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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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American Legion  
200 Rockpile Boulevard  
Gillette, WY 82716

Thursday, September 24, 2009

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

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

2 (6:15 p.m.)

3 MR. MARTIN: All right, thank you all for coming  
4 tonight. Let me know if I'm blasting you out with this  
5 karaoke machine. If someone wants to sing later, we can do  
6 that too.

7 My name is Jim Martin. I'm with the Federal  
8 Energy Regulatory Commission and it's my job to manage the  
9 production of an environmental impact statement that  
10 evaluates the Bison Pipeline Project and that's what we're  
11 doing. Seated to my right is Amber Haverlock from the  
12 Bureau of Land Management and to my left is Jenny Slate.  
13 She's with Entrix. They're a firm that's supporting us in  
14 the environmental review. And at the table at the back is  
15 Wayne Kicklighter. He's also with Entrix.

16 The purpose of tonight's meeting is to get your  
17 comments on our Draft Environmental Impact Statement. If  
18 you didn't get a copy of it, then you're not on our mailing  
19 list and we have a form at the back table. If you'd like to  
20 be on our mailing list for the project, you should fill in  
21 your name and address there and we'll add you to it. If you  
22 got a copy of the draft, you'll automatically get a copy of  
23 the final.

24 Anyway, the purpose of tonight's meeting is to  
25 take your comments on the draft, so that's the main thing.

1 Your comments don't necessarily need to be specific to our  
2 document. If you have other comments about the project,  
3 we'll also listen to those tonight as well. Commenting can  
4 occur in two main ways. One is tonight and verbally. We  
5 have a speakers' list here in which people who would like to  
6 speak have signed up.

7 If you didn't sign up and you want to speak, once  
8 we've gone through the list I'll ask anyone from the  
9 audience who wants to come up and speak. When you come up,  
10 I ask that you take the microphone and state your name. If  
11 it's a name that we might have trouble spelling, I ask that  
12 you spell it. The transcript of tonight's meeting is being  
13 recorded. We have a court reporter here, Ted, who's keeping  
14 track of everything. So if you have a name that we might be  
15 able to spell right, please spell it for us. Also, if  
16 you're with a group or affiliation, we also appreciate you  
17 identifying that as well.

18 So that's the easiest way to comment is to just  
19 come up and say what you think. The other way is to provide  
20 written comments. And we have a form at the table back  
21 there for written comments. If you want to fill that out  
22 tonight and leave it with us, we'll take it back and put it  
23 into our record. If you want to take one with you and fill  
24 it out at home and mail it back to me, it'll go into our  
25 record as well and that's acceptable.

1           If you just want to write a letter and send it to  
2 us, you can do that as well. If you just write a letter,  
3 then I ask that you make sure that FERC's docket number is  
4 on there. That's the name of the file that the letter will  
5 go into when it comes into our office. And we have a bunch  
6 of files. So getting the right docket makes sure that I get  
7 your letter. And the docket number for this is CP-09161.  
8 That's the number that you'll see on the Draft Environmental  
9 Impact Statement as well.

10           We established a comment period when we issued  
11 the draft. The draft was issued on August 21, and we  
12 requested that we get comments by October 12. In reality,  
13 we continue to take comments on our draft up until the last  
14 possible moment when we're getting ready to send the Final  
15 Environmental Impact Statement to the printer. But the  
16 earlier we get the comments, the more time we have to  
17 consider them and possibly come to some resolution of the  
18 issue that you bring to us. So we ask that if you have  
19 comments that you try to get them to us as soon as possible  
20 and by October 12, if possible. If you need more time,  
21 there's a good chance that we'll also be able to consider  
22 those comments later.

23           After we've received all the comments on the  
24 draft and we've also received other information about the  
25 project, we'll start writing the Final Environmental Impact

1 Statement. In that Final Environmental Impact Statement  
2 will be a formal response from the Commission to each  
3 comment that we receive. So if you send in a comment to us  
4 or if you say something tonight, we'll have a response to  
5 that as part of that document.

6 Once we've finished the document and issued it,  
7 we send a copy upstairs to our Commissioners. FERC has five  
8 commissioners that consider every project and they're the  
9 ones that will make a determination. This impact statement  
10 will be one of the tools that they use to make that decision  
11 on whether or not to authorize this project.

12 I think that's about all I have, so at this point  
13 we'll go ahead and start to take speakers. And our first  
14 speaker is Robert Brug.

15 MR. BRUG: My name is Robert Brug. B-R-U-G is  
16 how it's spelled. There's some things I'd like to know.  
17 These are questions. Number one, we're talking about a  
18 50-foot right-of-way; is there any covenant beyond that 50  
19 feet? We're dealing with a high-pressure line and I want to  
20 know if there's any covenant to the land that adjoins it?

21 MR. MARTIN: (Off mike.)

22 MR. BRUG: Okay. And the other is does FERC have  
23 any regulatory authority other than what's in the written  
24 agreement that we have with the pipeline company? Those are  
25 issues that I'd like to know. Thank you.

1                   MR. MARTIN: Thank you, sir. And sorry I  
2                   mispronounced your name. The easement agreement that you  
3                   sign will be for 50-feet and that's the extent of the  
4                   easement. During construction, a bigger area is disturbed  
5                   and that isn't part of that permitted easement. I'm not  
6                   sure if that answers your questions, but that's -- if not,  
7                   you can come back up and ask another -- okay.

8                   MR. BRUG: No. That didn't quite answer my  
9                   question. My question was with this high-pressure line is  
10                  there any covenant against the land that's not in that  
11                  easement because we're dealing with high pressure. It's 25  
12                  feet from the center of the right-of-way. Is that  
13                  sufficient? Can people build next to it? What is the  
14                  situation here? I'm concerned that maybe somewhere down the  
15                  line that 25 feet from the center where that pipeline is  
16                  isn't nearly enough for a safety factor. Thank you.

17                  MR. MARTIN: Yes, I don't know what exactly a  
18                  safe distance is. We have high-pressure lines all over the  
19                  country. Some are within a foot or 2 of a house. Accidents  
20                  are very rare. Normally, they involve a third party and  
21                  usually it's somebody excavating something and hits the  
22                  line. There are a lot of accidents with the local  
23                  distribution pipelines, you know, the ones that come to  
24                  people's houses. And those are almost exclusively a result  
25                  of excavation.

1           The pipes are, historically, very safe. We have  
2 a write-up in the EIS about the safety record of natural gas  
3 pipelines. Have there ever been accidents? Certainly,  
4 there have been. Usually, there's been a -- like I said,  
5 there's usually been a good reason. It usually isn't just a  
6 pipe blowing up. There is a maintenance program that the  
7 Department of Transportation has for the pipeline that  
8 they'll require Bison to send something through it called a  
9 "pig," which is a monitoring and measuring device, which  
10 goes through and measures the wall thickness. And that's  
11 done periodically to determine whether or not there's any  
12 corrosion or anything else occurring in the pipe.

13           But there's a whole -- a large number of safety  
14 prevention types of measures that are used with pipelines,  
15 but I can't give you an exact distance on what would be  
16 safe. I think that's probably a risk factor thing where you  
17 would consider, well, if it's safe for one time in a  
18 thousand years, do I want to risk it? Or if it's safe one  
19 time in a hundred years, do I want to risk it? So I think  
20 the answer isn't very easy to give. But we do have pipes  
21 that are very close to people's houses and in my experience  
22 we've had very few problems with that.

23           Your second question was on if FERC has any  
24 regulatory authority beyond the easement agreement and the  
25 answer is absolutely. We have a good deal of authority,

1 both on the construction, during construction and on sort of  
2 the restoration of the right-of-way following construction.  
3 We will have an independent monitor present during the  
4 construction to inspect the construction to make sure that  
5 it's being done the way that Bison has said they're going to  
6 do and the way we've indicated that it needs to be done.  
7 And so if you look at our draft EIS, you'll see a number of  
8 what we call conditions or recommendations. And those are  
9 things that we're doing to modify what Bison has proposed to  
10 make it less of an environmental impact or less of an impact  
11 on people.

12 And to any of you, also when we're done here  
13 we'll stick around up here at the table. If you want to  
14 come up and ask follow-on questions, I'd be glad to do that.

15

16 Okay, our next speaker is Neil Sorenson.

17 MR. SORENSON: I don't have any comment.

18 MR. MARTIN: Okay. All right, thank you. Okay,  
19 the next speaker is Bill Hoblit or Hoblit.

20 MR. HOBLIT: Hello. My name is Bill Hoblit. A  
21 couple of concerns I had --

22 COURT REPORTER: Could you spell your name?

23 MR. HOBLIT: H-O-B-L-I-T. A couple of the  
24 concerns that I had are dealing with a 200-foot construction  
25 right-of-way that wipes out all the brush. And a portion of

1       our ranch has got incredibly fragile soils. It's really the  
2       only thing that holds moisture in that part of the pasture.  
3       Everything that I've been shown says that that has to remain  
4       clear so there's not going to be any replanting of brush or  
5       anything to hold soils. I'm concerned about that. There's  
6       already examples of that causing problems elsewhere in the  
7       place.

8                 Several other issues that I didn't know if the  
9       government was looking out for are the route that I was  
10      shown went very close to some homesteader cabins. Some of  
11      that right-of-way, depending on where the route goes, could  
12      encroach on that and I didn't know if that's considered  
13      something that's important to you. It certainly is to me.

14                And then lastly, there is a section where we have  
15      a containment pond where I want to put some trees to be able  
16      to create a snow fence and catch some of that moisture and  
17      dump into that pond. That isn't going to be allowed,  
18      according to the agreements I've been shown. So my main  
19      concerns are some of the restrictions against that in really  
20      moisture struggling areas. So I just wanted those known.  
21      Thank you.

22                MR. MARTIN: Okay, at this time the right-of-way,  
23      the construction right-of-way that's before us is 120 feet  
24      and 10 feet of that only to be cleared if there's a snow  
25      event and they need to use the extra 10 feet for snow. So

1       except for places where they're adding additional workspace  
2       for a stream crossing or a directional drill or bore or  
3       something like that, the right-of-way should not be any  
4       wider than 120 feet. And understand that in reality that's  
5       110 because if they aren't pushing snow off, then it's only  
6       110 they clear.

7               The only part of the right-of-way that will be  
8       periodically maintained is the permanent easement, the 50  
9       feet. The rest of it is supposed to be allowed to  
10      revegetate into whatever it wants to or whatever it can. So  
11      the only part that could be maintained is the 50-foot  
12      easement and it's Bison's intent at this time to probably  
13      not do routine maintenance of the 50-foot easement unless  
14      it's absolutely necessary.

15             So what we'd be talking about is the vegetation  
16      maintenance over the 50-foot easement is done for annual  
17      safety inspections where they do a visual. Sometimes it's a  
18      flyover and all they really need to see is the center line.  
19      So as long as that center line is relatively clear so that  
20      they can detect any change in the surface or vegetation  
21      based on a potential leak that's the idea behind the visual  
22      monitoring. So you mentioned the 200-foot, but I think in  
23      reality you won't see them out there maintaining any of the  
24      construction right-of-way unless it's absolutely necessary.

25             MR. HOBLIT: (Off mike.)

1                   MR. MARTIN: All right. That could be true in  
2 places. And again, what we're looking at with the  
3 right-of-way is we're trying to identify places that might  
4 be prone to poor restoration potential. And we can do  
5 different things or we can require Bison to do different  
6 things in places that look like there be a problem for  
7 restoration.

8                   I understand that there are other rights-of-way  
9 that have been built around here that just haven't come  
10 back, so we've put a lot of intention into the restoration  
11 plan. You know, what are they going to do? What seed mix  
12 are they going to use? How long is the monitoring going to  
13 take place? Those are all things that Bison has agreed to  
14 do. There's a draft restoration plan in the Draft  
15 Environmental Impact Statement. There's a lot of details  
16 that need to be worked out still. We're still working on  
17 those. I can't tell you exactly how it'll end up, but your  
18 input will be appreciated, especially on areas that might be  
19 particularly sensitive and might need something special  
20 done.

21                   The issue with your containment pond, is that in  
22 the 50-foot easement?

23                   MR. HOBLIT: (Off mike.)

24                   MR. MARTIN: Sure. Well, we are doing an  
25 extensive cultural resource review, so the homesteads would

1 be something that's part of that review. I can't comment  
2 specifically on your property, but it sounds like the  
3 homesteads would be something that should be avoided. How  
4 far away from them I'm not sure what that would be. It  
5 probably has to do with whether or not there are other  
6 cultural fragments or something in the adjacent area that  
7 should be preserved.

8           These things go in phases. There's a Phase 1  
9 that identifies the really obvious resources and makes a  
10 determination on whether or not they should be avoided or  
11 whether construction should occur there. Then they go on to  
12 a Phase 2 on those sites that might still be affected, but  
13 could still have resources. And they do a more intensive  
14 sampling of the subsoil and things like that to determine  
15 what the value is. It's work out with the State Historic  
16 Preservation offices normally, but FERC will have a big role  
17 in making that determination as well.

18           All right, well, I think I've probably done too  
19 much talking, so I'll turn it back to you guys. Is there  
20 someone else that would like to come up and say something?  
21 How often do you get a chance to talk on a karaoke machine?  
22 You don't have to sing. Well, if anyone -- I'll wait just a  
23 minute or two, but what we'll do if no one wants to come on  
24 the record -- okay.

25           MR. SORENSON: My name is Robert Sorenson,

1 S-O-R-E-N-S-O-N. One of my concerns was the last FERC  
2 pipeline that went through a lot of the ground was never  
3 even reseed and it still isn't until this day. It's been  
4 about five years. And I'm hoping that somebody will pay a  
5 little more attention to that this time. I don't know what  
6 happened there, but they just didn't reseed it, so that's  
7 something that we're concerned about, and in several  
8 different places that I know of on that pipeline.

9 MR. MARTIN: Thank you, Mr. Sorenson. No.  
10 That's not acceptable as far as I'm concerned. And if you  
11 have some information on a past FERC pipeline, you can send  
12 that in to us and we can look into it. But on this one I  
13 can promise you that there won't be any areas that aren't  
14 reseeded. And we'll be monitoring it. We'll have people  
15 out there watching what's going on and we have a hotline at  
16 FERC for landowners. And I'll encourage anyone that's  
17 having problems to go ahead and use that.

18 I'm sorry I don't know what it is. I don't have  
19 it committed to memory. Do you have Internet access?

20 AUDIENCE MEMBER: Yes.

21 MR. MARTIN: You should be able to find it on the  
22 Internet. Before you leave tonight, you can take one of my  
23 cards. I have some cards here, if anybody wants to take  
24 those. And then you can call me if you're unable to find  
25 it.

1                   AUDIENCE MEMBER: Just a general inquiry.

2                   MR. MARTIN: I'm sorry? What?

3                   AUDIENCE MEMBER: A general inquiry (inaudible).

4                   MR. MARTIN: The hotline? The hotline is really  
5 for problems. Yes. And it's mostly a construction and on  
6 type of thing.

7                   AUDIENCE MEMBER: (Off mike.)

8                   MR. MARTIN: Yeah. Okay, here's the hotline  
9 number, 888-889-8030. That's the toll-free number. Most of  
10 the calls that we get on the hotline are during construction  
11 or immediately afterwards. But people, you know, later on  
12 can feel free to use it.

13                   Just to be clear, we don't get involved in the  
14 easement negotiations. That's been the landowner and the  
15 pipeline company. So there's not much we can do to help  
16 with that part of it. But anything that involves ground  
17 disturbance or anything like that that's the part that we're  
18 involved in. Yes, sir?

19                   AUDIENCE MEMBER: Is that 24 hours a day.

20                   MR. MARTIN: The hotline folks? He asked if the  
21 hotline folks were there 24 hours a day. No. They're not.  
22 But there is an answering machine and I think they're  
23 normally there until about 6 or so Eastern time, so that  
24 would probably be 4 o'clock this time. But we also get in  
25 really early, so we can get right on it first thing in the

1 morning.

2 All right, if no one else has anything they want  
3 to say on the record, we can close the meeting. And we'll  
4 stay up here and you can come up and talk to us then, if  
5 you'd like to. I'll get some of my business cards out that  
6 have my phone number at work on it and you can call me if  
7 you have some issues, all right.

8 Thank you all for coming tonight, we really  
9 appreciate you showing up.

10 (Whereupon, at 6:40 p.m., the above-entitled  
11 scoping meeting was concluded.)

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