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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Docket No.

BISON PIPELINE, L.L.C. : CP09-161-000

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Powder River County District High School
500 N Trautman
Broadus, MT 59317

Wednesday, September 23, 2009

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

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P R O C E E D I N G S

(6:00 p.m.)

MR. MARTIN: Thank you all for coming tonight. My name is Jim Martin and I work for the Federal Energy Regulatory Commission. Also here tonight from the Commission is Pamela Romano. She's now outside. She's at the table. Sitting next to me is Jenny Slate and outside is Wayne Kicklighter. They're with Entrix. They're an environmental contractor that's providing support to the Commission in reviewing the Bison Pipeline Project.

I'm the environmental project manager and it's my responsibility to prepare the Environmental Impact Statement for the project. The reason that we're here tonight is to take your comments on the Draft Environmental Impact Statement that FERC issued on August 21. With that document we established a comment period and during that period we try to solicit comments from anyone who has reviewed the document, or even if you haven't reviewed it, to get your feedback on the project before we start preparing the Final Environmental Impact Statement for the project.

The date that we established as deadline for comments is October 12. We will take comments after October 12, but the sooner we get them the more time we have to consider them and hopefully, help to work out some kind of resolution or response to your issues. The Final

1 Environmental Impact Statement that the Commission will
2 issue will have a formal response to any comments received
3 on the draft. So if we get comments from you tonight or we
4 get comments in the mail from you, there will be a response
5 to those comments in the Final when we issue that.

6 So with regards to the comments, there are really
7 two ways that you can provide comments. We're here tonight
8 to allow you to provide verbal comments. We have a court
9 reporter back there and he's taking transcripts of
10 everything here and the transcripts will go into the FERC
11 document. We'll use those as a summary of what the concerns
12 and issues are that the public has raised.

13 The other way that you can provide comments is
14 just in written form. And the written comments can be
15 provided on a form that we have at the table out there.
16 That's probably the easiest way. You can fill that in
17 tonight and leave it with us. We'll take it back and put
18 into our docket for the project. You can take it home with
19 you and fill it out and mail it to us, or you can just send
20 a letter with your comments.

21 If you just send a letter, I ask that you make
22 sure and put the docket number for the project. The docket
23 number is sort like a folder name and it's important because
24 we have a lot of folders at FERC. So if you send a letter
25 in on your own, I ask that you put the docket number on it.

1 It's CP-09161. That number is on the cover of the draft.
2 If you got a copy of the draft, you'll see it there.

3 If you got a copy of the draft that means you're
4 on our mailing list and you will automatically receive a
5 copy of the final. If you didn't get a copy of the draft
6 and would like to get a copy, we have a third form on the
7 table out there where you can just fill in your name and
8 address and we'll add you to our mailing list.

9 At the end of the comment period after we've
10 received comments, the process moving forward, as I
11 mentioned before, is that we take those comments, we
12 consider them, we analyze them as well as any new
13 information that we've gathered since the draft EIS, compile
14 all that information and prepare a final. We'll issue the
15 final. At the time that we've issued it, we'll forward it
16 to our Commissioners.

17 FERC has five commissioners and they're the ones
18 that ultimately make a decision on whether or not to approve
19 the project. The Commissioners use several different
20 factors in considering whether or not to approve a project,
21 and our impact statement is just one of those, although it's
22 normally a very important one.

23 With regards to providing verbal comments
24 tonight, we had a speakers' list outside. It's my
25 understanding that we haven't gotten anyone who signed up at

1 this time. When I've concluded here, which I will in just a
2 moment, I'll ask if anyone would like to come up and provide
3 verbal comments. It's probably easier than writing out a
4 letter or something. So if you have something you'd like to
5 share, this is probably the easiest way to do it. As I
6 mentioned, there'll be a transcript of it that will go into
7 our docket.

8 If you do choose to give us verbal comments, we
9 ask that you come up to the podium, state your name for the
10 record. If you have a name that might be difficult for us
11 to spell, if you could spell it out, that way the docket,
12 the transcript the court reporter is preparing will
13 accurately reflect your name.

14 And that's about all I have to say tonight,
15 although I did forget to introduce Amber Haverlock. She's
16 with the Bureau of Land Management. She's also here
17 tonight. They're a cooperating agency to FERC in the
18 preparation of the Environmental Impact Statement.

19 So normally right now I would start reading names
20 off the list, but since we don't have any names, I'll just
21 ask is there anyone that would like to come up and give us
22 any comments?

23 MR. BROWNFIELD: (Off mike.)

24 MR. MARTIN: I'm sorry to ask this, but if you
25 give us comments, can you do it at the microphone just so

1 we've got it in the record? But the answer is normally
2 that's a portion of the easement negotiations. That's my
3 understanding that that's intent, but I would clarify it in
4 your easement negotiation with Bison.

5 If you have concerns about that and want to
6 document it, it wouldn't be a bad idea to fill out one of
7 those forms and say here's what I'm concerned about, that
8 and anything else; and just mail it into us. And that way
9 it's on our radar screen and it's probably on Bison's radar
10 screen as well. Do you mind just giving us your name so we
11 can put it in the --

12 MR. BROWNFIELD: My name is Ralph Brownfield.
13 Brownfield is spelled B-R-O-W-N-F-I-E-L-D. The other thing
14 I was kind of wondering when you backfill the line will you
15 kind of leave it in a hump for a year and then that dirt
16 will settle or do you grade it all flat and leave a hole?
17 Some people on the past pipelines said a year or two later
18 there's -- it's settled and left a hole, but they did that
19 much (inaudible) on BLM land, so I was kind of wondering
20 about that.

21 MR. MARTIN: Again, that's probably a question
22 that's best answered by Bison. It's my understanding that
23 they intend to, in most cases, to leave a raised area so
24 that when it settles it will be equal with the grade on
25 either side of the trench.

1 MR. BABICH: My name is Gary Babich. I work for
2 TransCanada as the construction manager. And basically,
3 it's as Jim said. It won't be a pronounced, but it'll
4 feather out, slightly raised and then if there's any
5 settlement it'll come back down. It shouldn't be very
6 noticeable to your tall --

7 MR. BROWNFIELD: Will you regrade it later?

8 MR. BABICH: Later on?

9 MR. BROWNFIELD: (Off mike.)

10 MR. BABICH: That's not the intent. No.

11 MR. BROWNFIELD: (Off mike.)

12 MR. BABICH: But if it does --

13 MR. BROWNFIELD: (Off mike.)

14 MR. BABICH: Yes. If it does settle and then
15 just get a hold of us and we'll come out and work with you
16 to fix it up the way you think is fit because we have a
17 maintenance department that will come out and take care of
18 that. Then the other thing, the contractor has a warranty
19 period for a year that warrants his work. But beyond that,
20 our maintenance group will come out and help you out.

21 MR. MARTIN: And also my agency, FERC, has a
22 hotline that we established for ongoing issues with a
23 right-of-way and we'd be glad to take concerns after the
24 construction is done. Thank you.

25 If no one has any comments, what I'll do is I'll

1 go ahead and close the formal part of the meeting. But
2 we'll stay up here and I encourage you to come on up and
3 talk, if you want to do that. Bison will have some people
4 here as well that you can talk to.

5 So we'll go ahead and close the formal part.
6 We'll stay here as long as you need us to. Thank you very
7 much.

8 (Whereupon, at 6:15 p.m., the above-entitled
9 scoping meeting was concluded.)

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