APPENDIX M

RESPONSE TO COMMENTS

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ORIGINAL

United States Department of Agriculture
NRCS
Natural Resources Conservation Service

101 S. Main Street
Temple, TX 76501-6624
Phone: 254-742-9960
FAX: 254-742-9859

February 14, 2008

Federal Energy Regulatory Commission
888 First Street, N. E., Room 1A
Washington DC 20002

Attention: Kimberly D. Bose, Secretary

Subject: LNU-Farmland Protection-Draft Environmental Impact Statement
Midcontinent Express Pipeline, Docket No. CP08-6-000
Fannin, Lamar, Red River Franklin, Titus, Morris, Cass Counties, Texas

We have reviewed the information provided concerning the Draft Environmental Impact Statement for the Midcontinent Express Pipeline in Texas as outlined in your letter and information of February 2008. This Draft EIS is prepared by the Federal Energy Regulation Commission. We normally comment on projects as required by the Farmland Protection Policy Act (FPPA) in Texas.

F1-1 We have reviewed the Draft EIS you submitted. We concur with your statements on Prime Farmland in section 3.2. Prime Soils are identified in Appendix G of the report. We encourage you to use approved erosion control methods and replace topsoil after construction. We also concur with the summary recommendations in Section 5.1.2 to minimize long term potential impacts to soils.

F1-2 WRP lands are discussed in Section 3.4.1.3 and Section 3.8. Negotiations are continuing with Midcontinent and NRCS. Claude Ross (254-742-9822) is the contact person for NRCS on this property in Texas.

F1-3 Thank you for the opportunity to comment on this project and please keep us informed as this Environmental Impact Statement (EIS) is developed. We are pleased that you are trying to maintain the soil productivity while installing this pipeline. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

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F1-1 Comment noted. The FERC Plan and Procedures, which have been adopted by MEP and which are discussed in Sections 3.2 and 3.3 of the Final EIS, outline the methods that would be used to control erosion and to segregate and restore topsoil during and after construction.

F1-2 Comment noted. We also note the email communication for Leslie Michael of NRCS in Alexandria, LA stating that "the Texas Long Route Variation was acceptable."

F1-3 Comment noted.

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

TAKE PRIDE IN AMERICA

ER 08/156
File 9043.1

March 19, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Subject: COMMENTS AND RECOMMENDATIONS – Notice of Availability of the Draft Environmental Impact Statement (DEIS) for the Midcontinent Express Pipeline (MEP) Project, Federal Energy Regulatory Commission (FERC) No. CP08-6-000, various Counties and Parishes in Oklahoma, Texas, Louisiana, Mississippi and Alabama

Dear Ms. Bose:

The U.S. Department of the Interior has reviewed the subject DEIS issued on February 11, 2008. The MEP is located in Fannin, Lamar, Red River, Franklin, Titus, Morris, and Cass Counties, Texas; Bryan County, Oklahoma; Caddo, Bossier, Webster, Claiborne, Lincoln, Union, Ouachita, Morehouse, Richland, and Madison Parishes, Louisiana; Warren, Hinds, Rankin, Simpson, Smith, Jasper, and Clarke Counties, Mississippi; and Choctaw County, Alabama.

The DOI offers the following comments in accordance with provisions of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (ESA 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.), the National Wildlife Refuge System Act of 1997, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

General Comments (Louisiana)

F2-1 The DEIS is well written and well organized. It adequately describes the purpose and need for the proposed action, and the alternatives considered. Section 7 ESA consultation is ongoing in Louisiana for the threatened Louisiana black bear *(Ursus americanus luteolus)*, endangered redcockaded woodpecker (RCW, *Picoides borealis)*, endangered interior least tern *(Sterna*

F2-1 Comment noted.

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F2-1 *antillarum)*, endangered pallid sturgeon *(Scaphirhynchus albus)*, endangered pink mucket pearly mussel *(Lampsilis abrupta)*, and threatened earth fruit *(Geocarpon minimum)*. The U.S. Fish and Wildlife Service's Lafayette, Louisiana, Field Office will provide a final decision regarding that consultation to FERC as soon as the information is made available for inclusion in the final EIS. For specific details on those consultations, please contact the FWS's Lafayette, Louisiana, Field Office (337/291-3108).

General Comments (Oklahoma and Texas)

F2-2 During our review of a previous Administrative Draft EIS (ADEIS) received from FERC on September 20, 2007, the FWS expressed concerns related to potential cumulative impacts of the construction of the Midcontinent Express Pipeline Project and the Gulf Crossing Project which appear to be planned for collocation throughout much of their planned routes and are both scheduled for construction in 2008. The ADEIS and current DEIS (page 3-203, Section 3.13.4.2, paragraph 1) state that "These cumulative impacts would be most significant if (1) the projects were constructed at or near the same time and within close proximity of one another; and (2) the affected vegetative communities would take a long time to recover." We reiterate our previous comments that while some types of impacts may be intensified by the simultaneous construction of both of these projects, the duration of impacts to wildlife and the time needed for subsequent re-vegetation and stabilization of the affected environment could possibly be reduced if both of these pipeline projects were constructed together or as close in time as possible. Therefore, we encourage FERC to incorporate recommendations to Midcontinent Express Pipeline, LLC, and the applicants for the Gulf Crossing Project within the permitting process to synchronize the construction in areas where collocation is planned. Additionally, if the pipelines are not constructed simultaneously in areas of shared right-of-way (ROW), the potential arises that the latter project may undo restoration efforts employed by the former. This may include the destruction of native re-vegetation efforts thereby lengthening the period of time necessary for a return to original conditions and possibly incurring further restoration expense. For this reason, we recommend that FERC ensure that the project designs for the Midcontinent Express Pipeline Project and the Gulf Crossing Project address this potential conflict and that future iterations of this EIS fully evaluate the consequences.

Specific Comments

F2-3 Section 2.6, page 2-50, paragraph 5 - It is noted that "routine vegetative maintenance clearing of the full width of the permanent pipeline ROWs in uplands would not be performed more frequently than once every 3 years, unless requested and/or approved by appropriate state and local agencies" and "routine vegetative maintenance would not occur between April 15 and August 1 of any year to minimize the potential for impacts on migratory bird species that may use the permanent ROW for nesting." We recognize and appreciate these efforts to minimize impacts to wildlife. We also reiterate our recommendation that FERC encourage the operators of the Midcontinent Express Pipeline Project and the Gulf Crossing Project to coordinate ROW maintenance efforts in areas of collocation in order to minimize impacts to wildlife. A joint, periodic ROW maintenance effort for both ROWs could minimize the duration of impact and minimize the time needed to recover from the effects of this disturbance to resident wildlife.

F2-2 The FERC appreciates the FWS comment and has considered the possibility of synchronizing the construction schedules of the Gulf Crossing (CP07-398) and MEP Projects, particularly where the two projects would be collocated. However, the two Projects are on differing regulatory and natural gas delivery timelines, and in order to deliver needed natural gas to customers in a timely manner, such synchronization is not practical or feasible. The FERC would require both Projects to adequately restore and maintain vegetation along the disturbed rights-of-way of the proposed Projects following construction. Further, where the two Projects would be collocated and would parallel an existing right-of-way, the two Projects typically would be located on opposite sides of the existing corridor, with little or no chance that one Project would disturb the same area as the other during construction. The FERC discussed this issue with Mr. Sean Edwards of the FWS-Arlington, Texas office in a conference call on March 31, 2008.

F2-3 The FERC has considered the possibility of requiring joint, simultaneous maintenance (i.e., mowing) of the permanent rights-of-way for the proposed Gulf Crossing and MEP Projects in areas where they would be collocated. However, our biologists believe that this action would not necessarily reduce impacts to wildlife. Rather, we believe that it is likely that by spacing the timing of mowing apart temporally within a relatively small area, that impacts could be reduced and that resident wildlife could have more escape and refuge habitats available during these periodic disturbances. The FERC discussed this issue with Mr. Sean Edwards of the FWS-Arlington, Texas office in a conference call on March 31, 2008.

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F2-4 Section 3.3.1.1, Aquifers, pages 3-22 to 3-26 - Numerous statements are made about the aquifers described in this section without supporting scientific documentation. Examples include, but are not limited to, information about depth to water, water quality, and potential yield. The final EIS should include references for this information.

F2-5 Section 3.3.1.8, Site-Specific Impacts and Mitigation, page 3-31, last paragraph - The purpose of wellhead protection areas (WHPAs) is to delineate "land areas where, if pollutants were spilled or discharged on the surface, they could filter through the soil to the ground water and be drawn into a particular well" (http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=Assessments). Therefore, all the WHPAs listed in Table 3.3.1-1 represent areas of potential risk to public water supplies, not just the three for which the wellhead itself is within 150 feet of the proposed pipeline. It would benefit the public if the final EIS explains how risk to all the public water supplies with WHPAs that will be crossed by the pipeline will be minimized.

Section 3.4.2, page 3-56, paragraphs 4 and 5 - The DEIS indicates that the construction of the proposed project would affect 367 wetland areas and result in a total of approximately 297.5 acres of wetland disturbance during construction. Potential impacts to wetlands are indicated to be largely temporary, although permanent conversion of wetland types would occur in some areas including the conversion of approximately 82.7 acres of palustrine forested wetland into palustrine scrub-shrub and palustrine emergent wetlands. No estimation of permanent loss of wetland area is provided. As stated previously within the ADEIS, the DEIS indicates that "MEP would complete wetland permitting … in consultation with the COE" and indicates that MEP has proposed to compensate for wetland impacts through the purchase of wetland mitigation bank credits (page 3-61, Section 3.4.4, paragraph 2).

F2-6 As the National Environmental Policy Act process approaches completion, the opportunity for the FWS to offer comments and recommendations which might assist in the development of the Final EIS becomes increasingly limited. Because specific wetland impacts and compensatory mitigation details have yet to be provided at this stage of the review process, we will be limited to the review of the remaining draft version(s) of this document in which to develop substantive comments if the unresolved information is then made available. Alternatively, the U.S. Corps of Engineers may give the FWS an opportunity to provide input during the wetland permitting process.

F2-7 Section 3.4.3.1, High Quality, Sensitive, or Special-Status Wetlands, page 3-59 - This section discusses potential project-related impacts to high-quality forested wetlands within the project area. The FERC recommends that the applicant coordinate with Federal and state regulatory and resource agencies to identify and evaluate appropriate avoidance and/or minimization measures to further reduce impacts to high-quality forested wetlands. The appropriate FWS field offices would be pleased to assist the applicant in developing such measures.

F2-8 Section 3.7.1.1, Conclusion Regarding Federally Listed Threatened and Endangered Species, page 3-115 - As mentioned above, Section 7 ESA consultation is ongoing in Louisiana for federally listed threatened and endangered species. The FWS's Lafayette, Louisiana, Field Office will provide a final decision regarding that consultation to FERC as soon as the information is made available for inclusion in the final EIS.

F2-4 We have updated Section 3.3 to include additional references regarding groundwater resources based on our research. The section also includes a compilation of information contained within MEP's Resource Report 2 dated October 2007 that contains additional citations and is available on the FERC eLibrary website.

F2-5 Section 3.3 discusses the possibility of Project-related discharges, spills, or other impacts to groundwater. We have updated this section to indicate how such impacts could affect wellhead protection areas in general and how such impacts could be avoided or minimized. We also discuss potential impacts to specific wellheads located within 150 feet of the proposed route.

F2-6 No wetlands would be permanently lost as part of the proposed MEP Project. Wetlands would be restored after construction, however some wetland functions may be altered permanently by the proposed Project (i.e., some forested or scrub-shrub wetlands may be permanently modified to emergent wetlands within a portion of the permanent right-of-way). We have modified the condition in Section 3.4 to indicate that MEP also be required to provide copies of its wetland mitigation plan to the FWS, EPA, and LDWF in addition to the COE. The FERC also included two recommendations in Section 3.4 of the Final EIS that require MEP to consult with FWS and other agencies regarding crossings of high quality forested wetlands and mature cypress-tupelo wetlands.

F2-7 Comment noted.

F2-8 We have updated Section 3.7 regarding threatened and endangered species. Because Section 7 consultations for some listed species are ongoing, we have included a recommendation in Section 3.7 recommending that MEP not begin construction activities until Section 7 consultations are complete.

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F2-9 Section 5.1.13. Cumulative Impacts Analysis - The cumulative impacts section of the DEIS does not fully evaluate the potential consequences of multiple past, present, and reasonably foreseeable projects other than to conclude that resulting impacts would be minor based upon minimization efforts within the project designs for this and other projects under FERC purview and the implementation of so-far unspecified compensatory mitigation. We recommend that the Final EIS fully evaluate potential cumulative impacts resulting from the Midcontinent Express Pipeline Project, additional pipeline and non-pipeline projects, and construction timing of collocated pipelines, as well as the ongoing maintenance and operation of collocated pipelines and their ROWs.

Appendix K, Literature Cited

F2-10 Broom (1971) is listed as "U.S. Geological Survey Report 135." An incorrect USGS report number is listed. The citation should read:

Broom, M.E., 1971, Ground-water resources of Cass and Marion Counties, Texas, U.S. Geological Survey Open File Report 70-376, 66 p.

The reference Mineral Information Team U.S. Geological Survey (2007) should be cited as:

U.S. Geological Survey, 2007, Mineral Resources Spatial Data. Available on the Internet at: http://mrdata.usgs.gov/website/MRData-US/viewer.htm

Concerning U.S. Geological Survey (2007c), a more precise map is available at http://earthquake.usgs.gov/research/hazmaps/products_data/2002/2002October/CEUS/CEUSpga500v3.pdf.

Concerning U.S. Geological Survey (2005b), more up-to-date information regarding shaking hazards is available at http://earthquake.usgs.gov/research/hazmaps/.

The link to U.S. Geological Survey (2005c) is incorrect. The correct link to USGS Open-File Report 97-289 is http://pubs.er.usgs.gov/usgspubs/index.jsp?jboEventVo=PubResultView&view=basic&jboEvent=Search&pxfield_all=Open-File+Report+97-289&test=++Go++.

We appreciate the opportunity to provide COMMENTS and RECOMMENDATIONS on the DEIS. In the continuing planning process, please contact the following staff personnel in the appropriate field offices if you have or need additional information on our comments:

Robert V. Smith, FWS Lafayette Field Office, Lafayette, Louisiana, 337/291-3134
Hayley Dikeman, FWS Tulsa Field Office, Tulsa, Oklahoma, 918/581-7458
Sean Edwards, FWS Arlington Field Office, Arlington, Texas, 817/277-1100

F2-9 Section 3.13 of the Final EIS includes discussion of cumulative effects of pipeline and non-pipeline projects. We have updated Section 3.13 to include additional discussion of cumulative impacts in regard to the potential for synchronized schedules between projects and simultaneous maintenance of the permanent rights-of-way, which are addressed above for comments F2-2 and F2-3.

F2-10 We have updated the Literature Cited as indicated.

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For information regarding the suggested changes to the literature citations in Appendix K, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 or at lwoosley@usgs.gov.

Sincerely,

/s/

Stephen R. Spencer
Regional Environmental Officer

cc: FERC Service List

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Midcontinent Express Pipeline, LLC	)	Docket Nos. CP08-6-000
Various Counties and Parishes in	)	
OK, TX, LA, MS and AL	)	
Draft Environmental Impact Statement	)	

Certificate of Service

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated on this 19th day of March, 2008.

/s/

Stephen R. Spencer
Regional Environmental Officer
U.S. Department of the Interior
PO Box 26567
Albuquerque, NM 87125-6567

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEDERAL ENERGY
REGULATORY COMMISSION

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E. Room 1A
Washington, DC 20426

Docket Nos. CP08-6-00, PF07-4-000, FERC EIS 0220D

Dear Ms. Bose:

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 Midcontinent Express Pipeline Project. The purpose of the project is to facilitate the transport of up to 1,500,000 dekatherms per day of natural gas from production wells in eastern Texas, Oklahoma, and Arkansas to market hubs that would service the eastern United States.

F3-1 EPA rates the DEIS as "**EC-2**," i.e., EPA has "**Environmental Concerns and Requests Additional Information in the Final EIS (FEIS)**." EPA has identified environmental concerns and informational needs to be included in the FEIS to complement and to more fully insure compliance with the requirements of NEPA and the CEQ regulations and the Clean Water Act. Areas requiring additional information or clarification include: environmental justice, wetland impacts and mitigation, and air quality impacts.

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. Detailed comments are enclosed with this letter, which more clearly identify our concerns and the informational needs requested for incorporation into the FEIS.

EPA appreciates the opportunity to review the DEIS. If you have any questions, please contact Mike Jansky of my staff at 214-665-7451 or e-mail him at jansky.michael@epa.gov for assistance. Please send our office five 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,

for Cathy Gilmore, Chief
Office of Planning and
Coordination (6EN-XP)

Enclosure

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F3-1 Comment noted.

DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
MIDCONTINENTAL EXPRESS PIPELINE PROJECT

Water Resources

F3-2 As stated in the Draft Environmental Impact Statement (DEIS), all stakeholders including, but not limited to, US Army Corps of Engineers (USACE), US Fish and Wildlife Service (USFWS), state and local authorities should be consulted for mitigation of impacts to water quality and aquatic species. We also agree with the Federal Energy Regulatory Commission (FERC) that no streams proposed to be crossed via Horizonal Directional Drilling (HDD) be crossed by any other method without prior approval of FERC. Additionally, however, the USACE, US Environmental Protection Agency (USEPA), USFWS, US National Park Service (USNPS), and any other applicable federal, state, and/or local regulatory, duly authorized entity should be consulted during the decision-making process for changes from HHD crossings. The Final EIS (FEIS) should also disclose the status of proposed HDD crossings

Wetlands

F3-3 Midcontinental Express Project MEP) should consult directly with USACE to ensure proper wetland mitigation and restoration procedures are followed closely. Furthermore, MEP's final wetland mitigation plan should be reviewed by USACE, USEPA, and USFWS for concurrence before being filed with FERC.

Vegetation

F3-4 MEP should avoid forest fragmentation to preserve the habitat and other benefits of contiguous tracts. MEP should also pay close attention to forest fragmentation as it relates to edge effects and invasive species. MEP should develop a specific contingency for dealing with *Ailanthus altissima* (Tree of Heaven), which can be expected to flourish along forest edges potentially created by pipeline ROWs. A plan should be in place to ensure this species does not leverage fragmented boundaries created by disturbing forested areas. A monitoring program should be implemented and contingencies should be designed to eliminate invasives, such as *A. altissima*, once proposed construction of the project is underway. This should be done in consultation with US Department of Agriculture (USDA) and elements therein delegated to state and local agencies.

Wildlife and Aquatic Resources

F3-5 As stated by MEP, close consultation with USFWS is essential in this resource area. Every effort should be made to restrict construction during Interior Least Tern

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F3-2 The condition included in Section 3.3 includes the statement that "MEP should file the amended crossing plan concurrent with the appropriate state and federal applications required for implementation of the plan," which should include consultation with the FWS for streams containing federally listed species, the COE, the NPS (if a NRI river is involved), and the appropriate state agencies. We have updated this condition to also include the EPA.

F3-3 MEP would be required to consult directly with the COE to determine wetland mitigation requirements. We have modified the condition in Section 3.4 to indicate that MEP also be required to provide copies of its wetland mitigation plan to the FWS, EPA, and LDWF in addition to the COE. The FERC also included two recommendations in Section 3.4 of the Final EIS that require MEP to consult with FWS and other appropriate agencies regarding crossings of high quality forested wetlands and mature cypress-tupelo wetlands.

F3-4 Forest fragmentation is addressed in Sections 3.4 (forested wetlands) and Section 3.5 (forested uplands). We have added tree-of-heaven to the list of possible invasive species in Section 3.5. Section 3.5 also includes a recommendation that MEP develop a final Control Plan for Noxious and Invasive Species in consultation with various federal and state agencies.

F3-5 MEP and the FERC have consulted closely with the FWS regarding potential impacts to the interior least tern and measures to prevent adverse effects. We have included a recommendation in Section 3.7 for MEP to conduct FWS-approved pre-construction surveys. MEP committed to implementing worker training that also would act to prevent impacts to this species.

2

F3-5 breeding season within its historic range. USFWS jurisdiction and regulations should be adhered to in the strictest manner possible.

Threatened, Endangered, and Special Status Species

F3-6 EPA defers to USFWS in the design and implementation of any proposal as it relates to these species. Consideration should be given to the natural history, breeding seasons, as well as breeding territory of any and all threatened, endangered and special status florae and faunae. Recommendations from MEP in the FEIS should be specific in this regard.

Alternatives

F3-7 The CGT – TRANSCO route alternative should be considered further due to its increased use of existing ROWs and reduced environmental impacts. It should be noted that there is, at least the appearance of, more consideration to private land interests in varying the proposed route than environmental interests (Ref: Kidwell route variation, Twin Lakes route variation). That is, we note that some private lands and communities are avoided while others are impacted. In this regard, the FEIS should better disclose the rationale for the selection of route variants and attempt to avoid or reasonably balance unavoidable societal and environmental impacts along the ROW. We recommend co-location of the pipeline within existing ROWs wherever feasible to avoid or minimize impacts to both societal and environmental resources, assuming the natural gas pipeline product is compatible with the existing ROW utilities and no substantive additional impacts result through collocation.

F3-8

F3-9

Socioeconomic Consideration

The proposed project crosses five states, two of which are in Region 4 - Mississippi and Alabama. Within MS, the pipeline traverses seven counties (Warren, Hinds, Rankin, Simpson, Smith, Jasper, and Clarke). In Alabama, the project crosses only one county (Choctaw). However, these comments can apply to entire region of influence.

F3-10

1. EPA commends FERC's efforts to characterize the demographic composition and the economic status of the counties and parishes traversed with the proposed pipeline corridor relative to the State Averages. The data indicates that the project crosses many areas with substantial minority and low-income populations. According to the DEIS, there is a potential for disproportionate effects on minority and low-income populations. Consequently, additional analysis was required that considered whether the project-related effects would be adverse. The analysis assessed that the potential public health (i.e., pipeline failure) and socio-economic impacts (i.e., jobs and devaluation of property values).

2. The DEIS states that a total of twenty-three residences are located within 50 feet of proposed construction work areas (Section 3.8.1.5). These residents may experience

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F3-6 Section 3.7 addresses potential impacts to federally listed species. As stated in our recommendation, the FERC will not allow construction to begin until Section 7 ESA consultations are complete.

F3-7 We evaluated the route alternative in section 4.3.2. We conclude that this route alternative would incur similar environmental impacts compared to the proposed route and although it would be colocated more than the proposed route, it would result in additional impacts to residential areas and additional landowners. Further, the route alternative would result in approximately one mile of additional wetland impacts.

F3-8 The FERC attempts to give balanced consideration of both environmental concerns and landowner / residential issues when considering route variations. Some route variations are generated by landowner comments, which often include a mixture of personal property issues, planned development, and environmental concerns. In accordance with applicable federal regulations, the FERC takes into account the desires of landowners in the route planning process, although this concern is not necessarily an overriding concern.

F3-9 Comment noted. MEP has routed the proposed pipeline to collocate with existing rights-of-way extensively, including collocation with the Gulf Crossing Project in selected areas where feasible. The FERC has given significant consideration to collocation with existing corridors in order to minimize the effects of the proposed MEP Project and reduce habitat fragmentation and has taken collocation into account when evaluating potential route variations.

F3-10 Comment noted.

3

F3-11 a potential risk from property value devaluations within a pipeline easement and pipeline failure. Based on the data included in the DEIS, the risks of devaluations of property values or residential responsibility for property taxes that include the pipeline easements are present. The non-employee fatality risk from this natural gas pipeline appears to be 1 every 198 years (FERC-Page 3-190). EPA appreciates the inclusion of this risk information in the DEIS along with the table comparing risks from other sources including liquid and gas pipelines.

F3-12 **Recommendations:** The FEIS should include demographic information for these residents if available. Low income residents may experience added economic hardships should the project result in property value or usage impacts.

3. The EJ section of the DEIS incorporates a section on public involvement. Meaningful public involvement is an essential component of an EJ analysis. However, the DEIS discusses public involvement broadly and states that the public involvement efforts focused on the affected property owners and was not specific to EJ populations.

F3-13 **Recommendation:** In the future, an enhanced outreach effort should be developed to assure that EJ populations are engaged in the public participation process particularly when the potential exists to affect areas with high EJ populations. These efforts help to identify impacts and issues that are important to these communities.

Air Quality

F3-14 In Table 3.11.1-1 on page 3-167, FERC shows the annual national ambient air quality standard for PM_{10} as "Revoked" (which is correct). To avoid confusion, we recommend that no indication be made of a revoked standard. If this recommendation is followed (that is, the entry is deleted), the footnote designations will have to be changed.

F3-15 On page 3-168 under the heading "Air Quality Control Regions," FERC states that "AQCRs are categorized as Class I, Class II, or Class III" with reference to prevention of significant deterioration (PSD) area classifications. These classifications are not made on the basis of AQCR boundaries. We recommend changing the sentence to read "Areas of the U.S. are categorized as ..."

F3-16 Also on page 3-168 under the heading "Air Quality Control Regions," FERC states the following: "If a new source or major modification is subject to the PSD program requirements and is within 62 miles (100 kilometers of a Class I area, the facility is required to notify the appropriate federal officials and assess the impacts of the proposed project on the Class I area." The concept of an official 100-km cutoff distance from PSD Class I areas is not correct. The distance at which a Class I area impact analysis may be required depends on the types and quantities of the pollutants emitted from a project and on the air quality related values of the specific Class I areas that could be potentially affected. In some cases, project impacts on a Class I area must be assessed even at distances much greater than 100 km. We recommend deleting the sentence

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F3-11 Comment noted.

F3-12 Information regarding the demographics of those residents whose homes would be located within 50 feet of the construction right-of-way was not available. However, MEP has routed the proposed Project in a manner to avoid residences to the extent possible and has considered and adopted numerous route variations designed to avoid or minimize impacts to residences.

F3-13 Comment noted.

F3-14 The reference to the revoked standard was removed from Table 3.11.1-1.

F3-15 Paragraph edited as requested.

F3-16 Paragraph edited as requested.

4

F3-16 quoted above and replacing it with the following: "Given the types and quantities of the emissions from the compressor stations involved in the proposed project and the distance to the nearest Class I area, no adverse impacts on Class I areas is expected."

F3-17 On page 3-169, FERC lists one of the PSD Class I areas as "the Breton National Wildlife Refuge." The actual Class I area is the Breton National Wilderness Area within the Breton National Wildlife Refuge

F3-18 The second and third paragraphs on page 3-169 and the accompanying Table 3.11.1-2 all appear under the heading "Prevention of Significant Deterioration" (PSD). A possible confusion exists here because the table has applicability thresholds for both the PSD permitting program and the title V permitting program. The easiest way to minimize this confusion would be to have separate tables for the PSD discussion and the title V discussion (that starts on page 3-171). If this is done, the table for PSD should include PM as well as $PM_{10/2.5}$, and it should not include formaldehyde and total HAPs which are regulated under the title V program but not under the PSD program (except insofar as a HAP fits within a category such as VOC covered by PSD)

F3-19 In the fourth line of the second paragraph on page 3-169, the term "any regulated pollutant" should be "any regulated NSR pollutant."

In the third line of the third paragraph on page 3-169, the term "any criteria pollutant" should be "any regulated NSR pollutant."

In the fourth line of the third paragraph on page 3-169, the term "each regulated pollutant" should be "each regulated NSR pollutant."

F3-20 On page 3-171 under the heading "Title V Permitting," FERC states that the Vicksburg Compressor Station would not require a title V permit, in part because "[a]s shown in Table 3.11.1-2" the non-HAP pollutant emissions are less than the major source non-HAP threshold of 100 tpy. However, the VOC emission rate for Vicksburg in Table 3.11.1-2 is 102.3 tpy. Perhaps what FERC meant is that the Vicksburg station is in a source category for which fugitive emissions do not have to be considered for title V major source applicability purposes and that non-fugitive VOC emissions are less than 100 tpy. If this is the case, an explanation should be provided.

F3-21 On page 3-173 in the first paragraph under the heading "Operations Emissions," Table 3.11.1-4 should be Table 3.11.1-2.

F3-22 Related to the re-stated conclusion at the top of page 3-175 that PSD permitting is not applicable to the Vicksburg compressor station, no modeling was performed to assess compliance with PSD increments. However, even if the Vicksburg compressor station is not a PSD major source, the proposed emissions increases could still consume PSD increments. Increment consumption occurs for new minor sources if the minor source baseline date for a given pollutant has been established prior to the construction of the new minor source. For completeness sake, FERC might wish to compare modeling

APR-07-2008 14:32 FROM: TO:914040015356 P.5/6

F3-17 Paragraph edited as requested.

F3-18 PM was added to the table and the footnotes were revised to more clearly explain the differences between pollutants regulated under PSD and under Title V.

F3-19 The paragraphs were edited as requested.

F3-20 The paragraph has been edited to indicate that Vicksburg Compressor Station will require a Title V permit.

F3-21 The reference to the table number was edited as requested.

F3-22 Comment noted.

F3-22 results for Vicksburg NO_x emissions increases to the PSD Class II increment for NO_2. (Emissions increases for SO_2 and PM_{10} are probably low enough that modeling is unnecessary.) This is merely a suggestion. FERC can use its discretion in deciding what to do with the suggestion.

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

ER 08/156
File 9043.1

April 23, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Subject: SUPPLEMENTAL COMMENTS AND RECOMMENDATIONS – Notice of Availability of the Draft Environmental Impact Statement (DEIS) for the Midcontinent Express Pipeline Project, Federal Energy Regulatory Commission (FERC) No. CP08-6-000, various Counties and Parishes in Oklahoma, Texas, Louisiana, Mississippi and Alabama

Dear Ms. Bose:

The U.S. Fish and Wildlife Service's Lafayette, Louisiana, Field Office (LFO) has conducted a secondary review of the FERC February 2008 DEIS for the proposed Midcontinent Express Pipeline (MEP) Project. The proposed project would involve constructing and operating a new pipeline system (consisting of 30-, 36-, and 42-inch-diameter pipeline segments) that would begin near Bennington, Oklahoma, and terminate near Butler, Alabama. The Louisiana portion of that project would be located in Bossier, Caddo, Claiborne, Lincoln, Madison, Morehouse, Ouachita, Richland, Union, and Webster Parishes, Louisiana. The LFO offers the following supplemental comments, on the Louisiana-portion of the proposed project only, in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Migratory Bird Treaty Act (MBTA) (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.). We would appreciate FERC's consideration of these Supplemental Comments and Recommendations to the extent possible given that the deadline for submissions has passed.

General Comments

F4-1 The LFO has concerns regarding the direct and cumulative impacts resulting from the loss and fragmentation of forest habitat and the indirect impacts that these losses will have upon nesting forest interior migratory birds of conservation concern (http://www.fws.gov/migratorybirds/reports/BCC2002.pdf). Construction and operation of the project would cause habitat

F4-1 Extensive forested tracts are discussed in Section 3.5 and migratory birds are discussed in Section 3.6. We have updated this section in response to the comment.

F4-1 fragmentation, especially in forested areas. Forest fragmentation may contribute to population declines in some avian species because fragmentation reduces avian reproductive success (Robinson et al. 1995). Fragmentation can alter the species composition in a given community because biophysical conditions near the forest's edge can significantly differ from those found in the center or core of the forest. As a result, edge species could recruit to the fragmented area and species that occupy interior habitats could be displaced. The fragmentation of intact forests could have long-term adverse impacts on some forest interior bird species. Conversion of intact forested habitats to early successional stages and the increase in forest edge that would result from the implementation of the proposed project could adversely affect forest interior bird species by reducing pairing success (Gibbs and Faaborg 1990) or by increasing rates of nest predation (Batary and Baldi 2004), brown-headed cowbird (*Molothrus ater*) brood parasitism (Brittingham and Temple 1983), or interspecific competition. The LFO recommends that the DEIS be revised to more clearly explain the potential direct and cumulative impacts of forest fragmentation, as well as how the impacts from the additional fragmentation and forest edge that would be caused by the proposed project have been or will be addressed.

F4-2 The DEIS states it would take 20 to 40 years for forests to re-grow to preconstruction conditions after being cleared. However, much of the upland forest (i.e., mixed hardwood-loblolly pine/hardwood slope forest) in the project area contains slow growing hardwoods such as multiple oak species, hickory, and beech. Therefore, it seems likely that 50 years would be a minimum time to recover the structural attributes (i.e., large diameter trees and snags, etc.) and ecological functions associated with these mature forests.

Specific Comments

F4-3 3.5.3.2 Extensive Forested Tracts, Page 3-77, 1st Paragraph, 2nd Sentence: This sentence states that "…effects to those areas would be long term, as vegetative strata would be altered for 20 to 40 years or more, until mature trees replace early herbaceous, shrub, and sapling strata…." This sentence should be revised to indicate that mature forests would take 50 years or more to recover.

F4-4 3.5.3.2 Extensive Forested Tracts, Page 3-77, 2nd Paragraph: This paragraph correctly states that locating the proposed project pipeline adjacent to existing cleared rights-of-way avoids and minimizes impacts to large, contiguous forested tracts. However, the key issue is project impacts to previously unfragmented extensive forested tracts. This paragraph should clarify the number of miles of non-collocated right-of-way through forested tracts that will be impacted by the proposed project and the acreage within these tracts that will experience long-term or permanent impacts from the proposed project.

F4-5 3.6.1.4 Sensitive or Managed Wildlife Habitats - Extensive Forested Tracts, Page 3-88, 3rd Paragraph, 5th Sentence: This sentence states that "Given the measures to avoid and minimize impacts to large forested areas, and in consideration that some disturbance occurs and would continue to occur in the identified large forested tracts as a result of commercial timber operations, we conclude that impacts to wildlife from disturbance of these areas would be relatively minor." Given the known negative impacts to forest interior species from forest fragmentation, and the fact that the proposed project contains up to 34.3 linear miles of right-of-

F4-2 We have edited the paragraph as indicated.

F4-3 We have edited the paragraph as indicated.

F4-4 We have edited the paragraph as indicated.

F4-5 Comment noted and reflected in the Final EIS.

3

F4-5 way through extensive forested tracts in Louisiana (Table 3.5.1-2 [pages 3-66 and 3-67]), the FWS believes that impacts to wildlife in large forested tracts from the proposed Project could be significant.

F4-6 3.6.1.5. Unique and Sensitive Wildlife Species - Migratory Birds, Page 3-90, 3rd Paragraph, 1st Sentence: This sentence states that "Based on consultations in November 2007, the FWS agreed that no adverse effects to nesting migratory birds would result from construction given the proposed schedule." In our November 2007 meeting, the LFO did agree that the direct adverse impacts to nesting migratory birds from vegetation clearing would be minimized if construction avoids the main migratory bird nesting season of April 15 through August 1, as proposed. However, the LFO believes that forest fragmentation caused by the proposed project will likely result in substantial secondary adverse impacts (via displacement, and/or increased nest predation, brown-headed cowbird brood parasitism, etc.) to nesting forest interior migratory birds of conservation concern, regardless of the timing of construction.

Literature Cited

Batary, P., and A. Baldi. 2004. Evidence of an edge effect on avian nest success. Conservation Biology 18: 389–400.

Brittingham, M.C., and S.A. Temple. 1983. Have cowbirds caused forest songbirds to decline? BioScience 33:31-35.

Gibbs, J.P., and J. Faaborg. 1990. Estimating the viability of ovenbird and Kentucky warbler populations in forest fragments. Conservation Biology 4:193-196.

Robinson, S. K., F.R. Thompson III, T.M. Donovan, D.R. Whitehead, and J. Faaborg. 1995. Regional forest fragmentation and the nesting success of migratory birds. Science 267:1987–1990.

We appreciate the opportunity to provide these comments on the subject DEIS. Should you require additional information regarding this supplemental response, please contact Ben Thatcher (337/291-3123) of the LFO.

Sincerely,

/s/

Stephen R. Spencer
Regional Environmental Officer

cc: FERC Service List
District Engineer, Regulatory Functions Branch, U.S. Army Corp of Engineers, Vicksburg, MS
Secretary, Louisiana Department of Wildlife and Fisheries, Baton Rouge, LA
Attn: Mr. Kyle Balkum

F4-6 We note the comment and have modified our recommendation to more fully account for impacts of forest fragmentation and associated impacts to migratory birds.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Midcontinent Express Pipeline, LLC	)	Docket Nos. CP08-6-000
Various Counties and Parishes in	)	
OK, TX, LA, MS and AL	)	
Draft Environmental Impact Statement	)	

Certificate of Service

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated on this 23rd day of April, 2008.

/s/

Stephen R. Spencer
Regional Environmental Officer
U.S. Department of the Interior
PO Box 26567
Albuquerque, NM 87125-6567

From: Michael, Leslie - Alexandria, LA [mailto:leslie.michael@la.usda.gov]
Sent: Monday, March 31, 2008 5:50 PM
To: Charles Brown
Cc: Marcantel, Ronald - Alexandria, LA; Crane, Elizabeth - Washington, DC; Lahren, Ross - Washington, DC; Murray, Ken - Washington, DC; Ross, Claude - Temple, TX; Urwick, Scott (Lowell,MA-US)
Subject: MEP EIS Comments

Charles Brown, Midcontinent Express Pipeline Project Manager
Federal Energy Regulatory Commission
888 First Street
Washington, DC 20426

Charles,

F5-1 MEP submitted a new route variation that was preferred by NRCS, which avoided the WRP easement in Bossier Parish as it relates to Section 4.4.2.1 of the EIS. That variation is attached.

F5-2 The WRP route variations for Madison Parish Mainline and Madison Parish Center Point Lateral were agreeable to Louisiana. In addition the Texas Long Route variation was acceptable.

F5-3 On page 3-60 replace Louisiana NRCS with NRCS. The Louisiana State Conservationist is the Responsible Federal Official (RFO) for NRCS for this project. It is the policy of NRCS to avoid impacts to all WRP lands as they are wetlands.

F5-4 The reference to Grassland Reserve on Table 1.3-1 on page 1-4 should be removed. NRCS does not have authority to modify or terminate Grassland Reserve Program (GRP) easements through subordination of the deed. Additionally Conservation Reserve Program (CRP) lands are secured through a rental agreement and should not be included as requiring a subordination agreement; therefore this reference should be removed from the same table.

Thank you for the opportunity to comment.

Leslie

Leslie L. Michael
Assistant State Conservationist/Programs
USDA Natural Resources Conservation Service
3737 Government Street
Alexandria, LA 71302
Telephone: 318-473-7755 FAX: 318-473-7626

F5-1 MEP has adopted this route variation as discussed in Section 4 and depicted in Appendix J.

F5-2 The route variations for the WRPs in Madison Parish, Louisiana have not been adopted because they were not environmentally preferable to the original route and the WRPs will be crossed via HDD. We evaluated several route variations to the proposed route crossing the WRP site located in Fannin County, Texas (the Long Route Variations). The route proposed by MEP along with the proposed HDD crossing method at the WRP would best balance environmental and WRP impacts.

F5-3 The edit was made as requested.

F5-4 The table was edited as requested.

20080310-0077 FERC PDF (Unofficial) 03/06/2008

ORIGINAL

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

TEL: 334-242-3184
FAX: 334-240-3477

February 27, 2008

FILED
OFFICE OF THE
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2008 MAR -6 A 8:45
FEDERAL ENERGY
REGULATORY COMMISSION

Federal Energy Regulatory Division
888 First Street NE, Room 2A
Washington, D.C. 20426

Re: AHC 07-0435
FERC Docket Nos. CP08-6-000 & PF07-4-000
Draft Environmental Impact Statement
Midcontinent Express Pipeline Project
Choctaw County, Alabama

Dear Sirs:

S1-1 Upon review of the Draft EIS submitted by your office, we have determined that we agree with the comments made in the document regarding cultural resources. By our letter dated November 27, 2007, we stated that we concurred with the submitted cultural resource and the project activities except for the areas which were unavailable for archaeological survey. By letter dated January 7, 2008, we concurred with the submitted cultural resource assessment Addendum 1. Our office continues to concur with these assessments and project activities may proceed in these areas of Alabama. However, if any unsurveyed areas remain or if any addendums arise, we will have to review the cultural resource assessments as they become available.

We appreciate your efforts on this project. Should you have any questions, the point of contact for this matter is Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr

cc: William Stanyard
TRC, 4155 Shackleford Road
Norcross, GA 30093

THE STATE HISTORIC PRESERVATION OFFICE
www.preserveala.org

S1-1 Comment noted.

20080227-4009 FERC PDF (Unofficial) 02/27/2008

Louisiana State Senate
PO Box 94183
Baton Rouge, Louisiana 70804
(225) 342-2040

February 27, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. N.E., Room 1-A
Washington, D.C. 20426

Reference: Docket No. PF07-4-00
Docket No. RM06-23

Dear Secretary:

I would like to express my support for the proposed Midcontinent Express Pipeline.

S2-1 In my legislative district which includes Claiborne Parish, Union Parish, Ouachita Parish, and Morehouse Parish, the project will bring positive economic benefits, including jobs during the development and construction phases (permanent jobs in Lamar County and Union Parish), local economic stimulus and significant investment to our area. I also understand that the pipeline will continue to contribute to our economy once in operation, paying significant ad valorem taxes annually.

The new natural gas pipeline system also will enhance our nation's energy security by transporting clean-burning, domestically produced natural gas to customers. Strengthening our nation's energy infrastructure can help stabilize energy prices through better connections between natural gas supply areas and consumer and industrial markets. Increased access to central U.S. onshore production areas also provides a buffer when hurricanes or other natural disasters disrupt coastal and offshore energy supplies.

We support this new pipeline project for the economic benefits it will bring to our region and its role in helping meet our country's energy needs.

Sincerely,
State Senator Mike Walsworth
District #33

S2-1 Comment noted.

March 10, 2008

The Honorable Kimberly D. Bose
Secretary, Federal Energy Regulatory Commission
888 First St. N.E., Room 1-A
Washington, D.C. 20426

Reference: Docket No. CP08-6

Dear Secretary Bose:

I would like to express our support for Midcontinent Express Pipeline (MEP).

The natural gas transmission system as proposed will cross approximately 200 miles in Louisiana and will also include a natural gas compressor station and a booster station in the State. The project will bring millions of dollars in investment, jobs and ongoing tax payments – all welcome economic benefits for our State.

S3-1 In Richland Parish, the project had proposed to cross an area of land the state has targeted for economic development. We expect to locate a large industrial operation and support facilities in this area. Although we do still have a few matters to work out and our negotiations are still ongoing, MEP representatives have been working with us to re-route the pipeline, at considerable cost, and to increase the wall thickness of the pipe, in anticipation of these future industrial uses. The pipeline also has worked cooperatively with us in other areas and it appears to us that they have also been cooperative with Louisiana business owners and landowners in addressing their concerns.

We look forward to welcoming Midcontinent Express Pipeline as a new energy business partner in Louisiana.

Sincerely,

Stephen Moret
Secretary

S3-1 Comment noted.

Oklahoma Historical Society *Founded May 27, 1893*
State Historic Preservation Office
Oklahoma History Center • 2401 North Laird Ave. • Oklahoma City, OK 73105-7914
(405) 521-6249 • Fax (405) 522-0816 • www.okhistory.org/shpo/shpom.htm

March 10, 2008

FERC Project Coordinator
Public Reference Room
888 1st St. N.E., Rm. #2A
Washington, D.C. 20426

ORIGINAL

FEDERAL ENERGY REGULATORY COMMISSION
2008 MAR 17 P 3:
FILED
OFFICE OF THE SECRETARY

RE: File #0225-08; FERC Draft Environmental Impact Statement for Midcontinent Express Pipeline, Oklahoma Segment, Bryan County; #OEP/DG2E/Gas Branch #3, Docket #CP08-6-000, FERC/EIS #0220D

Dear FERC Project Coordinator:

Our response is in regard to the above referenced undertaking which is referenced in your letter as #OEP/DG2E/Gas Branch #3, Midcontinent Express Pipeline, LLC (MEP), Docket #CP08-6-000.

Our review only pertains to 14.5 miles in Bryan County, Oklahoma, a small segment of the overall 501 miles proposed for this pipeline, which will originate near Bennington in Bryan County, Oklahoma and terminate in Choctaw County, Alabama.

As for the draft Environmental Impact Statement (EIS), we are in agreement that no historic properties are affected by the Oklahoma segment for this undertaking. However, there are discrepancies in how this opinion is expressed in the document.

We previously reviewed both the Phase I and follow-up supplemental archeological reports prepared for MEP and your agency by TRC of Norcross, GA. By way of letter dated September 11, 2007, in response to the Phase I report, we concurred with the finding that no historic properties eligible for listing in the National Register of Historic Places had been identified in the Oklahoma segment. However, 2.2 miles of the 14.5 mile corridor had not yet been surveyed due to landowner refusal to allow access to the property.

S4-1 It is still our understanding that once access has been gained for the un-surveyed 2.2 mile segment (unless this was covered during the realignment survey), we will be provided a chance to comment on the report of findings for that portion as well.

S4-2 Due to several changes in alignment, a follow-up supplemental report was submitted by TRC on December 19, 2007 (received January 3, 2008). We responded to TRC on January 28, 2008, that as they had not been delegated the authority to initiate Section 106 review with us directly, all archeological reports had to be submitted to our attention through FERC. This issue has been discussed previously during background check office visits by both AMC-Paragon and TRC, a March 19, 2007 letter addressed to TRC, and a conference call of August 29, 2007, with FERC, TRC and other agencies.

S4-1 That is correct. Section 106 consultation will not be complete until all areas affected by the proposed Project have been surveyed and the respective SHPOs have concurred with MEP's report findings.

S4-2 Comment noted.

FERC
March 10, 2008
Page 2

RE: File #0225-08; FERC Draft Environmental Impact Statement, Mid-Continent Express Pipeline Project for Oklahoma Segment, Bryan County, Oklahoma

S4-3 Although not submitted under FERC's cover letter, we have subsequently reviewed the supplemental report and concur with the author's opinion that since no sites were identified in the alternate alignments, no historic properties are affected.

S4-4 On another matter, the findings presented on Page 3-163 of the draft EIS for Oklahoma are not correctly expressed. For one, the statement that the Oklahoma SHPO concurred with the findings of the August 27 and September 4, 2007 submittals by correspondence dated November 12, 2007, is not correct. The referenced letter was submitted by the Oklahoma Archeological Survey (OAS), and not the SHPO, with reference that it was "conducted in cooperation" with the SHPO.

Since the only archeological "site" identified for the Oklahoma segment so far consists of a single Isolated Find (Gary type biface), the SHPO through our cooperative agreement with the OAS defers to the State Archeologist regarding both sites and finds that date from prehistoric times.

Even with the discrepancies in the draft EIA, we find that there are no historic properties affected by the Oklahoma segment of this undertaking.

Thank you for the opportunity to review this project. If you have any questions, please call Charles Wallis, RPA, Historical Archeologist, at 405/521-6381. Please reference the above underlined file number when responding. Thank you.

Sincerely,

Melvena Heisch
Deputy State Historic
Preservation Officer

MH:pm

cc: Robert Brooks, State Archeologist

S4-3 Comment noted.

S4-4 The paragraph was edited as indicated.

20080324-5024 FERC PDF (Unofficial) 3/24/2008 10:38:01 AM

BOBBY JINDAL
GOVERNOR

SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE SECRETARY

March 20, 2008

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1-A
Washington, D.C. 20426

Reference: Docket No.CP08-6-000

Dear Secretary Bose:

I would like to express our support for Midcontinent Express Pipeline (MEP).

The natural gas transmission system as proposed will cross approximately 200 miles in Louisiana and will also include a natural gas compressor station and a booster station in the State. The project will bring millions of dollars in investment, jobs and ongoing tax payments – all welcome economic benefits for our State.

S5-1 In Richland Parish, the project had proposed to cross an area of land the state has targeted for economic development. The Louisiana Department of Economic Development expects to locate a large industrial operation and support facilities in this area. Although they do still have a few matters to work out and the negotiations are still ongoing, MEP representatives have been working with the state to re-route the pipeline, at considerable cost, and to increase the wall thickness of the pipe, in anticipation of these future industrial uses. The pipeline also has worked cooperatively with the state in other areas and it appears to us that they have also been cooperative with Louisiana business owners and landowners in addressing their concerns.

We look forward to welcoming Midcontinent Express Pipeline as a new energy business partner in Louisiana.

Very truly yours,

Scott A. Angelle
Secretary

SAA:tab

Post Office Box 94396 • Baton Rouge, Louisiana 70804-9396
617 North Third Street • 12th Floor • Suite 1240 • Baton Rouge, Louisiana 70802
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S5-1 Comment noted.

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Carter P. Smith
Executive Director

March 27, 2008

Kimberley D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

RE: FERC Docket No. CP08-6-000
Midcontinent Express Pipeline Project
Proposed Natural Gas Pipeline
(Fannin, Lamar, Red River, Franklin, Titus, Morris, and Cass Counties, Texas and Portions of Oklahoma, Louisiana, Mississippi, and Alabama)

Dear Secretary Bose:

The Federal Energy Regulatory Commission (FERC) has provided the Texas Parks and Wildlife Department (TPWD) with the Draft Environmental Impact Statement (EIS) for the proposed project referenced above for review and comment. Under section 12.0011 of the Texas Parks and Wildlife Code, TPWD is charged with "providing recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects" and "providing information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources."

TPWD offers the following comments regarding the DEIS for this project:

Table 1.3-1 Page 1-6 and 1-7

The agency responsible for issuing a *Marl, Sand, Gravel, Shell or Mudshell Permit* is TPWD, not the State of Texas, General Land Office (GLO). The GLO has the ability to determine the "navigability" of the stream (30 feet or more wide) which is the trigger for TPWD jurisdiction.

S6-1 Comment. The table should be revised. Waterbottom crossings should be renamed and moved to TPWD.

Section 3.4.2, Page 3-57 WETLANDS: General Impact and Mitigation

FERC advised MEP to consult with TPWD to identify and evaluate appropriate avoidance and/or minimization measures to further reduce impacts to extensive

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800
www.tpwd.state.tx.us

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

S6-1 The table has been edited as indicated.

Secretary Bose
Page 2
March 27, 2008

forested wetland crossings located at MP TX 50.4, TX 51.4, TX 61.0 and TX 62.3.

S6-2 Comment. TPWD provided comments and recommendations to MEP as shown in the attached letter.

Section 3.5.1.1, Pages 3-64 and 3-65 Native Prairie Communities and Distinct Forest Communities and 3.5.3.1 Pages 3-75 and 3-76

These sections indicate that the proposed project would not cross the Johnson Prairie or the Post Oak – Blackjack Oak- Black Hickory (PO-BO-BH) Vegetative Community located at approximately (MP TX 11.5) and that the proposed route would be contained entirely within an existing right-of-way (ROW) at this location. These sections also indicate that between MP TX 60.6 and 64.3, the project would cross an area of Water Oak – Willow Oak (WO-WO) Vegetative Community and that TPWD had requested MEP perform surveys to determine the extent and quality of the WO-WO community.

S6-3 Comment. MEP has consulted with TPWD regarding their survey of the WO-WO Community distinguishing the jurisdictional and non-jurisdictional impacts, extent and quality, and has proposed compensatory mitigation at a ratio of 1:1 for permanent impacts to 1 acre of non-jurisdictional aspects of the community. The majority of impacts at this location are jurisdictional. TPWD accepted the mitigation proposal for impacts to the non-jurisdictional WO-WO Community in the event that the proposed pipeline would not be rerouted around the community and placed in previously disturbed spaces as recommended in the Section 3.4.2 comment above and referenced letter.

Section 4.4.1.2, Johnson Route Variations, Pages 4-34 to 4-36

This section assessed the potential impacts associated with the Proposed Project Route, Johnson Route Variation I, and Johnson Route Variation II. The Route Variations would occur from MP TX 11.2 to 12.2. The findings of the evaluation indicated that Johnson Route Variation II would impact both the Silveanus Dropseed Prairie Communities and the PO-BO-BH Vegetative Community and was thus eliminated from consideration.

S6-4 Comment. TPWD concurs with the determination to eliminate Johnson Route Variation II from consideration.

The findings of the evaluation indicated that the Johnson Route Variation I, the Proposed Route, and extra workspaces would not impact the Silveanus Dropseed

S6-2 MEP has adopted a crossing via HDD for the forested wetlands at MP TX 51.4 which would significantly reduce impacts at this area. The feasibility of another HDD in the forested wetland at MP TX 50.4 is constrained by the presence of the Sulphur River and Highway 37, which would limit the accessibility of a HDD pullback section. The forested wetland at MP 50.4 is already disturbed due to the presence of an existing Kinder Morgan pipeline. The proposed MEP route adjoins the existing corridor except for a slight deviation needed to properly align the HDD pullback section at MP TX 51.4. We believe that these measures adequately avoid and minimize impacts to the forested wetlands in this area.

S6-3 The TPWD indicated that they were satisfied with MEP's proposed mitigation, purchase of one credit at a conservation bank, to account for impacts to upland areas of the water oak - willow oak community. Impacts to wetland areas would be mitigated through the COE permitting process. Additionally, the proposed Project would be collocated with an existing Kinder Morgan pipeline, so the forested wetland has already been disturbed. We believe that these measures adequately avoid and minimize impacts to the forested wetlands in this area.

S6-4 Comment noted.

Secretary Bose
Page 3
March 27, 2008

Prairie Communities and the PO-BO-BH Vegetative Community. The Johnson Route Variation I was thus eliminated from consideration because it was a longer option.

S6-5 Comment. TPWD concurs with the determination given the understanding that the project would not impact the Silveanus Dropseed Prairie Communities and the PO-BO-BH Vegetative Community on the Johnson Property. Otherwise, TPWD supports Johnson Route Variation I.

MEP has been consulting with TPWD regarding various items as recommended by FERC in the DEIS. Please call if you have any questions regarding these consultations, (903) 675-4447.

Sincerely,

Karen B. Hardin

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/12213D

cc: FERC Gas Branch 2, DG2E

Attachments

S6-5 Comment noted.

TEXAS PARKS & WILDLIFE

March 14, 2008

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EXECUTIVE DIRECTOR

J.H. Rumpp, Jr.
TRC Environmental Corporation
650 Suffolk Street, Suite 200
Lowell, MA 01854

RE: Midcontinent Express Pipeline Project, Proposed Natural Gas Pipeline
Wetland Construction Review (NE Texas)

Dear Mr. Rumpp:

As consultant for Midcontinent Express Pipeline (MEP), TRC Environmental Corporation (TRC) has requested Texas Parks and Wildlife Department (TPWD) comment regarding potential measures that could reduce impacts to extensive forested jurisdictional wetlands at four locations designated by Texas Milepost (MP TX) along the proposed MEP Project. You have provided MEP's proposed Wetland Crossing Plans that show the crossing type, length, and impact minimization measures along with aerial imagery of the crossing details.

MP TX 50.4: This 4,254 ft. crossing would be situated between two Horizontal Directionally Drilled (HDD) crossings; thus would require the proposed line to veer away from the existing Kinder Morgan pipeline corridor due to engineering constraints. The construction workspace through this area would be reduced to a 75-ft. width.

MP TX 51.4: This 6,670-ft. crossing would be conducted by HDD, thus impacts would be greatly minimized.

Comment. Regarding the MP TX50.4 and MP TX 51.4 wetland crossings, the preferred impact minimization strategy recommended by TPWD would be to avoid the wetland impacts by rerouting the proposed MEP line from approximately MP TX 45.75 to MP TX 53 to follow the proposed Minor Route Variation incorporated into the Gulf Crossing Project (Docket Nos. CP07-398-001 and CP07-401-000). The Gulf Crossing Project Draft EIS (page 4-19 Table 4.4-1 and Figure B-1 Sheets 32 through 35) contains a route variation from Gulf Crossing MP 92.0 to MP 101.1. A HDD would still be necessary across the Sulphur River and its associated bottomland hardwood community, though MEP's incorporation of a route variation that follows the Gulf Crossing route would eliminate the HDD across wetland MP TX 51.4 and would avoid the wetland impacts at MP TX 50.4.

If the proposed MEP route is not rerouted, then TPWD offers no additional recommendations to minimize wetland impacts at MP TX 50.4 and MP TX 51.4.

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J.H. Rumpp
Page 2
March 14, 2008

MP TX 61.0 and 62.3: These 3,130-ft. and 4,496-ft. crossings, respectively, would pass through a Water Oak – Willow Oak (WO-WO) Vegetative Community which is tracked by TPWD as a rare resource. TRC's survey results of the extent and quality of the WO-WO Community between MP TX 60.6 and 64.3 indicate that the majority of the crossing would be through jurisdictional forested wetlands as shown in the Wetland Crossing Plans (MP TX 61.0 and 62.3). Two smaller portions through the WO-WO community would not be jurisdictional. The results indicated that the majority of the crossing through the WO-WO community would impact **mature** bottomland hardwoods. MEP's proposed impact minimization strategy would be to follow an existing pipeline corridor and to reduce the construction ROW to 75-ft. through the jurisdictional wetlands and to utilize a wider ROW and additional workspaces through the non-jurisdictional WO-WO hardwood community.

> Comment. The preferred impact minimization strategy that TPWD recommends for the MP TX 61.0 and 62.3 mature forested wetland crossings would be to reroute the pipeline around the forested wetlands, thus avoiding the wetlands and the WO-WO community. The Federal Energy Regulatory Commission (FERC) has recommended the adoption of a route variation in the Draft EIS for the Gulf Crossing Project (Docket Nos. CP07-398-001 and CP07-401-000) to completely avoid the impacts to the same occurrence of the WO-WO community. TPWD recommends that MEP parallel the route variation if adopted for the Gulf Crossing Project.
>
> If the MEP route is not rerouted from MP TX 60.6 to 64.3, then TPWD offers no additional recommendations to reduce wetland impacts at this location because the ROW would be reduced and the line would follow along an exiting corridor. Mitigation requirements for the unavoidable project impacts to jurisdictional forested wetlands would be determined by the U.S. Army Corps of Engineers in consultation with TPWD.

Thank you for coordinating with TPWD regarding this project. If you have any questions, please contact me at (903) 675-4447.

Sincerely,

Karen B. Hardin

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/12213E

BOBBY JINDAL
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY

JIMMY L. ANTHONY
ASSISTANT SECRETARY

April 4, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20002

RE: *Docket No. CP08-6-000*
Midcontinent Express Pipeline Project
Draft Environmental Impact Statement

Dear Ms. Bose:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the information provided by the Federal Energy Regulatory Commission (FERC) regarding the Draft Environmental Impact Statement (EIS) for the Midcontinent Express Pipeline Project. In Louisiana, Midcontinent Express Pipeline, LLC proposes to construct, operate, and maintain an interstate natural gas pipeline and appurtenant ancillary facilities, extending east-southeast from Caddo Parish to Madison Parish.

Based upon this review of the Draft EIS and multiple field investigations, most recently conducted on March 19 and March 20 of 2008, the following has been determined:

S7-1 LA Milepost 2.32 to 2.90 – Stateline Creek, 2 unnamed tributaries, wetland
From approximately Milepost 2.32 to 2.90, the proposed pipeline alignment would fragment a contiguously forested area and adversely affect three natural waterbodies and approximately 4 acres of wetlands. LDWF recommends that the proposed pipeline alignment be potentially modified to minimize adverse impacts to existing high quality forested wetlands and to cross State Line Creek at an optimal location. LDWF therefore requests that an interagency team, including LDWF, evaluate this route segment on-site prior to completion of the Preliminary Final EIS.

S7-2 LA Milepost 10.19 to 10.80 – Wetland
From approximately Milepost 10.19 to 10.80, the proposed pipeline alignment would fragment a contiguously forested area and adversely affect approximately 5.5 acres of wetlands. LDWF recommends that the proposed pipeline alignment be potentially modified to minimize adverse impacts to existing high quality forested wetlands. LDWF therefore requests that an interagency team, including LDWF, evaluate this route segment on-site prior to completion of the Preliminary Final EIS.

S7-3 LA Milepost 17.44 to 17.99 – Wetland
From approximately Milepost 17.44 to 17.99, the proposed pipeline alignment would fragment a contiguously forested area and adversely affect approximately 5.6 acres of wetlands. LDWF

P.O. BOX [illegible] • BATON ROUGE, LOUISIANA [illegible] • PHONE [illegible]
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S7-1 The FERC participated in a site visit of this area with the LDWF in April 2008. Based on recent clearing and disturbance at this site, the LDWF agreed that the area could be crossed as proposed with open-cut methods.

S7-2 Proposed crossing acceptable to the LDWF per conference call on April 14, 2008.

S7-3 The FERC participated in a site visit of this area with the LDWF in April 2008. Based on the landowner's request for the corridor to be constructed as proposed by MEP in order to enhance habitat for ducks, the LDWF agreed that the area could be crossed as proposed with open-cut methods.

Page 2
Docket No. CP08-6-000
April 4, 2008

S7-3 recommends that the proposed pipeline alignment be potentially modified to minimize adverse impacts to existing forested wetlands. LDWF therefore requests that an interagency team, including LDWF, evaluate this route segment on-site prior to completion of the Preliminary Final EIS.

S7-4 LA Milepost 41.39 to 42.96 – Bayou Dorcheat (Natural & Scenic River) adjacent wetlands, and an active waterbird nesting colony
From approximately Milepost 41.39 to 42.96, LDWF recommends that the applicant re-evaluate and modify the proposed pipeline alignment and/or method of crossing to minimize adverse impacts to existing wetlands, Bayou Dorcheat, and an active waterbird nesting colony. This is to be accomplished by lengthening the proposed horizontal directional drill (HDD), adding an additional HDD, modifying the proposed pipeline alignment, and/or construction time restrictions during the waterbird nesting period.

S7-5 LA Milepost 44.32 to 44.58 – Black Bayou, 6 unnamed tributaries, wetland
From approximately Milepost 44.32 to 44.58, the proposed pipeline alignment would adversely affect seven natural waterbodies and approximately 1.3 acres of wetlands. LDWF recommends that the proposed pipeline alignment be potentially modified to minimize adverse impacts to existing high quality forested wetlands and to cross Black Bayou at an optimal location. LDWF therefore requests that an interagency team, including LDWF, evaluate this route segment on-site prior to completion of the Preliminary Final EIS.

S7-6 LA Milepost 59.63 – Bayou D'Arbonne
At approximately Milepost 59.63, LDWF recommends that the applicant evaluate boring underneath Bayou D'Arbonne, as opposed to crossing the waterbody using the proposed open cut method.

S7-7 LA Milepost 96.66 to 96.80 – Cypress Creek and adjacent wetlands
From approximately Milepost 96.66 to 96.80, LDWF strongly recommends that the proposed crossing method be modified from open cut to HDD. Forested wetlands adjacent to Cypress Creek are high quality mature baldcypress swamp and bottomland hardwood forest. HDD entry and exit sites shall be located outside of existing wetlands. LDWF is currently making the same request of Gulf Crossing Pipeline Company, LLC and Gulf South Pipeline, L.P. for the proposed Gulf Crossing Project. If both projects employ the proposed open-cut method, adverse impacts to high quality forested wetlands are compounded.

S7-8 LA Milepost 104.72 to 105.12 – Francis Creek (twice), 4 unnamed tributaries, wetlands
From approximately Milepost 104.72 to 105.12, the proposed pipeline alignment would fragment a contiguously forested area and adversely affect four natural waterbodies and approximately 3.4 acres of wetlands. LDWF recommends that the proposed pipeline alignment be potentially modified to minimize adverse impacts to existing high quality forested wetlands and to cross Francis Creek at an optimal location. LDWF therefore requests that an interagency team, including LDWF, evaluate this route segment on-site prior to completion of the Preliminary Final EIS.

S7-9 LA Milepost 113.05 to 113.37 – Bayou D'Loutre (Natural & Scenic River), wetlands
The applicant currently intends to HDD Bayou D'Loutre. However, LDWF recommends that the HDD be extended approximately 500 feet to the east to avoid adverse impacts to 0.49 acres of

S7-4 The FERC participated in a site visit of this area with the LDWF in April 2008. Based on the site visit, an HDD of the forested wetland, bird rookery, and Highway 160 (all located east of Bayou Dorcheat) is the LDWF's and FERC's preferred crossing method and this also appears amenable to MEP. This modification or similar actions would be required by our condition in Section 3.4, which requires MEP to develop and file a modified construction plan for this site for approval by the FERC prior to construction.

S7-5 Proposed crossing acceptable to the LDWF per conference call on April 14, 2008.

S7-6 This proposed crossing would occur in a location that is already disturbed by an existing right-of-way. Given this previous disturbance, we conclude that the proposed construction crossing location and method are acceptable.

S7-7 The FERC participated in a site visit of this area with the LDWF in April 2008. Based on the site visit, impact minimization through either a reduction in construction rights-of-way with right-of-way overlap or an HDD are the LDWF's and FERC's preferred crossing methods. These modifications or similar actions would be required by our condition in Section 3.4, which requires MEP to develop and file a modified construction plan for this site for approval by the FERC prior to construction. The adjacent Gulf Crossing Project would also impact this area, and its crossing method is also currently being coordinated with the LDWF.

S7-8 The FERC participated in a site visit of this area with the LDWF in April 2008. Based on the site visit, a route variation through lower quality forested wetlands west of Ruggs Bluff Road and then along pasture edge habitat east of Ruggs Bluff Road is the LDWF's and FERC's preferred crossing location and this also appears amenable to MEP. This modification or similar action would be required by our condition in Section 3.4, which requires MEP to develop and file a modified construction plan for this site for approval by the FERC prior to construction.

S7-9 MEP has proposed a new HDD in this area, reducing impacts, and the proposed method is now acceptable to the LDWF per conference call on April 14, 2008.

Page 3
Docket No. CP08-6-000
April 4, 2008

S7-9 high quality bald cypress swamp. These forested wetlands are part of the Bayou D'Loutre bottomland and are thus hydrologically connected to the designated Natural and Scenic River.

S7-10 LA Milepost 115.46 to 115.67 – Wetland
From approximately Milepost 115.46 to 115.67, the proposed pipeline alignment would fragment a contiguously forested area and adversely affect approximately 1.7 acres of wetlands. LDWF recommends that the proposed pipeline alignment be potentially modified to minimize adverse impacts to existing high quality forested wetlands. LDWF therefore requests that an interagency team, including LDWF, evaluate this route segment on-site prior to completion of the Preliminary Final EIS.

S7-11 LA Milepost 151.10 to 151.81 – Big Creek, 2 unnamed tributaries, wetlands
From approximately Milepost 151.10 to 151.81, the proposed pipeline alignment would fragment a contiguously forested area and adversely affect three natural waterbodies and approximately 6.2 acres of wetlands. LDWF recommends that the proposed pipeline alignment be modified to minimize adverse impacts to existing forested wetlands. This is to be accomplished by re-routing the pipeline around the forested wetland tract. On March 20, 2008, a waterbird nesting colony was observed in the western tributary of Big Creek at the existing right-of-way crossing. Further consultation with LDWF will be required to minimize disturbance to colonial nesting birds.

S7-12 Construction ROW through Wetlands
The construction ROW width should not exceed 75 feet in wetlands. Should there be a need to expand the construction 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.

S7-13 Compensatory Mitigation
The applicant shall develop a final mitigation plan designed to off-set all impacts to wetland functions and 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 and the Department of Army permit.

Also, impacts to wetland functions occurring in Louisiana shall be mitigated for in Louisiana.

S7-14 Access Roads
One 24 inch culvert shall be installed every 500 feet when constructing new access roads through wetlands. Culverts should be maintained to ensure that existing flow of surface water is uncompromised.

S7-15 Co-locate Pipelines
LDWF urges regulators and the applicant's project planners to keep in mind that the proposed Gulf Crossing Project pipeline will parallel the Midcontinent Express Pipeline Project along some of the pipeline segments listed above. Adverse impacts to streams, wetlands, and other wildlife resources will thus increase twofold if measures are not taken to avoid and/or minimize such impacts. Therefore, in addition to the recommendations listed above, LDWF also recommends that the applicants co-locate the two proposed pipelines when crossing all wetlands and water bodies to reduce further habitat fragmentation. Also, LDWF recommends that, to the greatest extent practicable, the applicants co-locate the two proposed pipelines within or adjacent to existing utility or pipeline ROW.

S7-10 Based on discussions during the site visit (this particular site was not visited), a route variation to the north, which avoids most of the wetland feature, is the LDWF's and FERC's preferred crossing location and this also appears amenable to MEP. This modification or similar action would be required by our condition in Section 3.4, which requires MEP to develop and file a modified construction plan for this site for approval by the FERC prior to construction.

S7-11 Based on discussions during the site visit (this particular site was not visited), a route variation to the north and east (roughly MP LA 150 to 152), which avoids the wetland feature, is the LDWF's and FERC's preferred crossing location and this also appears amenable to MEP. This modification or similar action would be required by our condition in Section 3.4, which requires MEP to develop and file a modified construction plan for this site for approval by the FERC prior to construction.

S7-12 MEP has identified proposed locations for extra workspace and has provided site-specific explanations. See Appendix E-3.

S7-13 We have modified the condition in Section 3.4 to indicate that MEP also be required to provide copies of its wetland mitigation plan to the FWS, EPA, and LDWF in addition to the COE.

S7-14 Comment noted.

Page 4
Docket No. CP08-6-000
April 4, 2008

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide comments to you regarding this proposed activity. Please do not hesitate to contact Kyle Balkum (225-765-2819) of our Habitat Section should you need further assistance.

Sincerely,

Jimmy L. Anthony
Assistant Secretary

kfb

c: EPA, Marine & Wetlands Section
USACE, Vicksburg District
USFWS, Ecological Services

S7-15 Comment noted. MEP has routed the proposed pipeline to collocate with existing rights-of-way extensively, including collocation with the Gulf Crossing Project in selected areas where feasible. The FERC has given significant consideration to collocation with existing corridors in order to minimize the effects of the proposed MEP Project and reduce habitat fragmentation and has taken collocation into account when evaluating potential route variations.

20080415-0212 FERC PDF (Unofficial) 04/04/2008

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The State Agency for Historic Preservation

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March 24, 2008

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FEDERAL ENERGY
REGULATORY COMMISSION

Kimberly D. Bose
Secretary, FERC
888 First Street, NE, Room 1A
Washington, DC 20002

CP08-6-000

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Draft EIS: Midcontinent Express Pipeline, LLC's proposed 40" gas pipeline – Oklahoma to Alabama, Texas portion, Fannin, Lamar, Franklin, Red River, Titus, Morris, and Cass Counties, Texas (FERC, COE, FWS, NPS)

Dear Ms. Bose:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed federal undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

S8-1 The review staff, led by Debra L. Beene, has completed its review. We received and commented (February 25, 2008) on the cultural resource survey report for the surveyed portions of the project; we look forward to receiving the revised draft when completed. The survey report for the unsurveyed portions of the proposed project route is still pending. We concur with the recommendations that MEP defer construction until surveys and evaluations of areas not previously accessed are completed, and all survey reports and any necessary treatment plans have been reviewed.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your assistance in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Debra L. Beene at 512/463-5865.**

Sincerely,

for
F. Lawerence Oaks, State Historic Preservation Officer

FLO/dlb.

P.O. BOX 12276 • AUSTIN, TX 78711-2276 • 512/463-6100 • FAX 512/475-4872 • TDD 1-800/735-2989
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S8-1 Comment noted.

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BOBBY W. EDMISTON
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LOUISIANA ASSESSOR

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2008 FEB 26 P 2:36
FEDERAL ENERGY REGULATORY COMMISSION

February 20, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. N.E., Room 1-A
Washington, D.C. 20426

Reference: Docket No. PF07-4-00
Docket No. RM06-23

Dear Secretary:

I would like to express my support for the proposed Midcontinent Express Pipeline.

L1-1

In Bossier Parish the project will bring positive economic benefits, including jobs during the development and construction phases, and local economic stimulus and significant investment to our area. I also understand that the pipeline will continue to contribute to our economy once in operation, paying significant ad valorem taxes annually.

The new natural gas pipeline system also will enhance our nation's energy security by transporting clean-burning, domestically produced natural gas to customers. Strengthening our nation's energy infrastructure can help stabilize energy prices through better connections between natural gas supply areas and consumer and industrial markets. Increased access to central U.S. onshore production areas also provides a buffer when hurricanes or other natural disasters disrupt coastal and offshore energy supplies.

We support this new pipeline project for the economic benefits it will bring to our region and its role in helping meet our country's energy needs.

Sincerely,

Bobby W. Edmiston
Assessor For Bossier Parish

204 Burt Blvd. • P. O. Box 325 • Benton, LA 71006-0325
Telephone (318) 965-2213 • Facsimile (318) 965-0274
E-mail BossierAssessor@bossierparish.org • www.bossierparishassessor.org

L1-1 Comment noted.

20080326-0162 FERC PDF (Unofficial) 03/24/2008

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ECONOMIC DEVELOPMENT DISTRICT

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Hinds County. Your partner in prosperity

March 19, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. N.E., Room 1-A
Washington, D.C. 20426

Reference: Docket No. CP08-6

Dear Madam Secretary:

We would like to express our support for the proposed Midcontinent Express Pipeline.

L2-1 In Hinds County, the pipeline will bring positive economic benefits, including jobs during the development and construction phases, local economic stimulus and significant investment to our area. I understand that the project expects to pay an estimated $2.8 million annually in taxes to the county and school district in its first year of operation. Midcontinent Express Pipeline will continue to be a major contributor to our local tax base throughout its life.

This new natural gas pipeline system will access and transport additional domestically-produced natural gas for consumers. A stronger national energy infrastructure can help stabilize energy prices through better connections between natural gas supply areas and markets. The pipeline will increase access to central U.S. onshore production areas and provide a buffer when hurricanes or other events disrupt coastal and offshore supplies.

We support this new pipeline project for the economic benefits it will bring to our region and its role in helping meet our country's energy needs.

Sincerely,

Blake Wallace
Executive Director

Post Office Box 248, Jackson, Mississippi 39205 | 909 North President Street, Jackson, Mississippi 39202
601.353.6056 phone | 601.353.7179 fax | www.selecthinds.com

L2-1 Comment noted.

20080414-0018 FERC PDF (Unofficial) 04/10/2008

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FEDERAL ENERGY
REGULATORY COMMISSION

PARIS

April 7, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. N.E., Room 1-A
Washington, D.C. 20426

Reference: Docket No. CP08-6-000

Dear Secretary:

On behalf of the Paris Economic Development Corporation, I would like to express our support for the proposed Midcontinent Express Pipeline.

L3-1 Paris is a rural community that serves as one of the business and community hubs for northeastern Texas. We believe this project will bring positive immediate and long-term economic benefits to our area. The pipeline will employee hundreds of local workers during construction, in addition to permanent employees to operate and maintain the new compressor station just south of Paris. Additionally, significant property taxes will be paid on the pipeline and related facilities annually.

L3-2 Further, the City of Paris and Lamar County are home to several major industrial facilities including several manufacturing plants and an electric generation facility. These facilities are supported by a stable supply of natural gas. Our community understands the need to bring additional supplies of natural gas to market in order to meet the growing needs of communities and manufacturers like ours throughout the nation. We believe the Midcontinent Express Pipeline will not only assist with bringing natural gas produced in Texas to the market, but will further strengthen the nation's natural gas infrastructure.

L3-3 We support this new pipeline project for the economic benefits it will bring to our region and its role in helping meet our country's energy needs.

Sincerely,

Pete Kampfer
President

• 1125 Bonham St. • Paris, TX 75460 • 903.784.6964 • Fax 903.784.2503 •
www.paristexas.com • pedc@paristexas.com

L3-1 Comment noted.

L3-2 Comment noted.

L3-3 Comment noted.