary or otherwise, in the final outcome of this proceeding.

Witness, my signature and seal this 7th day of _____ April, 2008.

Harvey J. Rayborn, CSR #1274

My commission expires: 10/25/2008