

APPENDIX N

COMMENTS ON THE DRAFT EIS AND RESPONSES

COMMENTS ON THE DRAFT EIS AND RESPONSES

INDEX

Document Number

Commentor

FEDERAL AGENCIES

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FA3	U.S. Army Corps of Engineers
FA4	Natural Resources Conservation Service
FA5	U.S. Environmental Protection Agency, Region 6

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PROJECT APPLICANT

APP1	Kinder Morgan Louisiana Pipeline LLC
APP2	Kinder Morgan Louisiana Pipeline LLC

Comments on the Draft EIS and Responses

FEDERAL AGENCIES

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NATIONAL MARINE FISHERIES SERVICE
REGULATORY COMMISSION



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue S
St. Petersburg, Florida 33701-5511
(727) 824-5317; Fax (727) 824-5300
<http://sero.nmfs.noaa.gov>

February 2, 2007 F/SER46:RH

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, D.C. 20426

ORIGINAL

Dear Secretary Salas:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the draft environmental impact statement (EIS) for the Kinder Morgan Pipeline Project (FERC Docket No. CP06-449-000) dated January 2007. The document evaluates the proposed installation of 135.5 miles of various diameter pipelines, as well as the construction of associated main block valves, metering, tie-in and pigging facilities. The purpose of these facilities is to deliver at least 3.39 million decatherms per day of regasified natural gas from the Sabine Pass LNG terminal into the national pipeline and underground storage grid. As indicated on page 4-59 of the draft EIS, NMFS understands that submittal of this document for review constitutes the initiation of consultation by the Federal Energy Regulatory Commission (FERC) regarding impacts to essential fish habitat (EFH) as required by the Magnuson-Stevens Fishery Conservation and Management Act.

To date, NMFS staff have coordinated extensively with the applicant on this project to ensure impacts to EFH and associated marine fishery resources were avoided to the maximum extent practicable. As a result of this coordination, much of the potential project-related adverse impacts to EFH were avoided through the use of horizontal directional drilling in the most sensitive wetland areas. However, there remains a significant potential for project implementation to impact EFH and associated marine fishery resources. As such, NMFS coordinated with the applicant to develop a mitigation plan that includes monitoring sufficient to determine if pipeline installation results in long term adverse impacts to tidally-influenced wetlands and other categories of EFH. That mitigation and monitoring plan is included as Appendix J of the draft EIS.

FA1-1

Section 5.2 of the draft EIS identifies conditions that FERC recommends be included in the Commission's Order for the proposed project. Condition 1 indicates that Kinder Morgan shall be required to follow construction procedures and mitigation measures as described in the EIS. Condition 27 states that Kinder Morgan shall be required to file a copy of the finalized Aquatic Resources Mitigation Plan developed in consultation with NMFS with the Secretary of FERC.

Based on our review of the draft EA, NMFS believes that the document adequately summarizes all resources of concern and fully evaluates the potential project-related impacts to those resources. Therefore, with the understanding that the recommended conditions identified above



FA1-1

Thank you for your comment.

2

FA1-1

would be included in the FERC license for this project, NMFS has no recommended revisions to the EIS and no EFH conservation recommendations to provide. Unless the project is revised further, this fulfills the EFH coordination requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If further coordination is necessary, please contact Richard Hartman in our Baton Rouge, Louisiana, office at (225) 389-0508 extension 203.

Sincerely,



for Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc:
NOD Regulatory, Little
FWS, Lafayette, Firmin
EPA, Dallas
LA DWF, Baikum
LA DNR, Consistency
F/SER 46, Ruehsamen
Files

FA1-1

Thank you for your comment.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
P.O. Box 26567 (MC-9)
Albuquerque, New Mexico 87125-6567



IN REPLY REFER TO:

ER 07/089
File 9043.1

March 6, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Ms. Salas:

Subject: COMMENTS on the Draft Environmental Impact Statement (DEIS) for the Proposed Kinder Morgan Louisiana Pipeline Project, Federal Energy Regulatory Commission (FERC) Docket No. CP06-449-000, Cameron, Calcasieu, Jefferson Davis, Acadia, and Evangeline Parishes, Louisiana

The U.S. Department of the Interior has reviewed the subject DEIS. The proposed project would be owned and operated by Kinder Morgan Louisiana Pipeline, LLC (KMLP), and would involve constructing and operating: (1) 132 miles of 42-inch-diameter pipeline (Leg 1) beginning within the Sabine Pass Liquefied Natural Gas (LNG) Terminal in Cameron Parish, extending through Cameron, Calcasieu, Jefferson Davis, and Acadia Parishes, and terminating at an existing Columbia Gulf Transmission interstate pipeline in Evangeline Parish; (2) 1.22 miles of 36-inch-diameter pipeline (Leg 2) beginning within the Sabine Pass LNG Terminal and terminating at an interconnect with the existing Natural Gas Pipeline Company of America pipeline just south of Louisiana Highway 82 in Cameron Parish; (3) 2.3 miles of 24-inch-diameter pipeline (Florida Gas Transmission [FGT] Lateral) extending from Leg 1 at milepost 110.60 and terminating at an interconnect with the existing FGT Compressor Station No. 7 in Acadia Parish; and (4) associated mainline block valves, metering, tie-in, and pigging facilities, and access roads.

The Department has reviewed the information provided and offers the following comments in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

General Comments

The DEIS is very well written and well organized. It adequately describes the purpose and need for the proposed action and the alternatives considered. As documented in the Fish and Wildlife Service's concurrence letter dated February 12, 2007, to AMEC Paragon, section 7 ESA consultation has been completed for the endangered red-cockaded woodpecker (RCW, *Picoides borealis*). According to the DEIS, FERC has also determined that the proposed project is not likely to adversely affect the endangered brown pelican (*Pelecanus occidentalis*) or threatened bald eagle (*Haliaeetus leucocephalus*). Although pelicans may feed or loaf within the proposed project area in Sabine Lake, there is an abundance of suitable habitat nearby for them to temporarily disperse into during project construction, and they would not be permanently displaced from the area. KMLP did not identify any bald eagle nests in proximity to the proposed project during field surveys; however, should a bald eagle nest be observed within 1,500 feet of the proposed project area during construction, KMLP would consult with the FWS Lafayette Field Office in Louisiana. In addition, KMLP states that no right-of-way (ROW) maintenance would occur within 1,500 feet of any bald eagle nests during the nesting season.

Based on that information, the FWS concurs with FERC's determination that the proposed project is not likely to adversely affect the brown pelican or the bald eagle. No further ESA consultation with the Lafayette Field Office will be required unless there are changes in the scope or location of the project or the proposed project has not been initiated within one year. If the proposed project has not been initiated within one year, follow-up consultation should be accomplished with the FWS prior to making expenditures because their threatened and endangered species information is updated annually. If the scope or location of the proposed project is changed, re-initiation of consultation should occur as soon as such changes are made.

Specific Comments

Page 1-5, Table 1.3-1 – We recommend that Table 1.3-1 be revised to include the Fish and Wildlife Coordination Act under the FWS list of consultation responsibilities.

Page 2-31, Section 2.3.1.2 Wetland Construction Techniques, Construction in Coastal (and other submerged) Wetlands – The coastal marsh within the proposed project area suffered considerable damage from Hurricane Rita in 2005. The Department is concerned that the already stressed coastal marsh would not be a suitable source of plants for re-vegetating the pipeline ROW post-construction due to the additional impacts that would occur from acquiring those specimens. We recommend, therefore, that the pipeline ROW be re-vegetated using the appropriate plant species from local commercial nurseries.

Page 4-13, Section 4.2.2.1 Construction Impacts, Revegetation – As noted in previous comments, many of the wetlands within the proposed project area suffered considerable damage from Hurricane Rita in 2005. Again, the Department recommends that the pipeline ROW be re-vegetated using the appropriate plant species from local commercial nurseries, instead of transplanting mature specimens from adjacent wetland areas.

FA2-1

FA2-2

FA2-3

FA2-4

FA2-1 Comment noted.

FA2-2 Table 1.3-1 has been revised to include the Fish and Wildlife Coordination Act with the FWS consultation.

FA2-3 Section 2.3.1.2 has been revised and we recommend that KMLP revegetate the construction right-of-way in coastal (and other submerged) wetlands using appropriate plant species from local nurseries and/or from plants removed from the construction right-of-way rather than using plants from adjacent wetlands/marshes.

FA2-4 Section 4.2.2.1 has been revised similarly to the above comment (FA2-3), requesting that KMLP not use plants from adjacent wetlands/marshes in revegetating the construction right-of-way.

FA2-5 | Page 4-23, Section 4.3.2.1 Affected Environment, Waterbody Crossing Methods – If Access Roads 15, 19, and FGT-2 cannot be re-routed to avoid wetlands, the Department recommends that those roads be constructed with the appropriate culvert size to maintain wetland hydrology in those areas. In addition, KMLP should mitigate for any additional unavoidable wetland impacts due to road construction.

FA2-6 | Page 4-70, Section 4.7.1 Federally Listed Threatened and Endangered Species, Birds – As noted in the General Comments above, ESA section 7 consultation for the RCW was completed in the FWS letter dated February 12, 2007. This section should be revised accordingly.

FA2-7 | Page 5-6, Section 5.1.7 Threatened and Endangered Species – As noted in previous comments, this section should also be revised to include the completed ESA section 7 consultation for the RCW.

FA2-8 | Page 5-16, Section 5.2 FERC Staff's Recommended Mitigation –As noted in earlier comments, KMLP has completed the ESA section 7 consultation for the RCW. Therefore, FERC Recommendation No. 28, stating that KMLP should consult with the FWS on RCW should be deleted.

FA2-9 | Appendix J Draft Aquatic Resource Mitigation Plan (Plan) – The Department generally supports wetland creation and restoration, as well as the use of mitigation banks as appropriate mitigation for unavoidable temporary and permanent project-related wetland impacts. The Department also supports wetland creation and restoration on its Sabine National Wildlife Refuge in Cameron Parish, Louisiana, as part of the draft Plan. The draft Plan proposes a mitigation ratio of 1:1 for temporary impacts, but does not discuss how that ratio was determined as the appropriate value to fully compensate for those impacts. The draft Plan also does not include the appropriate mitigation ratio for permanent wetland impacts or how that value will be determined. The FWS would be pleased to aid KMLP in the development of appropriate mitigation ratios for unavoidable temporary and permanent wetland impacts, and we look forward to reviewing a revised draft Plan.

We appreciate the opportunity to review the DEIS and to provide comments. If you have specific questions concerning these comments, please contact Brigitte Firmin of the Fish and Wildlife Service in the Lafayette Field Office at 337/291-3108.

Sincerely,



Stephen R. Spencer
Regional Environmental Officer

- FA2-5** The use of an appropriate culvert size in maintaining hydrology has been added to the conditions in section 4.3.2.1 and section 4.4.1, regarding access road construction in wetlands or across waterbodies.
- FA2-6** Comment noted and section 4.7.1 has been revised.
- FA2-7** Comment noted and section 5.1.7 has been revised.
- FA2-8** Comment noted and section 5.2 has been revised.
- FA2-9** KMLP filed their joint-permit application for work within the Louisiana Coastal Zone on February 28, 2007 which included the draft Aquatic Resources Mitigation Plan. The plan included in that application contained minor revisions to the draft plan that KMLP submitted to FERC, which is reprinted in Appendix J of this EIS. This plan will continue to be revised, reviewed, and commented on during the joint-permit application process. In this EIS, we recommend that the finalized Aquatic Resource Mitigation Plan be developed in consultation with FWS as well as COE, NOAA Fisheries Service, LDNR, and LDWF and filed with the Secretary for review and approval prior to construction.

-----Original Message-----

From: Little, James MVN [mailto:James.Little@mvn02.usace.army.mil]
Sent: Friday, March 16, 2007 6:31 PM
To: Medha Kochhar
Subject: DEIS Comments for Kinder Morgan Louisiana Pipeline (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Medha,

Here are the Corps comments for the proposed KMLP project.

- FA3-1 | 1) Pages 2-8 & 2-9, Section 2.2.1 - Pipeline construction right of way in unsaturated wetlands should be limited to the maximum extent practicable, 80' where possible, not to exceed 100' for Leg 1. The FGT lateral should be limited to the maximum of 80'. The area where Leg 1 and Leg 2 parallel, should be limited, is the need for 50' of separation between pipes really needed? What about 25' of separation and narrowing the right of way as much as possible.
- FA3-2 |
- FA3-3 | 2) Pages 2-24 thru 2-29, Section 2.3.1.2 - In wetlands where topsoil segregation is required, why can't the trench spoil be placed on top of the topsoil? The material will be placed back in the trench in reverse order and the mixing of soils should be minimal. This action would reduce the size of the right of way needed.
- FA3-4 |
- FA3-5 | 3) Page 2-31 - Pipeline construction in coastal wetlands. When revegetating the pipeline right of way, KMLP should use only vegetation that came from the right of way before construction or obtained from local nurseries. Plant material shall not be obtained from the surrounding marsh.
- FA3-5 | 4) Appendix J Draft Aquatic Resource Mitigation Plan - The Corps of Engineers will continue to work with KMLP and other resource and regulatory agencies on the mitigation plan for unavoidable wetland impacts. The Corps of Engineers will determine the appropriate ratios for the wetland impacts and provide this information to KMLP.

Classification: UNCLASSIFIED
Caveats: NONE

- FA3-1 | KMLP provided justification for right-of-way widths wider than 75 feet in wetlands based on unstable and saturated soil conditions, larger pipe-installation equipment, wider ditches, non-cohesive spoil piles during construction, and safety concerns. We agree that wider right-of-way widths are necessary for safe and efficient pipeline installation. We revised section 2.2.1 to state that we believe a 100-foot-wide construction right-of-way for Leg 1 and Leg 2 (where not parallel) in wetlands that would be crossed by the push-pull method, a 120-foot-wide construction right-of-way for Leg 1 and Leg 2 (where not parallel) in wetlands that would be caused by conventional construction methods, and a 75-foot-wide construction right-of-way for the FGT Lateral in wetlands are adequate. For wetlands where these right-of-way widths are not feasible, KMLP should file site-specific justifications for wider construction rights-of-way for review and written approval by the Director of OEP prior to construction.
- FA3-2 | Leg 1 and Leg 2 collocate inside the Sabine Pass LNG Terminal, which is considered an industrial area. As discussed in section 2.2.1, reducing the distance separating the pipes would not reduce impacts to environmental resources and may jeopardize worker safety.
- FA3-3 | In unsaturated wetlands where conventional construction methods would be used and topsoil segregated, we have reduced the right-of-way width to 120 feet wide (see section 2.2.1). We feel that further right-of-way width reductions would not be practicable with the unstable soil conditions found along the Project and may jeopardize worker safety.
- FA3-4 | Section 2.3.1.2 has been revised and recommends that KMLP revegetate the construction right-of-way in coastal (and other submerged) wetlands using appropriate plant species from local nurseries and/or from plants removed from the construction right-of-way rather than using plants from adjacent wetlands/marshes.
- FA-3-5 | Comment noted. We have included a recommendation in section 4.4.2 that KMLP finalize their Aquatic Resource Mitigation Plan in consultation with the COE along with FWS, NOAA Fisheries Service, LDNR, and LDWF and file it with the Secretary for review and approval prior to construction.

March 15, 2007

Ms. Magalie R. Salas
 Secretary
 Federal Energy Regulatory Commission
 888 First Street, N.E., Room 1A
 Washington, D.C. 20426

FILED
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 2007 MAR 21 P 3:56
 FEDERAL ENERGY REGULATORY COMMISSION

Dear Ms. Salas:

RE: Docket No. CP06-449-000

As requested in your letter of January 2007, the Natural Resources Conservation Service has reviewed the draft Environmental Impact Statement Assessment (EIS) for the proposed Kinder Morgan Louisiana Pipeline Project Pass and offers the following comments.

General Comments on the Draft EIS

The draft EIS is well written and generally provides an adequate description of the proposed project, the affected environmental resources, and the anticipated project impacts to those resources. The project area includes coastal marshes that range from saline to fresh. That salinity gradient is very important in terms of plant and animal diversity and provides unique estuarine habitat. Unfortunately, the salinity gradient has been altered by changes to the hydrology in the area, mainly the creation of the GIWW and Sabine and Calcasieu Ship Channels. It is therefore important to ensure that installation and maintenance of the proposed project will not temporarily or permanently increase salt-water intrusion into the fresh and intermediate marshes that exist inside the project area. The environmental impacts of that should then be evaluated in the EIS.

FA4-1

Specific Comments on the Draft EIS

Executive Summary, Page ES-2 – The comments received from NOAA, USFWS, and LDWF on your March 24, 2006 'Notice of Intent to Prepare an Environmental Impact Statement,' should be included as an Appendix in the Final EIS.

FA4-2

Page 4-38, Section 4.4.1. Affected Environment – As the federal sponsor of the Perry Ridge Shore Protection Project, we suggest that in addition to the agencies listed, KMLP consult with NRCS regarding the specific construction and restoration plans for crossing the Perry Ridge Shore Protection Project.

FA4-3

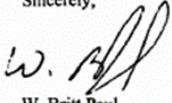
- FA4-1 We have revised section 4.5.1 and 5.1.4 to address saltwater intrusion. We have included a recommendation that KMLP use trench breakers at boundaries between salt marshes and fresh to intermediate marshes to minimize the intrusion of saltwater.
- FA4-2 Comment letters received on the Notice of Intent have not been included as an appendix to the final EIS, but they are available online in FERC Docket No. PF06-16-000. Section 1.4 and table 1.4-1 of the final EIS also summarize those comments and highlight issues raised in the comment letters and other input that we received during scoping. Comment letters received on the draft EIS are included in this appendix N.
- FA4-3 In the condition in section 4.4.1, we have added NRCS to the list of agencies that we recommend KMLP consult with in order to develop the site-specific construction and restoration plan for crossing the Perry Ridge Shore Protection Project.

Ms. Magalie Salas
March 15, 2007
Page 2 of 2

FA4-4 | Page 5-3, Section 5.1.4, Wetlands – We recommend including measures to minimize saltwater intrusion in this section.

We appreciate the opportunity to provide comments. If you have any questions or need further information, please contact Troy J. Mallach at 337-291-3064.

Sincerely,



W. Britt Paul
Assistant State Conservationist
for Water Resources and Rural Development

cc: Troy J. Mallach, Wildlife Biologist, NRCS, Lafayette, Louisiana

FA4-4 As discussed in response to comment FA4-1, we have revised the text in section 4.5.1 and section 5.1.4 to address salt water intrusion.

ORIGINAL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

March 16, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E. Room 1A
Washington, DC 20426

FILED
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SECRETARY
2007 MAR 21 P 4 12
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

Dear Ms. Salas: **Docket No: CP06-449-000**

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the Kinder Morgan Louisiana Pipeline Project. The proposed action includes the construction of a 132 mile long 42 inch diameter pipeline beginning at Sabine Pass Liquefied Natural Gas (LNG) Terminal in Cameron Parish and proceeding easterly to an existing Columbia Gulf Transmission interstate pipeline in Evangeline Parish, Louisiana.

EPA rates the DEIS as "LO," i.e., EPA has "**Lack of Objections**" to the proposed action as described in the DEIS. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact me 214-665-7451 or by e-mail at jansky.michael@epa.gov.

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Building, 1200 Pennsylvania Ave. N.W., Washington, D.C. 20460.

Sincerely yours,

Michael P. Jansky
Regional EIS Coordinator

FA5-1

FA5-1 Thank you for your comment.

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Comments on the Draft EIS and Responses

STATE AGENCIES



KATHLEEN BABINEAU BLANCO
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES

BRYANT O. HAMMETT, JR.
SECRETARY

March 19, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

RE: *Docket Number: CP06-449-000*
Applicant: Kinder Morgan Louisiana Pipeline, LLC
Notice Date: January 29, 2007

Dear Ms. Salas:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) reviewed the Draft Environmental Impact Statement (DEIS) as referenced above. Based upon this review the following has been determined:

SA1-1 LDWF staff has concerns regarding the proposed crossing methods for Bayou des Cannes (FGT Lateral mile post 1.57) and Tiger Point Gulley (mile post 113.27). A horizontal directional drill is the preferred and recommended crossing method for these two water bodies due to the relatively high quality of existing aquatic habitat and adjacent forested wetlands, as well as the likely presence of significant recreational fisheries. There shall be no construction within or adjacent to the banks of these two water bodies outside of the FERC mandated time window for construction for warmwater fisheries (i.e., June 1 to November 30).

SA1-2 It appears that the applicant has requested numerous segments of temporary right-of-way (ROW) measuring 125 feet in width within wetland areas. The temporary ROW width should not exceed 75 feet in wetlands. Should there be a need to expand the temporary ROW width beyond 75 feet in wetlands, the applicant should identify site-specific areas where existing soils lack adequate unconfined compressive strength that would result in excessively wide ditches and/or difficult to contain spoil piles. LDWF staff understands that wetland soil properties vary significantly throughout the proposed pipeline corridor and across the State. However, previous projects have shown that a 42-inch pipeline can be constructed with a 75-foot wide temporary ROW in wetlands.

SA1-3 LDWF staff generally supports wetland creation and restoration, as well as the use of mitigation banks as appropriate mitigation for unavoidable project-related wetland impacts. In some cases, wetland preservation is appropriate if the applicant can demonstrate that the

P. O. BOX 98000 • BATON ROUGE, LOUISIANA 70808-0000 • PHONE (225) 765-2600
AN EQUAL OPPORTUNITY EMPLOYER

SA1-1 KMLP has agreed to HDD Tiger Point Gulley (MP 113.3 on Leg 1) and Bayou des Cannes (MP 1.6 on the FGT Lateral) which would minimize impacts in those areas. Since construction would not occur within or adjacent to the banks of these waterbodies as was originally proposed, construction may occur outside of the time window allowed for construction in warmwater fisheries mandated in FERC's Procedures. We have revised section 4.3.2.1 accordingly.

SA1-2 KMLP provided justification for right-of-way widths wider than 75 feet in wetlands based on unstable and saturated soil conditions, larger pipe-installation equipment, wider ditches, non-cohesive spoil piles during construction, and safety concerns. We agree that wider right-of-way widths are necessary for safe and efficient pipeline installation. We revised section 2.2.1 to state that we believe a 100-foot-wide construction right-of-way for Leg 1 and Leg 2 (where not parallel) in wetlands that would be crossed by the push-pull method, a 120-foot-wide construction right-of-way for Leg 1 and Leg 2 (where not parallel) in wetlands that would be caused by conventional construction methods, and a 75-foot-wide construction right-of-way for the FGT Lateral in wetlands are adequate. For wetlands where these right-of-way widths are not feasible, KMLP should file site-specific justifications for wider construction rights-of-way for review and written approval by the Director of OEP prior to construction.

SA1-3 In section 4.4.2, we have included a recommendation that KMLP finalize its Aquatic Resource Mitigation Plan in consultation with LDWF along with FWS, COE, NOAA Fisheries Service, and LDNR, and file it with the Secretary for review and approval prior to construction.

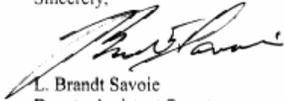
SA1-3 aquatic resources to be preserved are subject to a demonstrable threat or that preservation prevents the decline of said resources. The applicant shall develop a final mitigation plan designed to off-set all impacts to fish and wildlife resources. The mitigation plan shall be approved by the resource and regulatory agencies. The approved mitigation plan shall be incorporated as part of the conditions of the FERC Certificate.

SA1-4 One 24-inch culvert should be installed every 250 feet when installing access roads through wetlands. Culverts should be maintained to ensure that existing flow of surface water is uncompromised.

SA1-5 These recommendations/findings do not address concerns regarding impacts to public oyster resources within Sabine Lake. Additional comments/provisions from LDWF Marine Fisheries Division with respect to the protection and conservation of the Sabine Lake Public Oyster Tonging Area will be included in the Louisiana Department of Natural Resources' Coastal Use Permit (CUP). These comments/provisions will include a requirement to provide compensation to LDWF for impacts to the public oyster tonging area, as well as additional permit provisions to further protect the public oyster tonging area. The applicant should continue to address all oyster issues within the Sabine Lake Public Oyster Tonging Area with LDWF Biologist Program Manager Patrick Banks (225-765-2370).

The Department of Wildlife and Fisheries seeks to work with you in a facilitative manner on this and future such endeavors. Please do not hesitate to contact Kyle Balkum (225-765-2819) of our Habitat Section should you need further assistance.

Sincerely,



L. Brandt Savoie
Deputy Assistant Secretary

kfb/gsb

c: Kyle Balkum, LDWF Biologist Program Manager
Patrick Banks, LDWF Biologist Program Manager
Christy Lavergne, LDWF Biologist
Gretchen Brown, LDWF Biologist
James Little, USACE
Jim Rives, LDNR (P20070268)
Tamara Mick, EPA
Rick Hartman, NOAA
Brigette Firmin, USFWS

SA1-4 Section 4.4.1 has been revised to include a condition that KMLP file construction plans for access roads in wetlands with details on culvert size and placement to maintain wetland hydrology.

SA1-5 Section 4.6.2.3 discusses how KMLP would minimize impacts and appropriately compensate for oysters lost due to sedimentation in Sabine Lake. More detailed provisions are included in the CUP application submitted to LDWF and we agree that ongoing contact between KMLP and the LDWF is appropriate in assuring that all oyster issues are addressed prior to construction. This section has also been revised to reflect that Sabine Lake is an oyster tonging area and not an oyster seed ground.

Comments on the Draft EIS and Responses

PROJECT APPLICANT

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement**

	Section	Page	Draft EIS Statement	KMLP Comment
APP1-1	Executive Summary	ES-3	To minimize impacts, KMLP proposes to conduct 18 horizontal directional drill (HDD) operations to install the pipeline under 24 waterbodies (some of the HDDs would encompass more than one waterbody).	KMLP now proposes to cross Tiger Point Gully and Bayou des Cannes on the FGT Lateral using the HDD construction method. (See detailed discussion in our comments to Condition No. 20 from Section 5.2, below.) Also, one HDD was omitted from Table 4.3.2.1-3. Therefore, the total number of HDDs is now 21.
APP1-2	Executive Summary	ES-3	In addition, 147 waterbodies would be crossed by bore and two would be crossed using a flume.	In Table 2-3 of Resource Report 2, we list three waterbody crossings by flume. Only one, East Bayou Lacassine at MP 84.94 is less than 30 feet wide and a state-designated significant fishery, and therefore required to be crossed by dry-ditch method (i.e., flume) in accordance with Section V.B.6 of the FERC Procedures. The other two are crossings of Bayou des Cannes on the mainline (MP 124.71) and on the FGT Lateral (MP 1.57). Although a state-designated significant fishery, Bayou des Cannes is wider than 30 feet at both crossing locations (56.25 feet and 60.48 feet, respectively), so a dry-ditch crossing method is not required. KMLP proposes to open cut the mainline crossing of Bayou des Cannes without a flume, but will HDD the crossing on the FGT Lateral. KMLP will correct Table 2-3 accordingly.
APP1-3	Executive Summary	ES-3	KMLP would compensate LDWF for each bottom substrate directly impacted by pipeline construction and also for oysters lost due to sedimentation on the reefs.	The mechanism for compensation to LDWF for lost oyster resources is, to our knowledge, based solely on the type of bottom substrate directly impacted by pipeline construction through the oyster tonging area. We are not aware of a mechanism to assess the impacts to oysters and determine a compensation value. KMLP will seek clarification of this issue through consultation with LDWF.
APP1-4	Executive Summary	ES-3	With regard to the RCW, we are recommending that KMLP file documentation of further consultation with FWS along with survey reports and FWS comments on all necessary RCW surveys.	The RCW survey and consultation with FWS has been completed. The survey report and FWS consultation documentation was filed with FERC on 01/25/07. The FWS concurred by letter dated 02/12/07 that the project is not likely to adversely affect the RCW. No further action is required. Consultation documentation is included with this filing. This condition can be deleted in the Final EIS.
APP1-5	Executive Summary	ES-4	Lastly, we evaluated 15 route variations to avoid or reduce construction impacts to localized, specific resources.	There are now 17 route variations; the HDD of Bayou des Cannes on the FGT Lateral and the HDD of Tiger Point Gully have been added since the issuance of the draft EIS. (Note: The first variation of Tiger Point Gully was filed with FERC on 01/25/07; the HDD will be considered a second variation of Tiger Point Gully.)

- APP1-1 References to the number of HDDs crossing waterbodies has been revised to 21 HDDs crossing 26 waterbodies in the Executive Summary and section 4.3.2.1.
- APP1-2 References to dry-ditch method waterbody crossing methods have been revised to state only one waterbody, East Bayou Lacassine, would be crossed by flume. See the revised Executive summary, sections 2.3.1.3 and 4.3.2.2.
- APP1-3 The executive summary and section 4.6.3.2 have been revised to reflect KMLP's commitment made in comment App1-62 to compensate LDWF for the three-year average dockside value of the live oysters identified within 1,500 feet of the construction workspace during their August 2006 assessment to account for oysters impacted by sediment during construction. Requirements for compensation for impacts to oysters, as well as additional provisions to further protect the public oyster tonging area, would be approved by LDWF as part of the LDNR CUP.
- APP1-4 The executive summary and section 4.7.1 have been updated to reflect the results of the RCW surveys and consultations with FWS by stating that the Project is not likely to adversely affect the RCW.
- APP1-5 References to the number of route variations considered in the EIS have been revised from 15 to 17 route variations.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-6	1.4	1-6	KMLP held meetings with regulatory agencies on May 12, 2005, July 21, 2005, December 7, 2005, and July 23, 2006.	The December 7, 2005 contact was actually an email to multiple agencies and not a meeting. The July 23, 2006 meeting should be corrected to June 23, 2006.
APP1-7	2.1.1	2-4	Leg 1 would have eight additional MLVs installed at locations specified by U.S. Department of Transportation (DOT) safety regulations, i.e., in areas of relatively sparse population in order to minimize the social impacts of blowdown noise and the likelihood of vandalism.	The DOT regulations at 49 CFR Part 192 set the spacing requirements of MLVs along the pipeline based on class location, which is determined by population density, but they do not require that MLVs be located in areas of relatively sparse population in order to minimize the social impacts of blowdown noise and the likelihood of vandalism. This latter statement should be deleted.
APP1-8	2.1.3	2-7	To the extent possible, KMLP would access the right-of-way and facilities (once built) from existing roads and from roads crossed by the right-of-way.	Since KMLP will access the construction right-of-way from existing roads to the extent possible, the parenthetical phrase "once built" should be deleted.
APP1-9	2.1.3	2-7	Wherever possible, new access roads would be constructed of board matting, which would be removed after the construction phase.	Board mats will be used to construct new temporary access roads where it is necessary to prevent permanent impacts, such as in wetlands where rutting is occurring or where gravel/crushed rock cannot be readily removed from soft soils upon completion of construction. In most other locations (e.g., in uplands), gravel/crushed rock with an engineering fabric underlayment will be used to construct new temporary access roads. New permanent access roads will be constructed of gravel/crushed rock.
APP1-10	2.2	2-7	Of this, 841 acres would be required for operation of the Project facilities. The remaining 2,190 acres would be restored to pre-construction land use.	With the exception of the aboveground facilities, most of the 841 acres required for operation of the pipeline are within the permanent right-of-way and would also be restored to pre-construction land use upon completion of construction. As written, it implies that none of the 841 acres would be restored. Exceptions would include no permanent structures within operations right-of-way, and no trees greater than 15 feet in height would be allowed within 15 feet of the pipeline.
APP1-11	2.2.1	2-9	A 155-foot-wide construction right-of-way where the 42-inch-diameter Leg 1 and 36-inch-diameter Leg 2 are parallel and 50 feet apart.	FERC should also specify the right-of-way width that would be allowed for the 36-inch-diameter Leg 2 where it is not parallel to Leg 1.

APP1-6 The referenced date in section 1.4 has been corrected.

APP1-7 The referenced text in section 2.1.1 has been revised to incorporate this comment.

APP1-8 The referenced text in section 2.1.3 has been revised to incorporate this comment.

APP1-9 Section 2.1.3 has been revised to clarify the difference between temporary and permanent access road construction materials used in wetlands and upland areas.

APP1-10 The referenced text in section 2.2 has been revised to discuss the acreage restored and used for the permanent right-of-way easement separately from the acreage used by aboveground facilities and permanent access roads.

APP1-11 The referenced text in section 2.2.1 has been revised to state the right-of-way width that would be allowed for the 36-inch-diameter Leg 2 where it is not parallel to Leg 1.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-12	2.2.1	2-9	The push-pull method would be used in wetland crossings less than 100 feet, but in crossings greater than 100 feet the push-pull method is not feasible due to the excessive distance between accessible fabrication staging areas.	The discussion of the justification of right-of-way widths is correct with the exception of this statement. The push-pull method is feasible and will be used in saturated and submerged wetlands greater than 100 feet in length. The 100-foot width is required because of the extremely saturated and unstable soils through these segments of the route. By pre-fabricating the pipe in a stationary fabrication work space and floating the pipe down the flooded pipe trench, work space for fabrication is not required adjacent to the trench, thereby keeping the right-of-way width to the minimum required for the trench and spoil pile.
APP1-13	2.3.1	2-12	In Table 2.3.1-1: Saturated Wetland with topsoil segregation	Topsoil will typically not be segregated in saturated wetlands because of the difficulty in distinguishing the horizon between the topsoil and subsoils. This line should state "Saturated Wetland without topsoil segregation." This is correctly stated in Section 2.3.1.2 on page 2-24.
APP1-14	2.3.1.1	2-14	Timber and other vegetation debris might be chipped for us as erosion-control mulch, burned, or otherwise disposed in accordance with applicable state and local regulations and landowner crossing agreements.	During the Interagency Meeting on 10/05/06, the USFWS requested that KMLP not plan to burn timber or vegetation debris. At the request of the USFWS, KMLP will plan to chip or mulch timber or vegetation debris.
APP1-15	2.3.1.1	2-15	The individual joints would be transported to the right-of-way by truck and placed by small crane in a single continuous line (i.e., string) along the excavated trench.	Delete the word "small."
APP1-16	2.3.1.1	2-16	The test water would be discharged through an energy-dissipating device (two rows of hay bales staked to the ground with a silt fence in between in a 30-35-foot circle) in compliance with NPDES permit conditions.	The hydrostatic test water discharge structure shown on Figure 1-36 of Resource Report 1, and as described in the parenthetical statement in this sentence, is intended to be typical, or representative of the type of structure that will be used to dissipate discharge energy. The actual structures at each discharge location may vary in configuration depending upon site-specific conditions, such as slope, distance to waterbody, flow rate of water to be discharged, vegetative cover, etc. Each structure will be designed to meet the requirements of the NPDES discharge permit, including prevention of erosion. We recommend deleting the parenthetical statement.

APP1-12 Section 2.2.1 has been revised to state that we agree with the justification for a construction right-of-way in wetlands wider than 75 feet, as limited in our Procedures. See appendix D of this EIS for a discussion of KMLP's request for different right-of-way widths based on the length of the wetland to be crossed. We revised section 2.2.1 to state that we believe a 100-foot-wide construction right-of-way is adequate for Leg 1 and Leg 2 (where not parallel) in wetlands where the push-pull method would be used and a 120-foot-wide construction right-of-way is adequate for Leg 1 and Leg 2 (where not parallel) in wetlands where conventional construction methods would be used. We also believe a 75-foot-wide construction right-of-way is reasonable for installing the FGT Lateral in wetlands. For wetlands where these right-of-way widths are not feasible, KMLP should file site-specific justifications for wider construction rights-of-way for review and written approval by the Director of OEP prior to construction.

APP1-13 The referenced text in section 2.3.1 has been revised to incorporate this comment.

APP1-14 The referenced text in section 2.3.1.1 has been revised to incorporate this comment.

APP1-15 The referenced text in section 2.3.1.1 has been revised to incorporate this comment.

APP1-16 The referenced text in section 2.3.1.1 has been revised to incorporate this comment.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

	Section	Page	Draft EIS Statement	KMLP Comment
APP1-17	2.3.1.2	2-27	Topsoil would be segregated except in areas where standing water is present or soils are saturated or frozen.	By definition, saturated wetlands are wetlands where soils are saturated. Submerged wetlands are where there is standing water. Topsoil would not be segregated in either saturated or submerged wetlands. Since this statement is in the "Construction in Saturated Wetland" section, this sentence should read "Topsoil would not be segregated in saturated wetlands." Also, frozen soils are not typically found in the project area.
APP1-18	2.3.1.2	2-27	Tidal marsh located between SH 82 and the southern shore of Sabine Lake between MP 1.5 to MP 3.92 and submerged freshwater marsh between MP 32.3 and MP 35.2 would be crossed using the push-pull method where conditions are compatible (i.e., wetland crossings less than 100 feet).	The push-pull method is proposed at the referenced locations, not because the crossings are less than 100 feet, but because the locations are submerged and saturated marsh, the segments are relatively straight, and there are no foreign pipelines to be crossed. The push-pull method would result in fewer impacts than conventional construction with pipe fabrication adjacent to the trench.
APP1-19	2.3.1.2	2-27 - 2-31	However, because of the saturated condition of the soils, the slopes of both the pipe trench and the spoil pile would be very shallow, requiring a proportionately wider construction space for the trench and spoil pile (estimated to be 90 feet).	The width should be 100 feet, as shown on Figure 2.3.1.2-5, Figure 1-44 in Resource Report 1, and as mentioned in Resource Report 1 (page 92).
APP1-20	2.3.1.3	2-31 - 2-33	To capture drilling fluids in water-to-water HDDs and to minimize the release of drilling fluids to the surface waterbody, a casing would be placed between the entry pit and the drill barge. Solids from any drilling fluids released to a surface waterbody would either settle out in the containment pits, or be rapidly dissipated by natural currents.	KMLP does not propose installing a casing between the entry pit and the drill barge because the drilling fluids would settle out in the containment pits, as correctly described in the second sentence. However, "Solids from any" should be deleted from the second sentence since any soil cuttings (i.e., solids) would not be separated from the drilling fluids. The drilling fluids would be a non-toxic mixture of approximately 95 percent water, 5 percent naturally-occurring bentonite clay, and a minor quantity of inert polymer modifiers, if required. This drilling fluid mixture is heavier than water, facilitating its settlement in the entry pit.
APP1-21	2.3.1.3	2-33	The length of pipeline that can be installed by HDD depends upon soil conditions and pipe diameters, and is limited by available technology and equipment sizes (however, the maximum limit of HDD is about 5,000 feet).	As correctly stated, the length of an HDD installation is dependent upon several factors. It is not necessarily limited to 5,000 feet. For example, the Mears Group reports completions up to 7,100 feet in length (see http://64.26.25.245/hdd.html), and Michels reports spans of over 15,000 feet (see http://www.michels.us/michels-us/Home/Divisions/MichelsDirectionalCrossings/tabid/64/Default.aspx). The longest HDD proposed on the KM Louisiana Pipeline project is approximately 5,800 feet. For these reasons, the parenthetical statement should be deleted.

- APP1-17 The referenced text in section 2.3.1.2 has been revised to incorporate this comment.
- APP1-18 The referenced text in section 2.3.1.2 has been revised to incorporate this comment.
- APP1-19 The referenced text in section 2.3.1.2 has been revised to incorporate this comment.
- APP1-20 The referenced text in section 2.3.1.3 has been revised to incorporate this comment.
- APP1-21 The referenced text in section 2.3.1.3 has been revised to incorporate this comment.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-22	2.3.1.3	2-33	Also, it requires prefabrication of a section of pipe aboveground that is equal to the length of the HDD portion, and then pull that string back into the hole, the process disturbs the land cover and can create a depression (called a false trench) in areas outside the construction right-of-way.	We are not familiar with the term “false trench.” Typically, if the HDD is directly in line with the adjacent section of conventionally installed pipe, the section of pipe to be pulled into the HDD borehole is prefabricated in that adjacent right-of-way, requiring no additional work space. If the HDD is not aligned with the adjacent segment, it is necessary to prefabricate the pull section in an extra work space, commonly referred to as a “false right-of-way.” While the surface may be disturbed in the extra work space by the prefabrication activities (e.g., the passage of trucks and equipment, the fabrication of pipe on cribbing or rollers), no excavation occurs, nor is a depression created.
APP1-23	2.3.1.3	2-33	The open cut crossing method is proposed for most minor waterbody crossings where dry (unsaturated) soil conditions are anticipated on the banks.	The open cut crossing method is proposed for most minor waterbodies, but is not limited to those minor waterbody crossings where there are dry soil conditions on the banks. Also, change “coil” to “soil.”
APP1-24	2.3.1.3	2-33	This technique is similar to an upland open-cut technique.	This sentence should read, “This technique is similar to conventional upland construction methods,” in order to be consistent with the title of Section 2.3.1.1.
APP1-25	2.3.1.3	2-33	KMLP proposes to cross all waterbodies up to 30-feet wide by dry ditch method, e.g., flume and horizontal bore.	In accordance with FERC Procedures, Section V.B.6, KMLP will cross waterbodies up to 30 feet wide that are state-designated as significant fisheries using a dry-ditch method. Only one waterbody crossed by the KM Louisiana Pipeline less than 30 feet wide (East Bayou Lacassine at MP 84.94) is designated as a significant fishery and will be crossed by flume. This sentence should therefore be deleted. It should be replaced by a sentence from Resource Report 1 (page 60): “Where a dry-ditch crossing method is not specifically required by the Procedures, the waterbody may be crossed using the open-cut (“wet”) crossing method.
APP1-26	2.3.1.3	2-34	Both would be excavated to at least 5 feet below the surface.	To provide the minimum cover between the bottom of the roadside ditches and the top of the pipe, the pits must be dug much deeper than 5 feet below the surface (i.e., the depth of the ditch, plus 5 feet cover, plus the diameter of the pipe). While it is true this is at least 5 feet, the statement is potentially misleading. We recommend deleting the sentence.

- APP1-22 Section 2.3.1.3 has been revised to incorporate this comment. A “false right-of-way” refers to the extra workspace needed to prefabricate the pull section when the HDD is not aligned with the adjacent right-of-way segment. No excavation occurs in this extra workspace, but the surface in the workspace is disturbed by the prefabrication activities and by pulling the prefabricated pipe into the borehole.
- APP1-23 The referenced text in section 2.3.1.3 has been revised to incorporate this comment.
- APP1-24 The referenced text in section 2.3.1.3 has been revised to incorporate this comment.
- APP1-25 The referenced text is in a subsection of section 2.3.1.3 describing dry waterbody crossing techniques. The paragraph has been revised to state the requirements of our Procedures to use dry waterbody crossing methods to cross waterbodies up to 30 feet wide that are state-designated significant fisheries only apply to the crossing of East Bayou Lacassine at MP 84.9 of the Project. East Bayou Lacassine would be crossed by flume. Additionally, KMLP proposes to cross other small waterbodies by horizontal bore.
- APP1-26 The referenced text in section 2.3.1.3 has been revised to incorporate this comment.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment
APP1-27	2.3.1.3 2-35	Figure 2.3.1.3-2, Flume Crossing Method	Although titled “Flume Crossing Method,” Figure 2.3.1.3-2 is actually a drawing of a dam-and-pump method, based on our Figure 1-54 from Resource Report 1. We provided two figures (Figures 1-50 and 1-52) that can be used as a base for your flume method figure. (Note: This comment applies to Figure 2.3.1.2-2 in the electronic copy of the draft EIS from the FERC eLibrary. The correct figure is provided in the hard bound copy of the draft EIS.)
APP1-28	2.3.1.3 2-36	Where avoidance was not feasible, anomalies were further investigated by probing, sampling, or diving, and either removed or recovered, as appropriate and as approved by local agencies.	Based on an analysis of the shallow-hazards survey data, the proposed pipeline, as routed, will not affect any potentially significant cultural resources in Sabine Lake. Therefore, any anomalies within the construction workspace would only represent potential obstructions to the installation of the pipeline. These anomalies will be further investigated just prior to excavation of the pipe trench, if any are deemed to be potentially significant obstructions. No probing, sampling, diving, removal, or recovery was performed on anomalies in Sabine Lake. Therefore, this sentence should be changed to future tense, as written in Resource Report 1 (page 86).
APP1-29	2.3.1.3 2-40	KMLP pipelines would be installed by horizontal bore under most single pipelines, as shown in figure 2.3.1.3-6. In areas where pipelines are highly congested or are near major waterbodies or wetlands, HDD would be used (see table 4.3.2.1-3). KMLP proposed to use two consecutive HDDs to cross a high concentration of pipelines from MP 25.3 to MP 26.8. Because the HDD plans in KMLP’s application were incomplete, we recommend: KMLP file with the Secretary a site-specific construction plan for the crossing of foreign pipeline corridors between MP 25.3 and MP 26.8. These site-specific plans should include scaled drawings identifying all areas that would be disturbed by construction.	Most single foreign pipeline crossings would be excavated, not bored. Also note that Figure 2.3.1.3-6 is not necessarily of a bored crossing. HDD will not necessarily be used in all areas where foreign pipelines are highly congested. Most multiple-pipeline corridors can and will be safely crossed without using HDD. Foreign pipelines are relatively congested between the KM Louisiana Pipeline exit from the north end of Sabine Lake (MP 18) to the crossing of the GIWW (MP 31). Much of this area is also wetland, and there are multiple waterbodies to cross. KMLP has decided that using several HDDs in this area would minimize impacts to environmental resources while simultaneously simplifying the crossing of the pipeline corridors. KMLP will prepare site-specific plans for all HDDs for COE approval and submittal to FERC, including the two located between MP 25.3 and MP 26.8.
APP1-30	2.3.1.3 2-43	There are no residences (i.e., homes) within 50 feet of the edge of the proposed construction right-of-way. However, the pipeline would cross several residential areas between MP 38 and 124 which would involve barns and sheds within 50 feet of the edge of the construction right-of-way. In these areas, KMLP would reduce construction workspace areas as practicable to minimize inconvenience to property owners; at some locations HDD might be used to minimize surface disturbance to residences and other buildings near the right-of-way.	The proposed pipeline was routed such that no residences are within 50 feet of the construction work space. While some other types of buildings and structures, such as barns and sheds, are within 50 feet of the workspace, only four (a cattle loading pen at MP 71.09, a shed at MP 91.41, a storage shed at MP 123.08, and a dog kennel at MP 123.10) fall within the workspace and will be directly affected by pipeline construction. KMLP has committed to relocate these four structures or compensate the landowners for their loss (see Resource Report 1, page 81). KMLP reduced the construction right-of-way to 75 feet at MP 38.30 to clear a hunting camp by more than 50 feet. KMLP does not propose to reduce the workspace any further due to the proximity of non-residential structures, such as barns and sheds, in residential areas.

- APP1-27 Figure 2.3.1.3-2 in this final EIS shows the same drawing of a flume as in the hard bound copy of the draft EIS. Figure 2.3.1.3-2 in the electronic copy of the EIS has been replaced with the same drawing of a flume.
- APP1-28 The referenced text in section 2.3.1.3 has been revised to incorporate this comment.
- APP1-29 The referenced text in section 2.3.1.3 has been revised to indicate that KMLP would excavate under most foreign pipelines and has proposed to HDD highly congested pipeline corridors that are near major waterbodies or wetlands.
- APP1-30 The referenced text in section 2.3.1.3 has been revised to clarify that no residences are within 50 feet of the construction right-of-way. The last sentence regarding reducing construction workspace areas or the use of HDDs has been removed.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-31	2.3.3	2-44	Each extra workspace would be surveyed and staked, cleared, and graded in a manner that took account the use of the land on which it is to be located. In general, this would be the same manner as the nearest portion of right-of-way (because their land uses would in general be identical).	Please clarify these two sentences. It is not clear how the manner of surveying, staking, clearing, or grading would be affected by the use of the land. Furthermore, while much of the right-of-way overlaps existing utility corridors, extra workspaces often fall outside of the existing corridors and therefore have different land uses. Finally, extra workspaces and access roads included in this section are not typically referred to as "Ancillary Facilities."
APP1-32	2.4	2-44	KMLP would employ locally based, full-time staff to operate and maintain the proposed pipeline system. Maintenance activities would include monitoring, inspection, and repair of the right-of-way, and cleaning of the pipeline.	Not all maintenance activities would be performed by full-time KMLP staff. KMLP expects to hire 4 full-time personnel (see Resource Report 8, page 15) for operations, and their duties would typically include monitoring the operating parameters of the pipeline, inspection of the condition of the right-of-way, routine preventative maintenance, and testing of the safety and cathodic protection systems. Many maintenance tasks, such as intelligent pig inspections, right-of-way mowing, tree removal, grading to repair ground surface erosion, etc. would likely be performed by contractors.
APP1-33	2.5	2-46	KMLP is considering but has not committed to requesting the use of our Third-Party Compliance Monitoring and Variance Request Program for pipeline construction and restoration.	KMLP has decided to request the use of FERC's Third-Party Compliance Monitoring and Variance Request Program. A commitment letter was filed with FERC on 01/25/07.
APP1-34	3.4	3-13	As part of its project development and route selection process prior to filing its application, KMLP considered 15 route variations to Leg 1.	Considering the change in the crossing of Tiger Point Gully to HDD, the total variations for Leg 1 would be 16. Similarly, changing to an HDD crossing of Bayou des Cannes would be a variation on the FGT Lateral.
APP1-35	3.4	3-14	Table 3.4-1	Add the HDD crossings of Tiger Point Gully and Bayou des Cannes on the FGT Lateral to Table 3.4-1.
APP1-36	4.1.2	4-5	The Project would cross the western-most portion of a chenier known as Garrison Ridge. This crossing would be done by HDD to avoid impacts to this chenier.	The HDD at the southern end of Sabine Lake is being done to avoid construction impacts to the shoreline of the lake, not to avoid Garrison Ridge.

- APP1-31 The referenced heading has been changed to "Ancillary Areas" as these areas are referred to throughout the rest of the document. The referenced text has been changed to "Each extra workspace would be surveyed and staked, cleared, and graded."
- APP1-32 Section 2.4 has been revised to incorporate this comment.
- APP1-33 Section 2.5 has been revised to reflect KMLP's decision to request the use of the Third-Party Compliance Monitoring and Variance Request Program.
- APP1-34 Section 3.4 has been revised to discuss the route variations at Tiger Point Gully by Leg 1 and Bayou des Cannes by the FGT Lateral, for a total of 17 route variations.
- APP1-35 Table 3.4-1 has been revised to include the HDD crossings of Tiger Point Gully by Leg 1 and Bayou des Cannes by the FGT Lateral.
- APP1-36 Section 4.1.2 has been revised to state that the purpose of the HDD is to avoid impacts to the shoreline of Sabine Lake, and as a result avoids the Garrison Ridge chenier.

**Kinder Morgan Louisiana Pipeline LLC
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Section	Page	Draft EIS Statement	KMLP Comment	
APP1-37	4.1.1	4-6	However, in order to minimize impact to the borrow pit at MP 52.7, we recommend that: Prior to the closing of the draft EIS comment period, KMLP file with the Secretary a letter from the borrow pit owner addressing the existing and future use of this resource.	KMLP has obtained a letter from the borrow pit owner and will submit it to the Secretary prior to the close of the comment period.
APP1-38	4.2.2.1	4-12	In these areas, use of heavy equipment would result in compaction. Some of these impacts would be avoided by the use of HDD especially under waterbodies. In other areas, board roads or low-ground pressure equipment would be used to prevent severe compaction.	This could be construed as board roads or low-ground pressure equipment would be used in all areas not avoided by HDD. As stated in Resource Report 7 (page 42), "Board roads or low-ground pressure equipment would be used in wetland areas where rutting is observed."
APP1-39	4.2.2.1	4-14	KMLP would minimize impacts on prime farmland by constructing the pipelines in accordance with our Plan and Procedures. Mitigation measures employed to minimize impacts on prime farmland would include topsoil segregation, compaction relief, removal of excess rock, and restoration of agricultural drainage systems.	According to the USDA Handbook No. 18, October 1993, prime farmland is "Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses." Although available for these uses, not all prime farmland is being used for crops, and should not be confused with the more specific FERC designation of actively cultivated cropland. KMLP will comply with the FERC Plan (Section IV.B) and segregate topsoil in actively cultivated or rotated croplands and pastures. Therefore, unless all prime farmland in the Project area is also actively cultivated or rotated croplands or pastures, mitigation measures, including topsoil segregation and compaction relief, may not be applied to all prime farmland soils. Also, as stated in Resource Report 1 (page 98), "The feasibility of segregating topsoil in rice fields and crawfish ponds will depend upon the water level and degree of soil saturation at the time of construction."
APP1-40	4.2.2.2	4-15	The SWPPP and SPRP would remain effective during operation of the pipeline to minimize and mitigate impacts of soil contamination.	The SWPPP and SPRP described in Resource Report 1 (page 44) would be applicable to construction activities only, and would describe temporary BMPs. Final erosion control measures would be specified in the detailed design of the pipeline and facilities, and spill prevention and control during operations would be covered by a separate facilities plan as part of KMLP operating procedures.

- APP1-37 Section 4.1.1 has been revised to include the information from the pit owner. The pit owner has confirmed that the pit would be excavated to a depth of 20 to 25 feet before being used as a Construction Demolition Landfill.
- APP1-38 The referenced text has been revised to specify that boards or low-ground pressure equipment would be used in wetland areas where rutting is observed or in areas with soft soils where gravel may not easily be removed.
- APP1-39 The referenced text intended to provide examples of how soils categorized as prime farmland may be protected by the mitigation measures required by our Plan and Procedures. Our Plan and Procedures do not specifically address prime farmland soils, but include measures that would be taken based on current land use of the soils. Section 4.2.2.1 has been revised to clarify the methods that may be used.
- APP1-40 Section 4.2.2.2 has been revised to incorporate this comment.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

	Section	Page	Draft EIS Statement	KMLP Comment
APP1-41	4.3.1.2	4-19	Additionally, in order to minimize potential adverse effects to wells resulting from construction of the Project, KMLP would notify landowners in the general vicinity of the proposed construction right-of-way of their ability to request well testing and monitoring prior to and after construction.	As stated in Resource Report 2 (page 11), KMLP would contact each landowner in the general vicinity of the pipeline to confirm the locations of private wells within 150 feet of the construction work space and public wells within 400 feet. This clarifies the meaning of “general vicinity”.
APP1-42	4.3.2.1	4-20	The proposed pipeline would also cross 13 major waterbodies (16 waterbody crossings): Sabine Lake, Sabine River, Black Bay Cutoff, GIWW, Vinton Drainage Canal, Bayou Choupique, Calcasieu River, Calcasieu Tributary, Calcasieu Tributary (swamp), two unnamed waterbodies, Bayou Nezpique, and Tiger Point Gulley.	Tiger Point Gully is not a major waterbody (i.e., it is not greater than 100 feet across). However, KMLP will cross Tiger Point Gully by HDD. KMLP will provide a corrected Table 2-3.
APP1-43	4.3.2.1	4-21	Table 4.3.2.1-3	The directional drill at MP 22.71 to MP 23.45 was omitted (see Tables 1-11 and 1-12 and the preliminary alignment sheets in Appendix 1-A of Resource Report 1). Also, add the HDD crossings of Tiger Point Gully and Bayou des Cannes on the FGT Lateral, for a new total of 21 HDDs.

- APP1-41 The referenced text has been revised to incorporate this comment by defining the distance from the construction workspace in which landowners would be notified of their ability to request well testing and monitoring prior to and after construction.
- APP1-42 The referenced text in section 4.3.2.1 has been revised to state 12 major waterbodies would be crossed by the Project. The reference to Tiger Point Gulley as a major waterbody has been removed.
- APP1-43 Table 4.3.2.1-3 has been revised to incorporate this comment.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment
APP1-44	4.3.2.1 4-22	<p>However, the FWS, COE, and the LDWF have recommended that Tiger Point Gulley along with Bayou Barwick and Bayou des Cannes be crossed using HDDs to avoid and minimize impacts to these waterbodies and adjacent resources; therefore, we recommend that: KMLP evaluate the feasibility of using the HDD method to cross Tiger Point Gulley at MP 113.3 and Bayou Barwick at MP 109.2 along Leg 1 and Bayou des Cannes along the FGT Lateral at MP 1.57, and develop a site-specific construction plan for each of these crossings in coordination with FWS and LDWF that clearly identifies all construction work areas including the laydown area for the pipe string if the HDD method is determined to be feasible. KMLP should file the results of its evaluation, the site-specific construction plans, and any agreed upon mitigation measures to minimize impacts on riparian areas and the associated forested wetlands. KMLP should file the above information with the Secretary for review and written approval by the Director of OEP prior to the close of the comment period on the draft EIS.</p>	<p>KMLP agrees to cross Tiger Point Gully at MP 113.3 and Bayou des Cannes at MP 1.57 on the FGT Lateral using the HDD construction method, instead of the open cut method originally proposed in the application. On 02/27/07, KMLP visited the Bayou Barwick crossing at MP 109.2 with FERC and Mr. James Little of the COE. Mr. Little asked if open cut construction could be done at this location with a reduced 80-foot construction ROW for a distance of approximately 500 feet either side of Bayou Barwick. KMLP agreed to the 80-foot construction ROW at this location. Consultation documentation is included with this filing. We believe this satisfies the intent of this recommendation to resolve the crossing method at these locations prior to the close of the draft EIS comment period.</p> <p>Site-specific construction plans for HDD crossings are being developed for the COE permit application review process and will be submitted to FERC when completed, along with other applicable mitigation measures negotiated with the COE. This recommendation can therefore be modified in the Final EIS to require site-specific construction plans and mitigation measures prior to construction. KMLP will submit supplemental information to FERC describing the effects of these changes on the data presented in the resource reports (primarily adjustments to quantities in various tables), along with revised preliminary alignment sheets of the areas affected. KMLP will provide this supplemental information in time for FERC to incorporate the appropriate data changes in the tables in the Final EIS.</p>
APP1-45	4.3.2.1 4-23	<p>KMLP has stated that access road improvements would include grading, placement of gravel for stability, replacing or installing culverts, and clearing of overhead vegetation; however, it does not specify how these waterbodies would be crossed and the COE has indicated that drainage ditches in this region function as flowing waters (COE, 2006) and must be protected as waterbodies; therefore, we recommend that: Prior to construction of Access Roads 15, 19, and FGT-2, KMLP reroute these access roads to avoid crossing drainage ditches at MPs 52.3 and 61.4 of Leg 1, and avoid crossing Bayou des Cannes Tributary at MP 2.3 of the FGT Lateral.</p>	<p>KMLP discussed Access Roads 15, 19, and FGT-2 with Mr. James Little of the COE after the FERC Public Meeting in Lake Charles on 02/26/07. Access Road 15 crosses a minor swale beside Highway 384 (Big Lake Road) and is required to access an HDD entry extra workspace. There is no alternative location for Access Road 15 that would not cross the swale. Mr. Little concurred, and recommended the use of board mats to construct the temporary access. Access Road 19 is a permanent road required to access the Sabine Interconnect site from Tank Farm Road. There is no alternative location for the road that would not cross a roadside ditch, and the road is as short as possible. Mr. Little concurred with KMLP's proposal to construct the road of gravel with culvert(s) sized to accommodate the flow of the ditch. FGT-2 is located where specified by the landowner. There is no alternative location for a permanent road to access the FGT Interconnect site from Fournerat Road without crossing the tributary (this is a tributary of Bayou Marron). Mr. Little concurred with the KMLP proposal to construct the road of gravel with culverts sized to accommodate the flow of the tributary. Consultation documentation is included with this filing. Based on this COE consultation, this recommendation should be deleted in the Final EIS.</p>

APP1-44 Section 4.2.3.1 has been revised to discuss the proposed crossing of Tiger Point Gulley at MP 113.3 of Leg 1 and Bayou des Cannes at MP 1.57 on the FGT Lateral by HDD, and the proposed open-cut construction across Bayou Barwick. The condition to evaluate the feasibility of HDD has been removed.

APP1-45 Based on our visit to these waterbodies, we agree that Access Roads 15, 19, and FGT-2 can not be rerouted to avoid the roadside drainage ditches. We revised section 4.3.2.1 and recommend that KMLP provide construction plans including culvert size, copies of permits, and landowner concurrence to cross these waterbodies.

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Comments on Draft Environmental Impact Statement (Continued)**

	Section	Page	Draft EIS Statement	KMLP Comment
APP1-46	4.3.2.2	4-25	Impacts to Bayou des Cannes would be minimized by using a flume.	Bayou des Cannes is crossed on the mainline at MP 124.71 and on the FGT Lateral at MP 1.57. Although a state-designated significant fishery, Bayou des Cannes is wider than 30 feet at both crossing locations (56.25 feet and 60.48 feet, respectively), so a dry-ditch crossing method (i.e., flume) is not required by FERC Procedures (Section V.B.6). KMLP proposes to open cut the mainline crossing of Bayou des Cannes without a flume. However, KMLP agrees to HDD the crossing on the FGT Lateral. KMLP will correct Table 2-3 accordingly.
APP1-47	4.3.2.3	4-27	Where adjustments of the pipeline were deemed infeasible, locations of potential obstructions or cultural resources would be further investigated and regulatory agencies consulted as discussed in section 4.10 of this draft EIS.	KMLP received concurrence on the final marine archaeological survey report on 02/13/07 and copies were filed with FERC on 02/20/07. Consultation has been completed regarding marine cultural resources. Consultation documentation is included with this filing.
APP1-48	4.4.1	4-31 - 4-40	Table 4.4.1-2 and all associated text where wetland acreages are referenced in section 4.4.1.	KMLP requests that FERC provide backup calculations to the wetland acreages since they do not appear to directly correlate with wetland acreages presented by KMLP in Resource Report 2. Furthermore, some of these acreages will change as a result of the additional HDDs.
APP1-49	4.4.1	4-32	Therefore, in section 4.3.2.1, we are recommending that the FGT Lateral cross Bayou des Cannes and associated wetlands by HDD.	KMLP has agreed to cross Bayou des Cannes on the FGT Lateral by HDD.

APP1-46 The referenced text in section 4.3.2.2 has been revised to state that KMLP proposes to cross Bayou des Cannes at MP 124.7 by open cut. Because Bayou des Cannes is a state-designated warmwater fishery, our Procedures require that no construction be conducted outside of the warmwater fishery construction time window of June 1 to November 30.

APP1-47 We have revised the text in section 4.3.2.3 to point out that no significant cultural resources would be directly impacted by construction in Sabine Lake. Further discussion can be found in section 4.10, and in response to comments APP1-74, 75, 76, and 77.

APP1-48 Differences in wetland impacts between KMLP's application and the draft EIS are mainly due to the fact that KMLP excluded prior-converted wetlands that were seen to be in crop rotation from their wetland calculations. Because a jurisdictional wetland determination from COE has not been made, we included all wetlands reported by KMLP in our calculations. The draft EIS wetland numbers included all wetland acreage included in Tables 2-6 and 2-9 (rev from EIR 1c) for construction impacts (minus any acreage mitigated by HDD). Operational impacts included all wetland acreages included in Tables 2-7 and 2-9 (rev from EIR 1c). Calculated numbers do include acreages of all access roads originally entered into Table 2-6, regardless of whether or not the land use category was changed to "Transportation, Communication, Utilities" in EIR 3. It was also determined that the revised Table 2-9 in EIR 1c was to be used over the revised Table 8-6 in EIR 15 which states that a portion of the site would be located in forested wetlands.

The total wetland acreage affected during construction of the Project is 612.0 acres, which includes 609.3 acres from Table 2-6, as well as 2.7 acres for aboveground facilities from Table 2-9. However, KMLP has also stated that 107.8 acres of wetlands would be crossed by HDD (Tables 2-6 and 2-8), reducing the total impact to 504.2 acres during construction. The difference in total is likely to stem from Table 2-8 where the construction impact in wetlands is stated as 482.4 acres; however, this number includes acres avoided by HDD and excludes prior converted wetlands. A list of prior converted wetlands (equating to approximately 126.7 acres), was provided in Appendix 2-B of KMLP's Application.

Along the same lines, operational impacts within wetlands were stated as 205.8 in the draft EIS, which includes all wetlands listed in Tables 2-7 and 2-9 of KMLP's application. The draft EIS presents a higher operational wetland impact number because it includes the prior converted wetlands whereas KMLP does not.

APP1-49 The referenced text has been revised to state that KMLP would cross Bayou des Cannes on the FGT Lateral by HDD to avoid forested wetlands impacts.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-50	4.4.1	4-32	Therefore, we recommend that: KMLP use hand clearing methods for clearing vegetation in the path of HDDs in wetland areas.	KMLP requests that FERC clarify what would be considered “hand clearing methods.” For example, KMLP understands that it would be restricted from using heavy, tracked, construction equipment, such as bulldozers and track hoes, but KMLP would propose to use handheld power tools, such as chain saws and brush trimmers.
APP1-51	4.4.1	4-35	Therefore, we recommend that: KMLP evaluate alternative routes for Access Road 4-5 or provide justification for the wetland impacts associated with its construction in wetlands.	KMLP discussed Access Road 4-5 with Mr. James Little of the COE after the FERC Public Meeting in Lake Charles on 02/26/07. Access Road 4-5 is a short new road that is required to cross approximately 100 feet of wetlands to access the pipeline right-of-way and push-pull fabrication site (at about MP 35.2) from the end of an existing 6,700-foot long road, Access Road 4-4. Since the right-of-way is surrounded by wetlands at this location, it is not possible to access the right-of-way without crossing wetlands, and Access Road 4-5 is as short as possible. The only alternative would be to use the pipeline right-of-way from Gum Cove Road, requiring several hundred passages of pipe trucks and construction equipment through approximately 3,000 feet of wetland. Mr. Little concurred, and recommended Access Road 4-5 be constructed of board mats to minimize permanent impacts. Consultation documentation is included with this filing. Based on this COE consultation, this recommendation should be deleted in the Final EIS.
APP1-52	4.4.2	4-39	The proposed pipeline route is located adjacent to existing rights-of-way to the extent practical so that the construction right-of-way would overlap with existing permanent rights-of-way. The amount of overlap would be limited to 15 feet to minimize wetland impacts.	The proposed construction right-of-way overlap onto the existing pipeline right-of-way is limited to 15 feet (in a 50-foot-wide existing right-of-way) in order to keep KMLP construction equipment a safe distance from the existing operating pipeline to prevent damage to that pipeline, not to minimize wetland impacts, although that may be a result.
APP1-53	4.4.2	4-40	Therefore, we are recommending in section 4.3.2.1 that KMLP evaluate the feasibility of the FGT Lateral to cross Bayou des Cannes and associated wetlands by HDD.	KMLP has agreed to cross Bayou des Cannes on the FGT Lateral by HDD.
APP1-54	4.6.1.2	4-50	Therefore, in section 4.3.2.1, we are recommending that KMLP consult with LDWF, FWS, and COE regarding the appropriate crossing methods and collocation through the forested areas near MP 113.1 of Leg 1 and MP 1.4 of the FGT Lateral.	The Leg 1 crossing of Tiger Point Gully (MP 113.1) and the FGT Lateral crossing of Bayou des Cannes (MP 1.4) will be done by HDD. The centerline route across Tiger Point Gully will remain essentially as proposed in the application. Any further consultations regarding relocation of the proposed centerline to the existing pipeline corridor to minimize forest fragmentation are unnecessary, since surface disturbances to the forested area will be avoided by HDD, and an HDD could not span the entire distance of forested area along the existing corridor.

- APP1-50 The recommendation has been expanded to clarify that hand clearing methods can include hand-held power tools (e.g., bush trimmers, chains saws) and non-mechanized tools (e.g., machetes, saws, clippers), but cannot include bulldozers, backhoes, bush hoppers, or other such equipment.
- APP1-51 The referenced condition has been removed and the revised text incorporates this comment. In response to comments from COE, FWS and LDWF, we have added a condition that KMLP file construction plans for Access Roads 2, 3, and 4-5 with details on culvert size and placement in order to maintain wetland hydrology.
- APP1-52 The referenced text in section 4.4.2 has been revised to emphasize that collocation with existing pipeline rights-of-ways allows for a narrower construction right-of-way which minimizes impacts to wetlands.
- APP1-53 See response to App1-44.
- APP1-54 See response to App1-44.

**Kinder Morgan Louisiana Pipeline LLC
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	Section	Page	Draft EIS Statement	KMLP Comment
APP1-55	4.6.1.2	4-50	KMLP has also proposed to use a total of 18 HDDs to cross a variety of habitats consisting mainly of waterbodies and wetlands.	KMLP now proposes to cross Tiger Point Gully and Bayou des Cannes on the FGT Lateral using the HDD construction method. (See detailed discussion in our comments to Condition No. 20 from Section 5.2, below.) Also, one HDD was omitted from Table 4.3.2.1-3. Therefore, the total number of HDDs is now 21.
APP1-56	4.6.1.2	4-51	KMLP has stated that it would employ a qualified biologist to survey the work area during the 2007 nesting season, and again immediately prior to construction (in areas where construction occurred during the nesting season.)	As stated in Resource Report 2 (page 43), KMLP plans to employ a biologist to perform a survey of the work area during the 2007 nesting season and again immediately prior to construction should construction occur during a time period that may impact colonial waterbird nesting. The statement "(in areas where construction occurred during the nesting season)" should be changed to future tense.
APP1-57	4.6.2.2	4-53	To further reduce the potential for impacts within Bayou des Cannes at the FGT Lateral crossing, we include a recommendation in section 4.3.2 that KMLP evaluate the feasibility of the FGT Lateral crossing Bayou des Cannes by HDD.	KMLP has agreed to cross Bayou des Cannes on the FGT Lateral by HDD.
APP1-58	4.6.3.1	4-56	Sabine Lake is designated by the Louisiana Administrative Code (Title 33, Part 6) to support oyster propagation.	Louisiana Administrative Code Title 33, Part IX designates Sabine Lake for oyster propagation.
APP1-59	4.6.3.1	4-56	Sabine Lake is considered to be a public oyster seed ground and public oyster tonging area.	Sabine Lake is designated as a public tonging area under Louisiana Revised Statutes (RS) 56:435.1. Public oyster seed grounds are designated by LDWF in Louisiana Administrative Code Title 76, Part VII, Chapter 5; we can find no reference that Sabine Lake is designated as a public oyster seed ground.
APP1-60	4.6.3.1	4-56	Activities affecting productive public oyster areas require a CUP that can be obtained by the applicant after a water bottom assessment is provided to LDWF and approved.	While this may be true, it implies that the Coastal Use Permit (CUP) is specifically for activities affecting oysters. The CUP covers all activities in the Louisiana Coastal Zone. It could be clarified that clearance from the LDWF for impacts to oyster resources is a necessary step in the CUP approval process.
APP1-61	4.6.3.1	4-56	A ponar dredge was also used to collect samples and identify species in the surveyed areas.	The oyster resources assessment also included diving on identified reefs.

APP1-55 The total of HDDs has been changed from 18 to 21.

APP1-56 The referenced text has been revised from "in areas where construction occurred" to "areas where construction would occur."

APP1-57 This sentence has been deleted.

APP1-58 The reference to the Louisiana Administrative Code has been corrected.

APP1-59 The reference to public oyster seed ground has been removed.

APP1-60 Section 4.6.3.1 has been revised to state that approval of a water bottom assessment by LDWF is a step in the CUP approval process.

APP1-61 The following sentence has been added to the referenced text, "Species identification was also conducted by diving on identified reefs."

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Section	Page	Draft EIS Statement	KMLP Comment	
APP1-62	4.6.3.2	4-58	The LDWF indicated that compensation for impacts to public oyster seed grounds shall be in the form of planting cultch material (i.e., crushed concrete, limestone, oyster shell, etc.) at the rate of one cubic yard per acre of impacted area for barren, non-supportive areas of the seed grounds, 50 cubic yards for supportive areas, and 187 cubic yards for reef areas plus the value of any living oyster resources destroyed.	The compensation described also applies to oyster tonging areas; this is an important distinction if it is confirmed that Sabine Lake is not designated as a public oyster seed ground (see comment to page 4-56 above). According to the LDWF formula (LDWF, November 4, 2003), compensation should include the value of live oysters on reefs impacted by construction. Although the LDWF document does not specifically address impacts from sedimentation, KMLP agrees to compensate LDWF for the three-year average dockside value of live oysters impacted by sediment within 1,500 feet of construction. Rather than attempt to differentiate between those oysters that were and were not actually impacted by sediment, KMLP will calculate compensation based on the estimated number of live oysters per acre of reef within 1,500 feet of the construction work space as reported in the our August 2006 assessment (i.e., assume that all live oysters on reefs within 1,500 feet would be lost). KMLP will also rely on this assessment report to calculate compensation based on bottom type.
APP1-63	4.7.1	4-66	Table 4.7.1-1	The RCW survey and consultation with FWS has been completed. The survey report and FWS consultation documentation was filed with FERC on 01/25/07. The FWS concurred by letter dated 02/12/07 that the project is not likely to adversely affect the RCW. No further action is required. Consultation documentation is included with this filing.
APP1-64	4.7.1	4-70	KMLP has been unable to obtain access from some landowners to complete surveys of all potentially suitable habitat areas for RCW.	All potentially suitable habitat areas for RCW have now been surveyed and the results included in the report submitted to FWS and FERC.
APP1-65	4.7.1	4-70	Therefore, we recommend that: KMLP consult with the FWS to determine the need for and methodology of additional surveys for red cockaded woodpecker (RCW) along the pipeline route or provide concurrence from the FWS that the project is not likely to adversely affect the RCW.	The RCW survey and consultation with FWS has been completed. The survey report and FWS consultation documentation was filed with FERC on 01/25/07. The FWS concurred by letter dated 02/12/07 that the project is not likely to adversely affect the RCW. No further action is required. Consultation documentation is included with this filing.
APP1-66	4.8.1.2	4-77	KMLP would construct 14 aboveground facilities. Each of these facilities is an interconnect with an existing interstate or intrastate pipeline that would contain a mainline valve and a block valve.	Only the CGT Interconnect at the termination of the mainline (MP 132.16) contains a mainline block valve (MLV #10). All other mainline block valves are within the permanent right-of-way. Each interconnect site does contain a block valve to isolate the site from the mainline.

- APP1-62 Sabine Lake was incorrectly identified as an oyster seed ground as well as a public oyster tonging area in the draft EIS. Section 4.6.3.2 has been revised to discuss only the compensation measures that would be taken for impacts to oyster tonging areas.
- APP1-63 Table 4.7.1-1 has been revised to reflect concurrence by FWS that the Project is not likely to adversely affect the RCW.
- APP1-64 Section 4.7.1 has been revised to discuss the completion of an RCW survey report and consultation with FWS.
- APP1-65 The referenced condition in section 4.7.1 has been removed and the text has been revised to state that consultation with FWS for the RCW is complete.
- APP1-66 The referenced text has been revised to indicate that an interconnect would contain a mainline valve or a block valve.

**Kinder Morgan Louisiana Pipeline LLC
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	Section	Page	Draft EIS Statement	KMLP Comment
APP1-67	4.8.1.3	4-78	Where possible, board matting would be used instead of constructing new roads.	Board mats will be used to construct new temporary access roads where it is necessary to prevent permanent impacts, such as in wetlands where rutting is occurring or where gravel/crushed rock cannot be readily removed from soft soils upon completion of construction. In most other locations (e.g., in uplands), gravel/crushed rock with an engineering fabric underlayment will be used to construct new temporary access roads. New permanent access roads will be constructed of gravel/crushed rock.
APP1-68	4.8.1.4	4-78	All yards would be leased.	Although this may be true, it might also become necessary for KMLP to purchase land for pipe storage and contractor yards. KMLP would not wish to be restricted in its options; therefore, this sentence should be deleted.
APP1-69	4.8.3.1	4-78	In accordance with our Plan, KMLP would implement special construction procedures in agricultural areas to minimize potential impacts. Topsoil would be removed and stockpiled separately from excavated subsoils and the natural flow patterns of all fields would be maintained by providing breaks in topsoil and subsoil stockpiles.	Topsoil segregation will not be done in all agricultural areas. It should be clarified that topsoil segregation will only be done in those agricultural areas specified in the FERC Plan (Section IV.B.), i.e., actively cultivated or rotated cropland and pastures; hayfields; and other areas at landowner's request.
APP1-70	4.8.3.2	4-79	As discussed in section 4.6.3, Sabine Lake is a public oyster seed ground and public oyster tonging area in Louisiana. As such, KMLP has agreed to compensate LDWF for any construction-related impacts to oysters or shellfish in Sabine Lake.	Sabine Lake is designated as a public tonging area under Louisiana Revised Statutes (RS) 56:435.1. Public oyster seed grounds are designated by LDWF in Louisiana Administrative Code Title 76, Part VII, Chapter 5; we can find no reference that Sabine Lake is designated as a public oyster seed ground. Also, while KMLP will compensate LDWF for impacts to oysters as discussed elsewhere, we are unaware of any requirement or mechanism for other shellfish compensation.
APP1-71	4.8.3.6	4-80	Therefore, we recommend that: KMLP revise table 4.8.3.6-1 and explicitly identify all structures and residences within 50 feet of the construction work areas. KMLP should file the revised table with the Secretary prior to the close of the comment period on the draft EIS.	KMLP participated with FERC on a driving tour of the Project route on 02/27/07, at which time the subject buildings were observed and photographs taken. Using that information, KMLP will revise table 4.8.3.6-1 (or Table 8-7 from Resource Report 8) with a more explicit description of those 9 structures identified simply as "Buildings." Two buildings will be added to Table 8-7, at MP 123.08 and MP 123.10, as a result of observations made during the driving tour. Subsequent to the driving tour, it was determined that the building previously reported at MP 123.09 is actually a small residence. This residence is within 40 feet of a 50-foot by 605-foot extra work space. KMLP will reduce the size of the extra work space and/or change its shape to maintain at least 50 feet of clearance between the extra work space and the residence. For this reason, the building/residence at MP 123.09 will be deleted from Table 8-7. KMLP will submit a revised preliminary alignment sheet showing this work space modification separately. Also, note that the last two columns of the table were switched when the table was transferred from the resource reports to the draft EIS. The revised table will be submitted prior to the close of the comment period on the draft EIS.

APP1-67 The referenced text in section 4.8.1.3 has been revised to incorporate this comment.

APP1-68 The referenced text in section 4.8.1.4 has been revised to incorporate this comment.

APP1-69 Section 4.8.3.1 has been revised to clarify that topsoil segregation is only required in active agricultural areas.

APP1-70 The reference to public oyster seed ground and shellfish has been removed from the text.

APP1-71 Table 4.8.3.6-1 and associated text in section 4.8.3.6 have been revised with the information provided in the revised Table 8-7. The referenced recommendation has been removed.

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Section	Page	Draft EIS Statement	KMLP Comment	
APP1-72	4.8.4.2	4-84	Therefore, we recommend that: KMLP develop a site-screening plan for the Transco Interconnect site (MP 122.1) and file that plan with the Secretary for review and written approval by the Director of OEP prior to construction.	KMLP visited the Transco Interconnect site with FERC during a driving tour of the route on 02/27/07. It was KMLP's understanding that FERC would be satisfied with a screening plan based on planted vegetation around the perimeter of the site. KMLP will propose a vegetative screen consisting of a hardy, relatively low-maintenance, evergreen shrub, such as a ligustrum or privet. KMLP will submit the plan to FERC prior to construction.
APP1-73	4.8.5	4-85	KMLP has consulted with the CMD and will prepare and submit a Coastal-Use Permit application to the CMD as part of the Joint Permit Application with the COE.	KMLP submitted the Joint Permit Application to the COE on 02/28/07. A copy of the permit application was filed with FERC on 3/07/07.
APP1-74	4.10.1	4-93	Once Louisiana site numbers are assigned, KMLP will incorporate these into the survey report and submit it for the SHPO's review and concurrence with eligibility evaluations.	Louisiana site numbers were assigned and KMLP incorporated these into the draft survey report and submitted it for the SHPO's review and concurrence with eligibility evaluations. On 11/21/06 KMLP received a letter from the Louisiana SHPO concurring with the management recommendations contained within the September 2006 draft report. On 01/16/07 KMLP received a letter from the Louisiana SHPO concurring with the recommendations contained within the marine remote sensing cultural resources report.
APP1-75	4.10.3	4-94	KMLP archaeologists assessed all of these sites as ineligible for NRHP listing, and recommended no further work for these cultural resources.	This is an incorrect statement. Target 6, located along the proposed pipeline route in Lake Sabine, was recommended for avoidance or further investigation in consultation with Louisiana SHPO. In follow-up consultation with the Louisiana Division of Archaeology on 03/07/07, Mr. Duke Rivet concurred with our proposed avoidance plan for Target 6. No further action regarding Target 6 is required. Consultation documentation is included with this filing.
APP1-76	4.10.3	4-94	SHPO review of the survey report and concurrence with the eligibility assessments and recommendations is pending.	SHPO review of the survey report and concurrence with the eligibility assessments and recommendations was received on 11/21/06.
APP1-77	4.10.3	4-95	KMLP archeologists recommend either avoidance of Target 6 or further investigation in consultation with regulatory authorities.	The SHPO approved the final marine archeological survey report on 02/13/07. A copy of this report was filed with FERC on 02/20/07. In follow-up consultation with the Louisiana Division of Archaeology, Mr. Duke Rivet concurred with our proposed avoidance plan for Target 6. No further action regarding Target 6 is required. Consultation documentation is included with this filing.

- APP1-72 This condition has been removed and the text has been revised to include the proposed vegetative screen. The revised text also states that KMLP would file a site-specific screening plan with the Secretary prior to construction.
- APP1-73 The referenced text in section 4.8.5 has been revised to incorporate this comment.
- APP1-74 Section 4.10.1 has been revised to discuss the consultations with SHPO that have been completed since the draft EIS was published.
- APP1-75 The referenced text has been revised to state that one site, Target 6, was found eligible for NRHP listing. KMLP proposed to avoid Target 6 by more than 1,000 feet and has received concurrence from the SHPO that this avoidance measure is acceptable.
- APP1-76 The text in section 4.10 has been revised to discuss consultations with SHPO that have been completed since the draft EIS was published.
- APP1-77 The text has been revised to discuss the approval of the avoidance plan for Target 6 by SHPO and Louisiana Division of Archaeology.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

	Section	Page	Draft EIS Statement	KMLP Comment
APP1-78	4.12.2.2	4-115	The HDD site at MP 99.8 is located in Acadia Parish and is within 500 feet of a residence. Acadia Parish Ordinance 13-87 prohibits operation of construction equipment within 500 feet of a residential area between 10 pm and 7 am.	The nearest residence to the HDD work space at MP 99.8 is 550 feet away. Therefore, the Acadia Parish Ordinance 13-87 restricting construction activities within 500 feet would not be applicable.
APP1-79	4.12.2.2	4-115	To ensure that no NSAs are exposed to excessive noise during drilling operations, we recommend that: Prior to construction, KMLP file with the Secretary for review and written approval by the Director of OEP a noise mitigation and compliance plan for HDD operations at MP 44.5, MP 49.6, and MP 99.8. This plan should identify mitigation measures such as noise barriers, temporary housing, etc. to be implemented prior to the start of drilling operations to reduce noise from HDD activities to below 55 dBA at these NSAs.	As noted in the draft EIS, "There are no applicable noise ordinances at MP 49.6 in Calcasieu Parish because the distance from the HDD site to the NSA, which is a fishing camp, exceeds 165 feet." The nearest residence to the HDD work space at MP 99.8 is 550 feet away. Therefore, the Acadia Parish Ordinance 13-87 restricting construction activities within 500 feet would not be applicable. KMLP will submit a noise mitigation plan for HDD operations near the residence at MP 44.5 prior to construction, but we do not believe that a noise mitigation plan is required for HDD operations at MP 49.6 and MP 99.8. If complaints about noise are received from residents at these locations during construction, KMLP will address noise mitigation at that time.
APP1-80	5.1.3	5-2	KMLP proposes to use the HDD crossing method in 18 locations to avoid impacts to 24 waterbodies (some HDDs would cross more than one waterbody).	One HDD was omitted from Table 4.3.2.1-3, so KMLP originally proposed 19. With the additions of Tiger Point Gully and Bayou des Cannes on the FGT Lateral, the total number of HDDs is now 21.
APP1-81	5.1.3	5-2	In response to comments from FWS, COE, and LDWF, we are also recommending KMLP evaluate the feasibility of using the HDD method to cross the Tiger Point Gulley (MP 113.3) and Bayou Barwick (MP 109.2) along Leg 1, and Bayou des Cannes (MP 1.57) along the FGT Lateral to avoid impacts to adjacent riparian and wetland areas.	KMLP agrees to cross Tiger Point Gully at MP 113.3 and Bayou des Cannes at MP 1.57 on the FGT Lateral using the HDD construction method, instead of the open cut method originally proposed in the application. KMLP will cross Bayou Barwick at MP 109.2 using the open cut method as originally proposed, but now proposes to reduce the temporary right-of-way at this crossing to 80 feet to reduce construction impacts.

APP1-78 Section 4.12.2.2 has been revised to incorporate this comment.

APP1-79 The NSA at MP 49.6 has been removed from the condition after our site visit to confirm that the building is a fishing camp and not a residence. We disagree that the NSA at MP 99.8 should be removed because it does not fall within the distance of the local noise ordinance. The NSA at MP 99.8 is a residence where sounds levels are expected to exceed 55 dBA during HDD operations. We have kept the condition that KMLP develop and file noise mitigation plans for the residences at MP 44.5 and 99.8 to reduce noise from HDD activities at these NSAs.

APP1-80 The referenced text in section 5.1.3 has been revised to incorporate this comment.

APP1-81 The referenced text in section 5.1.3 has been revised to incorporate this comment.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-82	5.1.3	5-3	<p>KMLP proposed to construct/modify Access Roads 15, 19, and FGT-2 across drainage ditches, which according to the COE, qualify as flowing waters that must be protected. Therefore, we are recommending that KMLP evaluate the feasibility of rerouting these access roads to minimize impacts to the drainage ditches.</p>	<p>KMLP discussed Access Roads 15, 19, and FGT-2 with Mr. James Little of the COE after the FERC Public Meeting in Lake Charles on 02/26/07. Access Road 15 crosses a minor swale beside Highway 384 (Big Lake Road) and is required to access an HDD entry extra workspace. There is no alternative location for Access Road 15 that would not cross the swale. Mr. Little concurred, and recommended the use of board mats to construct the temporary access. Access Road 19 is a permanent road required to access the Sabine Interconnect site from Tank Farm Road. There is no alternative location for the road that would not cross a roadside ditch, and the road is as short as possible. Mr. Little concurred with KMLP's proposal to construct the road of gravel with culvert(s) sized to accommodate the flow of the ditch. FGT-2 is located where specified by the landowner. There is no alternative location for a permanent road to access the FGT Interconnect site from Fournerat Road without crossing the tributary. Mr. Little concurred with the KMLP proposal to construct the road of gravel with culverts sized to accommodate the flow of the tributary. Consultation documentation is included with this filing. Based on this COE consultation, this recommendation should be deleted in the Final EIS.</p>
APP1-83	5.1.4	5-3	<p>We are also recommending that KMLP evaluate the alternative routes for Access Road 4-5 to avoid impacts to wetlands.</p>	<p>KMLP discussed Access Road 4-5 with Mr. James Little of the COE after the FERC Public Meeting in Lake Charles on 02/ 26/07. Access Road 4-5 is a short new road that is required to cross approximately 100 feet of wetlands to access the pipeline right-of-way and push-pull fabrication site (at about MP 35.2) from the end of an existing 6,700-foot long road, Access Road 4-4. Since the right-of-way is surrounded by wetlands at this location, it is not possible to access the right-of-way without crossing wetlands, and Access Road 4-5 is as short as possible. The only alternative would be to use the pipeline right-of-way from Gum Cove Road, requiring several hundred passages of pipe trucks and construction equipment through approximately 3,000 feet of wetland. Mr. Little concurred, and recommended Access Road 4-5 be constructed of board mats to minimize permanent impacts. Consultation documentation is included with this filing. Based on this COE consultation, this recommendation should be deleted in the Final EIS.</p>
APP1-84	5.1.7	5-6	<p>Therefore, we are recommending that KMLP consult further with FWS to identify the need for additional RCW field surveys and file documentation of its consultation, including any survey reports and FWS comments on the surveys, as soon as they become available.</p>	<p>The RCW survey and consultation with FWS has been completed. The survey report and FWS consultation documentation was filed with FERC on 01/25/07. The FWS concurred by letter dated 02/12/07 that the project is not likely to adversely affect the RCW. No further action is required. Consultation documentation is included with this filing.</p>

APP1-82 The referenced text has been revised to incorporate this comment as discussed in response to comment App1-45.

APP1-83 The referenced text has been revised as discussed in response to comment App1-51.

APP1-84 Section 5.1.7 has been revised to state consultation with FWS for the RCW has been completed.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-85	5.1.8	5-7	<p>We are recommending that KMLP revise table 4.8.3.6-1 in this draft EIS to explicitly identify all structures within 50 feet of the construction work area and file this information with the Secretary prior to the end of this draft EIS comment period.</p>	<p>KMLP participated with FERC on a driving tour of the Project route on 02/27/07, at which time the subject buildings were observed and photographs taken. Using that information, KMLP will revise table 4.8.3.6-1 (or Table 8-7 from Resource Report 8) with a more explicit description of those 9 structures identified simply as "Buildings." Two buildings will be added to Table 8-7, at MP 123.08 and MP 123.10, as a result of observations made during the driving tour. Subsequent to the driving tour, it was determined that the building previously reported at MP 123.09 is actually a small residence. This residence is within 40 feet of a 50-foot by 605-foot extra work space. KMLP will reduce the size of the extra work space and/or change its shape to maintain at least 50 feet of clearance between the extra work space and the residence. For this reason, the building/residence at MP 123.09 will be deleted from Table 8-7. KMLP will submit a revised preliminary alignment sheet showing this work space modification separately. Also, note that the last two columns of the table were switched when the table was transferred from the resource reports to the draft EIS. The revised table will be submitted prior to the close of the comment period on the draft EIS.</p>
APP1-86	5.1.8	5-8	<p>The KMLP pipeline would be installed by horizontal bore under most single pipelines, but in areas where foreign pipelines are highly congested or near waterbodies or wetlands, HDD would be used. To ensure KMLP's plans for HDDs under foreign pipelines are complete, we are recommending that KMLP file a site-specific construction plan for the crossing of foreign pipeline corridors between MP 25.3 and MP 26.8.</p>	<p>Most single foreign pipeline crossings would be excavated, not bored. HDD will not necessarily be used in all areas where foreign pipelines are highly congested. Most multiple-pipeline corridors can and will be safely crossed without using HDD. Foreign pipelines are relatively congested between the KM Louisiana Pipeline exit from the north end of Sabine Lake (MP 18) to the crossing of the GIWW (MP 31). Much of this area is also wetland, and there are multiple waterbodies to cross. KMLP has decided that using several HDDs in this area would minimize impacts to environmental resources while simultaneously simplifying the crossing of the pipeline corridors. KMLP will prepare site-specific plans for all HDDs for COE approval and submittal to FERC, including the two located between MP 25.3 and MP 26.8.</p>
APP1-87	5.1.8	5-8	<p>KMLP has consulted with the CMD and is in the process of preparing and filing a Coastal Use Permit application as part of the Joint Permit Application with the COE.</p>	<p>KMLP submitted the Joint Permit Application to the CMD on 02/28/07. A copy of the permit application was filed with FERC on 3/07/07.</p>
APP1-88	5.2	5-13	<p>Condition 8. KMLP shall employ a team of EIs (at least two per construction spread).</p>	<p>KMLP will provide a sufficient number of EIs to cover the construction activities. Considering the access to the pipeline and travel distances, we believe that one EI per spread, as described in section 2.5, page 2-45, will be adequate. In accordance with the recommendation on page 2-45, KMLP will submit the proposed number of spreads and EIs prior to issuance of the final EIS.</p>

APP1-85 This condition has been deleted and Table 4.8.3.6-1 has been updated.

APP1-86 The referenced text has been revised to incorporate this comment.

APP1-87 This statement has been revised to state that KMLP filed a copy their Joint Permit Application to CMD with FERC on March 7, 2007.

APP1-88 Comment noted. We will evaluate the number of EIs per spread based on the proposed spread length and other details in the Implementation Plan when it is filed.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-89	5.2	5-14	<p>Condition 14. KMLP shall file with the Secretary a site-specific construction plan for the crossing of foreign pipeline corridors between MP 25.3 and MP 26.8. These site-specific plans shall include scaled drawings identifying all areas that would be disturbed by construction. KMLP shall file these plans for review and written approval by the Director of OEP prior to construction.</p>	KMLP will prepare site-specific plans for all HDDs for COE approval and submittal to FERC, including the two located between MP 25.3 and MP 26.8.
APP1-90	5.2	5-14	<p>Condition 15. Prior to the close of comment period on the draft EIS, KMLP shall file with the Secretary a letter from the owner of the borrow pit at MP 52.7 addressing the existing and future use of this resource.</p>	KMLP has obtained a letter from the borrow pit owner and will submit it to the Secretary prior to the close of the comment period.
APP1-91	5.2	5-14	<p>Condition 20. KMLP shall evaluate the feasibility of using the HDD method to cross Tiger Point Gully at MP 113.3 and Bayou Barwick at MP 109.2 along Leg 1 and Bayou des Cannes along the FGT Lateral at MP 1.57, and develop a site-specific construction plan for each of these crossings in coordination with FWS and LDWF that clearly identifies all construction work areas, including the laydown area for the pipe string if the HDD method is determined to be feasible. KMLP shall file the results of its evaluation, the site-specific construction plans, and any agreed-upon mitigation measures to minimize impacts on riparian areas and the associated forested wetlands with the Secretary for review and written approval by the Director of the OEP prior to the close of the comment period on the draft EIS.</p>	<p>KMLP agrees to cross Tiger Point Gully at MP 113.3 and Bayou des Cannes at MP 1.57 on the FGT Lateral using the HDD construction method, instead of the open cut method originally proposed in the application. On 02/27/07, KMLP visited the Bayou Barwick crossing at MP 109.2 with FERC and Mr. James Little of the COE. Mr. Little asked if open cut construction could be done at this location with a reduced 80-foot construction ROW for a distance of approximately 500 feet either side of Bayou Barwick. KMLP agreed to the 80-foot construction ROW at this location. Consultation documentation is included with this filing. We believe this satisfies the intent of Condition No. 20 to resolve the crossing method at these locations prior to the close of the draft EIS comment period.</p> <p>Site-specific construction plans for HDD crossings are being developed for the COE permit application review process and will be submitted to FERC when completed, along with other applicable mitigation measures negotiated with the COE. This Condition No. 20 can therefore be modified in the Final EIS to require site-specific construction plans and mitigation measures prior to construction. KMLP will submit supplemental information to FERC describing the effects of these changes on the data presented in the resource reports (primarily adjustments to quantities in various tables), along with revised preliminary alignment sheets of the areas affected. KMLP will provide this supplemental information in time for FERC to incorporate the appropriate data changes in the tables in the Final EIS.</p>

APP1-89 Thank you for your comment.

APP1-90 The letter from the borrow pit owner was received as an attachment to the comment App2 dated March 16, 2007. This condition has been removed. Please see the revised text in section 4.1.1.

APP1-91 The condition has been removed and the text of the EIS has been revised to reflect these changes. Please see the responses to comments App1-14, App1-49, App1-53, App1-54, and App1-57.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-92	5.2	5-15	<p>Condition 21. Prior to construction of Access Roads 15, 19, and FGT-2, KMLP shall evaluate the feasibility to reroute these access roads to avoid crossing drainage ditches at MPs 52.3 and 61.4 of Leg 1, and avoid crossing Bayou des Cannes Tributary at MP 2.3 of the FGT Lateral.</p>	<p>KMLP discussed Access Roads 15, 19, and FGT-2 with Mr. James Little of the COE after the FERC Public Meeting in Lake Charles on 02/26/07. Access Road 15 crosses a minor swale beside Highway 384 (Big Lake Road) and is required to access an HDD entry extra workspace. There is no alternative location for Access Road 15 that would not cross the swale. Mr. Little concurred, and recommended the use of board mats to construct the temporary access. Access Road 19 is a permanent road required to access the Sabine Interconnect site from Tank Farm Road. There is no alternative location for the road that would not cross a roadside ditch, and the road is as short as possible. Mr. Little concurred with KMLP's proposal to construct the road of gravel with culvert(s) sized to accommodate the flow of the ditch. FGT-2 is located where specified by the landowner. There is no alternative location for a permanent road to access the FGT Interconnect site from Fournerat Road without crossing the tributary (this is a tributary of Bayou Marron). Mr. Little concurred with the KMLP proposal to construct the road of gravel with culverts sized to accommodate the flow of the tributary. Consultation documentation is included with this filing. Based on this COE consultation, this condition should be deleted in the Final EIS.</p>
APP1-93	5.2	5-15	<p>23. KMLP shall use hand clearing methods for clearing vegetation in the path of the HDDs in wetland areas.</p>	<p>KMLP requests that FERC clarify what would be considered "hand clearing methods." For example, KMLP understands that it would be restricted from using heavy, tracked, construction equipment, such as bulldozers and track hoes, but KMLP would propose to use handheld power tools, such as chain saws and brush trimmers.</p>
APP1-94	5.2	5-15	<p>Condition 24. KMLP shall evaluate alternative routes for Access Road 4-5 or provide justification for the wetland impacts associated with its construction in wetlands. Any revision to the route of Access Road 4-5 shall be shown on revised alignment sheets. KMLP shall file with the Secretary results of its evaluation and copies of the revised alignment sheets for review and written approval by the Director of OEP prior to construction.</p>	<p>KMLP discussed Access Road 4-5 with Mr. James Little of the COE after the FERC Public Meeting in Lake Charles on 02/26/07. Access Road 4-5 is a short new road that is required to cross approximately 100 feet of wetlands to access the pipeline right-of-way and push-pull fabrication site (at about MP 35.2) from the end of an existing 6,700-foot long road, Access Road 4-4. Since the right-of-way is surrounded by wetlands at this location, it is not possible to access the right-of-way without crossing wetlands, and Access Road 4-5 is as short as possible. The only alternative would be to use the pipeline right-of-way from Gum Cove Road, requiring several hundred passages of pipe trucks and construction equipment through approximately 3,000 feet of wetland. Mr. Little concurred, and recommended Access Road 4-5 be constructed of board mats to minimize permanent impacts. Consultation documentation is included with this filing. Based on this COE consultation, this condition should be deleted in the Final EIS.</p>
APP1-95	5.2	5-16	<p>Condition 28. KMLP shall consult with the FWS to determine the need for and methodology of additional surveys for RCW along the pipeline route or provide concurrence from the FWS that the Project is not likely to adversely affect the RCW.</p>	<p>The RCW survey and consultation with FWS has been completed. The survey report and FWS consultation documentation was filed with FERC on 01/25/07. The FWS concurred by letter dated 02/12/07 that the project is not likely to adversely affect the RCW. No further action is required. Consultation documentation is included with this filing. This condition can be deleted in the Final EIS.</p>

APP1-92 This condition has been revised. Please see the response to comment App1-45 and the revised text in section 4.3.2.1.

APP1-93 The recommendation has been expanded to clarify that hand clearing methods can include hand-held power tools (e.g., bush trimmers, chains saws) and non-mechanized tools (e.g., machetes, saws, clippers), but cannot include bulldozers, backhoes, bush hoppers, or other such equipment.

APP1-94 This condition has been revised. Please see the response to comment App1-51 and the revised text in section 4.4.1.

APP1-95 The condition has been removed.

**Kinder Morgan Louisiana Pipeline LLC
Comments on Draft Environmental Impact Statement (Continued)**

Section	Page	Draft EIS Statement	KMLP Comment	
APP1-96	5.2	5-16	<p>Condition 31. KMLP shall revise table 4.8.3.6-1 of the draft EIS and explicitly identify all structures and residences within 50 feet of the construction work areas. KMLP shall file the revised table with the Secretary prior to the close of the comment period on the draft EIS.</p>	<p>KMLP participated with FERC on a driving tour of the Project route on 02/27/07, at which time the subject buildings were observed and photographs taken. Using that information, KMLP will revise table 4.8.3.6-1 (or Table 8-7 from Resource Report 8) with a more explicit description of those 9 structures identified simply as "Buildings." Two buildings will be added to Table 8-7, at MP 123.08 and MP 123.10, as a result of observations made during the driving tour. Subsequent to the driving tour, it was determined that the building previously reported at MP 123.09 is actually a small residence. This residence is within 40 feet of a 50-foot by 605-foot extra work space. KMLP will reduce the size of the extra work space and/or change its shape to maintain at least 50 feet of clearance between the extra work space and the residence. For this reason, the building/residence at MP 123.09 will be deleted from Table 8-7. KMLP will submit a revised preliminary alignment sheet showing this work space modification separately. Also, note that the last two columns of the table were switched when the table was transferred from the resource reports to the draft EIS. The revised table will be submitted prior to the close of the comment period on the draft EIS.</p>
APP1-97	5.2	5-16	<p>Condition 33. KMLP shall develop a site-screening plan for the Transco Interconnect site (MP 122.1) and file that plan with the Secretary for review and approval by the Director of OEP prior to the close of the comment period on the draft EIS.</p>	<p>KMLP will propose a vegetative screen consisting of a hardy, relatively low-maintenance, evergreen shrub, such as a ligustrum or privet. The recommendation for a site-screening plan for the Transco Interconnect site on page 4-84 requires the plan to be submitted "prior to construction." As discussed during a teleconference meeting with FERC on 03/06/07, KMLP will submit the plan to FERC prior to construction as recommended on page 4-84.</p>
APP1-98	5.2	5-17	<p>Condition 36. Prior to construction, KMLP shall file with the Secretary for review and written approval by the Director of OEP a noise mitigation and compliance plan for HDD operations at MP 44.5, MP 49.6, and MP 99.8. This plan shall identify mitigation measures such as noise barriers, temporary housing, etc. to be implemented prior to the start of drilling operations to reduce noise from HDD activities to below 55 dBA at NSAs.</p>	<p>As noted in the draft EIS, "There are no applicable noise ordinances at MP 49.6 in Calcasieu Parish because the distance from the HDD site to the NSA, which is a fishing camp, exceeds 165 feet." The nearest residence to the HDD work space at MP 99.8 is 550 feet away. Therefore, the Acadia Parish Ordinance 13-87 restricting construction activities within 500 feet would not be applicable. KMLP will submit a noise mitigation plan for HDD operations near the residence at MP 44.5 prior to construction, but we do not believe that a noise mitigation plan is required for HDD operations at MP 49.6 and MP 99.8. If complaints about noise are received from residents at these locations during construction, KMLP will address noise mitigation at that time.</p>
APP1-99	Appendix L			<p>Appendix L, References, was not included in the draft EIS.</p>

APP1-96 This condition has been removed and table 4.8.3.6-1 has been updated.

APP1-97 The condition has been removed.

APP1-98 This condition has been revised. Please see the response to comment App1-79

APP1-99 The omission of appendix L from the draft EIS was an error. Appendix L is included in the final EIS.



March 16, 2007

Phillip P. Posey, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Re: Kinder Morgan Louisiana Pipeline LLC
OEP/DG2E/Gas Branch 2
Docket No. CP06-449-000
Section 375.308(x)
Responses for Conditions Due Prior to the
Close of the Comment Period of the Draft EIS

FILED
OFFICE OF THE
SECRETARY
2007 MAR 19 A 11:49
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

Dear Mrs. Posey:

Submitted herewith for filing in the referenced docket are an original and seven (7) copies, including a compact disc (CD), of Kinder Morgan Louisiana Pipeline LLC's (KMLP) responses to conditions in the Draft Environmental Impact Statement (EIS) for the Kinder Morgan Louisiana Pipeline project. Specifically, the attached responses are for Condition Nos. 15, 20, 28, 31, and 33 that FERC Staff requested prior to the close of the comment period of the draft EIS.

The information contained herein is the same information as contained on the CD; the undersigned has read and knows the contents of this information and the CD; the contents as stated herein are true to the best of his knowledge and belief; and the undersigned possesses full power and authority to sign this filing.

If you have any further questions, please do not hesitate to contact me at (360) 691-3526.

Respectfully submitted,

Bruce H. Newsome
Vice President

Enc.

cc: Medha Kochhar, Environmental Project Manager, Gas Branch 2
John Peconom, Environmental Branch
All parties in Docket No. CP06-449-000

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**Responses for Condition Nos. 15, 20, 28, 31, and 33
(Conditions due prior to the close of the comment period of the draft EIS)**

Condition 15: Prior to the close of comment period on the draft EIS, KMLP shall file with the Secretary a letter from the owner of the borrow pit at MP 52.7 addressing the existing and future use of this resource.

APP2-1 | **Response:** KMLP has obtained a letter from the borrow pit owner which addresses the existing and future use of that resource. Attached is the letter from the borrow pit owner. KMLP has taken into account in the design of the pipeline the existing and future use of the borrow pit, namely, the pit will be crossed by horizontal directional drilling (HDD). The installed depth of the HDD will be such that sufficient cover is maintained between the planned bottom of the pit and the proposed pipeline.

APP2-1 See revised section 4.1.1.

Condition 20: KMLP shall evaluate the feasibility of using the HDD method to cross Tiger Point Gully at MP 113.3 and Bayou Barwick at MP 109.2 along Leg 1 and Bayou des Cannes along the FGT Lateral at MP 1.57, and develop a site-specific construction plan for each of these crossings in coordination with FWS and LDWF that clearly identifies all construction work areas, including the laydown area for the pipe string if the HDD method is determined to be feasible. KMLP shall file the results of its evaluation, the site-specific construction plans, and any agreed-upon mitigation measures to minimize impacts on riparian areas and the associated forested wetlands with the Secretary for review and written approval by the Director of the OEP prior to the close of the comment period on the draft EIS.

APP2-2 | **Response:** KMLP has agreed to cross Tiger Point Gully at MP 113.3 and Bayou des Cannes at MP 1.57 on the FGT Lateral using the HDD construction method, instead of the open cut method originally proposed in the application. On 02/27/07, KMLP visited the Bayou Barwick crossing at MP 109.2 with FERC and Mr. James Little of the US Army Corps of Engineers (USACE). Mr. Little asked if open cut construction could be done at this location with a reduced 80-foot construction right-of-way (ROW) for a distance of approximately 500 feet either side of Bayou Barwick. KMLP agreed to the 80-foot construction ROW at this location. Consultation documentation was provided with the filing of KMLP's comments to the draft EIS. We believe this satisfies the intent of Condition No. 20 to resolve the crossing method at these locations prior to the close of the draft EIS comment period. Site-specific construction plans for HDD crossings are being developed for the USACE permit application review process and will be submitted to FERC when completed, along with other applicable mitigation measures negotiated with the USACE. KMLP will submit supplemental information to FERC describing the effects of these changes on the data presented in the resource reports (primarily adjustments to quantities in various tables), along with revised preliminary alignment sheets of the areas affected. KMLP will provide this supplemental information in time for FERC to incorporate the appropriate data changes in the tables in the final EIS.

APP2-2 See revised section 4.3.2.1.

Kinder Morgan Louisiana Pipeline LLC
OEP/DG2E/Gas Branch 2
Docket No. CP06-449-000, et al.
Response to DEIS Conditions
March 16, 2007
Page 3

Condition 28: KMLP shall consult with the FWS to determine the need for and methodology of additional surveys for RCW along the pipeline route or provide concurrence from the FWS that the Project is not likely to adversely affect the RCW. The results of consultation with the FWS, any additional survey reports, and FWS comments on the survey shall be filed with the Secretary **as soon as they become available before close of the comment period on the draft EIS.**

APP2-3 | **Response:** The RCW survey and consultation with FWS has been completed. The survey report and FWS consultation documentation were filed with FERC on 01/25/07. The FWS concurred by letter dated 02/12/07 that the project is not likely to adversely affect the RCW and that no further action is required. The FWS concurrence letter was included with the filing of comments to the draft EIS.

Condition 31: KMLP shall revise table 4.8.3.6-1 of the draft EIS and explicitly identify all structures and residences within 50 feet of the construction work areas. KMLP shall file the revised table with the Secretary **prior to the close of the comment period on the draft EIS.**

APP2-4 | **Response:** KMLP participated with FERC on a driving tour of the Project route on 02/27/07, at which time the subject buildings were observed and photographs taken. Using that information, KMLP revised Table 8-7 from Resource Report 8 (which is the same as table 4.8.3.6-1 in the draft EIS) with a more explicit description of those 9 structures identified simply as "Buildings." Attached is the revised Table 8-7 with the additional information. Two buildings have been added to Table 8-7, at MP 123.08 and MP 123.10, as a result of observations made during the driving tour. Subsequent to the driving tour, it was determined that the building previously reported at MP 123.09 is actually a small residence. This residence is within 40 feet of a 50-foot by 605-foot extra work space. KMLP will reduce the size of the extra work space and/or change its shape to maintain at least 50 feet of clearance between the extra work space and the residence. For this reason, the building/residence at MP 123.09 has been deleted from Table 8-7. KMLP will submit a revised preliminary alignment sheet showing this work space modification separately.

Condition 33: KMLP shall develop a site-screening plan for the Transco Interconnect site (MP 122.1) and file that plan with the Secretary for review and approval by the Director of OEP **prior to the close of the comment period on the draft EIS.**

APP2-5 | **Response:** KMLP will propose a vegetative screen consisting of a hardy, relatively low-maintenance, evergreen shrub, such as a ligustrum or privet. The recommendation for a site-screening plan for the Transco Interconnect site on page 4-84 of the draft EIS requires the plan to be submitted "prior to construction." As discussed during a teleconference meeting with FERC on 03/06/07, KMLP will submit the plan to FERC prior to construction as recommended on page 4-84.

APP2-3 See revised section 4.7.1.

APP2-4 See revised section 4.8.3.6.

APP2-5 See revised section 4.8.4.2.

**Kinder Morgan Louisiana Pipeline LLC
Docket No. CP06-449-000, et al.**

Letter from the Borrow Pit Owner

Tommasi P & E, LLC
Post Office Box 8147
Lake Charles, Louisiana 70606

March 7, 2007

Kinder Morgan Louisiana Pipeline, LLC
112 East Hutchinson Avenue
Crowley, Louisiana 70528
Attn: Amy Girouard: Right of Way Supervisor

Re: Current and Future Use of Borrow Pit at MP 52.7

Dear Ms. Girouard,

Tommasi P & E, LLC, is the owner of the tract at the subject milepost identified as CAL-166.000 by Kinder Morgan Louisiana Pipeline, LLC, also described as follows:

That certain tract of land containing 10 acres, more or less, described as the East Half of the North Half of the North Half of the Northwest Quarter of the Southwest Quarter (E/2, N/2, N/2, NW/4 of the SW/4) of Section 15, Township 11 South, Range 9 West, Calcasieu Parish, Louisiana.

This land is presently being quarried for soil and sand. The current depth of the excavation on the subject property is about 10'. Eventually this excavation will reach a depth of approximately 20' to 25'.

Tommasi P & E, LLC is in the process of obtaining a permit for a Construction Demolition Landfill from the Calcasieu Parish Planning Commission on this same tract. This permit is expected to be approved by September, 2007, although utilization of the subject property as a landfill may not begin before 2008.

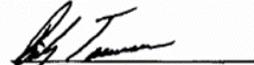
The following requirements will be satisfied before the conversion to a Construction Demolition Landfill status can be approved:

- Bore samples to test the soil permeability at a depth of 30' to 40'.
- Creation of a 50' buffer zone between the property line and the edge of the landfill.
- Landfill edge to be packed with clay to eliminate "bleeding".

This landfill will be permitted for the dumping of Type 3 Materials only. There will be no hazardous material dumped at this site.

Should you have any questions or concerns, I may be reached at (337) 478-9799 or (337) 570-7296

Sincerely,



Ricky Tommasi, President
Tommasi P & E, LLC

**Kinder Morgan Louisiana Pipeline LLC
Docket No. CP06-449-000, et al.**

Revised Table 8-7

Table 8-7 Buildings within 50 feet of Construction Work Area

Approximate MP	Parish	Distance from Construction Work Area (feet)	Distance from Pipeline Centerline (feet)	Type of Structure ¹
38.29	Calcasieu	40	75	Barn, mostly dismantled, only columns and roof remain
46.03	Calcasieu	25	100	Barn
48.26	Calcasieu	0	100	Small goat shelter
48.38	Calcasieu	10	80	Barn
51.07	Calcasieu	5	75	Marina building
51.08	Calcasieu	25	100	Marina building
52.19	Calcasieu	25	100	Industrial storage building that has been removed since aerial photograph
52.24	Calcasieu	50	115	Metal industrial storage building
71.09	Calcasieu	0	20	Cattle loading pen ²
87.72	Jefferson Davis	10	85	One-car garage and carport
91.41	Jefferson Davis	0	5	Shed ²
121.59	Evangeline	50	125	Shed
123.08	Evangeline	0	80	Small storage shed ²
123.10	Evangeline	0	0	Dog kennel/horse shelter ²
123.23	Evangeline	25	175	Corrugated steel shed

¹ No residences are located within 50 feet of the construction workspace.

² These structures, located all or partially within the construction workspace, will either be relocated or the landowner will be compensated accordingly.

