

1.0 INTRODUCTION

The environmental staff of the Federal Energy Regulatory Commission (FERC or Commission) prepared this Final Environmental Impact Statement (EIS) to assess the environmental impacts associated with the construction and operation of the facilities proposed by Midcontinent Express Pipeline LLC (MEP or Applicant)¹. The facilities proposed by MEP are hereafter collectively referred to in this EIS as the Midcontinent Express Pipeline Project, or the proposed Project.

On October 9, 2007, MEP filed an application for the proposed Project with the FERC, pursuant to Section 7(c) of the Natural Gas Act (NGA), as amended, and Parts 157 and 284 of the FERC's regulations. Under Docket No. CP08-6-000, MEP seeks a Certificate of Public Convenience and Necessity (Certificate) to construct, own, operate, and maintain an interstate natural gas pipeline and associated ancillary facilities. The FERC issued a notice of MEP's application in the Federal Register (FR) on October 23, 2007.

The proposed Project would consist of approximately 506.1 miles of new 30-, 36-, and 42-inch-diameter interstate natural gas pipeline; an approximately 4.2-mile-long, 16-inch-diameter lateral pipeline; a total of approximately 111,720 horsepower (hp) of compression at one booster and four new mainline compressor stations; and associated ancillary facilities. The proposed pipeline would extend from a receipt point with an intrastate natural gas pipeline system near Bennington in Bryan County, Oklahoma (see Section 1.5), to a terminus near Butler in Choctaw County, Alabama. MEP proposes to construct the Project in two phases, with a planned in-service date of February 2009 for the initially installed capacity of up to 1,400,000 dekatherms per day (Dth/d) of natural gas. MEP anticipates that additional supporting contracts could provide for capacity expansion of up to 1,500,000 Dth/d within the first 5 years of service (see Sections 2.1 and 2.4).

1.1 PROJECT PURPOSE AND NEED

MEP indicates that the primary purpose of the proposed Project is to provide the long-haul, east bound transportation takeaway capacity needed to connect domestic, onshore natural gas production regions with the Midwest, Northeast, and Southeast United States markets that can be accessed through interconnects with existing natural gas pipeline infrastructure. Specifically, the proposed Project would facilitate the transport of natural gas from the Barnett Shale, Woodford Shale, Fayetteville Shale, Anadarko and Arkoma Basin, and Bossier Sand production areas of Texas, Oklahoma, and Arkansas to eastern markets through up to 14 receipt and/or delivery interconnections with existing interstate and intrastate natural gas pipeline systems. MEP believes that the addition of incremental supply at the proposed interconnect locations would help meet growing energy demands, enhance reliability, and result in supply diversification by providing access to domestic natural gas supplies.

Energy demand in the United States has been growing and continues to increase steadily. The Energy Information Administration (EIA) *Annual Energy Outlook 2007 Overview* estimates that total energy consumption in the United States will increase from 100.2 quadrillion British thermal units (BTU) per year in 2005 to 131.2 quadrillion BTU per year in 2030, representing an annualized increase of 1.1 percent (EIA 2007a). Although this energy will be obtained from a variety of sources (e.g., coal, petroleum, and nuclear) and the use of renewable energy sources is anticipated to grow, natural gas usage will still represent about 20 percent of all energy consumption in the United States by 2030. To maintain pace with growing energy demands, EIA (2007a) anticipates that consumption of natural gas in the

¹ Midcontinent Express Pipeline LLC is a joint venture between Kinder Morgan Energy Partners, L.P. and Energy Transfer Partners, L.P.

United States will grow from 22.0 trillion cubic feet (Tcf) per year in 2005 to 26.1 Tcf per year by 2030, an increase of approximately 19 percent.

The U.S. natural gas supply currently comes from three main sources: domestic production, pipeline imports from Canada and Mexico, and imports of liquefied natural gas (LNG). Net pipeline imports of natural gas from Canada and Mexico are expected to decline in coming years, and although LNG represents an increasingly important source of natural gas, LNG imports are expected to account for only about 17 percent of total U.S. natural gas consumption by 2030 (EIA 2007a). Domestic production of natural gas will continue to account for the majority of total U.S. consumption, growing from 18.3 Tcf per year in 2005 to a peak of 21.1 Tcf per year by 2022 before declining to 20.6 Tcf per year by 2030 (EIA 2007a). Onshore production of natural gas from unconventional sources (e.g., shale, tight sands, and coal bed methane) is expected to be a major contributor to that growth. The EIA (2007a) projects that unconventional natural gas production in the lower 48 states will account for about 50 percent of total domestic production by 2030.

1.2 PURPOSE AND SCOPE OF THIS EIS

The FERC is the federal agency responsible for evaluating applications filed for authorization to construct and operate interstate natural gas pipeline facilities. As such, the FERC is the lead federal agency for the preparation of this EIS, in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500–1508), and the FERC regulations implementing NEPA (18 CFR 380). Consistent with NEPA and their responsibilities and regulations, the U.S. Fish and Wildlife Service (FWS), the National Park Service (NPS), the Natural Resources Conservation Service (NRCS), the U.S. Army Corps of Engineers (COE), the Louisiana Department of Environmental Quality (LDEQ), the Louisiana Department of Wildlife and Fisheries (LDWF), the Texas Parks and Wildlife Department (TPWD), the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP), and the Alabama Department of Conservation and Natural Resources (ADCNR) have cooperated in the development of this EIS. A cooperating agency has jurisdiction by law or special expertise with respect to any environmental impact involved with the proposal and is involved in the NEPA analysis.

Our² principal purposes in preparing this EIS are to:

- identify and assess potential impacts on the natural and human environment that would result from implementation of the proposed action;
- describe and evaluate reasonable alternatives to the proposed action that would avoid or minimize adverse effects on the human environment;
- identify and recommend specific mitigation measures, as necessary, to minimize the environmental impacts; and
- facilitate public involvement in identifying the significant environmental impacts.

The topics addressed in this EIS include geology; soils; water use and quality; vegetation and wetlands; fish and wildlife resources; threatened and endangered species; land use, recreation and special use areas, and visual resources; socioeconomics; cultural resources; air quality and noise; reliability and

² The pronouns “we,” “us,” and “our” refer to the environmental staff of the Office of Energy Projects (OEP), part of the FERC staff.

safety; cumulative impacts; and alternatives. The Final EIS describes the affected environment as it currently exists, addresses the environmental consequences of the proposed Project, and compares the proposed Project's potential impacts to those of alternatives. The EIS also presents our conclusions and recommended mitigation measures.

After consideration of this Final EIS, the Commission will determine whether or not the proposed Project should be approved. A final approval will be granted only if, after a consideration of both environmental and non-environmental issues, the FERC determines that the Project is consistent with the public interest. The environmental impact assessment and mitigation development discussed in this Final EIS will be important factors in that final determination.

1.3 PERMITS, APPROVALS, AND REGULATORY REQUIREMENTS

A number of federal, state, and local regulatory agencies have permit or approval authority or consultation requirements for portions of the proposed Project (see Table 1.3-1). The FERC states in its orders that applicants should cooperate with state and local agencies. However, any state or local permits issued with respect to jurisdictional facilities must be consistent with the conditions of any Certificate the FERC may issue. The FERC encourages cooperation between interstate pipeline companies and local authorities, but state and local authorities may not prohibit or unreasonably delay the construction or operation of facilities approved by the FERC through application of state and local laws.

TABLE 1.3-1 Summary of Major Permits, Approvals, and Consultations for the Proposed Midcontinent Express Pipeline Project		
Agency	Permit/Approval/ Consultations	Agency Action (Status)
FEDERAL		
Advisory Council on Historic Preservation	Consultations under Section 106 of the National Historic Preservation Act (NHPA)	Has the opportunity to comment on the undertaking. (Consultation if necessary.)
Federal Energy Regulatory Commission	Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act	Determine whether the construction and operation of the proposed natural gas pipeline is in the public interest. (Application submitted on October 9, 2007; Draft EIS issued on February 8, 2008.)
U.S. Army Corps of Engineers (COE) Tulsa, Ft. Worth, Vicksburg, and Mobile Districts	Permits under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899	Consider issuance of Section 404 permits for the placement of dredge or fill material into all waters of the United States, including wetlands. Consider issuance of Section 10 permit for work in or affecting navigable waters of the United States. (Application submitted in October 2007; consultations ongoing.)

TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals, and Consultations for the
Proposed Midcontinent Express Pipeline Project

Agency	Permit/Approval/ Consultations	Agency Action (Status)
FEDERAL (continued)		
U.S. Department of Agriculture, Natural Resources Conservation Service Stillwater, Temple, Alexandria, Jackson, and Tuscaloosa Offices	Subordination Agreement/ Warranty Easement Deed/Modification of Rental Agreement Consultations regarding restoration and revegetation	Consider issuance of approvals for the crossing of lands enrolled in the Wetlands Reserve and Conservation Reserve Programs. (Consultations ongoing; application in preparation.) Review and comment on erosion and sediment control best management practices, restoration and revegetation plans, and invasive species control plans. (Consultations ongoing.)
U.S. Department of the Interior		
Fish and Wildlife Service Tulsa, Arlington, Lafayette, Jackson, and Daphne Field Offices	Consultations under Section 7 of the Endangered Species Act, the Migratory Bird Treaty Act, Bald and Gold Eagle Protection Act, and the Fish and Wildlife Coordination Act	Consult on endangered and threatened species and migratory birds; general consultation regarding conservation of fish and wildlife resources. (Protected species report submitted August 2007; consultations ongoing. Concurrence letter of no adverse effect to federally endangered or threatened species in Mississippi and Alabama issued on September 24, 2007, Texas concurrence on January 8, 2008.)
National Park Service		
Rivers, Trails, and Conservation Assistance Program	Consultations under the Wild and Scenic Rivers Act	Review for potential impacts to designated Nationwide Rivers Inventory Streams. (Letter requesting recommendations regarding proposed crossings submitted in October 2007; consultations ongoing.)
Natchez Trace Parkway	Right-of-way Permit	Consider issuance of permit for the proposed Natchez Trace Parkway crossing. (Consultations ongoing; application in preparation.)
U.S. Environmental Protection Agency (EPA)	Compliance with Sections 401, 402, and 404 of the CWA	Consider issuance of water use and crossing, National Pollutant Discharge Elimination System (NPDES) discharge, stormwater, and wetland dredge-and-fill permits. Permitting authority largely delegated to states. Review of Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of Texas in conjunction with Railroad Commission of Texas. (Application in preparation; anticipate submittal in June 2008.)

**TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals, and Consultations for the
Proposed Midcontinent Express Pipeline Project**

Agency	Permit/Approval/ Consultations	Agency Action (Status)
FEDERAL (continued)		
U.S. Environmental Protection Agency (EPA) (continued)	Minor Source Air Permit	Consider issuance of a Permit by Rule in conjunction with the Texas Commission on Environmental Quality authorizing construction and operation of facilities with the potential for air emissions. (Application for Lamar Compressor Station submitted October 2007.)
STATE		
Oklahoma		
Oklahoma Corporation Commission	Hydrostatic Test Water Discharge Permit	Consider issuance of a Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state. (Application in preparation; anticipate submittal in June 2008.)
Oklahoma Department of Environmental Quality	Water Quality Certification under Section 401 of the CWA	Consider issuance of a permit for stream and wetland crossings in conjunction with COE Section 404 permit. (Application submitted in October 2007; consultations ongoing.)
Oklahoma Department of Wildlife and Conservation	Consultations regarding special-status species and resources	Review and comment on activities potentially affecting state-listed species. (Protected species report submitted August 2007; consultations ongoing.)
Oklahoma Historical Commission/ Oklahoma Archeological Society	Consultations under Section 106 of the NHPA	Review and comment on Project activities potentially affecting cultural resources. (Concurrence with findings of Phase I Cultural Resources Investigation Reports provided on November 12, 2007 and January 4, 2008. Additional consultations are ongoing.)
Oklahoma Water Resources Board	Water Withdrawal Permit	Consider issuance of a permit to withdraw water from surface waters. (Application in preparation; anticipate submittal in June 2008.)
Texas		
Railroad Commission of Texas	Water Quality Certification under Section 401 of the CWA	Consider issuance of a permit for stream and wetland crossings in conjunction with COE Section 404 permit. (Application submitted in October 2007; consultations ongoing.)

TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals, and Consultations for the
Proposed Midcontinent Express Pipeline Project

Agency	Permit/Approval/ Consultations	Agency Action (Status)
Texas (continued)		
Railroad Commission of Texas (continued)	Hydrostatic Test Water Discharge Permit	Consider issuance of a Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state in conjunction with EPA. (Application in preparation; anticipate submittal in June 2008.)
Texas Commission on Environmental Quality	Minor Source Air Permit	Consider issuance of a Permit by Rule in conjunction with EPA authorizing construction and operation of facilities with the potential for air emissions. (Application for Lamar Compressor Station submitted October 2007. Application for Atlanta Compressor Station in preparation; to be submitted as part of a later, phased expansion.)
	Water Rights Permit/ Temporary Water Diversion Permit	Consider issuance of permits for the temporary withdrawal and diversion of surface waters. (Application in preparation; anticipate submittal in June 2008.)
Texas Historical Commission	Consultations under Section 106 of the NHPA	Review and comment on Project activities potentially affecting cultural resources. (Phase I Cultural Resource Investigation Report submitted August 2007; consultations ongoing.)
Texas Parks and Wildlife Department	Rare resources review	Review and comment on activities potentially affecting state-listed species. (Protected species report submitted August 2007; consultations ongoing.)
	Marl, Sand, Gravel, Shell, or Mudshell Permit	Consider issuance of a permit for disturbance of state-owned streambed and/or removal of streambed materials. (Application in preparation; anticipate submittal in June 2008.)
Louisiana		
Louisiana Department of Culture, Recreation, and Tourism, Division of Archaeology and Historic Preservation	Consultations under Section 106 of the NHPA	Review and comment on Project activities potentially affecting cultural resources. (Concurrences received on October 19, 2007 and February 22, 2008, additional consultations are ongoing.)

TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals, and Consultations for the
Proposed Midcontinent Express Pipeline Project

Agency	Permit/Approval/ Consultations	Agency Action (Status)
Louisiana (continued)		
Louisiana Department of Environmental Quality	Water Quality Certification under Section 401 of the CWA	Consider issuance of a permit for stream and wetland crossings in conjunction with COE Section 404 permit. (Application submitted in October 2007; consultations ongoing.)
	Hydrostatic Test Water Discharge General Permit	Consider issuance of a Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state. (Application in preparation; anticipate submittal in June 2008.)
	Minor Source Air Permit	Consider issuance of a permit to construct and operate facilities with the potential for air emissions. (Application for Perryville Compressor Station and Delhi Booster Station submitted October 2007.)
Louisiana Department of Wildlife and Fisheries	Consultations regarding special-status species and resources	Review and comment on activities potentially affecting state-listed species. (Protected species report submitted August 2007; consultations ongoing.)
	Scenic Rivers Permit	Consider issuance of a permit for proposed crossings of Louisiana Natural and Scenic Rivers. (Application to be submitted in May 2008; consultations ongoing.)
	Special Use Permit	Consider issuance of a permit for the proposed crossing of the Bodcau Wildlife Management Area. (Consultations ongoing.)
Louisiana State Land Office, Division of Administration	State lands and waterbottom crossings	Consider issuance of a permit for crossing of state-owned lands or disturbance of state-owned streambed and/or removal of streambed materials. (Application in preparation; anticipate submittal in July 2008.)
Louisiana Levee Board Caddo, 5 th Louisiana, and Tensas Basin Levee Districts	Levee Crossing Permit	Consider issuance of a permit for proposed levee crossings. Anticipated joint permit application with the COE. (Applications in preparation; anticipate submittal in July 2008.)

TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals, and Consultations for the
Proposed Midcontinent Express Pipeline Project

Agency	Permit/Approval/ Consultations	Agency Action (Status)
Mississippi		
Assistant Secretary of State for Public Lands	Right-of-way Permit	Consider issuance of permits for the proposed crossing of Sixteenth Section lands and disturbance of state-owned streambed and/or removal of streambed materials. (Application in preparation; anticipate submittal in June 2008.)
Mississippi Department of Archives and History	Consultations under Section 106 of the NHPA	Review and comment on project activities potentially affecting cultural resources. (Concurrence with findings of Phase I Cultural Resources Investigation Report provided on October 15, 2007, additional consultations are ongoing.)
Mississippi Department of Environmental Quality	Water Quality Certification under Section 401 of the CWA	Consider issuance of a permit for stream and wetland crossings in conjunction with COE Section 404 permit. (Application submitted in October 2007; consultations ongoing.)
	Hydrostatic Test Water Discharge General Permit	Consider issuance of a Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state. (Application in preparation; anticipate submittal in June 2008.)
Mississippi Department of Environmental Quality (continued)	Minor Source Air Permit	Consider issuance of a permit to construct and operate facilities with the potential for air emissions. (Application for Vicksburg Compressor Station in preparation; to be submitted as part of a later, phased expansion.)
	Water Withdrawal Permit	Consider issuance of permits for the temporary withdrawal of surface waters. (Application in preparation; anticipate submittal in June 2008.)
Mississippi Department of Wildlife, Fisheries, and Parks	Consultations regarding special-status species and resources	Review and comment on activities potentially affecting state-listed species. (Protected species report submitted August 2007; consultations ongoing.)
Alabama		
Alabama Department of Conservation and Natural Resources	Consultations regarding special-status species and resources	Review and comment on activities potentially affecting state-listed species. (Protected species report submitted August 2007; consultations ongoing.)

**TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals, and Consultations for the
Proposed Midcontinent Express Pipeline Project**

Agency	Permit/Approval/ Consultations	Agency Action (Status)
Alabama (continued)		
Alabama Department of Environmental Management	Water Quality Certification under Section 401 of the CWA	Consider issuance of a permit for stream and wetland crossings in conjunction with COE Section 404 permit. (Application submitted in October 2007; consultations ongoing.)
	Hydrostatic Test Water Discharge General Permit	Consider issuance of a Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state. (Application in preparation; anticipate submittal in June 2008.)
	Construction Best Management Practices Plan approval	Review and approval of erosion and sediment control best management practices, restoration, and revegetation plans. (Application in preparation; anticipate submittal in June 2008.)
Alabama Historical Commission	Consultations under Section 106 of the NHPA	Review and comment on Project activities potentially affecting cultural resources. (Concurrence with findings of Phase I Cultural Resources Investigation Reports provided on September 27, 2007 and January 7, 2008. Additional consultations are ongoing.)
Choctaw County, Board of Supervisors-Engineers	Waterbottom crossings	Consider issuance of a permit for disturbance of streambed and/or removal of streambed materials. (Application in preparation; anticipate submittal in June 2008.)

As the lead federal agency for the proposed Project, the FERC has certain obligations under Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA). At the federal level, required permits and approval authority outside of the FERC's jurisdiction include compliance with the Clean Water Act (CWA), the Rivers and Harbors Act of 1899, and the Clean Air Act (CAA). Each of these statutes has been taken into account in the preparation of this document.

Section 7 of the ESA, as amended, states that any project authorized, funded, or conducted by a federal agency (for example, the FERC) should not "jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined...to be critical" (16 United States Code [USC] § 1536[a][2]). The FERC, or MEP as a non-federal party, is required to consult with the FWS to determine whether any species federally listed or proposed for listing as endangered or threatened, or their designated critical habitat occur in the vicinity of the proposed Project. If, upon review of existing data or data provided by MEP, the FERC determines that these species or habitats may be adversely affected by the proposed

Project, the FERC is required to prepare a biological assessment to identify the nature and extent of the adverse impact and to recommend measures that would avoid the habitat and/or species, or would reduce potential impacts to acceptable levels. If the FERC determines that no federally listed or proposed endangered or threatened species or their critical habitat would be adversely affected by the proposed Project, then no further action is necessary. See Section 3.7 of this EIS for further discussion of our ESA review.

Section 106 of the NHPA requires the FERC to take into account the effects of its undertakings on properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP), including prehistoric or historic sites, districts, buildings, structures, objects, or properties of traditional religious or cultural importance, and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking. The FERC has requested that MEP, as a non-federal party, assist in meeting the FERC's obligations under Section 106 by preparing the necessary information and analyses as required by the ACHP procedures in 36 CFR 800. Additional information on Section 106 consultation is provided in Section 3.10 of this EIS.

MEP is required to comply with Sections 401, 402, and 404 of the CWA. The U.S. Environmental Protection Agency (EPA) has delegated water quality certification (Section 401) to the jurisdiction of individual state agencies, but the EPA may assume this authority if no state program exists, if the state program is not functioning adequately, or at the request of a state. Water used for hydrostatic testing of pipelines that is point-source discharged into waterbodies requires a National Pollutant Discharge Elimination System (NPDES) permit (Section 402) issued by the state with EPA oversight.

The COE has responsibility for determining compliance with the regulatory requirements of Section 404 of the CWA. The EPA also independently reviews Section 404 wetland dredge-and-fill applications for the COE and has Section 404(c) veto power for wetland permits issued by the COE. Section 404 of the CWA regulates the discharge of dredged or fill material into waters of the U.S. Before a Section 404 permit can be issued, the CWA requires completion of a Section 404(b)(1) analysis. The FERC, in the NEPA review required to prepare this EIS, has analyzed the technical issues required for the Section 404(b)(1) guidelines analysis, including analysis of natural resources and cultural resources that would be affected by the proposed Project, as well as analyses of alternatives and route variations that would eliminate or minimize the discharge of fill material into the waters of the United States. The COE, as a federal cooperating agency, may use the EIS to support its decision on the Section 404 permit for the proposed Project.

In addition to the CWA, the COE has responsibilities under Section 10 of the Rivers and Harbors Act of 1899. A Section 10 permit would be required for all work in or affecting navigable waters of the U.S.

Ambient air quality is protected by federal regulations under the CAA. These regulations include compliance under the New Source Performance Standards (NSPS) and the requirements for the Prevention of Significant Deterioration (PSD). The federal permitting process for the CAA has been delegated to individual state agencies. Although applications are reviewed by both the states and EPA, the states would determine the need for NSPS or a PSD permit. Air quality and applicable regulations are discussed further in Section 3.11.1 of this Final EIS.

1.4 PUBLIC REVIEW AND COMMENT

On February 14, 2007, MEP filed a request with the FERC to implement the Commission's Pre-Filing Process for the Midcontinent Express Pipeline Project. At that time, MEP was in the preliminary design stage of the proposed Project and no formal application had been filed with the FERC. The FERC

granted MEP's request to use the Pre-Filing Process on February 22, 2007, and established a pre-filing docket number (PF07-4-000) to place information relevant to the proposed Project into the public record. The Pre-Filing Process was established by the FERC to encourage early involvement of interested stakeholders, facilitate interagency cooperation, and identify and resolve environmental issues before an application is filed with the FERC.

On March 13, 2007, the FERC issued a public information notice, *National Environmental Policy Act Pre-Filing Review for the Midcontinent Express Pipeline Project*, that explained the pre-filing environmental review process for the proposed Project. This notice was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. The notice also invited interested groups and individuals to attend a series of open houses scheduled by MEP to provide information about the proposed Project to affected landowners and other stakeholders. Concurrently, MEP mailed notification letters to landowners, government and agency officials, and the general public informing them about the proposed Project and inviting them to attend the open houses. MEP also published notifications of the open houses in local newspapers. The open houses were held on March 19, 20, and 22, 2007, in Quitman, Pearl, and Vicksburg, Mississippi, respectively; on March 26 and 27, 2007, in Monroe and Minden, Louisiana, respectively; on March 29 and April 2, 2007, in Mt. Pleasant and Paris, Texas, respectively; and on April 3, 2007 in Durant, Oklahoma. Staff representing the FERC attended the open houses to explain the environmental review process to interested parties and accept comments about the proposed Project.

On April 27, 2007, the FERC issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Midcontinent Express Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings* (NOI). Subsequently, on August 14, 2007, the FERC issued a *Supplemental Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Midcontinent Express Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Site Visit* (Supplemental NOI). The Supplemental NOI was issued to inform the public of Project modifications proposed by MEP that were not described in the NOI. The NOI and Supplemental NOI were sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and newspapers; and other parties that expressed an interest in the Project during the pre-filing and scoping periods. The NOI, which was published in the Federal Register, and the Supplemental NOI provided a summary of the proposed Project, outlined our NEPA-required environmental review process, provided a list of the environmental issues identified at that time, and requested comments on the scope of the analysis for the EIS.

The NOI also listed the dates and times of six public scoping meetings that were sponsored by the FERC to give the general public an opportunity to learn more about the proposed Project and to comment on environmental issues to be addressed in the EIS. These scoping meetings were held on May 14 and 15, 2007, in Quitman and Pearl, Mississippi, respectively; on May 17 and 21, 2007, in Delhi and Minden, Louisiana, respectively; and on May 22 and 24, 2007, in Mt. Pleasant and Paris, Texas, respectively. Additionally, the Supplemental NOI identified the date and time of a FERC-sponsored public site visit that was held on August 28, 2007, to give the public an opportunity to learn more about the Project modifications proposed by MEP.

The transcripts of all the scoping meetings, as well as all written comments received before and after the scoping meetings and site visit, are part of the public record for the proposed Project and are

available for viewing on the FERC Internet website (www.ferc.gov).³ Excluding representatives of MEP and the FERC, about 250 people attended the public scoping meetings for the proposed Project, and we received verbal statements from a total of 31 individuals.

During the pre-filing and scoping periods for the proposed Project, we received 135 written comment letters from members of the general public, Native American tribes, and federal and state resource agencies, as well as one petition with 45 signatures. The issues and concerns identified by commentors during the public scoping process for the proposed Project are summarized in Table 1.4-1, which also identifies the EIS section in which these issues are addressed. All comments received during the pre-filing period and since the MEP’s application was filed under Docket No. CP08-6-000 are considered part of the record for the Midcontinent Express Pipeline Project.

TABLE 1.4-1 Issues Identified and Comments Received during the Public Scoping Process for the Proposed Midcontinent Express Pipeline Project	
Issue/Comments	EIS Section Addressing Comment
General	
Project purpose and need	1.1
Public notification process and information distribution	1.4
Use of eminent domain to condemn private lands	2.2, 2.3, 3.8
Describe construction methods and land requirements	2.2, 2.3, 3.8
Maintenance procedures to be implemented during operation, including vegetation management and inspections	2.0, 3.5, 3.12
Potential damage to existing utilities	2.0, 3.12
Geology and Soils	
Impacts to soils, including compaction, drainage, and erosion potential following construction, and associated mitigation	3.2
Impacts to highly erodible or sensitive soils	3.2
Impacts to prime farmland soils	3.2
Geologic hazards such as landslides	3.1
Water Resources	
Construction-related impacts to irrigation and domestic water wells; potential for contamination and monitoring requirements	3.3
Impacts to surface waters (rivers, ponds and streams), particularly that associated with crossings of major and specially designated rivers	3.3, 3.8
Impacts associated with hydrostatic test water withdrawals	2.0, 3.3
Impacts to groundwater resources (springs and aquifers)	3.3

³ Using the “eLibrary link,” select “General Search” and enter the Project docket number excluding the last three digits (e.g., PF07-4 or CP08-6) in the “Docket Number” field. Be sure you have selected an appropriate date range.

TABLE 1.4-1 (continued)
Issues Identified and Comments Received during the Public Scoping Process
for the Proposed Midcontinent Express Pipeline Project

Issue/Comments	EIS Section Addressing Comment
Vegetation and Wetlands	
Avoidance and minimization of impacts to sensitive habitats, including wetlands, bottomland hardwoods, riparian habitats, and native prairies and rangelands during construction and operation; mitigation for Project-related effects	3.4, 3.5
Use of native vegetation and seed mixes to restore disturbed areas	3.2, 3.5
Measures to control of the spread of invasive plant species during construction and operation	3.5
Fish and Wildlife Resources	
Impacts to fish and wildlife habitat, including aquatic habitats associated with waterbody crossings	3.4, 3.5, 3.6
Potential impacts to colonial, nesting waterbirds or migratory bird species	3.6, 3.7
Collocation with other existing rights-of-way to minimize habitat fragmentation	3.4, 3.5, 3.6
Potential impacts to state and federally protected species or their habitat	3.7
Land Use, Recreation and Special Interest Areas, and Visual Resources	
Impacts to affected property and land uses, including agriculture/silviculture activities and planned developments	2.0, 3.8, 3.9
Proximity of pipeline to occupied structures	3.8
Reduced property access during construction and operation of the Project	2.3, 3.8
Allowable uses/restrictions on future development along the permanent pipeline right-of-way	3.8
Compatibility/potential conflicts with designated special use areas, including the Natural Resource Conservation Service Wetland Reserve and Conservation Reserve Program lands	3.4, 3.8
Aesthetics/visual impact of Project aboveground facilities	3.8
Air Quality and Noise	
Impacts from construction-related noise	3.11
Potential noise and air quality impacts associated with compressor station operations	3.11
Cultural Resources	
Identification, evaluation, and protection of potentially affected cultural resources	3.10
Native American notification and consultation	3.10
Socioeconomics	
Potential effect on property values	3.9
Loss of timber production values for affected silviculture operations	3.8, 3.9
General economic effects to agricultural operations	3.9
Potential for landowner liability associated with accidental pipeline damage	3.9
Responsibility for payment of property taxes along pipeline right-of-way	3.9
Economic impact on affected communities and businesses	3.9

TABLE 1.4-1 (continued) Issues Identified and Comments Received during the Public Scoping Process for the Proposed Midcontinent Express Pipeline Project	
Issue/Specific Comments	EIS Section Addressing Comment
Reliability and Safety	
Public safety; risk of leak, explosion, or catastrophic accident	3.12
Stability and integrity of pipeline; potential for damage from outside forces such as agricultural operations and equipment	2.6, 3.12
Security and risk of sabotage	3.12
Cumulative Impacts	
Cumulative impacts of similar proposed pipeline projects	3.13
Cumulative impact of multiple pipeline and utility rights-of-way	2.2, 3.8, 3.13
Alternatives	
Analysis of alternative pipeline routes and aboveground facility locations, including alternative compressor station sites	4.3, 4.4, 4.5
Use of electric motors as an alternative to natural gas-fired engines	4.5
Use of alternative energy resources to reduce need for the proposed Project	4.1

In addition to the public notice and scoping process discussed above, the FERC conducted agency consultations and participated in interagency meetings to identify issues that should be addressed in this EIS. These activities included participation in interagency coordination meetings held on May 15, 16, and 23, 2007, August 29, 2007, and November 1, 2007, to discuss the proposed Project and its associated environmental review process with other key federal and state agencies. The agencies that participated in one or more of those meetings included the COE; FWS; EPA; NPS; NRCS; the Mississippi Department of Environmental Quality (MDEQ); the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP); the Louisiana Department of Wildlife and Fisheries (LDWF); LDEQ; TPWD; and the Oklahoma Historical Society.

The FERC prepared a Draft EIS for the MEP Project and issued a Notice of Availability (NOA) for the Draft EIS on February 8, 2008. The formal notice indicated that the Draft EIS was available and had been mailed to individuals and organizations on the distribution list prepared for the proposed Project (see Appendix A). The Draft EIS was also filed with the EPA. In accordance with the CEQ regulations, the NOA and FR notice established a 45-day comment period ending on March 31, 2008; described procedures for filing comments on the Draft EIS; and announced the time, dates, and locations of public comment meetings held to receive comments on the Draft EIS. These announcements also described how additional Project information could be obtained from the Commission's Office of External Affairs and on the FERC's Internet website.

During the Draft EIS comment period, the FERC conducted public comment meetings in Paris and Mt. Pleasant, Texas, Minden and Delhi, Louisiana, and Jackson and Quitman, Mississippi, all between March 25 to 27, 2008. The meetings provided interested groups and individuals the opportunity to present oral comments on the FERC staff's analysis of the environmental impacts of the proposed Project as described in the Draft EIS. In addition, we received written comments on the Draft EIS from

three federal agencies: the U.S. Department of Interior, NRCS, and EPA; eight state agencies or entities: Oklahoma Historical Society, TPWD, Texas Historical Commission, LDWF, Louisiana Department of Natural Resources, a Louisiana State Senator, Louisiana Economic Development Department, and the Alabama Historical Commission; and three local government agencies: Bossier Parish (Louisiana) Tax Assessor, Paris (Texas) Economic Development Corporation, and the Hinds County (Mississippi) Economic Development District, as well as numerous individuals. The public comment meeting transcripts and all written comments received on the Draft EIS are part of the public record for the Project. Comments received on the Draft EIS and the FERC staff's responses to those comments are provided in Appendix M of this Final EIS. The FERC also participated in a site visit with LDWF and MEP to evaluate potential impacts to forested wetlands in Louisiana in April 2008. Changes were also made in the text of the Final EIS in response to comments on the Draft EIS and as a result of updated information that became available following issuance of the Draft EIS.

The Final EIS was mailed to the agencies, individuals, and organizations on the mailing list and submitted to the EPA for issuance of a formal public notice of availability. In accordance with CEQ's regulations implementing NEPA, no agency decision on a proposed action may be made until 30 days after the EPA publishes a notice of availability of a Final EIS. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal process that allows other agencies or the public to make their views known. In such cases, the agency decision may be made at the same time the notice of the Final EIS is published, allowing both periods to run concurrently. Should the FERC issue MEP authorization for the proposed Project, it would be subject to a 30-day rehearing period. Therefore, the Commission could issue its decision concurrently with the EPA's notice of availability.

1.5 NONJURISDICTIONAL FACILITIES

Under Section 7 of the NGA, the FERC is required to consider, as part of a decision to certificate jurisdictional facilities, all factors bearing on the public convenience and necessity. Toward this end, the FERC may need to consider the environmental impact of related "nonjurisdictional" facilities that would be constructed upstream or downstream of the jurisdictional facilities for the purpose of delivering, receiving, or using the proposed gas volumes. Integrally related nonjurisdictional facilities could include major power facilities, such as cogeneration plants, as well as less significant facilities, such as lateral pipeline connections.

The jurisdictional facilities for the proposed Project are described in detail in Section 2.1. The nonjurisdictional facilities for the proposed Project include a compressor station, which would be constructed and operated by Enogex, Inc. As described in Section 2.1, the Midcontinent Express Pipeline Project would receive natural gas from the existing Enogex pipeline system at the Project origin in Bryan County, Oklahoma. To address producer requests for increased capacity on the Enogex system, Enogex plans to construct approximately 43 miles of new pipeline through rural portions of Woods and Major Counties in northwestern Oklahoma. Additionally, Enogex plans to construct and operate a new compressor station near Bennington in Bryan County, Oklahoma, to facilitate delivery of planned natural gas volumes to the proposed Project pipeline.

1.5.1 The Four-factor Test

We use four factors to determine whether there is sufficient federal control and responsibility over a project as a whole to warrant environmental analysis of project-related nonjurisdictional facilities. These factors are:

- whether the regulated activity comprises “merely a link” in a corridor-type project (e.g., a transportation or utility transmission project);
- whether there are aspects of the nonjurisdictional facility in the immediate vicinity of the regulated activity that affect the location and configuration of the regulated activity;
- the extent to which the entire Project would be within the Commission’s jurisdiction; and
- the extent of cumulative federal control and responsibility.

With regard to the first factor, the jurisdictional Project facilities are clearly a link in a natural gas project. The proposed Project would serve as a new pipeline transportation system between the producers and consumers of natural gas. However, as a common carrier, MEP would only transport natural gas for its customers and would not sell gas to consumers. Therefore, this factor favors examining the nonjurisdictional facilities.

With regard to the second factor, the proposed Project would transport natural gas received from the Enogex intrastate pipeline system. The design and route of the proposed Project has been influenced by the location or configuration of the planned facilities. MEP adjusted the proposed route to accommodate interconnection with the new Enogex compressor station. Thus, the second factor does support the FERC’s review of the facilities.

The third factor weighs the extent to which the entire Project would be within the FERC’s jurisdiction. Intrastate pipeline facilities are regulated by state and local permitting agencies. The FERC has no authority over the permitting, licensing, funding, construction, or operation of these nonjurisdictional facilities. Because the FERC has no authority over the nonjurisdictional facilities, this factor weighs against extending the scope of the environmental review.

Finally, the last factor weighs the extent of cumulative federal control and responsibility over the nonjurisdictional facilities. Federal control is determined by the amount of federal financing, assistance, direction, regulation, or approval inherent in a project. The nonjurisdictional Enogex facilities represent private construction projects under state and local jurisdiction. The federal government has no financial involvement, and no federal lands are involved. Construction of the Enogex pipeline would likely impact wetlands and waterbodies along the proposed construction right-of-way, but it is anticipated that such impacts would be authorized under a COE nationwide permit. Based on the available information, federal agencies are expected to have very limited involvement in the approval of the nonjurisdictional facilities. Therefore, cumulative federal control is minimal, and this factor does not warrant extending the FERC’s environmental review.

We have applied the four-factor test to the Midcontinent Express Pipeline Project and have determined that only two factors favor examining the nonjurisdictional facilities. Therefore, insufficient justification exists to warrant extension of the FERC’s environmental review to include the nonjurisdictional facilities. However, because construction of the nonjurisdictional facilities is reasonably foreseeable in the region, we have considered them in our analysis of cumulative impacts (see Section 3.13).