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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Project No.

MOUNTAINEER XPRESS PROJECT : PF15-31-000

- - - - - x

Doddridge County Park

1252 Snowbird Road

West Union, West Virginia 26456

Tuesday, December 8, 2015

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

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

2 (6:03 p.m.)

3 MS. WACHHOLDER: If everyone could please get  
4 settled, we're going to start in a few minutes.

5 (PAUSE)

6 MS. WACHHOLDER: All right. We're going to get  
7 started now.

8 Good evening. On behalf of the Federal Energy  
9 Regulatory Commission, also known as the FERC or the  
10 Commission, I'd like to welcome all of you tonight to an  
11 environmental scoping meeting for the Mountaineer Xpress  
12 Project under development by Columbia Gas Transmission LLC.

13 Let the record show that the public scoping  
14 meeting in West Union, West Virginia began at 6:03 p.m. on  
15 December 8th, 2015.

16 My name is Joanne Wachholder and I am an  
17 environmental project manager with the Commission's Office  
18 of Energy Projects. With me is Robyn Susemihl, with Burns  
19 and McDonnell Engineering. Burns and McDonnell is a  
20 consulting firm working as a third-party contractor to  
21 assist us in the preparation of the environmental impact  
22 statement or EIS for the project.

23 FERC is also represented tonight by Julia Yuan,  
24 who is the environmental -- FERC environmental project  
25 manager for this project.

1           Working at the sign-in table tonight is L. J.  
2           Sauter and Travis Levitt, both from Burns and McDonnell.

3           You will also notice that we have a court  
4           reporter transcribing this meeting. The purpose for this is  
5           to ensure that we accurately capture your comments and  
6           questions both for the public record and for our use in  
7           preparing the EIS for the Mountaineer Xpress Project.

8           The purpose of this meeting is to give you an  
9           opportunity to learn about and provide specific  
10          environmental comments on Columbia Gas' planned pipeline  
11          project, the Mountaineer Xpress Project.

12          I'll quickly run through the agenda for tonight's  
13          meeting. I'll start out by briefly describing the project  
14          before us. I will also explain the role of the FERC and our  
15          application process. Then we will hear from those of you  
16          who signed up to speak at the table in the back and make  
17          formal comments on the project.

18          If we have time at the end of the meeting anyone  
19          who did not sign up but would like to have their comments  
20          heard will have a chance to speak.

21          The meeting will end once all speakers have  
22          provided their comments or by 10 p.m., whichever comes  
23          first.

24          Mountaineer Xpress would involve construction of  
25          about 161 miles of new 36-inch diameter natural gas

1 pipeline, six miles of 24-inch diameter lateral pipeline and  
2 three new compressor stations. It will also include  
3 replacement of two short sections of 30-inch diameter  
4 pipeline, installation of additional compression at three  
5 other compressor stations, and construction of related  
6 facilities.

7 All of the facilities will be constructed and  
8 installed in 14 counties of western West Virginia.

9 The project would supply about 2.7 billion  
10 standard cubic feet per day of natural gas transportation  
11 capacity from production areas to downstream markets on the  
12 Columbia Gas System.

13 After our meeting here is adjourned  
14 representatives from Columbia Gas will remain available with  
15 project maps to answer questions about the project.

16 Next I'm going to talk a bit about the scoping  
17 process and public involvement in FERC projects in general.

18 First, the FERC is an independent, federal agency  
19 that among other things regulates the interstate  
20 transmission of natural gas. In this regard the FERC  
21 reviews and evaluates proposals to construct and operate  
22 interstate natural gas pipeline facilities, natural gas  
23 storage facilities, and liquefied natural gas terminals.

24 As a federal licensing agency, the FERC is  
25 required by the National Environmental Policy Act or NEPA to

1 consider the potential environmental impacts associated with  
2 new natural gas facilities such as Mountaineer Xpress during  
3 its review and evaluation process.

4           Scoping, which we are engaged in tonight, is the  
5 period during which we solicit input from the public before  
6 beginning the environmental analysis. The idea is to get  
7 information from the public as well as agencies and other  
8 groups regarding what issues need to be addressed. This is  
9 an important step because it allows you to indicate what  
10 environmental resource issues are important.

11           Your comments tonight together with any written  
12 comments you may have already submitted or intend to submit  
13 will be added to the record and used to focus our  
14 environmental analysis.

15           For the Mountaineer Xpress Project the FERC is  
16 the lead federal agency for the NEPA review and the  
17 preparation of the EIS.

18           The U.S. Army Corps of Engineers, U.S.  
19 Environmental Protection Agency, West Virginia Department of  
20 Environmental Protection and West Virginia Division of  
21 Natural Resources have agreed to participate as cooperating  
22 agencies in the preparation of the EIS.

23           These agencies plan to use the EIS to meet their  
24 respective NEPA responsibilities associated with issuing  
25 their permits.

1           As I said earlier, the purpose of this meeting  
2 tonight is to give you an opportunity to comment on the  
3 environmental issues that you would like to see covered in  
4 the EIS.

5           It will help us the most if your comments are as  
6 specific as possible regarding the potential environmental  
7 impacts and reasonable alternatives for the planned  
8 Mountaineer Xpress Project.

9           Scoping comments generally focus on the potential  
10 for environmental effects, but may also address construction  
11 issues, mitigation, and the environmental review process.

12           In addition this meeting is designed to provide  
13 you with an opportunity to meet with Columbia Gas  
14 representatives to ask them questions and to get more  
15 detailed information about their proposed route, facility  
16 locations, and constructions plans.

17           Now I want to briefly describe our environmental  
18 review process to you. To illustrate how this process  
19 works, we've prepared a flow chart which is right over here  
20 and is also appended to the notice of intent -- and, again,  
21 we had copies of those at the sign-in table.

22           Currently we are near the beginning of our  
23 environmental review process. We are presently in the first  
24 of two periods labeled public input opportunities. Our  
25 review of the planned project began on September 16th, 2015

1 when Columbia Gas' request to begin using the FERC's  
2 prefiling process was approved.

3 The FERC's docket number for Mountaineer Xpress  
4 is PF15-31-000. And that's also on the top right-hand  
5 corner of the notice of intent. The docket number is unique  
6 to the project and is associated with all project materials.

7 PF means that we are in the prefiling stage of  
8 the process. The purpose of the prefiling process is to  
9 encourage involvement by all interested stakeholders in a  
10 manner that allows for the early identification and  
11 resolution of environmental issues.

12 Once Columbia Gas files a formal application a  
13 new docket number will be assigned that is preceded with a  
14 C-P, which means that then it will be in the certificate  
15 proceeding stage of the process.

16 As of today no formal application has been filed  
17 by Columbia Gas and we are in the early stages of the  
18 project review period. However, the FERC along with other  
19 federal, state, and local agency staffs has begun review of  
20 the project.

21 For those of you who have access to FERC's  
22 e-library website for project documents, you've seen that  
23 Columbia Gas has begun filing draft resource reports. These  
24 draft documents describe Columbia Gas' planned project and  
25 as future documents are filed, they will describe the

1 environmental features crossed by the plan project, the  
2 results of environmental surveys, and Columbia Gas' proposed  
3 mitigation measures and plans.

4           On November 18th we issued a notice of intent or  
5 NOI to prepare an EIS for this project which I hope most of  
6 you received in the mail. In the NOI we described the  
7 environmental review process, some already identified  
8 environmental issues, and the steps the FERC and cooperating  
9 agencies will take to prepare the EIS for the project.

10           The NOI also initiated the scoping period which  
11 will end on December 17th. However, the end of the scoping  
12 period is not the end of public involvement. We will accept  
13 comments throughout our review of the project. However, for  
14 us to adequately address your comments, analyze them, and  
15 research the issues, we ask that you try to get those to us  
16 as soon as possible. There will also be a comment period  
17 once the draft EIS is published.

18           Once scoping is finished, our next step will be  
19 to begin our independent analysis of Columbia Gas' proposal  
20 and the project's potential impacts on the issues and  
21 resources identified during scoping. This will include an  
22 examination of the proposed facility locations as well as  
23 alternative sites.

24           We will assess the project's impacts on water  
25 bodies and wetlands, vegetation and wildlife, endangered

1 species, cultural resources, socioeconomics, geological  
2 resources, soils, land use, air and noise quality, and  
3 safety.

4           We will assemble the information from a variety  
5 of sources. These will include Columbia Gas, the public,  
6 other federal, state, and local agencies and our own  
7 analysis and field work.

8           When complete, our analysis of the potential  
9 impacts will be published as a draft EIS and presented to  
10 the public for a 45-day comment period.

11           This draft EIS will be mailed to all interested  
12 parties. During the comment period we will hold more public  
13 meetings to gather feedback on our analysis and findings.  
14 After revising the draft EIS to respond to public comments  
15 and any new information we receive, a final EIS will be  
16 mailed to all interested parties.

17           Please note that because of the size of the  
18 mailing list, the EIS is often mailed as a compact disk or  
19 CD. That means, unless you tell us otherwise, the EIS that  
20 you will find in your mailbox will be on a CD. If you  
21 prefer to have a paper copy mailed to you, you must indicate  
22 that choice either on the return mailer attached to the NOI  
23 or on the attendance sheets tonight at the sign-in table.

24           As I mentioned earlier, our issuance of the NOI  
25 opened a formal comment period that will close on December

1 17th. The NOI encourages you to submit your comments as  
2 soon as possible to give us the time to analyze and research  
3 the issues. If you received the NOI in the mail, you are on  
4 our mailing list and will remain on our mailing list to  
5 receive the EIS and any other supplemental notices we may  
6 issue about the project.

7           You can return the mailer attached to the back of  
8 the NOI and indicate if you wish to be removed from the  
9 mailing list.

10           Again, there are extra copies of the NOI  
11 available at the sign-in table. The mailing list for a  
12 project of this scope is large and undergoing constant  
13 revision. You can be added to our mailing list by signing  
14 up at the sign-in table or by submitting comments on the  
15 project.

16           I would like to add that the FERC encourages  
17 electronic filings of comments and other documents. There's  
18 a small brochure, it looks like this, that explains the  
19 FERC's e-filing system and those are back at the sign-in  
20 table as well.

21           Instructions can also be located on our website  
22 which is [www.FERC.gov](http://www.FERC.gov) or FERC. Gov under the e-filing link.

23           If you want to submit written comments, please  
24 follow the directions in the NOI. A link called  
25 e-subscription is also available for you to sign up using an

1 e-mail address to receive e-mails each time a document is  
2 filed in the docket.

3           It is very important that any comments you send,  
4 either electronically or by traditional mail, include the  
5 docket number for this project. If you decide to send us a  
6 comment letter, please put that number at the top. That  
7 will ensure that members of the staff evaluating the project  
8 will get your comments as soon as possible.

9           And, again, the docket number for this project is  
10 PF15-31-000.

11           Now, I want to differentiate between the roles of  
12 two parts of the FERC, the Commission and the environmental  
13 staff. Julie and I are part of the FERC environmental staff  
14 and we will overview preparation of the EIS for this  
15 project. We do not determine whether or not the project  
16 gets approved. Rather the FERC Commission which consists of  
17 up to five presidentially appointed commissioners is  
18 responsible for making a determination on whether to issue a  
19 certificate of public convenience and necessity to Columbia  
20 Gas.

21           The EIS will describe the project facilities and  
22 associated environmental impacts, alternatives to the  
23 project, mitigation to avoid or reduce impacts, and the  
24 environmental staff's conclusions and recommendations.

25           The EIS is not a decision document, but it will

1 disclose to the public and to the Commission the  
2 environmental impact of constructing and operating the  
3 Mountaineer Xpress Project.

4           The Commission will consider the environmental  
5 information presented in the EIS as well as public comments  
6 and a host of non-environmental issues such as engineering,  
7 markets, and rates in making its decision to approve or deny  
8 Columbia Gas' request for a certificate.

9           There is no review of FERC decisions by the  
10 president or Congress, which maintains the FERC's  
11 independence as a regulatory agency and provides for fair  
12 and unbiased decisions.

13           Only after taking the environmental and  
14 non-environmental factors into consideration will the  
15 Commission make its final decision on whether or not to  
16 approve the project.

17           At this time I'd like to ask if there are any  
18 questions about the scoping or the FERC's process.

19           (No response.)

20           MS. WACHHOLDER: Okay. We will now begin the  
21 important part of the meeting where we hear your comments.

22           We will first take comments from those who signed  
23 up on the speakers' list which was at the table in the back.

24           If you would prefer, you may hand us written comments  
25 tonight or send them to the Commission by following the

1 procedures outlined in the NOI.

2           There is also a form at the sign-in table that  
3 you can use to write comments on and give them to me or one  
4 of the consultants tonight. There are also instructions on  
5 the form detailing how to mail them in later.

6           Whether you provide your comments verbally, by  
7 mail, or electronically, they will be considered by the FERC  
8 equally.

9           As I said before, this meeting is being recorded  
10 by a court reporter so that all of your comments and  
11 questions will be transcribed and put into the public  
12 record.

13           To help the court reporter produce an accurate  
14 record of this meeting, I ask that you please follow some  
15 ground rules. When your name is called, please step up to  
16 the microphone, state your name, and spell it for the  
17 record. Identify any agency or group you are representing  
18 and define any acronyms you may use.

19           Lastly, before we start, as a courtesy to our  
20 speakers and the rest of the audience, please turn off or  
21 silence your cell phones.

22           We are now ready to call our first speaker.  
23 First up is Anthony Ervolina. He left? Okay. He left. So  
24 never mind.

25           Number two -- I will spell it for you,

1 E-r-v-o-l-i-n-a.

2 Our next speaker is John Hudson.

3 MR. HUDSON: John Hudson, H-u-d-s-o-n. I'm in  
4 favor of this project because of the jobs. This thing is  
5 going to have eight pipeline spreads. Will probably employ  
6 between three and 4,000 people, jobs that pay a couple of  
7 thousand dollars a week --

8 MS. WACHHOLDER: Can you make sure you speak into  
9 the microphone, please?

10 (SIMULTANEOUS CONVERSATION)

11 MR. HUDSON: This?

12 MS. WACHHOLDER: Can you make sure you speak into  
13 the microphone so he can get that?

14 MR. HUDSON: I'm sorry. Can you hear me. I'm so  
15 loud, my voice. I apologize.

16 But, anyway, if this is approved, we're looking  
17 at three to 4,000 jobs that pay anywhere from two to  
18 \$4,000 per week. We need these jobs here. We need them  
19 everywhere, those kind of paying jobs. Also you get  
20 benefits, health and welfare, pension with the unions and  
21 things.

22 We have been putting on training schools. We  
23 have probably in this area four to 500 people that have  
24 worked on pipelines before, have did environmental work that  
25 are all from this area. This is where they live. They're

1 going to make sure that all the environmental things are  
2 right because they live here. And, again, with the  
3 depressed economy and things that we have, when you put that  
4 many jobs in here, paying that much and all of the taxes and  
5 everything else that goes with it, it is a shot in the arm.  
6 And then, when you leave, they're going to be paying our  
7 schools, our roads, they're going to be paying taxes on  
8 these things that goes to right here to schools and  
9 different things.

10           So, again, I spoke about this last night. We  
11 need these jobs terribly bad. We have a trained,  
12 professional workforce here in West Virginia that has been  
13 building these pipelines and doing nothing else. They're  
14 professionals just like doctors and dentists are that come  
15 out and build these pipelines. And you're just not going to  
16 get a better workforce. You're not going to get anybody  
17 that takes care of your environment and everything is what  
18 these people are. So I thank you for letting me speak.  
19 And, again, I'm for it and several other people with me. I  
20 did the same thing tonight, instead of eight or ten of us  
21 getting up and speaking and saying we're all for jobs, I was  
22 elected to come up and speak.

23           I thank you very much.

24           MS. WACHHOLDER: Thank you, Mr. Hudson.

25           Our next speaker is Dustin Hardbarger.

1           MR. HARDBARGER: My name is Dustin Hardbarger,  
2 H-a-r-d-b-a-r-g-e-r. Really the only questions I kind of  
3 have and concerns that I have is that some of these center  
4 lines that are the stakes that they have surveyed out, you  
5 know, they're kind of pretty close to some of the homes in  
6 the area. And I didn't know, you know, what kind of say we  
7 had on how close they are to some of these houses, some of  
8 the barns in the area, and are we able to get them moved any  
9 closer -- I mean, farther away from the dwellings in the  
10 area or whatever. That's kind of mainly the only concern  
11 that I had. I really don't even know if you guys can answer  
12 that here or not or if this is something that Columbia is  
13 going to have to answer for me. But, how close can some of  
14 these pipelines get to the houses?

15           That's all I have.

16           MS. WACHHOLDER: Well, I can try and answer a  
17 little bit about how we review things. But definitely  
18 that's something you would want to bring attention to the  
19 applicant, Columbia Gas, you know, those specific areas that  
20 you have concern about, you say is there any way to route it  
21 further from this home or, like you said, if there's a  
22 specific wetland or a sensitive area you're concerned about,  
23 we definitely want to let them know and you want to let us  
24 know like you just did, you know, if there's areas -- and if  
25 there's something very specific, like if you have an address

1 or a local area that you want us to know about, that would  
2 be something you could even just jot down and we'll get that  
3 in the record so we make sure we look at it.

4 MR. HARDBARGER: Okay. Sounds good.

5 MS. WACHHOLDER: Okay. Thank you.

6 Well, that was our voluminous list. So if  
7 anybody else has the courage and wants to come up, has  
8 anything that popped into your head that you want to say. I  
9 know not everybody is comfortable speaking in front of other  
10 people and that's fine.

11 (PAUSE)

12 MS. WACHHOLDER: I'll ask, going once, going  
13 twice, anybody? Oh, come on up, sir, and remember to state  
14 your name for the record and spell it for our court  
15 reporter, please.

16 MR. BOWYER: I'm David Bowyer. David, last name,  
17 B-o-w-y-e-r. And I have a property in at least three  
18 different counties that this proposes to go through. I've  
19 been contacted by them. They've been very inflexible as to  
20 where they will lay the line and how they will do it.

21 My previous relationship with this company is  
22 their excessive tap fees when a well is drilled. I'm a very  
23 small, but local producer that was motivated to drill three  
24 wells this year. We still have one of you at the frack  
25 there in Tyler County. They're not out for the best

1 interests of anybody except Columbia. I'm certainly in  
2 favor of jobs, certainly in favor of good jobs. But the  
3 inflexibility of this company, their general attitude and  
4 their lack of cooperation in re-laying pipelines and  
5 attempting to get tap fees from them which they asked over  
6 \$100,000 on a well that costs less than 300,000 to drill,  
7 makes it impossible in order to get the gas marketed. It  
8 appears to me these pipelines are being installed to market  
9 the Marcellus shale and Utica gas which is fine. I have  
10 some interest in that direction as well. But the current  
11 pricing that I'm receiving, none from Columbia because of  
12 their inflexibility in the past. But from companies like  
13 SWN, Southwest, Entero of around a dollar and less than  
14 \$2.00 a thousand on gas which I was receiving seven years  
15 ago in the vicinity of \$10 to 12, some as high as \$17 a  
16 thousand is absolutely stealing the gas from the mineral  
17 owners in this area.

18           These people have come in, they've drilled these  
19 wells. They didn't have a market for it. And they  
20 depressed not only the market from this deeper gas,  
21 Marcellus shale is technically a shallow formation. Utica  
22 is a deep formation. They've attempted to, and have  
23 supported forced pooling, which I can get past the  
24 constitutional right of one person being a holdout. But  
25 with the other manipulations on pricing, the improper

1 measurement of gas and the oil, but particularly even the  
2 nonpayment of distillates and liquids that come out of the  
3 ground causes my position and attention to be directed more  
4 towards let's take an overall view of the oil and gas  
5 business in West Virginia which has to be done, and then  
6 we'll decide how to market the products and how to get it  
7 produced.

8 I've often likened these people that are drilling  
9 these deeper wells, most of which have come in from a long  
10 ways out of state, even out of the country, to things that  
11 are going on is going to make Mr. Peabody look like a  
12 choirboy when he traded a hog to Devil Anse for his coal.

13 Let's take a real serious look of where these  
14 pipelines are coming from, where they're going to, and let's  
15 get some cooperation of attitude out of not just Columbia,  
16 but particularly Columbia, before we move ahead.

17 If anybody has any questions, I'll be glad to  
18 address them, including facts. Thank you.

19 MS. WACHHOLDER: Thank you for your comment.

20 All right. We have another speaker coming up.  
21 Again, remember to state your name and spell it for the  
22 court reporter.

23 MR. ASH: My name is Bryan Ash, B-r-y-a-n, the  
24 last name is Ash, A-s-h.

25 I currently work for a gas transmission company,

1 not Columbia. Some of the concerns I have is maybe you  
2 could go into a little further detail of how eminent domain  
3 works and can the Commission grant permission for the  
4 pipeline without eminent domain? Or does it have to be with  
5 eminent domain and how that works?

6 MS. WACHHOLDER: Sure. I can address that. I  
7 believe -- do we have information in here about that as  
8 well? I can't remember.

9 (Discussion held off the record.)

10 MS. WACHHOLDER: Well, under the regulations that  
11 we work under, through the Natural Gas Act, because it's a  
12 federal authorization, if the applicant cannot get an  
13 easement negotiated with the landowner and if they end up  
14 receiving an approval from us, a certificate of public  
15 convenience and necessity, then with that approval comes the  
16 ability for an applicant to use eminent domain through the  
17 local courts. So that's under our regulations.

18 We always, you know, try to promote that an  
19 applicant should work as best they can with the landowner to  
20 try and come up with a mutually agreeable easement. But if  
21 it cannot come to that point then if they receive an  
22 approval, then the local courts will determine the value of  
23 the easements.

24 MR. ASH: Okay. So my question again is, can you  
25 grant permission for the pipeline without eminent domain or

1 if you grant the permission, does it automatically come with  
2 eminent domain?

3 MS. WACHHOLDER: Per our regulations, if they  
4 receive an approval, that comes automatically with it. It's  
5 not a -- we can't take that part out. It's with the laws.

6 MR. ASH: Okay. And the other concern I have is,  
7 like I said, I work for a gas transmission company.

8 MS. WACHHOLDER: Uh-huh.

9 MR. ASH: Not Columbia, but as a landowner I  
10 would have a great concern because part of my job is to foot  
11 patrol pipelines and walk them.

12 MS. WACHHOLDER: Uh-huh.

13 MR. ASH: And we, the company I work for, we have  
14 some pipelines that there's no way you can walk them because  
15 it is just a 100-foot strip of brush pile.

16 MS. WACHHOLDER: Uh-huh.

17 MR. ASH: Briars, trees down, you can't drive on  
18 it, you can't walk on them, and I think there needs to be  
19 some better restrictions on that. I know it involves  
20 environmental and we're being told they can only mow them in  
21 certain months of the year and every three years --

22 MS. WACHHOLDER: Yep.

23 MR. ASH: And that's a bunch of crap because we  
24 cannot maintain our right-of-ways with those kind of rules  
25 from environmental. It can't be done. And it's not safe

1 for the employees to be out there, it's not safe for  
2 landowners to be on it. And I think that's something that  
3 really needs to be addressed with all companies.

4 Thank you.

5 MS. WACHHOLDER: Thank you.

6 Do we have anyone else that would like to speak  
7 tonight?

8 (No response.)

9 MS. WACHHOLDER: All right. Going once, going  
10 twice.

11 (No response.)

12 MS. WACHHOLDER: All right. I see no hands.  
13 Without any more speakers the formal part of this meeting  
14 will conclude.

15 On behalf of the Federal Energy Regulatory  
16 Commission I would like to thank you all for coming tonight.

17 Let the record show that the Mountaineer Xpress  
18 Project's scoping meeting in West Union, West Virginia  
19 concluded at 6:32 p.m.

20 Thank you very much.

21 (Whereupon, at 6:32 p.m., the meeting was  
22 adjourned.)

23

24

25