

APPENDIX K

Public Comments and Responses

Public Comments and Responses

The draft EIS was noticed by the EPA on November 9, 2006, in the Federal Register. The FERC mailed 6,025 copies of the draft EIS to interested parties, including federal, state, and local officials and agencies, special interest groups, parties to the proceeding, area libraries and newspapers, and individuals and affected landowners. The FERC's notice of availability of the draft EIS was issued on November 3, 2006, and initiated the 45-day public comment period and listed the dates and locations of the public comment meetings. Public comment meetings were held in Sidney, Nebraska on December 11; North Platte, Nebraska on December 12; Beatrice, Nebraska on December 13; Moberly, Missouri on December 14; and St. Joseph, Missouri on December 15, 2006. The official public comment period ended on December 28, 2006, but the FERC continued to accept comments beyond this date.

The FERC received 25 comment letters on the draft EIS. In addition, 21 people provided oral comments and statements at the public comment meetings. Each comment letter and comment from a public meeting was given a number, which is listed in table K-1. All written and oral comments received during the public review period were considered and evaluated in the preparation of this final EIS. A list of the individuals providing oral comments at the public hearings is presented in table K-2. Copies of the letters received have been reprinted in this appendix, and our responses to comments are provided for those comments that specifically address project-related issues and the adequacy of the draft EIS. Our analysis of issues raised is also provided in the appropriate sections of this EIS. As noted previously, substantive changes in the final EIS are indicated by vertical bars that appear in the margins. These changes were made both in response to comments received on the draft EIS and as a result of updated information that became available after issuance of the draft EIS.

We appreciate the comments provided by all parties during development of the final EIS. Copies of all comment letters received and copies of the transcripts for the public comment meetings are part of the public record for the Rockies Western Phase Project. The comment letters and transcripts are available for viewing on the FERC internet website (www.ferc.gov) using the eLibrary link. To review these comments, click on the "eLibrary" link, click on "General Search" and enter the docket number (CP06-354-000, CP06-401-000, or CP06-423-000) excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range.

Appendix K

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Public Meeting (PM1)

Comments from DEIS Public Meeting Sydney, Nebraska December 11, 2006

MR. CHARLIE SMITH

I was really hoping to ask a couple of questions. But pardon me. I was hoping to ask some questions perhaps also of the pipeline company. I am told that the pipeline will be tested with water from the Platte River, and we're wondering what arrangements are being made for the discharge? I don't think there's anything in the draft.

PM1-1

Now I haven't read this yet, but I'm told there's nothing in the draft that talks about where that water will be discharged. That's an awful lot of water that's testing say ten miles or something. It would be nice to know where, that the test is not going to end up in the middle of somebody's field.

Second, I understand there's nothing in the draft about weather conditions that might make installation a problem. That is, when in our area, for example, a mutual rain would make an awfully muddy area, that if say the contractors have to get the job done for some deadline that may have been fixed, they might be out there plowing through the fields, which would not be good for the keeping the top soil and the subsoil from being mixed together.

PM1-2

Third item is the easement is forever. It's not restricted to the life of the pipeline, because the pipeline contract specifies that they can abandon it, replace it, repair it, whatever. EPA and the contract are both restricted to the installation, that it would have been much easier for us to respond to the contract if there had been some attention to what happens down the road. there's a repair necessary, will the same double-ditching be used? If it's replaced, will there be restrictions on , could they put a railroad on the easement? As I say, the easement is forever, and that's a long time.

PM1-3

PM1-1

Rockies Express has identified several locations for proposed hydrostatic testwater withdrawals, including the South Platte River (see section 4.3.1.3). Discharge of hydrostatic testwater is controlled by a separate permit process governed by the state. This permit process, and the Rockies Express Wetland and Waterbody Construction and Mitigation Procedures, will require that discharges utilize appropriate energy dissipation devices to minimize scour at the discharge point and that filter devices be installed to control transport of sediments. In addition, we have recommended that the Applicants prepare and file a hydrostatic testing plan (section 2.3.1).

PM1-2

We have recommended that Rockies Express prepare an Agricultural Wet Weather Contingency Plan (WWCP) to address construction practices in agricultural areas during wet weather. Rockies Express commented that their WWCP, to be filed prior to construction, would include provisions for a dedicated on-site Agricultural Inspector with stop-work authority should conditions exist that are determined to be detrimental to soil structures and restoration activities to alleviate rutting and compaction issues. Further discussion of this issue is contained in section 4.2.1.3 of the EIS.

PM1-3

The easement negotiations are conducted between the company and the landowner and include compensation for loss of use during construction, loss of nonrenewable or other resources, damage done to property during construction, and allowable uses of the right-of-way after construction. Easements are established for a specific period of time, and allow specific uses within the easement area. Restoration of repair areas with the permanent right-of-way would be subject to the same conditions imposed during construction (i.e. trenching, topsoiling, restoration).

Public Meeting (PM1)

**Comments from DEIS Public Meeting
Sydney, Nebraska
December 11, 2006**

MR. CHARLIE SMITH (cont'd)

PM1-3
(con't)

So persons now are committing generations forever to the maintenance of that easement. It would have been helpful if there had been some greater attention to what can or can't happen down the trail, and whether the same kind of care, the same kinds of methods of installation, the same no dumping of oil and things of this sort apply to everything done in the future as well.

**Comments from DEIS Public Meeting
Sydney, Nebraska
December 11, 2006**

MR. LANCE THEOBALD:

PM1-4 Hi. I'm Lance Theobald, T- H-E-O-B-A-L-D. As Mr. Smith said there about the easement, could this be a situation like this happened with the railroad? You know, when they went through, if they had an easement, they were granted an easement. That's what we're doing to you people. It's granting you an easement. Then the railroad decided in the last 20 years, well, we've got an easement here we're not using. Let's lease it to Sprint or Qwest or whoever we want to. That is still in the court today. It has to be settled. Is this something that could happen with this pipeline, that they've got a right-of-way through us down the road, 30, 40, 50 years, probably up to where we're going, that they could say okay, we'll put something else in there and not compensate the land owner any more? That's one of my questions.

PM1-5 Also, I still have a problem and I've talked to the Rex Pipeline people just before the meeting. Is it up to the pipeline, after the situation's happened in Cheyenne, Wyoming here a month ago. I don't feel they're -- they say 24 inches over rock, 36 inches. I don't think in our area where we have the wind erosion and the water erosion and the light soil that this is sufficient. I think it should be 48 inches. That's all the questions I have. Thank you.

Public Meeting (PM-1)

PM1-4 Easements will be negotiated between the Company and the landowner and are established for a specific period of time, and allow specific uses within the easement area. The pipeline company may not utilize the easement area for alternate purpose without further negotiation with the landowner.

PM1-5 The burial depth of the pipeline is regulated by the DOT. The DOT requires that pipelines be buried a minimum of 30 inches. Rockies Express has committed to a depth of cover of 36 inches in normal soils. However, we believe that certain areas may require additional depth of cover based on site-specific conditions. See our discussion of depth of cover in section 4.8.1.2 of the EIS.

**Comments from DEIS Public Meeting
Sydney, Nebraska
December 11, 2006**

MR. DAVID TOYNE:

K-4
PM1-6 | My name's David Toyne, T-O-Y-N-E. I have some questions on the hydrostatic testing. When they're right on the river where they plan on doing this. When your negotiator guy came through, he assured me they weren't even going to hydrostat the pipeline. Now I find out not only are you testing it, you're pumping the water from my place. You're probably going to dump it on my place. I'm wondering how much slag, oil and other crap's going to be in the water. Plus with the compact on the river, I don't see how you can touch, pump any water out of it until after October 15th, which means you're going to be on my river, open-trenched or whatever, for well at least until October, from whenever you start.

PM1-7 | Also, I was wondering why when they negotiated the contract, his first written contract to me was half as much as we were paid 23 years ago? That just didn't seem like a good way to start.

PM1-8 | They did a bunch of test boring on my property, to see if they could bore under the river, and I was promised the logs from that. Haven't seen them.

PM1-9 | Your geologists came through looking for arrowheads and they found some. Whose are they? Are they mine or his?

Public Meeting (PM1)

PM1-6 | Hydrostatic testing is discussed in section 4.3.1.3 of the EIS. Rockies Express is required to hydrostatically test the pipeline prior to placing the line into service. Because only new pipe will be tested, no contaminants would be introduced in the discharge stream. Discharge of hydrostatic testwater is controlled by a separate permit process governed by the state. This permit process, and the Rockies Express Wetland and Waterbody Construction and Mitigation Procedures, will require that discharges utilize appropriate energy dissipation devices to minimize scour at the discharge point and that filter devices be installed to control transport of sediments. In addition, we have recommended that the Applicants prepare and file a hydrostatic testing plan (section 2.3.1).

PM1-7 | Easement negotiations are between the landowner and the Company and are beyond the scope of the environmental analysis contained in this EIS.

PM1-8 | Agreements between landowners and the Company are beyond the scope of the environmental analysis contained in this EIS.

PM1-9 | All artifacts discovered on a particular property belong to the landowner. If the landowner wishes, he/she may donate the artifacts to an appropriate museum/curation facility. Rockies Express may only keep the artifacts short term for study and then either return them to the landowner or curate them at the designated donation facility.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. DAN ESTERMANN:

My name is Dan Estermann. Do I need to spell it?

E-S-T-E-R-M-A-N-N. There are four areas that I'd like to call FERC's attention to in relations to the Rockies Express Pipeline proposal.

The first one is pretty specific and pertains directly to Lincoln County. The other three are more general and pertain to the project over its entirety.

The first one is under the section labeled 4.2, Soils, on page 4-21 of the Draft EIS. It states, "erosion in this area of the sand hills has exposed existing pipelines in several locations, altering grazing and irrigation practices and exposing the sandy subsoil traditional erosion forces.

In order to minimize impacts from the construction of the REX West Project on soil resources in the sand hills area, we recommend that Rockies Express develop a site-specific construction and restoration plan for the sand hills area. Approximate MP (milepost I assume), 205 to 210. This plan should address at greater depth the cover for the pipes, special re-vegetation measures and post-construction monitoring to ensure right of way stability in the sand hills area.

The site-specific plan should be filed with the Secretary for review and written approval of the Director of OEP prior to construction in this area."

Public Meeting (PM2)

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. DAN ESTERMANN (cont'd)

PM2-1 | That much sounded pretty good, except that it should be a requirement rather than a recommendation that Rockies Express develop a plan for site-specific construction restoration and greater depth of cover for the pipeline and that more accurately, the area of sand hills in Lincoln County, Nebraska, extends for nearly 25 miles, beginning somewhere around MP 191, at the western county line, to around MP 217, just east of Highway 83.

PM2-2 | I didn't check west of Lincoln County line for soil types further west. I've got here a USDA soil survey map that shows with the sandy areas shown in yellow and green to support my claim, and I've marked the route of direct pipeline on this map that's shown on the pipeline maps in Appendix B of the FERC's DEIS.

PM2-3 | Pictures of blowouts. I don't know if I can give you pictures, but this pops right out and back in here. It's the same. These blowouts aren't on the easements, but they are exactly the same geological formations.
A pipeline buried only three feet under will be fully exposed. The pickup in the photo gives some scale as to size. I estimate that that top blowout is about 16 feet deep.
That other picture shows an existing Trailblazer pipeline post and a blowout in the background and the REX pipeline would pass between that blowout and the blue post.

Public Meeting (PM2)

PM2-1 | The "recommendations" contained in section 4 of the EIS are recommendations to the Commission from the environmental staff. They are not recommendations to Rockies Express. Should the Commission decide favorably on the proposal, these recommendations would become enforceable conditions of any Certificate issued for the Project.

PM2-2 | Based on the information provided, we have redefined the location of the Sand Hills area to include portions of the route between MPs 191 and 217, as depicted on the USDA General Soil Map for Lincoln County, Nebraska.

PM2-3 | The burial depth of the pipeline is regulated by the DOT. The DOT requires that pipelines be buried a minimum of 30 inches. Rockies Express has committed to a depth of cover of 36-inches in normal soils. However, we believe that certain areas, including the Sand Hills, may require site-specific consideration. Therefore, we have recommended that Rockies Express develop a construction and restoration plan for the Sand Hills area. See our discussion in Section 4.2 of the EIS.

Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006

MR. DAN ESTERMANN (cont'd)

PM2-3
con't

These photos were taken outside of the MP 205 to MP 210 parameters stated above and were taken more closely to MP 212.

Okay the second item that the FERC DEIS covers in Section 4.13.7, Socio-Economics, and discusses the economic impacts of the proposal. My question is, who checked on Rockies Express's financial ability to complete the project? Rockies Express is mostly owned by Kinder-Morgan.

PM2-4

Richard Kinder was formerly an executive with Enron and a friend of Kenneth Lay. Kenneth Lay later faced fraud and conspiracy charges in relation to the failed Enron. Kinder-Morgan was formerly an Enron company.

Kinder-Morgan was taken private in a management- led buyout that sets record for its size within the last year, between 13 and 14 billion dollars of debt was incurred. The Rockies Express and related projects will cost another 3.3, maybe as much as 5 billion.

Is Kinder-Morgan's business formula styled after Enron's, and who guarantees that the project, once started, gets completed? Shouldn't the pipeline proponent's financial ability be within the scope of this FERC DEIS?

Public Meeting (PM2)

PM2-4

The financial status of the applicant is beyond the scope of the environmental analysis contained in this EIS. The non-environmental analysis conducted as part of the Certificate proceeding considers the cost of the project, rates proposed for service, and other financial considerations applicable to the project and applicant.

K-7

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. DAN ESTERMANN (cont'd)

My third item pertains to pipeline integrity. In disclosures to the Securities and Exchange Commission, Kinder-Morgan reveals that home contractors in Tucson, Arizona have sued them, alleging that a pipeline rupture contaminated the housing subdivision with petroleum products that cause a delay in their home sales.

In Walnut Creek, California, a contractor installing water main struck and ruptured a pipeline, killing five and injuring several more. California Division of Occupational Safety and Health issued two citations and a fine of \$140,000 for failure to mark the pipeline properly prior to excavation.

The California State Fire Marshall assessed an additional \$500,000 in fines. Kinder-Morgan subsidiary involved maintains that it was the contractor's responsibility to take the necessary steps including excavating with hand tools, to confirm the exact location.

In April 2004, a Kinder-Morgan subsidiary spilled approximately 2,450 barrels of diesel fuel into a marsh from a pipeline near Cordelia, California. They paid \$3 million in restitution.

In February 2004, the U.S. Coast Guard notified Kinder-Morgan of a potential release of jet fuel in Oakland, California. Kinder-Morgan discovered that the pipeline had been damaged and released jet fuel into storm drains in the Oakland estuary.

Public Meeting (PM2)

K-8

PM2-5

PM2-5 Thank you for your comment.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. DAN ESTERMANN (cont'd)

Kinder-Morgan hopes to reach out of court settlements with all government agencies.

In April 2005, they had another failure in the line near Donner Summit, California, on land administered by the Forest Service.

They are attempting to resolve agency demands through out of court settlements.

In November 2004, Kinder-Morgan pipeline near Baker, California, once again, was hit by a third party on land managed by the Bureau of Land Management. According to John Kay with the Bureau of Land Management in Sacramento, California, that resulted in a geyser of gasoline 80 feet high and I-15 was closed for 12 hours.

In April 2006, a pipeline in the Southeastern United States, that is partially owned by Kinder-Morgan, released approximately 553 barrels of turbine fuel. This release occurred in a residential area and impacted homes, yards, and common areas.

Dublin, California, June 2006, a pipeline experienced a failure that affected a limited area along a recreational park known as the Iron Horse Trail, on land administered by the Alameda County, California.

Soda Springs, California, August 2006, a limited area along I-80 was affected by a failure of an SF-PP pipeline, another subsidiary.

Public Meeting (PM2)

K-9

PM2-5
(con't)

PM2-5
(con't)

Thank you for your comment.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. DAN ESTERMANN (cont'd)

The cause of the release is currently under investigation. We probably all know about in November 2006, at Cheyenne, Wyoming. Bobby Ray Owens, 52, died in an explosion that sent flames hundreds of feet into the air. He was grading ground above the right of way for the Rockies Express Pipeline Project, which is owned by Kinder-Morgan, and was subcontracted to Associated Pipeline Contractors Incorporated of Houston.

PM2-5
(con't)

The 36-inch natural gas pipeline that was struck belonged to Wyoming Interstate Company and delivered gas to Colorado's Front Range. Frank Twitchel, Branch Manager for the area where the explosion occurred said, "words can't explain the size of the fire." His 17-year old son said, "it was way above the power lines. I've never seen a flame like that before. It was at least 300 feet high, at least."

In this DEIS section 1.5 permits approvals and regulatory requirements on 1-17. The BLM would also require that Rockies Express, TransColorado and Overthrust, each furnish a surety bond or other acceptable security to cover losses, damages, liability from releases, or discharges of hazardous materials or injury to human health, the environment, and property in connection with use and occupancy of the right of way. My question to you is, where do private landowners apply to require similar bonding.

PM2-6

Public Meeting (PM2)

PM2-5
(con't)

Thank you for your comment.

PM2-6

The easement negotiations are conducted between the company and the landowner. Any surety bonding would be negotiated between the company and the landowner and is outside of scope of environmental analysis contained in this EIS.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. DAN ESTERMANN (cont'd)

PM2-7 | Now I'm going to give you some pictures of -- these are pictures of Trailblazer Pipeline marker post near MP 212. None of the warning post are easily legible and none of them indicate which direction the pipeline travels. Trailblazer is a wholly-owned subsidiary of Kinder-Morgan.

PM2-8 | Electric power companies don't put their power lines three feet above ground. Even though it would be cheaper and more convenient to install them there. Power companies don't put up signs just to stay away from their lines.

PM2-9 | Pipelines carrying combustible or explosive product should be held to a higher standard than the current DOT standard. It is crazy to install a pipeline three feet under the surface of highly erosive soil, in an agricultural area, where subsurface agricultural equipment is used every day.

If FERC and DOT approve of this, it won't only be Kinder-Morgan that is held responsible. It will be the federal agencies that allow it to happen. That's all I have to say.

Public Meeting (PM2)

PM2-7 | The DOT pipeline standards (49 CFR Part 192.707) require, with some exceptions, that underground pipelines be clearly marked with specific information including the name of the operating company and appropriate contact information. The DOT has been made aware of your comment; however, comments regarding operation of the Trailblazer system are beyond the scope of the environmental analysis contained in this EIS.

PM2-8 | Thank you for your comment. However, comments regarding the practices of electric power companies are beyond the scope of the environmental analysis contained in this EIS.

PM2-9 | The DOT is responsible for establishment of the pipeline safety standards at 49 CFR Part 192, including minimum depth of cover.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

Public Meeting (PM2)

MR. JOE ESTERMANN:

I'm supposed to say my name. Joe Estermann from Wesley, Nebraska. As a basis for what I'm going to say, I am 82 years old. I've seen some very radical changes in this country. The first trip I can remember was going to see my granddad Hughes in southwest Missouri and my Estermann grandparents at Kearney. It took 8 very long days of travel to make the road trip of about 1,300 miles.

Except for a few main streets in a few towns, there was only four miles of pavement; two across the wetlands and south, part of North Platte now and two east of Fort Scott, Kansas.

We went in our cloth topped Model T, which was by far the most dominant automobile on the roads. All the other roads, including highway 30, were dirt, dust and mud.

A little over 50 years ago, when the Platte pipeline came through the biggest farm tractor was 45-horse power, and all of the post holes were dug by hand, two to three feet deep.

Now John Deere makes a 500-horse farm tractor, and the postholes are two and a half to five feet deep, with some 8-10 foot post used.

The hole is dug with a power digger of which more are coming into use that will dig through frost for winter use. They are made that way because they can dig through rock too. You don't have much feel with this high-powered equipment what you are hitting under the ground surface.

K-12

PM2-10

PM2-10 Thank you for your comment.

Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006

MR. JOE ESTERMANN (cont'd)

Now a days, every full time farmer has 100 or 200+ horsepower tractor, equipped with a bulldozer loader and every acreage part time farmer has a 25 to 50 horse tractor similarly equipped.

There are a lot of payloaders out there. It only takes seconds to dig down three feet. This causes lots more digging accidents than 50 years ago.

There are some extremely dumb operators and some extremely intelligent agriculture workers. There are workers running machines that only know Spanish. Things have changed out in the country just as everything has changed everywhere else.

When Trailblazer came through about 25 years ago, pivot irrigation was coming on the horizon and we finally convinced Trailblazer that if they stood in the way of pivot irrigation, there was not going to be much respect for their pipeline.

They ended up digging their pipeline much deeper but they fought so hard to get their way that they have no friends left in these sand hills. Now we have the ethanol- corn thing moving in fast.

All of the corn in Nebraska in the past has been used for food, fiber, and so forth. This year, one-third of the corn in Nebraska will go for ethanol. Out of every 56 pounds of corn going to ethanol, there will be 17 pounds of cattle feed coming back.

Public Meeting (PM2)

K-13

PM2-10
(con't)

PM2-10
(con't) Thank you for your comment.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

Public Meeting (PM-2)

MR. JOE ESTERMANN (cont'd)

When all of the proposed ethanol plants get in production, they will use all of the Nebraska corn. But so will all the former users need it all too. For every 56 acres of corn grown this year, there will have to be 39 more acres grown. That is here right now or needed very badly, possibly very soon.

This doesn't consider the fact that most of the oil used in United States comes from hostile countries. It doesn't consider the population growth of 33% projected in the next 30 years. So many of these sand hills will be leveled by laser so people can eat and drive their cars.

They will be leveled so GPS (Global Positioning Systems) will work. The GPS keeps the tractor on the corn row relieving a lot of operator fatigue. If you ever drove down the interstate 13 inches from the center line, for several 10 hour days and it cost you 5 bucks every time you varied 2 inches, you would understand what I'm talking about. GPS steers the tractor for you.

Another reason for leveling is that studies have shown that changing an uneven land level to level land improves the water use 20%, making enough water to irrigate 6 pivots for every 5 uneven pivots now.

Since ethanol can not take care of all our energy needs, many of you here will live to see hydrogen power come in. Every car, truck or heating system will be bringing in a lot of water as a byproduct of hydrogen-oxygen power. H₂O.

PM2-10 (con't) Thank you for your comment.

K-14

PM2-10 (con't)

Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006

MR. JOE ESTERMANN (cont'd)

Something that a major percent of the people here have not thought of is that we have an abundance of clay only a few miles away to overlay our extremely sandy soil along with an abundant feedlot manure supply, to make our corn land as good as any in the world, with better drainage.

If we get too much rain at the wrong time, we can get back in the field quicker. I have seen tracks in fields in the Minden area two feet and more deep caused by big machinery with head high wheels because of wet conditions.

A clay overlay would save a lot of irrigation water too. This might sound like day-dreaming, but if you had told the farmers 50 years ago there would be \$150,000 machines picking as much corn in few minutes what he could possibly pick in a day, he would think you were ready for the nut house.

There are trucks that haul 400 tons and cost \$3 million right now. There are diggers that will scoop up four semi loads in one bite. There are farmers that could finance this, right in this room. All they need is more demand for corn -- corn that has doubled in price in the last six months.

This pipeline might be here 100 years. There is no good reason in the world for REX pipeline to not dig this pipeline down way below all of this possible agricultural activity, since it will probably be here for 100 years.

Public Meeting (PM2)

PM2-10
(con't)

PM2-10
(con't) Thank you for your comment.

PM2-11

PM2-11 The burial depth of the pipeline is regulated by the DOT. The DOT requires that pipelines be buried a minimum of 30 inches. Rockies Express has committed to a depth of cover of 36-inches in normal soils. However, we believe that certain areas may require additional depth of cover based on site-specific conditions. See our discussion of depth of cover in section 4.8.1.2 of the EIS.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. JOE ESTERMANN (cont'd)

PM2-11
(con't)

From the John Q Public stand point, there are lots of reasons to put it way down deep. Ten feet of cover in the shallowest places would not be out of line.

Many of you know that one of REX's own bulldozers hit a pipeline up by Cheyenne that caused flames to go some 300 feet in the air, killed the bulldozer operator and scorched 600 acres of grazing land till it was sterile.

The ground was 300 degrees. It burned for more than an hour. The authorities had to wait several hours before they could get to the dead men. The back end of the bulldozer was sticking up in the air and the top soil was all blown away.

PM2-12

According to what I find on the Internet on Kinder Morgan, which owns 51% of REX, and is a 9-year old privately owned company, had an incident that killed five people in California and an accident in Arizona that sprayed 19,000 gallons of gasoline on a housing development in Arizona.

What if the Cheyenne incident had happened at Bertrand, Nebraska where their pipeline will be 150 yards from the town and would have wiped out one-fourth as many people as the Iraqi war has killed service people?

What would happen to Kinder Morgan or Richard Kinder or Bill Morgan, or for that matter the FERC in the public attitude, just because the pipeline was not buried below every day activities?

PM2-12 Thank you for your comment.

Public Meeting (PM2)

Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006

MR. JOE ESTERMANN (cont'd)

It seems to me that a pipeline buried only three feet would be a sitting duck for enemy bombers going straight with the pipeline. Have you ever thought -- I mean, have you ever stood by a railroad track when it expanded or contracted from temperature change and popped so loud you almost jumped out of your shoes?

The Platte pipeline which seemed adequately covered only three or four feet back when it was built, has been repaired in three places on the mile on me.

Our ground freezes various depths in different places and sometimes down to four feet, but down far enough, the temperature stays constant.

It also seems to me the topography should have elevations surveyed much similar to highways rather than just heading off like the Oregon trail so the land owners know exactly what the pipeline company was proposing to do.

It seems to be that an almost level pipeline would have much less friction resistance. A railroad would not go if it were going up and down over the hill. New paved highways are made almost level through our country for more efficient travel.

Gases have friction too.

I was going up through South Dakota pulling a trailer with an exact straight hard side wind and I could hardly go 30 miles an hour and if there had been no side wind, I would have drove 60.

Public Meeting (PM2)

PM2-13

PM2-13 See response to Comment PM2-11.

PM2-14

PM2-14 Rockies Express would be required to grade the construction right-of-way to restore pre-construction contours during restoration of the right-of-way.

PM2-15

PM2-15 Thank you for your comment.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. JOE ESTERMANN (cont'd)

Now a word or two about who we are dealing with. The company is called Rockies Express -- REX for short. What I think I have learned follows. This is the way I understand it.

51% of REX is owned by Kinder Morgan, which essentially gives them control. The Chairman of Kinder --I mean the Chairman and CEO of Kinder Morgan is Richard Kinder. 25% of REX is owned by Sempra Energy, and the last 24% is owned by ConocoPhillips.

One source on the Internet claims that Sempra Energy "has high risk written all over it." Richard Kinder was President of Enron till five years before it collapsed, leaving many people hurt financially.

Richard Kinder apparently was still on Enron's payroll to the tune of about \$100,000 a year when Enron collapsed. Kenneth Lay took over after Kinder as Chairman and CEO. Richard Kinder and Bill Morgan started Kinder Morgan in 1997, nine years ago. Since then, Kinder Morgan has got Platte Pipeline and Trailblazer Pipeline under their wing. Just this past year, they took Kinder Morgan private with \$4.5 billion from investment-banking partners and \$14.5 billion of indebtedness.

Now they are going to spend \$4 billion more to build the REX pipeline. I think they should spend a little more and get this pipeline down below normal necessary activities, so people in these areas and towns will not be as likely to get killed. How big an accident will they have to cause before the public backlash comes back to REX and the FERC?

Public Meeting (PM2)

K-18

PM2-16

PM2-16 Thank you for your comment.

PM2-17

PM2-17 See response to Comment PM2-11.

**Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006**

MR. JOE ESTERMANN (cont'd)

PM2-17
(con't)

And why should their future have to ruin our futures? Why shouldn't they have to put this pipeline down and right, so it is safe? If they can't finance it, maybe the FERC should wait for someone that can. Public pulse and moral law will eventually rule here and those that do things otherwise, will wish they could "backup thru the stop sign."

Thank you.

Public Meeting (PM2)

Comments from DEIS Public Meeting
North Platte, Nebraska
December 12, 2006

MR. RUSS DERICKSON:

Russ Derickson. DERICKSON. I don't disagree with what Estermann said. I don't know the right answer, but we have wheat over by Sidney and 36 inches has been an issue to us.

We were led to believe that in some of our preliminary discussions, that that was the max so I'm a little bit surprised that there are some other options. I'm not going to go into the details of the discussions that we've had with the easement people, but I guess I'm curious what the DOT thinks the recommended depth for a pipeline of this should be or normally is, so that there is some kind of guideline in that we're not unreasonable with each other as we move ahead.

I guess I was looking for something specific. I mean we lease like 800 acres of property out that others farm on an annual basis. So 36 inches seems a little bit short and I guess I had hoped that somebody here or Rockies would come up with something.

I mean, you know, that surface can change quickly with a storm and with the weather and I mean if you've got a tenant over here that's trying to farm it, you're not leaving much room for air with 36 inches with the equipment that you use today. So that's just what my concern is, that's all.

Public Meeting (PM2)

PM2-18

PM2-18 See response to Comment PM2-11.

K-20

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. SAM SAMPSON:

Unfortunately, I was given four CDs because I have different properties that involve this and I didn't play any of the DVD. They didn't work with my T.V. So I'm not real familiar with this other than environmental and there are some things that come to mind about environmental. One of them is, of course, the existing pipeline and that's the reason we're all here is because we got it shoved down our throat because there was already a pipeline on our property which we probably didn't allow initially, but it's there.

If we've got to live with this pipeline -- I don't know if they addressed burying that thing to 4 feet deep or just letting it go. I own a place in Jefferson County where it hangs down for about 50 feet going over a gully. I don't know what the environmentalist think about that baby hanging out? We have a farm we just purchased a few years. The pipeline was about 14 inches below the ground. As you know, when you chisel and things like that, you could hit it.

I also have a piece of property where a guy hit it with a plow a few years ago and they evacuated the neighbors and put them up in a motel and went through a big deal to rebury it. Well, they've been back since then to repair it since we've owned it, but I think they need to address what they've got because I think that fat hog they cut maybe they'd better take care of him before they start another litter.

The burial depth of the pipeline is regulated by the DOT. The DOT requires that pipelines be buried a minimum of 30 inches. Rockies Express has committed to a depth of cover of 36-inches in normal soils. However, we believe that certain areas may require additional depth of cover based on site-specific conditions. See our discussion of depth of cover in section 4.8.1.2 of the EIS.

K-21

PM3-1

PM3-1

Public Meeting (PM3)

Comments from DEIS Public Meeting Beatrice, Nebraska December 13, 2006

MR. SAM SAMPSON (cont'd)

PM3-2 | Another thing I've got is this airplane flying this pipeline every week for the rest of our lives. I've got some trophy deer on my property and I don't particularly appreciate somebody flying over it once a week. As you know, most of these Texas people are crazier about hunting than we are. I know in one instance near Oketa where one of the people -- and this is all legal, don't get me wrong. But he got permission to hunt with a bow and he took one of the deer down off my property and like I say it was all kosher. Nonetheless, it brings elements into our environment that we're not accustomed to having.

PM3-3 | Another thing we like to do is the environmental burns on our CRP. Like I said, I haven't seen that CD whether they allow it or not, but they threatened me a few years ago not to do it, but I went ahead and did it anyway. But that's just the standard process, especially in Kansas, to check people for matches when they cross the border into Nebraska. So that's something that they can't allow because that pipeline is only about 14 inches deep and some places it's out of the ground. So I'd like to know what they're going to do with that.

PM3-4 | Another thing is the 30-inch burial. Now some states require a 4-foot and 5-foot of cover, but Kansas only requires 30 inches. So what they're telling me the last conversation I had was, oh, you know the contractor is going to bury it deeper than 30 inches because he don't want to go back and redo it. So they're telling me 30 is what they're shooting at. They're also working compaction, which doesn't exist. They're going to try

PM3-5 | and do it with water, if at all or either humped up. And I heard.

PM3-2 | The DOT regulations at 49 CFR Part 192.705 require that each operator have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation. The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors.

PM3-3 | Environmental burns over pipeline corridors are an accepted land use practice and should be coordinated with the pipeline operating company prior to initiation.

PM3-4 | See response to comment PM3-1.

PM3-5 | Rockies Express would be required to grade the construction right-of-way to restore pre-construction contours during restoration. Soil compaction and revegetation success would be monitored until successful. See section 2.3 of the EIS for a discussion of restoration procedures.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. SAM SAMPSON (cont'd)

PM3-5 (con't) | the comment that's what we're paying you that money for is to keep regrading it every year until it's done settling about 40 years from now

PM3-6 | So I know those might not be environmental concerns, but they certainly involve my environment. I also want to know how they're going to deal with CRP ground if they disrupt it because some of it is highly erodible. Standard farming conditions today aren't going to be the same in 20 or 30 years. They're not the same as they were in 1953. If it requires deeper chiseling or terracing, what are they going to do with a 42-inch pipeline there? They're not going to be very flexible. They're going to tell you signed a contract, pal. You're on your own.

PM3-7 | So these are some of the issues I'm concerned about. I haven't settled yet, but I got the confidentiality removed from it. They're not doing that anymore and hopefully they'll treat all the same because I don't like the way it's been handled so far. But that's just my opinion and you can take it for what it's worth. Thank you.

So these are some of the issues I'm concerned about. I haven't settled yet, but I got the confidentiality removed from it. They're not doing that anymore and hopefully they'll treat all the same because I don't like the way it's been handled so far. But that's just my opinion and you can take it for what it's worth. Thank you.

PM3-6 Our review indicates that full right-of-way or ditch-plus-spoil-side topsoil stripping methods should be used in CRP lands to preserve topsoil and facilitate the restoration/revegetation process. Rockies Express has to committed to implement either full right-of-way topsoil stripping or the ditch-plus-spoil-side topsoil segregation method on CRP lands, actively cultivated or rotated cropland and pastures, residential areas, and other areas at the landowner's or land managing agency's request. In addition, Rockies Express would be required to monitor revegetation efforts for at least the first and second growing seasons following construction, or until revegetation is successful.

PM3-7 See response to comment PM3-1.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. MAUREEN FAIMON:

I don't want to be the speaker, but he sort of points at me.

I'm coming at this probably from an altogether different standpoint than anybody. I'm here because I was created by God as well as you were, all of these guys and he owns this universe. He also put each and everyone of us and we are in our place where we all have everything we need. We don't need to transport this out there for any reason. They have it. And it's not because I'm jealous of where I live. I don't use natural gas, by the way. But on a farm you can't unless it goes by your door.

But anyway, I do know this that God has promised each and every one of us everything we need if we are obeying his commandments. One of those is thy shall not covet thy neighbors goods. So they can come through and say we have this right and you don't want to agree with us, we're going to pull out the power of eminent domain on you. It won't work. It will not help America. It won't help them. It won't us.

In the '30s -- and a lot of you are old enough to know -- our government then knew enough to close the banks and start over. My parents, his parents were part of this and many of you were. Or if you weren't, your parents were. I was born in '36 so I only know what my father told me. I know how hard it was for him. But they closed the banks so they got rid of their inflation. Now we're adding inflation and saying we can do it with making paper money or whatever else we're going to use over the bank or whatever. We can't do that forever. Our kids,

K-24

PM3-8

PM3-8 Thank you for your comment.

Public Meeting (PM3)

Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006

MS. MAUREEN FAIMON (cont'd)

grandkids are the ones who are going to pay this bill. Right now I believe they're paying taxes until June of every year before they get any of their salary to feed their family.

I'm proud to say that we live on a dry land farm, well, we no longer farm, but we still own part of that ground. We fed eight kids and it wasn't on a lot of ground in spite of what most people have. But we also got bigger because everybody else got bigger, not that we needed it. And this is why I'm saying God promises you and I want we need if we will lead a simple life like Jesus who was sent to show us the way. He didn't have a car and he was lucky to be able to live in the mountains. Right? Or walk and that's where he gave his speeches from. And the only speech you ever heard recorded was about how to get to heaven and I'm afraid to tell you the gas line people and anybody else is going to leave it all behind as well as I. And that's why it says in the bible that Jesus was born this way, had nothing and left with nothing. Somehow man told us we're worth something in between and it's created a lot of problems. More and more for America because we do not want to turn back to God's word. We think that we can kick God out of everything.

I have the privilege of not being employed by the government and I can stand up here and say it. A lot of people can't with their position. I have talked to two attorneys in Washington. I didn't get my letter off yet, but after we got back -- read enough to know the power of eminent domain I'd knew the same thing to us as they did when they came out and coveted our.

K-25

PM3-8
(con't)

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. MAUREEN FAIMON (cont'd)

neighbors goods to get us the pond out there that's supposed to be for recreation and swimming and whatever -- yeah, fishing is part of recreation. Twice the fish have died and the swimming thing went to pot. It's not going to work because they're coveting they neighbor's goods.

That's against God's commands. Now it's dried up. And our pond dried up and I can tell you why. Because the one who rents it got a heck of lot more cattle than we ever had and they drank it dry and all their fish died. So this will not work because it's against God laws and that's the only law we can go by. They can keep changing theirs, but God's will never change and those commandments are very dear. And I can tell you why I can do this over almost 30 years ago I nearly died from taking government money and I knew I didn't need it. We had raised plenty to raise eight kids and pay the land payments and whatever else.

Well, you get a check in the mail and don't even have to go down for it. What it was for was we didn't raise enough. That laid there a few months. Finally, I -- I'm the bookkeeper -- sent it the bank. Everybody else is. Within a very short time, I'm laying unconscious on my floor. He's outside. Couldn't give me CPR. We just both taken it. I got to the hospital and I survived, but the child I carried died. It cost all of that darn payment that I took, plus all the insurance we got. And do you know why we had insurance? Only because when they pushed milking on us, we could no longer sell cream from cows. We milked like this. So we had to put it in a big -- well, not a big, a cooler and sell it as bulk tank milk for making cheese out it.

K-26

PM3-8
(con't)

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. MAUREEN FAIMON (cont'd)

Before that you made your -- you know, you got by with one kind cheese. Now there's 100 kinds.

But anyway, I took that money. I had no pulse, no blood pressure and he got me to the doctor in a car. That shouldn't have been. I survived after three trauma shocks that day, three weeks in the hospital. There's a ted sock on this leg ever since because of blood clot that had gone up that leg and of course the doctors couldn't help me they didn't think earlier and I never went to a doctor in time. And so I'm not blaming anybody, but we're all to blame. We're not suppose to blame anybody, by the way, not you or anybody else. We're all greedy. That's born nature. We're greedy and it's one of the major sins that God don't like.

Why are the people sitting in these cities? Because we crowded them out by buying another quarter of ground and we're all guilty, I think, in buying another quarter of ground or another 80 or whatever when somebody dies or whatever. We bought the neighbor out. We didn't need it. I knew it. But everybody else is doing it and of course, I'm the bookkeeper only. He's the toiler. But I took care of these eight kids and help milk and feed hogs and whatever. So that's what I'm speaking about that you can vote for this. It's never going to work.

If you think America's going to survive, our grandparents came over here for this very reason to get rid of this and then the first ones came over here how? And helped each other get started and now we run to the government to get started and they're broke. But I'd like to see somebody start paying everything by

K-27

PM3-8
(con't)

Public Meeting (PM3)

Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006

MS. MAUREEN FAIMON (cont'd)

cash like my father did in the '40s. Went to town all week, paid in cash, came home. Did it on Sunday and he shouldn't because that's another commandment, do not work on Sunday. Keep it holy and rest. But he could write that all down from memory. Who can take care of your farm today from memory with money out of your billfold and we think we can do it by printing more paper. And like I said, it's now going to the banks without even a check anymore.

PM3-8
(con't)

So it's up to you and I'm not saying I'm going to stop this. But all I know is the bible says if you know something, don't hide it under a bushel basket. We have to tell it. We're a disciple of God and everyone in here is supposed to be willing to stand up and talk about what's going to hurt your community or hurt you or whatever else.

So I thank you guys. I know you're employed by the government for your jobs. VPA and all this stuff came about in the '60s and they said they were going to help us. I don't know who started this and I think thank you for listening to me.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. ANDREA BARKER:

K-29

PM3-9

I'm Andrea Barker from Phelps County and when I was going through the book, I found that they had information in there about the residents within 50 feet of the work space, but there's no documentation. There was no reference to the landowners within 120 feet that are temporary for the construction, during the construction period. There was nothing about that in there. When they're building the pipelines, if somebody has gone out and drove the routes so that they know it -- in the rural area that we live in, I've talked with the head of the ESM, the sheriff's department, the police station, the hospital and the only thing they can do -- putting something like that -- because right outside of our town right along side the existing pipeline is storage crude oil tanks and one of the Rockies guys, a John Richter, that I've spoke to on the phone several times sent me an aerial. They don't even know. They didn't even know that some of these tanks were out there. I don't know how you can even propose something when you don't know what's in the tract that you're going on. Because he sent me an aerial and he was talking about there was old tanks that are empty and he kept talking about these two and I go, no. So then he got a new one. Well, there were three. He goes, well, yeah, there's one across the road. I said, no, there's two across the road, plus there's going to be a third one.

PM3-10

And the way the pipeline runs, the existing pipeline runs goes on the south part of our property. There's crude oil tanks directly to the west of our house and if they don't come through, they will come to the fence line, cross the road and then shoot back west. God forbid, unless somebody can promise me that

PM3-11

PM3-9

The EIS only addresses impacts to specific residences located within 50 feet of the proposed construction work areas. We believe that these residences would be more prone to construction-related disturbance. In addition, for areas where Rockies Express is unable to maintain at least 25 feet between a residence and the construction work area, site-specific construction plans have been prepared to minimize impacts. Further, landowner requests for specific measures during construction and restoration can be included in easement agreements.

PM3-10

Rockies Express utilized a combination of aerial photography flown in 2005 and field observations made during survey work conducted in 2006 to identify features along the proposed construction work corridor. However, landowners in the region are continuously making improvements to or developing their properties. If the project is approved and new features are discovered as a final alignment is established, Rockies Express must use the general and site-specific mitigation measures identified in the EIS.

PM3-11 See response to comment PM3-1.

Public Meeting (PM3)

Comments from DEIS Public Meeting Beatrice, Nebraska December 13, 2006

MS. ANDREA BARKER (cont'd)

PM3-11 | there can't be where it's not buried that deep they told us, well,
(con't) | it was at 14 to 24 inches. It's going to go out -- if something
would happen, God forbid, we can't get out of farm.

PM3-12 | If there would be simultaneous combustion somewhere and it
would all go at the same time, we have no way to get to safety.
The EMS people in our area, the director, he told me. He says
we go to the meetings every year with everybody. He says I'm
going to be honest with you. If something happens out there
where you at, you people will never know it. And these houses
and these farms and these people were all here before any of

PM3-13 | this came through and the people in the area never knew
anything about it. They weren't told -- when they put up the big
crude oil tanks, they didn't know it until they came to neighbors
for water what was even going in there. The land has been
bought, the county supervisors and the county commissioners
sold it to them. Nobody knew anything of what was even going
up out there and when they found out that the plat was already
running, they had questions. I had to go through 19 people to
get to the United States Department of Treasury in
Washington, D.C. because nobody would -- I went through the
governors. I went through the state senators, Clark Clonkin's
office, the state fire marshal which finally got me to
Washington, D.C., which finally got me to Kansas City to Karen
Butler and some guy named Harold and somebody else that
had been working with us.

PM3-14 | They need to know what's out there. You need to know what
you're going around and what you're going through because it

PM3-12 | Pipeline safety is discussed in section 4.12 of the EIS. We
believe that natural gas pipelines do not pose a significant
danger to the public if constructed and operated in accordance
with the DOT regulations. Rockies Express would be in
compliance with these regulations.

PM3-13 | Comment noted. Previous activities associated with
installation of the Platte Pipeline are beyond the scope of the
environmental analysis contained in this EIS. Issues
regarding the Platte Pipeline may be referred to the DOT's
Central Office by calling (816) 329-3800.

PM3-14 | See response to comment PM3-12.

Public Meeting (PM3)

Comments from DEIS Public Meeting Beatrice, Nebraska December 13, 2006

MS. ANDREA BARKER (cont'd)

PM3-14
(con't)

may not be -- I had a guy from the Jay Hawk Pipeline tell me -- I said would live with this out your back door? He said, ma'am, I wouldn't live within 15 miles of that. Cheap land. We got it. There's nothing you can do about it. You know, they need to look at what's out there and where they're going and the way they're running. Like I told the people in Kansas City, I said all I want is a guarantee. You tell me that nothing's going to happen to me and I'm safe out here with all that pipe. Ma'am, we can't do that.

PM3-15

I mean I was also told by federal employees, you know what, this pipeline is going through. It's taking it coast to coast and it's billions and billions of people and you're four little farms. Well, those four little farms were there first. The people need to come out. I spoke with John Richter is I think what his name is. You know, we'll have people out there. You know, they're going to come look at it and we'll talk to them and we'll talk to you again and let you know what's going on. We've never heard back from him until we got this stuff in the mail.

PM3-16

From I looked on the maps and the books and the deals, it's going right straight through where it was and there's -- yeah, and is everybody aware of what's out there? FERC needs to be aware of everything that's along that line before. Your aerials aren't up-to-date. When you're putting something in that that's high pressure, you'd better know what's out there on that land. And they don't because this man, even with his updated aerial, he didn't have both tanks. He only had one and he had no idea that there's another tank going in there. There's a third tank going in. I mean when you go by the books -- I mean you

PM3-15 Thank you for your comment.

PM3-16 See response to comment PM3-10. We believe that natural gas pipelines do not pose a significant danger to the public if constructed and operated in accordance with DOT regulations (see section 4.12). Rockies Express' proposed pipeline would meet these safety standards. Based on our analysis of the routing in this area, we do not find a significant environmental advantage associated with the Barker Route Variation and therefore do not recommend that it be incorporated into the REX-West Project. See section 3.4 of the EIS for further discussion on this issue.

Public Meeting (PM3)

Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006

MS. ANDREA BARKER (cont'd)

contact people and you let them know and the people in Kansas City, that Harold that was with you guys last night, he came out to our farm yesterday and talked to us. You know, they're helpful, but people don't know. They're from Washington, D.C. or wherever. You don't know what's out here. You have to make sure you know every inch of the way what you're going over, under, through or around before you do it. Because then after the fact it's just like we're sitting at now. It's too late. It's already done and they didn't know what was there. Rockies didn't even know what was along that stretch, but there was nothing in there, like I said, about the temporary right-of-ways and stuff like that and I was curious why that wasn't in the books because they're going to have to go get easements to go temporarily through people's farms for construction. But I couldn't find anything in the book on that. Okay?

PM3-16
(con't)

K-32

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. ALLEN GRELL:

My name is Allen, A-L-L-E-N, Grell, G-R-E-L-L. I'm a Gage County supervisor. By that position, I also serve as chairman of our local emergency planning committee. and that is here in Beatrice and has as a key element the Beatrice fire department. It's a full-time paid up fire department that the state of Nebraska has invested additional training, funding for equipment and stuff relative to HAZMAT incidents and my concern is the sighting of the compressor station and I'll tell you why my passion is there.

I lived for 24 some years at the Booster Station just a mile on up the road, so I did have some first-hand experiences knowing about compressor stations blowing up, understanding what can happen to a pipeline when it erupts and concerned about that. If I understand your plan, you're looking at locating around Steel City with your compressor station. Now the Beatrice Fire Department here has a state mutual aid agreement for 3 and 33. Our hazmat team here does service that area, but my concern is actual initial response and the impact on the economic capability of the geographical area that you might be sighting this in.

I've got to make the assumption that this a rural, volunteer fire district area that would provide the initial response. We have a paid up fire department here that could do that. Again, to ensure the safety and I believe we've really got to focus on the safety of this type of infrastructure in the future because of terrorism and just sound economic reasons. I don't know if any consideration was given to the fact that we have that capability in Gage County. We're already planning, training, exercising on an annual basis to respond to those type of situations. We

Rockies Express has evaluated the hydraulic properties of the proposed pipeline and gas flow and determined the locations for the proposed compressor stations based on engineering principles. Rockies Express would be required to develop an emergency response plan for each compressor station prior to commencement of operation. These plans would be developed in consultation with local emergency responders.

K-33

PM3-17

PM3-17

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. ALLEN GRELL (cont'd)

just recently did it with the Northern Natural Gas. We have a bio-diesel plant that's going in, the largest one in the United States that we will have to plan, prepare and be ready to respond to. We have an ethanol plant in the northern part of Gage County. We have a natural gas electrical plant just about three and a half miles from where we're sitting. And as taxpayers all of us are contributing to that capability and I'm just wondering if we truly looked at how capable will it be for that geographical area where you've sighted that compressor station in the future to meet the financial obligations that will be burdened relative to being able to provide adequate response if there is an incident over there.

My thought we have U.S. Highway 77 from Beatrice to Lincoln. It's an expressway. There's just much, much more capability. If there is an incident over there, we already have the employees that work at the Northern Natural Gas and natural pipeline station that can be mobilized to serve as workforce when we respond to it. And so I see that as an impact on the environment because we don't want anything to happen to your facility. But then the economic burden that it does thrown down on taxpayers to fund some of that and I do know you will have the right to go and ask for some of that and expect it. And I know that under the Community Right to Know Act we're obligated to work together to make sure that capability is there.

My only concern was I've never really heard how well that was thought out. In my mind, if I was a planner in doing this, I'd consider looking at the capability here within the City of Beatrice with that designated hazmat fire department and see the closer you can get it to us the better we can respond. Thank you.

PM3-18

PM3-18 See response to comment PM3-17.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. JANET WOOLSON-CROFT:

My name is Janet, J-A-N-E-T, Woolson-Croft, W-O-O-L-S-O-N-C-R-O-F-T, and I'm not a public speaker and I don't have anything prepared, but the first thing I'd like to say is that I really want to thank the Federal Energy Regulatory Commission for taking notice of landowners concerns and especially my concern because I have been concerned about an area where I have some natural springs which feed to ponds and the pipeline will go through this area. And I know that FERC has taken notice of the issues that I have and I deeply appreciate this.

At this point I was just told yesterday that the pipeline is not going to move their route to accommodate my request to move the pipeline on my property further to the south where it actually would not be in the area where the wetlands are and where the water flows down to my ponds. And I know that FERC has taken this under advisement and they've also said that basically this is an issue that should be worked out, perhaps, between the landowner and the pipeline company. But I would ask for your help in this regard because it's very difficult to work with a pipeline company when you are basically told that you sign an easement and that the pipeline is going through. That was the initial response from the company.

I wrote them a letter on June 8th and that is in my motion to intervene that I have not received a response to that letter and the letter was never made a part of the record. At this point, I would like to offer the letter from me on June 8th to Rockies Express and the letter that I received from Rockies Express in return, which did not address any of the issues that I raised and my response to that letter and I have that that I would like to submit to you just as an exhibit to my testimony this evening.

PM3-19 We have included an analysis of a route variation at this location. See section 3.4 of the EIS for an analysis of the Woolsoncroft Variation and our recommendation that Rockies Express incorporate this change into the proposed route.

K-35

PM3-19

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. JANET WOOLSON-CROFT (cont'd)

PM3-20 It's difficult to negotiate with the pipeline when they don't want to address the issues that you raise and they have brought in hydrologist and I just received what is supposedly -- I haven't opened the packet yet, but it came FedEx today -- the hydrologist report that they did bring it, but it's my understanding that they don't believe that they will move the route. I would like this examined because I think that there are so many issues here concerning the water issue and what will happen to the flow of the water and I think that, if there's an alternative route where it's clear that the water won't be affected, then that's a better route than just forcing us to take the pipeline's easiest route. And as a landowner, I agree with what some of the other landowners have said is that initially when this process began I was told, well, if you don't sign we'll just take your land by eminent domain. Landowners have very little rights in this process, in essence, because we know our land is going to be taken if we don't agree with it and so this is why I am so grateful to the Federal Energy Regulatory Commission for looking into this on my behalf and I would ask you to continue to look at the environmental issues on my property, which is in Kansas. Thank you very much.

PM3-21

PM3-20 See response to comment PM3-19.

PM3-21 The issue of eminent domain is beyond the scope of the environmental analysis contained in this EIS. Section 7(h) of the Natural Gas Act, passed by Congress in 1938, grants the holder of a Certificate of Public Convenience and Necessity the right of eminent domain when it cannot acquire land necessary to construct and operate certificated facilities by contract or reach agreement with the owner of such property.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. GARY REIMAN:

My name is Gary Reiman. That's R-E- I-M-A-N.

PM3-22 When they first came out, they wanted to do a survey on this land and I did not give them permission. So when we came home later that day, they had already flagged. They went through and just did it anyway. They wouldn't return my calls. I had to call the sheriff. They finally had them call me. When they came out and they just laughed and said, well, this thing is going through. There's nothing you can do about it anyway.

I've asked at other meetings and I've asked Rockies what is a safe distance to have a residence from this line. No one has ever answered my question. My house is within 275 feet of where this is supposed to go. Can anybody give me a direct answer? What is a safe distance to live?

PM3-23 I understand they go into every building around and they all have regulators reducing the pressure. They're not a 1500 pounds of pressure and they're not a 42-inch diameter pipe.

I was told by a guy that works construction with oil lines -- he works for the crude oil lines and he knew of an instance in Colorado he was saying and I don't remember how deep he said it was buried. But it was an 8-inch line and they hit it with a backhoe. The operator of the backhoe was killed instantly and there was a 60-foot diameter crater with an 8-inch line. How big of a crater would this 42-inch line create?

Can I ask you a personal question? Would you like to have this within 275 feet of your house?

Thank you.

PM3-22 Thank you for your comment. Rockies Express has indicated that all survey crews would obtain survey permission from affected landowners prior to entering their properties. Any issues regarding the conduct of survey crews should be addressed to Rockies Express.

PM3-23 We believe that natural gas pipelines do not pose a significant danger to the public if constructed and operated in accordance with DOT regulations (see section 4.12). Rockies Express' proposed pipeline would meet these safety standards.

Public Meeting (PM3)

Comments from DEIS Public Meeting Beatrice, Nebraska December 13, 2006

VOICE:

PM3-24 | I just have one question. Are there any physical effects that we could feel with that much pressure going through a line like if you're living close by? Are there any vibrations or anything like that? Do you know?

MR. SAM SAMPSON:

PM3-25 | Does the gas generate any heat as it passes through the pipeline? I've heard stories where the pipeline is in use and it generates heat so it dries out the soil so you don't get as good a crop as before the pipeline.

MR. ALLEN GRELL:

PM3-26 | I guess my question would be, if there was -- let's just say it erupts and natural gas is leaking, what type of response capability does your facility design require to come and respond initially?
Obviously, this plant gets built and it's almost -- it's probably operational before the deadline comes around to establish that.
An consequently, the risk management plans, the emergency response plans have to be in place?

PM3-24 While possible, we are not aware of specific instances of vibrations being caused by the transport of natural gas through pipelines. Pipelines and compressor stations are designed to avoid any stress-inducing vibration. However, some residences located near compressor stations, meter stations, and valve sites, depending on topography and other factors, can experience changes in ambient noise levels.

PM3-25 This issue is addressed in section 4.8.1.2 of the EIS. We have recommended that Rockies Express include the evaluation of compression-related soil heating in agricultural areas located downstream of the compressor stations.

PM3-26 See response to comment PM3-17.

Public Meeting (PM3)

Comments from DEIS Public Meeting Beatrice, Nebraska December 13, 2006

VOICE:

Are there pipelines in use right now in the country or is this one of the largest ones being built?

PM3-27

I was just curious if this was the first one that nobody really knows what the effects are. But if there is already one or two around --

Maybe Rockies Express or some of these companies should print out some of the safety regulations that they go by to install -- I'm not talking negatively because I've been by this pipeline since '72. But people don't realize what the safety features are that go into a pipeline -- your valves, your automatic shutoffs, your excess flow valves. When the pressure drops, valves will snap shut.

PM3-28

A while ago when they were talking about erosion, now it goes across four miles of buildings. We have no erosion because when they diverted the water. But these are some of the things that people don't understand as yet. And as far as the plane flying over, I have wetlands within a quarter mile of the pipeline. The plane flew over one day as we were unloading a backhoe into the swamp. Within an hour I had a call from Casper Wild wanting to know what I was doing. So they do check things out. That was before we had a bigger -- a lot of these safety features weren't put in back in the '50s. They were put in, in the '80s or the '90s and that's what a lot of people don't realize that there are a lot of pipelines that are in the country. There is a lot of natural gas, a lot of crude lines in the country and for the amount of lines that's there, there's been very little trouble.

There are thousands of miles of natural gas transmission lines operating in the United States today. Many of these are large pipelines ranging from 36 to 42 inches in diameter, or larger.

PM3-27

PM3-28

Safety standards are discussed in section 4.12 of the EIS.

Public Meeting (PM3)

Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006

MS. JANET WOOLSON-CROFT:

PM3-29 Does your agency have any interest in how the pipeline performs the job of putting in the pipeline such as the compaction of soil and whether they leave roots in the field and the separation of the soil. And if they reseed the grass and they don't get a stand, is that their problem or is that my problem? Or how does this all work and is anybody actually -- is this left up to every individual landowner to worry about the compaction of their soil or is there some oversight by someone about this?

PM3-29 The FERC is responsible for oversight during both construction of the pipeline and restoration of the right-of-way following construction. During the restoration period, FERC staff and contractors will inspect the right-of-way for areas of erosion, verify revegetation success, and review other problem areas that are identified by landowners or other parties.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. SAM SAMPSON:

PM3-30

Are we going to bring in private engineering firms because I was going to have total of all mine so that I'm sure I'm going to get the coverage they tell me I'm going to get and I'd like to have those same geotechnical engineers to do soil. We're going to do borings before they put it in and we're going to test it as they put it in. Now am I going to have problems with that, with these Southern folks or am I going to be able to do it because some of these Texas guys are just going to shove it in and say that's what you're getting paid for, mister. Or can I have it tested as they compacted to make sure that it's being done in a professional manner.

PM3-30

Landowners have the right to hire independent contractors, at their expense, to conduct studies to evaluate pre- and post-construction conditions along the right-of-way. If these individual tests identify problem areas that have not been corrected following construction, landowners have the right to contact the FERC and request an investigation of the issue.

K-41

PM3-31

Because I spoke to someone from Carney the other day and Kinder Morgan put a gas line in there. They used to have a retail business which they've gotten rid of and they didn't want to compact it and Carney actually had to force them to compact it. So I'm asking you this, you've seen a lot of pipelines put in. Have you ever seen them use mechanical compaction such as sheep's foot or lower horizontal track hoes or anything of that nature?

PM3-31

Rockies Express would compact the soil following construction using equipment deemed appropriate by the construction contractor. See section 4.2.1.1 for additional information on soil compaction. Following construction, FERC oversight and inspection will verify that restoration standards, including compaction, have been met.

Once we establish a compaction level on that farm, will they comply with it or will they say we're going to shove it in and that's what we're paying you \$5000 for to keep working this hump every year until its settles for the next 40 years.

More specific levels of compaction can be negotiated as part of the easement agreement between the landowner and the pipeline company. Specific landowner negotiations and agreements are beyond the scope of this EIS. However, if restoration expectations are not met, landowners may file a report asking for an investigation of the issue.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. SAM SAMPSON (cont'd)

K-42

- PM3-32 Well, you mentioned erosion problems in southern California. I'm in construction. You don't have erosion problems if you put the soil back into proper compaction. This is why you're having problems with these issues. These people should compact these ditches. They should nest that pipe. A 42-inch pipe has a lot of underside that they don't plan on nesting. They're just going to nest it in and hope it seeps under there over time. So there's a lot of issues that they're not addressing that you're just letting ride because it's a thousand miles long and you just told us you can't watch it. So we have to hire our own engineers to watch it. I just want the assurance from the federal government that I can have a licensed, geotechnical engineer on site when they're compacting my pipeline in at the rate of compaction the rest of my farm is. Is that a problem, sir?
- PM3-33 You shouldn't have to if it's done right. That's what I'm trying to tell you. It would save us all a lot of money if you'd say, gentlemen, you're going to put the soil back the way you found it and nest the pipe so it's done properly because that's the way we work in the city, sir. When we worked for the City of Lincoln or the City of Beatrice or City of Omaha, we'd put it in. We'd nest it and gravel it. We'd a proper job and you don't have a problem with it. When you go into the country and they think, well, this guy took 5000 bucks. I'm just going to shove it shut and he can farm over that hump for the next 10 years and if he flips his grain cart, that's his problem. That's not mine and that's not the way to address this pipeline. It's a serious issue and I haven't even gotten a straight answer from them on the thickness of the pipeline.
- PM3-34
- PM3-35

PM3-32 See response to comment PM3-31.

PM3-33 See response to comment PM3-30.

PM3-34 See response to comment PM3-31.

PM3-35 Pipeline design, including pipe wall thickness, must meet the standards established by the DOT in 49 CFR Part 192. These standards establish criteria based on pipe Class locations determined by the DOT.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. SAM SAMPSON (cont'd)

PM3-35
(con't)

One lady said, well, it's going to be an inch thick in St. Louis but a quarter of an inch out in the country. She doesn't know what she's talking about and it's not my period what this pipeline is constructed of. But when you talk about this compaction issue, you people don't have a clue of what's going on because you're talking about going back. I mean that's like building a building on a swamp and going back every year and pointing out the block that cracked. You shouldn't have to go back is what I'm trying to tell you if it's put in properly.

I'm not saying you don't have to come back. It's called preventive maintenance. You don't have to come back as much if they do it properly the first time and what I'm hearing from this negotiator is, well, we can't get rid of all that dirt. We've got to hump it up on there because for that pipeline. That pipeline displaces about six wheelbarrels full of dirt per linear foot. That's nothing. If you can't lose that over your easement, you're not a very good operator. But I'm saying you've got to compact it back in because you've got a lot of surplus because you've got a lot of air in that soil and you haven't compacted it. One person was going to let them water soak his. That's a poor way to deal with it, but that's a better way than nothing.

PM3-36

But I'm just saying are you going to have any geotechnical engineers on the site that are going to do soil compaction tests? Is there any type of work ever done like that just out in the middle of the field? I know you've got to do it where you cross Highway 281 or somewhere, but do you have to do it in the middle of a field or do you ever do it?

PM3-36 See response to comment PM3-31.

Public Meeting (PM3)

Comments from DEIS Public Meeting Beatrice, Nebraska December 13, 2006

MR. SAM SAMPSON (cont'd)

K-44

PM3-37 So that's why they have this confidential agreement where they could a deal with one person and another guy could get a little more or a little less? I mean this is what concerns me. There should be a consistent manner where this is constructed. We shouldn't be telling them how to do it. They should say here's how we're going to do it, ASTM standard soil and we can say, good, I'll have an engineer and an attorney look at it and they'll approve it. That wouldn't be that difficult, sir. I mean you've got to treat this farmland it's as important to us as if we have a \$50,000 lot in the City of Beatrice. It's just as important to us farmers to have that whole stretch of ground restored to the way they found it because there isn't hardly anybody in this room that's happy to have this and the only reason we do is because of that little pipeline that's already there.

PM3-38

PM3-39 I don't know if your statement addresses redoing that or setting it properly or how are they going to deal with that where it's 12 inches deep or hanging out of the ground. Are they going to repair that while they're at it? Are they going to check it for wall thickness because it's 53 years old?

PM3-40 The unfortunate thing is that's their key to get into the rest of us because that easement is already there. They didn't even explore doing a non- public right-of-ways or railroad right-of-ways or things that are already there. They just thought we've already got this. We got a free throw. Let's take it and run with it. They've done it and it's worked.

PM3-37 Easement negotiations are between the landowner and the Company and are beyond the scope of the environmental analysis contained in this EIS.

PM3-38 See response to comment PM3-31.

PM3-39 The FERC has no jurisdiction over the Platte Pipeline and can not require Rockies Express to address maintenance issues on that pipeline as part of this proceeding. Issues regarding the Platte Pipeline may be referred to the DOT's Central Office by calling (816) 329-3800.

PM3-40 In general, the Commission favors use of existing corridors when they are available and provide reasonable routes for natural gas pipelines. However, the existence of rights-of-way is not the only factor considered when routing a pipeline.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. SAM SAMPSON (cont'd)

Who gave you the information, Keystone or Rockies Express?

It looks like a blank study. I've seen enough of those done in the City of Lincoln. If you're going to spend enough money for a blank study, they'll give you a blank area. We've got them all over Lincoln right now and all it takes is enough money to have an architect do a study. He'll come back with what you want for the results. That's basically what's happened here. You can put it anyway you want it. That's how it's happened and I not here to argue that.

But you talk about environmental concerns, erosion of the line is a big environmental concern. The condition of the other line for the next 20, 30 years is another concern and maybe you've addressed that other line in there. I'm sorry I haven't read up on it, but I definitely think that needs to be addressed as they go down because they're sticking us to that. We're staying right with that right-of-away. So they'd better take care of their other baby while they're at it. That's all I've got to say.

PM3-41 The analysis of Keystone pipeline is based on information provided by Rockies Express and our independent review of other sources publicly available at the time the EIS was developed.

PM3-42 See responses to comments PM3-31 and PM3-39.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MR. EDWARD WIADEL:

My name is Edward Wiadel, W-I-A-D-E- L from Fair County.

PM3-43 Are they going to use a trencher or a backhoe or do you know?

Will the farmers have any impact on how this thing is dug?

PM3-44 They go almost through the middle of a pivot on perhaps half a mile wide and I cannot see from one end to the other because of the draw. Now where these pivot tracks are I've got buried rock from 3 to 4 foot deep so the pivot never gets stuck and it hasn't gotten stuck in seven years. But if I did do that, it would be impossible to keep it running. So if they hit these, they're going to hit some concrete out there and I'd like to have that concrete laid to a side and put back again at about the same place where the pivot track will be.

PM3-45 Who would you see? The surveyors when they're out there or wait until the workers get there because then I can tell them exactly where –

Okay. Thank you.

PM3-43 Final determination of construction practices would be made by Rockies Express and their construction contractors based on site-specific conditions at the time of construction.

PM3-44 Pivot irrigation systems are addressed in section 4.8.1.2 of the EIS. Site-specific construction and restoration measures can be negotiated with the company during development of the easement agreement.

PM3-45 Rockies Express would typically have a right-of-way agent assigned to sections of the pipeline route. This agent would be authorized to negotiate conditions associated with the grant of an easement on a property.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. MAUREEN FAIMON:

What your agencies have caused us is a very much inflation. This happened way back in the '60s when they were after getting schools bigger, too. And I wished I had kept my papers that said that EPA and whoever was involved in that at that time was predicting more jobs and it certainly has for our school districts. And now our state was so smart they voted -- I mean we didn't vote it out. They got it kicked out that we had to get rid of all of our little grade schools. Well, now there's never going to be enough because somebody is always going to have better technology and better what because we are so overly educated and our poor parents sat back here and didn't get through the 8th grade and they raised their family in a much more moral background than we have today. Because like I said, we're against these Ten Commandments. There's no cutoff to labor. I mean if the company don't go broke, they've got to keep going up. And if you're going broke, then you've got to consolidate with somebody else. There are gas lines that have done that.

But what good is this gas going to do to Hell and gone from here if they can't afford to buy it after it gets there? We're putting up ethanol. I think 20 Nebraska this year and ethanol is the fuel that's supposed to help somebody. All these laws that are passed to get you bigger aren't good and that pipeline bigger isn't better and it's been very interesting. I watched them dig under one of our ponds to repair our pipeline that a "pig" they call it went through and they said it had a problem. I only went out because at that time I was blinder yet than I am today, but I'm doing fine and do everything I want to do except drive a car and everything else is a little harder. So I thank God for that.

K-47

PM3-46

PM3-46 Thank you for your comment.

Public Meeting (PM3)

Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006

MS. MAUREEN FAIMON (cont'd)

But they actually dug under our pipeline. The guy who put this in 1952 before we moved into it, I doubt there was water there then, but they allowed him to put a pond over it. And this was interesting to see them dig it up, just didn't have a problem. We had how many dig outs on our land in the last how many years, Bob? And we only had one that had a problem. So our electronic stuff doesn't prove anything. All of your surveys and whatever doesn't prove anything. There's only one thing that counts and that God is still the Creator of this universe. I'm only steward and you're only here a certain length of time.

Do you think your salary is going to make your ancestors any happier? I don't think so. You're worth your daily bread as Jesus says. Everybody pray that Lord's Prayer and see if we've lived it. I didn't live it, sir and I've paid my price many times. But I think your kids and your grandkids are going to pay a lot more if we aren't all willing to go back down like they did in the '30s. That cost wouldn't be there. All of this and my stalling. I could not sign that paper. So I'm here at this meeting. I couldn't make it to the Hastings one and I don't know if I'd had the guts to stand up there that night. I've done a lot of praying since and when I got that little thing in the mail and had my little bitsy grand -- well, he's not so little. He could put it on. He said, "Grandpa, grandma it's going to be here a long time" because he could read that how many -- 600 and some pages or 800 and some pages and we scandered to

K-48

PM3-46
(con't)

PM3-46
(con't) Thank you for your comment.

Public Meeting (PM3)

Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006

MS. MAUREEN FAIMON (cont'd)

get what we want and I knew -- I started writing a letter then and after I called I knew, no, I'm not going to write this. I'm going to go here first because I did want to know. I'm not a typist, not after 50 years or 60 years of taking my lessons and not using a typewriter. I could hire somebody to do it, but if I don't have to okay. But I'm telling you again there isn't one of us in here that need that pipeline. God has already given us everything we need where we're at. The only thing we're not doing is reading our bible and obey God.

Now grant you, I didn't know my bible either until a tornado wiped us out and two more tragic things in one week and a neighbor took me to bible classes. We're reading it every morning, but I'm want to tell you it's a lot harder for me to get the plank out of my eye than it is out of yours. So I'm not blaming you. You went to school and they told you you're worth a lot. They've also told you that we've got to get God out of the country, out of the school. They don't want God anywhere any more because man can keep changing his laws, but God's laws will never change. We all need our daily bread and my only -- why I was created was to help others get to there, not to see how much money I could leave for my kids and our parents didn't know that. They didn't study the bible. They were as confused as you were. Did your parents have the education you have? Now they tell you before your kid's born you've got to start putting money away so they can go to college.

K-49

PM3-46
(con't)

PM3-46
(con't) Thank you for your comment.

Public Meeting (PM3)

**Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006**

MS. MAUREEN FAIMON (cont'd)

We had one out of eight get there and yeah, she's got a whale of a job, but I want to tell you something she belongs at home with her kids and not a work. And we all need that mother at home. We don't need to buy more things or have a 20-room mansion house in these cities with five cars for two people. You know, we could walk a lot of places again and if you had the health. I did walk. I picked up government roads, state highways for my health. I do not buy a pill for my diabetes. That's part of my eye problem. I'm not as good at watching my diet as I should, but I will also tell you I've floored doctors. I needed two cataracts, one on each eye and a cornea transplant and they got better and I was driving a car again from 2000 and then a year ago I got it renewed and now I this year I gave up my license for a while. They're going to get better. This may be a starting point. I'm not scared and do you know one point in the bible where it did say pick up your mat and walk and somebody questioned Jesus why he could say that and he said maybe he said go and sin no more. And he said, well, I could have said pick up your mat and walk, but it means the same thing. We are all sinners and we've got to figure out where are we sinning and are you willing to go back to a salary that your parents did in the '30 to get this inflation out of here so we don't need to have the millionaires in the city and some millionaire farmers I'm sure. But we're not quite that way and I thank you for giving me more time and I'm not ashamed to have what I know of God and somebody wants to prove me wrong. I'm not ashamed to have it on tape. But I do believe too I could have written not to have it a part of the public record. Right? Did I do that on that tape.

K-50

PM3-46
(con't)

PM3-47

PM3-46
(con't)

Thank you for your comment.

PM3-47

All oral and written comments received during the comment period are treated equally by the Commission.

Public Meeting (PM3)

Comments from DEIS Public Meeting
Beatrice, Nebraska
December 13, 2006

MS. MAUREEN FAIMON (cont'd)

PM3-47
(con't) | But somewhere on that tape it said - - I wrote it down too. It said we didn't have to have it on. I don't know what page it was on. I wrote it down, wrote a little note when we were watching that darn thing. It said it contains privileged information. Do not release and put all in capital letters.

Okay. Like I said, I'm not ashamed of it today. A few years ago I might have been, but I'm not any more. We're ashamed of God. We're ashamed. You can change yours everyday. That's why we have troubles. If it don't work out, I'll change my rules and we'll come back at you from another way. Thank you.

Public Meeting (PM4)

**Comments from DEIS Public Meeting
Moberly, Missouri
December 14, 2006**

MR. JERRY CRUTCHFIELD:

I am Jerry Crutchfield, C-R-U- T-C-H-F-I-E-L-D. I live at 1320 County Road 2150, Huntsville, Missouri 65259, Section 21, Township 53, Range 15 West of Randolph County.

The pipeline marker that exist on my property now reads 789. I live on a family lake in Randolph County with three other family members. Apparently, the project, the REX West Project will affect about 850 acres of shoreline - - pardon me, 850 feet of shoreline, probably go under 2 to 300 feet of the lake. At this time I'm really not sure where or how it will go. It's not been determined yet.

I guess as this process continued I'd like to think that some of those issues with the lake, the shoreline, the old road timber would be addressed in an environmental aspect. I have offered the land agent an alternative route. The land agent has mentioned a possible reroute. But at this point in time, I don't even think we're in negotiations. If the pipeline company would consider a reroute of this pipeline, it would allow them to avoid taking my driveway, all of my parking, my electric service, my telephone service, my water service, my sewer service, my alternative water service. It would avoid the permanent easement passing through a section of my house. It would avoid the temporary easement taking my entire house. It would avoid crossing the lake. It would avoid destroying 650 foot of water line, shore line. It also would avoid destroying 200 old growth trees, a shelter house and a public pet cemetery.

Commission staff identified a route variation on the Crutchfield property and we have addressed alternatives to the proposed route in section 3.4 of the EIS. In this case, we believe Rockies Express can avoid impacts on an existing residence and an established recreational lake area by utilizing an existing utility corridor to the north of the proposed route. Therefore, we have recommended that Rockies Express construct across the Crutchfield property along a route adjacent to and south of the existing single-pole electric powerline right-of-way.

K-52

PM4-1

PM4-1

Public Meeting (PM4)

**Comments from DEIS Public Meeting
Moberly, Missouri
December 14, 2006**

MR. JERRY CRUTCHFIELD (cont'd)

I just would like before this process is ended to have some of these thing addressed. Maybe we're progressing along. I have no idea. I have no idea. I have had contacts with people, but that's about all I can say. I've asked at a couple of these meetings and I guess I don't expect it answered, but somewhere I would like someone to describe a high consequence area and I'd also like for someone from the pipeline to describe a catastrophic event of a 42-inch natural gas pipeline under 1450 pounds of pressure exploding. I've never been able to get an answer to that question.

PM4-2

PM4-2

According to the DOT's Pipeline and Hazardous Materials Safety Administration, High Consequence Areas for natural gas transmission lines are determined through an equation that estimates the distance from a potential explosion at which death, injury, or significant property damage could occur. This distance is known as the "potential impact radius" (or PIR), and is used to depict potential impact circles.

This Potential Impact Radius is defined as this formula by the DOT for pipelines containing natural gas:

$$r = 0.69 \sqrt{pd^2}$$

where r is the Potential Impact Radius in feet, p is the MAOP of the pipeline in pounds per square inch, and d is the nominal inside diameter of the pipeline in inches. Please note that 0.69 is a dimensionless factor that is based on the properties of the gas within pipeline; in this case natural gas.

Public Meeting (PM4)

**Comments from DEIS Public Meeting
Moberly, Missouri
December 14, 2006**

MR. JERRY HARVEY:

My name is Jerry Harvey. I live in Keithville. I'm at mile marker 648.

The pipeline has proposed on the disk. It goes through my property. At that farm the pipeline was going 40 feet away from the one directly to the north of it. As it passes through my property, in order to miss my house, they have moved the pipeline to where it is within 20 feet of the existing pipeline. The existing pipeline, at this point, has had a problem in prior years. I am really concerned, from a safety standpoint, about passing this 42-inch pipeline that close to an existing pipeline with the normal pressure that it's going to be operating on.

I have offered an alternative to where the pipeline could exist, but it was not taken seriously by the right-of-way people. That's all I have to say.

Pipeline safety is addressed in section 4.12 of the EIS. The DOT establishes design standards for pipelines and is responsible for inspection during construction and operation. According to 49 CFR Part 192.325, each transmission line must be installed with at least 12 inches of clearance from any other underground structure not associated with the transmission line. If this clearance cannot be attained, the transmission line must be protected from damage that might result from the proximity of the other structure.

We are not aware of any alternative route proposed for this location. We do note that Rockies Express has prepared a site-specific residential construction plan for a residence at MP 648.19.

Public Meeting (PM4)

**Comments from DEIS Public Meeting
Moberly, Missouri
December 14, 2006**

MR. AUBREY BRADLEY:

My name is Aubrey Bradley. The project tracks on my property are MO-RA-040.NO1, MO-RA-42.1, MO-RA-042.2, Randolph County, Missouri. I live at County Road 2450. I have brought this map. It's not really all that clear, but I wanted to address the issue of this pipeline going across my waterways. I have the -- there are two creeks on my property that join. The water flows here from south to north, this direction. I'm at the headwaters of these creeks. One course through side of my property and joins here. The other begins across the road from my property and also joins here and on out the north side of my property.

Both of these creeks are spring fed. We have about an 1100 acre cow-calf operation out there. We need approximately 1500 to 2000 gallons of water per day. That's every day. My home is right here. My parents home is right here. Pardon me, that's one of my rental properties. And my parents' home and our base of operations are right here. All three of these homes have been occupied for over 30 years. They're occupied now and all of them are within less than 300 feet of this proposed project. I have grave concerns and now I have another one.

Anyway, on my picture there I had a small circle down towards the bottom there's a drill well there that we do use for our cattle operations and during the construction of this project, if the water issue is not addressed, I'm not going to have water for my cattle. And in the recent past I had a fellow over there that was doing some dynamiting under my property and I got two drill wells go dry from the shocks of the rocks of the blast.

Groundwater supplies are discussed in section 4.3.1.1 of the EIS. We require that applicants identify water supply wells located within 150 feet of construction work areas and afford those areas additional protection. In addition, Rockies Express has committed to protecting agricultural water supplies if construction occurs in close proximity. Should damage occur, Rockies Express would provide a temporary source of water and restore the well to its original capacity, or other mutually agreeable remedy. Site-specific mitigation measures could be addressed during easement negotiations between Rockies Express and the landowner.

K-55

PM4-5

PM4-5

Public Meeting (PM4)

**Comments from DEIS Public Meeting
Moberly, Missouri
December 14, 2006**

MR. AUBREY BRADLEY (cont'd)

This is a redneck rendition of my property. This denotes the 4-foot rock ledge under the property. This denotes a 4-foot vein of coal that goes under, courses under the property. I have an existing pipeline out there now. It does not go through this 4-foot ledge of rock. It goes over it. When it was put in there, they didn't have the technology to go through the rock so they stuck it to the side of the hills. One of these ravines out there you can drive a semi under this pipeline that's there. These two are on my property. There's a deeper one over here on my neighbor's property. That's a little taller.

Anyway, my concerns are when they begin jack hammering this rock that it's going to alter my underground aquifer that feeds my creeks and my water supply for my cattle. If that happens, I'm out of business. That's the long and short of it. That's my very real, very genuine concern.

PM4-6 The FERC has no jurisdiction over the Platte Pipeline and can not require Rockies Express to address maintenance issues on that pipeline as part of this proceeding. Issues regarding the Platte Pipeline may be referred to the DOT's Central Office by calling (816) 329-3800.

PM4-7 See response to comment PM4-5.

Public Meeting (PM5)

**Comments from DEIS Public Meeting
St. Joseph, Missouri
December 15, 2006**

MS. DARLA HALL EMENDORFER:

My name is Darla Hall Emendorfer and I have several questions. So if you can allow me those, that will be fine.

One is aimed at the safety during the installation of the pipeline. And so I don't know exactly who this is directed to, but I assume the DOT as well as Rockies Express. But I was wondering is there a DOT official on site during the installation with the installers?

How often do you do your inspections?

Okay. I'm not sure if this is relevant to this, so feel free to not answer the question. But there is an existing pipeline called the Platt Pipeline, which I believe that Kinder Morgan is the parent company owner, which is also the owner of Rockies Express. Is that pipeline currently being inspected as well?

PM5-1 According to the DOT, DOT personnel will inspect the installation of the pipeline periodically throughout the construction period.

PM5-2 The FERC has no jurisdiction over the Platte Pipeline and can not require Rockies Express to address maintenance issues on that pipeline as part of this proceeding.

Public Meeting (PM5)

**Comments from DEIS Public Meeting
St. Joseph, Missouri
December 15, 2006**

MS. DARLA HALL EMENDORFER (cont'd)

PM5-3

Secondly, I'm curious or thirdly, maybe, I'm curious about the FERC's involvement in terms of if you could provide, perhaps, some examples of a pipeline or some sort of -- I'm sorry I'm not speaking very well. If you could provide some examples of some reasons why you would not approve a pipeline such as this. I'm not asking you specifically about Rockies Express, but any of those. For example, there may be some of us here in the room who are not really familiar with what FERC does and certainly not very familiar with draft environmental impact statements and all those things. So it might shed some light on things for us.

PM5-4

Okay. My last question is maybe perhaps more aimed at Rockies Express, so again feel free to say, you know, it's not answerable. But it's my understanding as well as some of the other people, landowners who are on the current Rockies Express Western Project Phase or exactly what the title is I'm not sure. But there seems to be yet another pipeline that wants to come through on the same route and that's the concern of landowners because, you know, we've already got one pipe -- in some cases we've already have the pipeline. Now we have this Rockies Express expansion and now, all of a sudden, a year after the initial notification that Rockies Express is coming through, now we have something called Keystone coming through and that's of a concern to my family certainly and what's next, you know? Because basically, at the end of this I'm left with literally nothing that I can do anything with except maybe farm, grow some grass on and that's not what I bought the property for.

PM5-3

The environmental analysis contained in an EIS is one tool used by the FERC Commissioners to make a determination regarding whether or not to approve a project. In addition, Commissioners consider the utility market, regulatory market, rate and tariff issues, and supply and demand. Once a project has completed the necessary regulatory steps, the Commissioners would vote to approve or deny a project.

PM5-4

The proposed Keystone Oil Pipeline Project is a project being proposed by the TransCanada Corporation and is not under the jurisdiction of the FERC. Section 4.13 of the EIS discusses potential cumulative impacts associated with development of the Rockies Western Phase Project in the same general location or schedule of other known projects, including the Keystone oil pipeline.

Public Meeting (PM5)

**Comments from DEIS Public Meeting
St. Joseph, Missouri
December 15, 2006**

MR. SCOTTY HALL:

K-59

PM5-5

I will say a couple of words. I'm familiar with your organization. To me, the environment is part of the words you're using in this meeting and we bought property that had an existing pipeline. The original easement was issued way back in the early 1900s. Well, we was hoping it wouldn't happen. They've come in and they've serviced it, et cetera. But now we've got -- that was my daughter speaking -- we've got another 42-inch natural gas line going in, want more easement exactly and now here comes the Canadian deal.

Well, now as far as I'm concerned, you have ruined my environment for this farm. You're going to require another 100 acres or more -- not a hundred acres -- 100-foot easement for each one of them and I think we've probably gave more than we should have to give. But anyway, that's my end on it.

PM5-6

In the last little bit, and I see there's a conservation agent back there, or at least his patch says that, my nephew bought some property on over the hill down the Missouri River bottom and he wanted me to look at it for drainage problems and I was there and out of the brush, out of the drainage ditch some brush grew up, comes five hard hats. One of them was Rockies Express. The other four with pads and orange vests were looking for rattle snake habitat. That's something to do with the environment? I don't know. But they were there on a mission.

PM5-7

Now as to what that mission accomplished, I do not know. But I do know one thing, we're going to end up with a 300-foot when it's over with, through our little farm, that's going to be of no value. You can't build a road over it. You can cross it but you can't build a road right over it. You can farm it and that's

PM5-5 See response to comment PM5-4.

PM5-6

The FERC's regulations require data collection along the proposed route, which means that surveys must be conducted. The commission's expectations are that these surveys are generally non-invasive and do not result in any significant damage. Typical work conducted includes surveys for wetlands, waterbodies, wildlife, vegetation, cultural resources, and land use.

PM5-7

Most existing land uses on land crossed by the permanent right-of-way can continue after construction. Permanent structures would not be allowed to be constructed on the permanent right-of-way, but things such as driveways, roads, and utility crossings would be allowed, although Rockies Express should be contacted prior to construction to ensure they are safely installed. Specific questions regarding future use of the right-of-way should be directed to Rockies Express.

Public Meeting (PM5)

Comments from DEIS Public Meeting
St. Joseph, Missouri
December 15, 2006

MR. SCOTTY HALL:

PM5-7
(con't)

the extent of it and we're willing to pay a little bit of money for damages, which I know I'm not supposed to get into this. I understand. But we're going to be running product through that 24 hours a day period. The rest of my life and someone else's life.

Public Meeting (PM5)

**Comments from DEIS Public Meeting
St. Joseph, Missouri
December 15, 2006**

MS. MARY DIANE FORSYTHE:

My name is Mary Diane Forsythe, F-O-R-S-Y-T-H-E. I'm from Caldwell County. I also own the farm with Bob C. Roberts. We have recently signed our easement to Rockies and I want to share with the people who have not sign up. Our agent was very kind. She worked with us for about four months before we finally signed. But like the first lady, we have 40 acres. The pipeline goes diagonal across that 40 acres. We have horses. Of 15 I'm going to have to move 4. We were able to come to an agreement on the four and they are going to go around one barn building, which is in the -- not the work area, but the easement area.

We were very satisfied with the way we were treated. Every time that Rockies Express has wanted to come on the property, we got a phone call a couple of days before and the gentleman told us that he or someone else would be out there. We do appreciate that. And I think this is -- it's going to be hard on all of us because the area that we're speaking of we had planned on putting a house. Well, if we end up with all three of those lines on our property that's going to put the last of the line out in the road. So we're not going to be able to put our house in that location. We're very disturbed about that, but that's the way life is. You have to learn to go with the flow, you know. But it's really hard. When you're getting up there in years where you're planning on settling for the last time and somebody comes in and says, no, you're not.

Well, I guess we just have to learn to cope with that. But I and a few of the rest of us, we really do appreciate you coming out tonight and letting us speak. We hope some of these issues will be resolved for some of our people, but we really do thank you. That's all.

K-61

PM5-8

PM5-8 Thank you for your comment.

Applicant (A1)



December 4, 2006

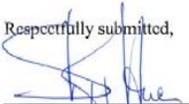
Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington DC 20426

Re: Rockies Express Pipeline Project, REX-West
Initial Response to DEIS
Docket Nos. CP06-354-000, CP06-401-000 and CP06-423-000

Dear Ms. Salas:

Attached for filing is the initial set of responses of Rockies Express Pipeline LLC ("Rockies Express") to the Draft Environmental Impact Statement (DEIS) issued by the Commission Staff in the above-referenced proceeding. Rockies Express intends to file additional responses to the DEIS by December 28, 2006.

If you have any questions with regard to these responses, please contact Rock Meyer at (303) 914-4736.

Respectfully submitted,


Shippen Howe
Van Ness Feldman, P.C.
1050 Thomas Jefferson Street, N.W.
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Attorney for
Rockies Express Pipeline LLC

Attachments
cc: David Swearingen (Gas Branch 1)

K-62

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Rockies Express Pipeline LLC)	Docket No.	CP06-354-000
TransColorado Gas Transmission)	Docket No.	CP06-401-000
Company)		
Questar Overthrust Pipeline)	Docket No.	CP06-423-000
Company)		

**Initial Comments of Rockies Express Pipeline LLC to the
Draft Environmental Impact Statement**

Pursuant to the procedures established in the Draft Environmental Impact Statement ("DEIS") issued by the Staff of the of the Federal Energy Regulatory Commission ("Commission") in the above-referenced proceedings, Rockies Express Pipeline LLC ("Rockies Express") hereby provides its initial comments to the DEIS. As set forth below, Rockies Express believes that the information contained in the initial comments provided here is pertinent for the upcoming open house meetings on the projects, and also provides an overview, for the record, of the comprehensive safety procedures that Rockies Express intends to implement for the REX-West Project. Rockies Express will submit additional responses to the DEIS by December 28, 2006.

OVERVIEW

Rockies Express, TransColorado Gas Transmission Company ("TransColorado") and Questar Overthrust Pipeline Company ("Overthrust") have filed Natural Gas Act ("NGA") Section 7 certificate applications in the above-referenced proceedings to construct separate, free-standing pipeline facilities that will interconnect so that natural gas supplies from (1) the Rocky Mountains in Colorado, (2) the San Juan Basin in New Mexico and (3) the Opal Hub in Wyoming can be transported to consumer markets in the Midwest and eastern United States. In the DEIS issued by the Commission Staff in the 3rd Quarter of 2006, the Commission Staff noted that, pursuant to the requirements of the National Environmental Policy Act of 1969,¹ and its January 6, 2006, *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Rockies Express Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings*, it had combined its environmental analysis of the three projects into one where the proposed facilities are necessary components of a larger, combined natural gas transportation system.

¹ 42 U.S.C. § 4231 *et. seq.* (2000).

K-63

Applicant (A1)

Subsequent to the issuance of the DEIS, the Commission Staff has established a schedule of public comment meetings for the purpose of hearing comments on the DEIS. By submitting these initial comments, Rockies Express highlights for the Commission and the public the procedures Rockies Express proposes to implement to construct and operate the pipeline not only in an environmentally acceptable manner, but also in a safe manner. As the public meetings are about to be undertaken on the DEIS, Rockies Express is mindful that issues of both environmental stewardship and safety will likely be on the minds of public participants along the proposed route.

INITIAL COMMENTS OF ROCKIES EXPRESS

Rockies Express is committed to constructing, operating and maintaining the REX-West pipeline to protect the environment and the public safety. Rockies Express Pipeline is jointly owned by Kinder Morgan Energy Partners, L.P., Conoco Phillips and Sempra Energy. It is operated by Kinder Morgan Energy Partners, L.P. a company that has constructed, operated and maintained thousands of miles of natural gas pipelines in the United States. As set forth below, Rockies Express proposes to utilize its substantial pipeline experience as well as the most advanced materials, construction techniques and safety standards to construct REX-West. In this regard, Rockies Express will adhere to, and in many instances exceed, DOT pipeline safety requirements.

Rockies Express has proposed to construct the REX-West pipeline along existing pipeline corridors in order to mitigate environmental disturbance consistent with well-established Commission precedent. The construction of new pipelines utilizing existing pipeline corridor rights-of-way avoids the unnecessary disturbance of new, "green field" property. This practice has been endorsed by the Commission. Of necessity, however, other pipeline facilities will be located within the vicinity in which Rockies Express will build its pipeline. Rockies Express is aware of the potential dangers presented by co-locating along other pipelines and consequently will implement the measures to avoid unsafe construction conditions.

A1-1

I. Rockies Express Will Adhere To, Or Exceed, DOT Safety Requirements Applicable to Its Construction Activities

On November 17, 2006, the DOT's Pipeline and Hazardous Material Safety Administration issued a *Notice to Operators of Natural Gas and Hazardous Liquid Pipelines to Accurately Locate and Mark Underground Pipelines Before Construction-Related Excavation Activities Commence Near the Pipelines.*² In its Notice, PHMSA advised pipeline operators to take the following damage prevention measures:

- Use safe locating excavating practices. Follow your procedures and processes for excavation and backfill. When constructing a new pipeline, honor the marking of existing pipelines.

² Pipeline Safety: Notice to Operators of Natural Gas and Hazardous Liquid Pipelines to Accurately Locate and Mark Underground Pipelines Before Construction-Related Excavation Activities Near the Pipelines, 71 Fed. Reg. 67,703 (Nov. 22, 2006).

A1-1

Comment noted. We have addressed pipeline safety and the DOT requirements throughout the EIS.

K-64

Applicant (A1)

K-65

- Locate and mark pipelines accurately before locating excavation begins. Do not rely solely on maps, drawings, or other written materials to locate pipelines.
- Make sure that individuals locating and marking the pipelines have the knowledge, skills, and abilities to read and understand pipeline alignment and as-built drawings, and that they know what other buried utilities exist in the construction area.
- Make sure that individuals locating and marking the pipelines have up-to-date pipeline alignment and as-built drawings.
- Make sure that individuals locating and marking the pipelines are familiar with state and local requirements on marking.
- Mark all pipelines, including laterals. This is especially important in areas where there is a considerable amount of new pipeline and utility construction
- Consider environmental conditions such as rain and snow when selecting marking methods.
- In areas where the pipelines are curved or make sharp bends to avoid other utilities or obstructions, consider the visibility and frequency of markers.
- Confirm the accuracy of pipe locating before locating excavation begins. This applies when the pipeline operator conducts the excavation using its own employees, a contractor, or at third party.
- Use qualified personnel for locating and marking pipelines. At a minimum, they should have received appropriate training such as that outlined in the National Utility Locating Contractors Association locator training standards and practices.
- Make sure excavators have sufficient information about underground pipelines at the construction site to avoid damage to the pipeline. Facilitate communication during the construction activity.
- Calibrate tools and equipment used for line locating and make sure they are in proper working order.
- Individually mark pipelines located within the same trench where possible.
- Follow the best practices on locating and marking pipelines developed by the Common Ground alliance.
- When pipelines are hit or almost hit during excavation, evaluate the practices and procedures in use before continuing the construction activity.³

A1-2

To the extent applicable to excavators operating in the vicinity of underground utilities, the practices outlined above are consistent with the practices currently followed by Rockies Express with respect to its construction activities. Rockies Express hereby renews its commitment to follow each of the above recommendations issued by the PHMSA in its November 17, 2006 Advisory to the extent they are applicable to excavators operating in the vicinity of underground facilities, and to work with operators of natural gas and hazardous liquid pipelines in the vicinity of its construction activities to confirm that such operators are aware of their obligations to appropriately mark the location of

A1-2 Comment noted.

³ *Id.* at 67,703-704.

Applicant (A1)

A1-2
(con't)

their pipelines in accordance with applicable state and federal law and the recommendations issued by the PHMSA.

Additionally, Rockies Express will have a representative on site for clearing, grading and trenching activities. Rockies Express will request that other companies with pipeline facilities in the area of these activities also have a site representative on site during these activities to assure that it has adequately marked its lines in advance of such clearing and grading activities. These designated representatives from such other companies, as well as the REX representative, will each have independent "stop work" authority in the event of any question as to the location or proper marking of such pipeline facilities.

Rockies Express further commits to perform its own independent survey along each side of its ROW as an additional check for third party facilities on, or coming into, its ROW. This will be accomplished after third party marking activities, but prior to any clearing, grading, or excavating activities.

On February 6, 2006, Rockies Express requested PHMSA to grant a waiver of its regulations that prescribes the design factor to be used in the design formula for steel pipe.⁴ The waiver was granted on July 11, 2006.⁵ The waiver "allows Rockies Express to operate at hoop stresses up to 80 percent of the specified minimum yield strength (SMYS) in Class 1 locations."⁶

A1-3

In its request for waiver, Rockies Express committed to numerous construction and material designs, including several that exceed DOT requirements. These commitments included:

- Rockies Express will purchase various grades of pipe from qualified vendors with the majority being high grad pipe utilizing Material Standard M8270, X-70 and X-80 Grade High Strength, High Toughness Welded Line Pipe for High Pressure Transmission Service ("M8270"). This specification exceeds the requirements of 49 C.F.R. Part 192, Subparts B and C, which incorporate API 5L as the minimum requirement for pipe to used in gas service.
- Class 1 line pipe for the Rockies Express Pipeline will be NPS 42 API 5L Grade X80 pr X70 PSL2 longitudinal-seam submerged arc welded pipe or helical seam welded pipe.
- Rockies Express will employ third-party inspection to ensure that each joint is inspected for conformance with the company's pipe specification. The result of this inspection process will remain in the company's records for the life of the pipeline.
- The pipe will be externally coated with fusion bonded epoxy in accordance with Rockies Express Materials Standard M8370, Plant Application of Fusion Bond Epoxy Coating ("M8370").

⁴ Petition of Rockies Express Pipeline LLC For Waiver of 49 C.F.R. § 192.111 to Allow Use of a 0.80 Design Factor in Class 1 Locations For a New Interstate Gas Pipeline Project and Request for Expedited Consideration, Docket No. PMHSA-2006-23998 (Feb. 6, 2006) ("Petition").

⁵ Pipeline Safety: Grant of Waiver; Rockies Express Pipeline, 71 Fed. Reg. 39,141 (July 11, 2006)

⁶ *Id.* at 39,141.

A1-3

Comment noted. Rockies Express would be required to comply with all DOT specifications applicable to the construction and operation of natural gas pipelines.

K-66

Applicant (A1)

A1-3
(con't)

- Rockies Express will perform all of the welding applications with fully qualified welding procedures and employ fully qualified and tested welders. The welding process on the Rockies Express Pipeline project will be 100 percent nondestructively tested by qualified technicians and procedures and in conformance with Rockies Express' Construction Standard C1070 ("C1070"). Nondestructive testing of 100 percent of the welds on this project exceeds the nondestructive DOT testing requirements specified in 49 C.F.R. Part 192, Subpart E.
- The Rockies Express Pipeline will be designed to be piggable and in conformance with the requirements set forth in 49 C.F.R. Part 192, Subpart D for the purposes of cleaning and running in-line inspection tools.
- Prior to putting the pipeline into service, it will be hydrostatically tested in conformance with 49 C.F.R. Part 192, Subpart J and to no less than 100 percent of SMYS, utilizing Rockies Express' Strength and Leak Testing Procedure O&M 1600 / C1135 ("C1135"). C1135 meets or exceeds the DOT requirements stated in 49 C.F.R. § 192.505, 192.619, and ASME B31.8 .
- Prior to commissioning the pipeline for gas service, the pipeline will be surveyed with a multi-channel geometry smart tool to confirm compliance to construction specifications for dents, buckles, etc. Thus, in addition to meeting the requirements of 49 C.F.R. Part 192, Subpart G, which specifies that inspection is done during the construction process, Rockies Express also conducts post-construction inspection.
- Local line break equipment will be installed on each mainline valve to close the valve in the event of rapid pressure decline. Line break sensing and valve actuation equipment is not a requirement set forth by 49 C.F.R. Part 192.
- Rockies Express will comply with the corrosion control requirements set forth in 49 C.F.R. Part 192, Subpart I in the design, construction and operation of the Rockies Express Pipeline, and employ other cathodic protection measures to address electrical interference. To eliminate the risk of electrical interference with cathodic protection systems with other pipelines or underground metallic structures, at the time of construction, Rockies Express will install variable resistance bonds to eliminate stray electrical currents, and to equalize the voltage potentials between the pipeline and other pipelines and underground metallic structures. After pipeline installation, Rockies Express will conduct cathodic protection electrical surveys to detect unresolved interference problems.⁷

In addition to these measures, Rockies Express also committed to several other, additional safe practices. For integrity management of the pipe, Rockies Express committed to comply with the Part 192 requirements, including baseline assessment and re-assessment requirements. The combination of design and construction practices that include a hydrostatic test at a minimum of 100% SMYS and the robust fusion bond epoxy coating system minimizes the stress corrosion cracking (SCC) phenomena. For damage prevention, Rockies Express committed to meet the requirements of Part 192 in all respects, including operator monitoring of excavations, line marking, line surveillance and public awareness. In addition,

⁷ Petition at 4-9.

Applicant (A1)

A1-3
(con't)

Rockies Express committed to utilize a state-of-the-art, on-call management system that is integrated with the GIS mapping and PODS systems.⁸

On July 11, 2006, PHMSA granted Rockies Express' waiver request.⁹ Included in the grant of waiver were approximately 50 supplementary safety criteria -- keying off many of the commitments made by Rockies Express in its application -- with which Rockies Express was required to adhere in order to be permitted the waiver. These criteria were broken into 6 core areas: (1) pipe and material quality, (2) construction, (3) pre in-service hydrostatic pressure test, (4) supervisory control and data acquisition (SCADA), (5) operations and maintenance, and (6) integrity management. The DOT's safety requirements included a 36-inch depth of cover requirement. The entire set of safety conditions contained in the order are attached hereto as Attachment 1.

Rockies Express believes the commitments made by it and the subsequent conditions imposed by PHMSA provide a set of comprehensive safety procedures that are in the forefront of industry technology and practice for safety. Rockies Express hereby renews its commitments that it made with respect to its request for waiver and commits to follow all of the additional safety criteria contained in the PHMSA's July 11, 2006 grant of waiver.

A1-4

2. Rockies Express Has Committed to a Greater Depth of Cover Than Required by the Commission's Regulations and Will Maintain It

Rockies Express has committed to a depth of cover of 36 inches in normal soil (*i.e.*, Rockies Express will not utilize a 36-inch depth of cover in rock). DOT's Minimum Federal Safety Standards require only a depth of cover of 30 inches.¹⁰ Accordingly, Rockies Express has proposed, and is committed to, an increase of 20% in depth of cover for REX-West to 36 inches. In Resource Report 1 of its May 31, 2006 Application, Rockies Express stated as follows:

REX will adhere to applicable requirements with regard to pipeline depth to ensure proper depth of cover over the pipe and avoid impeding farm equipment. A minimum of 36 inches of cover will be used over the pipe. Any additional depth of cover for circumstances such as existing surface and sub-surface drainage systems or existing permanent erosion control structures (*i.e.*, terraces) will be dealt with on a case-by-case basis with each landowner and documented in the easement agreements.¹¹

With respect to maintenance of the depth of cover, Rockies Express has stated the following in response to the Commission Staff's August 31, 2006 data request:

⁸ *Id.* at 14.

⁹ *Supra.* n. 5.

¹⁰ 49 C.F.R. § 192.327 (2006).

¹¹ Application for Public Convenience And Necessity, Resource Report 1 at 1-20 (May 31, 2006) ("May 31 Application").

A1-4

Comment noted. Based on numerous comments regarding depth of cover in agricultural areas, Rockies Express has committed to a minimum depth of cover of 4 feet in many areas. See section 4.8.1.2 for a discussion of depth of cover and our additional recommendation.

K-68

Applicant (A1)

K-69

A1-4
(con't)

Upon commissioning of the line, REX will implement a surveillance plan which includes monthly aerial pipeline patrolling to inspect for excavation activities, ground movement, wash-outs, leakage, and/or other activities.

Within one year of installation of cathodic protection systems, a close interval survey will be performed on the pipeline through the above referenced region which will require REX operations personnel and contractors to walk this REX right-of-way.

REX will utilize an outreach program that includes landowner and tenant communication to discuss pipeline location, operations, maintenance, and emergency reporting. This outreach program will include an introduction to the local REX representatives who need to be contacted regarding erosion or other maintenance issues.

REX continues to communicate with landowners along the route that it intends to construct its pipeline with a minimum of 36 inches of cover. REX also has informed owners that it will follow certain guidelines pertaining to topsoil segregation that are specified within REX's Upland Erosion Control, Revegetation, and Maintenance Plan. In accordance with said guidelines, REX's ROW Agents have been discussing this issue with each landowner during easement negotiations. They have communicated openly with affected landowners REX's intent to conduct topsoil segregation on those properties that are currently being utilized for active agricultural or residential purposes, inclusive of cultivated rotated crop lands, pastures and hayfields.¹²

Rockies Express hereby renews its commitment to implement the depth of cover of 36 inches for the REX West pipeline and to follow the maintenance plan which it previously has outlined to the Commission.

3. Rockies Express Will Mark Its Line Appropriately

It is the existing practice of Rockies Express to mark its line appropriately and to meet, or exceed, DOT requirements with respect to marking its pipeline facilities. In that respect, Rockies Express stated the following in its May 31 Application, Resource Report No. 11:

The REX operations and maintenance program will include cleaning of the pipeline itself, corrosion control, leak inspection surveys, repair, and regularly scheduled aerial and ground patrols of the pipeline ROW. REX will

A1-5

A1-5 Comment noted.

¹² Response to August 31, 2006 Data Requests, Request No. 23 (Sept. 11, 2006).

Applicant (A1)

A1-5
(con't)

participate in all existing "One Call" systems. Pipeline facilities will be clearly marked at line-of-sight intervals (except in active agricultural fields) and at crossings of roads, railroads, and other key points. The markers will clearly indicate the presence of the pipeline and provide a telephone number and address where a company representative could be reached in the event of an emergency or prior to any excavation in the area of the pipeline by a third-party. REX representatives will visit any nearby proposed excavations and mark the location of REX-West underground facilities.¹³

Rockies Express hereby renews its commitment to implement appropriate marking procedures for both construction and operation of its pipeline that adhere to, or exceed, the requirements of the Commission and the DOT.

CONCLUSION

As set forth above, Rockies Express has implemented comprehensive safety, depth of cover and marking requirements for its pipeline that meet, or exceed, DOT requirements. Rockies Express has reviewed those procedures and believes the procedures to be at the forefront of industry practice, to utilize modern technology and to satisfy, or exceed, DOT standards. Rockies Express renews its commitment to implement and enforce all safety and marking procedures to which it has previously committed and will work with the Commission to implement additional reasonable procedures that it believes may be necessary.

¹³ May 31 Application, Resource Report 11, at 11-9.

K-70

ORIGINAL

PUBLIC

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OFFICE OF THE
SECRETARY

2006 DEC 27 P 2:31

Seattle, Washington
(206) 623-8372

December 27, 2006

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

Attn: Gas Branch 1

1043

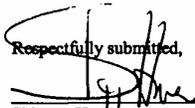
Re: Rockies Express Pipeline Project, REX-West
TransColorado Gas Transmission Company
Response to DEIS
Docket Nos. CP06-354-000, CP06-401-000 and CP06-423-000

Dear Ms. Salas:

Attached for filing are the responses of Rockies Express Pipeline LLC ("Rockies Express") and TransColorado Gas Transmission Company ("TransColorado") to the combined Draft Environmental Impact Statement (DEIS) issued by the Commission Staff in the above-referenced proceedings.

The responses of the two companies contain material that is considered to be "non-internet public" under the Commission's regulations. Thus, the responses are appropriately separated into two volumes as directed by Commission requirements.

If you have any questions with regard to these responses, please contact Rock Meyer at (303) 914-4736.

Respectfully submitted,


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Attorney for
Rockies Express Pipeline LLC, and
TransColorado Gas Transmission Co.

Attachments

cc: David Swearingen (Gas Branch 1)
Paul Friedman

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Applicant (A2)

Attachments to this letter are too voluminous to include in this EIS. They are available for public inspection from the FERC's Office of External Affairs at 1-866-208-FERC or on the FERC internet website (www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search," and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP06-354). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, contact (202) 502-8659.

The Category/Accession numbers for this submittal are 20070108-0247, 20070108-0248, 20070108-0249, 20070108-0250, and 20070108-0251.

K-71

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Rockies Express Pipeline LLC)	Docket No. CP06-354-000
TransColorado Gas Transmission)	Docket No. CP06-401-000
Company)	
Questar Overthrust Pipeline)	Docket No. CP06-423-000
Company)	

Comments of
Rockies Express Pipeline LLC and
TransColorado Gas Transmission Company
to the
Draft Environmental Impact Statement

Pursuant to the procedures established in the Draft Environmental Impact Statement ("DEIS") issued by the Staff of the of the Federal Energy Regulatory Commission ("Commission") in the above-referenced proceedings, Rockies Express Pipeline LLC ("Rockies Express") and TransColorado Gas Transmission Company ("TransColorado") hereby provides their full comments to the DEIS.¹ As set forth below, Rockies Express and TransColorado believe that the information contained in the comments submitted here provide a comprehensive response to the environmental issues raised in the DEIS. Rockies Express and TransColorado appreciate the hard work put forth by the Commission Staff and the consulting agencies to prepare promptly a thorough environmental impact statement.

OVERVIEW

Rockies Express, TransColorado and Questar Overthrust Pipeline Company ("Overthrust") have filed Natural Gas Act ("NGA") Section 7 certificate applications in the above-referenced proceedings to construct separate, free-standing pipeline facilities that will interconnect so that natural gas supplies from (1) the Rocky Mountains in Colorado, (2) the San Juan Basin in New Mexico and (3) the Opal Hub in Wyoming can be transported to consumer markets in the Midwest and eastern United States. In the DEIS issued by the Commission Staff in the 3rd Quarter of 2006, the Commission Staff noted that, pursuant to the requirements of the National Environmental Policy Act of 1969,² and its January 6, 2006, *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Rockies Express Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings*, it had combined its environmental analysis of the three

¹ Rockies Express and TransColorado both are affiliates of Kinder Morgan Energy Partners, L.P. To avoid unnecessary duplication, the two companies provide one single set of comments to the DEIS that incorporates both their projects. Where appropriate, the response will identify which entity, or whether both entities, are providing the response. Rockies Express, by itself, provided limited, initial comments to the DEIS on December 4, 2006. The comments provided here incorporate those initial comments, as well as providing the response of Rockies Express to all issues raised in the DEIS.

² 42 U.S.C. § 4231 *et. seq.* (2000).

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Applicant (A2)

projects into one where the proposed facilities are necessary components of a larger, combined natural gas transportation system.

The comments of Rockies Express and TransColorado are divided into two sections. First, Rockies Express and TransColorado provide responses to issues raised in each chapter that need either clarification, further explanation or a substantive response from the applicant. Second, the two companies address the Staff Recommended Mitigation Measures set forth in Chapter 5 of the DEIS, providing a response to each recommendation.

COMMENTS OF ROCKIES EXPRESS AND TRANSCOLORADO

1. Response to Specific Issues Raised in the DEIS

A. *Executive Summary*

- Page ES-5, Chalk Bluffs Variation

A2-1

In the DEIS, FERC staff indicates that it has conducted an independent review of the Chalk Bluffs Variation and has asked Rockies Express to provide environmental and engineering survey results for it.

Rockies Express has provided an analysis of a Chalk Bluffs Variation, slightly different than the one reviewed by FERC staff. (See Attachment 1)

A2-1

The text in section 3 has been revised to include an evaluation of the modified Chalk Bluffs Route Variation.

- Page ES-6, Woolsoncroft Variation

A2-2

In the DEIS, FERC staff indicates that it has conducted an independent review of the Woolsoncroft Variation and has asked Rockies Express to provide environmental and engineering survey results for it.

Rockies Express conducted a groundwater investigation on the Woolsoncroft property. The results of the study indicate that the proposed route and construction methods, which include implementation of the REX-West Wetland and Waterbody Construction and Mitigation Procedures, would not result in long term impacts to groundwater resources or flow. (See The Groundwater Investigation Report, Attachment 2) Additionally, Rockies Express has provided an analysis of a Woolsoncroft Variation that is slightly different than the one reviewed by FERC staff. (See Attachment 2)

A2-2

The text in section 3 has been revised to address the additional information filed by the applicant and the landowner. We have recommended that this variation be incorporated into the proposed route. See section 3.4 of the EIS.

- Page ES-8, Surface Water

A2-3

The DEIS provides numbers and types of waterbodies that would be crossed by the proposed REX-West route.

Rockies Express is filing its Wetland Delineation Report under separate cover at the time of this filing. The Wetland Delineation Report provides updated information regarding the numbers and types of waters and wetlands that are crossed by the proposed route. The same updated wetland and waterbody information by state also was provided to FERC

A2-3

The text in section 4.3 has been revised to incorporate the additional information filed by Rockies Express.

K-73

Applicant (A2)

K-74

A2-3
(con't)

staff in the Section 404/401 permit applications previously filed under this docket (CP06-354).

- Page ES-8, Surface Water

A2-4

The DEIS states that Rockies Express will cross the Missouri River and Big Creek using the HDD method.

Subsequent to its application filing, Rockies Express has determined that the HDD method also will be used to cross the Little Blue River at MP 424.12.

- Page ES-9, Wetlands

A2-5

The DEIS provides numbers and types of wetlands that are crossed by the proposed REX-West route.

As stated under Surface Water, above, updated wetlands information has been compiled and is provided in the Wetlands Delineation Report (currently being filed under separate cover) and Section 404/401 permit applications (previously filed).

- Page ES-9, Wetlands

The DEIS states that, to minimize impacts on wetlands, Rockies Express would use a 75-foot-wide construction right-of-way through wetland areas and would follow the measures identified in the Procedures and POD.

Rockies Express intends to implement construction methods that minimize the effects on wetlands. Its experience building and laying a 42-inch pipeline in wetlands on a 75 foot ROW on REX-Entrega was problematic, particularly with the heavier, and larger, equipment that was necessary for a 42-inch pipeline. Rockies Express believes that its experience from REX-Entrega can be used to improve mitigation measures for REX-West, resulting in less overall impacts on the wetlands.

A2-6

With the goal of minimizing the effects on wetlands, Rockies Express is preparing a supplemental plan which will propose specific recommendations for construction through various categories of wetlands located along the REX-West right of way. The supplemental plan will contain a detailed analysis of the different types of wetlands to be crossed and proposals for site-specific mitigation measures for each category of wetlands. The supplemental plan will provide specific construction methods to be implemented in specific types of wetlands, including proposals to increase the width of the ROW where appropriate to work more efficiently. The proposed plan will minimize overall construction time in the wetland and mitigate impacts on the wetlands located on REX-West. In each case, there will be an explanation of why Rockies Express believes that the proposed measures are consistent with applicable regulations and will achieve the goals of the Commission and the wetlands mitigation programs.

A2-4

The text in section 4.3 has been revised to incorporate the additional information filed by Rockies Express regarding the proposed HDD crossing of the Little Blue River.

A2-5

The text in section 4.3 has been revised to incorporate the additional information filed by Rockies Express.

A2-6

Based on the additional information presented by Rockies Express, we have recommended that Rockies Express use a 100-foot-wide right-of-way for construction through non-saturated emergent and scrub-shrub wetlands and a 75-foot-wide right-of-way for construction through forested and saturated wetlands. See section 2.3.2 of the EIS for our discussion of this issue.

Applicant (A2)

Rockies Express will provide this supplemental plan by January 15, 2007.

- Page ES-9, Wetlands (also Staff Recommended Mitigation Measure 21)

The DEIS states that Rockies Express identified 35 wetlands between MP 40 and MP 240 and between MP 250 and MP 350 that may be considered part of the Southwest Playas or Rainwater Basin Complex (RWBC), which also includes playa-type wetlands.

A2-7

Based on additional review of the field wetland delineation sheets, aerial route maps, and topographic maps, Rockies Express has identified a total of 14 wetlands within proposed construction work areas between MP 40 and MP 350 that may meet, or may once have met, the definition of a playa. Of these 14 potential playas, five of them are being actively farmed. (See response to Page 4-53 and Recommended Mitigation Measure No. 21)

- Page ES-11, Land Use. (also Staff Recommended Mitigation Measure 45)

In the DEIS, FERC staff has recommended that Rockies Express develop and implement a post-construction monitoring program to evaluate crop productivity and the success of right-of-way restoration in active cropland for a period of 5 years following construction.

A2-8

The FERC Plan, Section VII.A.1, only requires follow-up inspections after the first and second growing seasons. Rockies Express believes a two or three-year agricultural monitoring program and quarterly reporting would meet FERC's objectives in assessing the success of ROW restoration of active crop land. In the event that restoration is not achieved within a two or three year period, Rockies Express would develop a post-construction project restoration mitigation plan for Staff approval and implementation based upon landowner comment, monitoring history, and/or appropriate professional recommendations, to achieve restoration requirements.

- Page ES-11, Land Use. (also Staff Recommended Mitigation Measure 43)

In the DEIS, FERC staff has recommended that Rockies Express develop 'site-specific' construction and restoration procedures for all agricultural terrace lands crossed by the REX-West Project.

A2-9

Rockies Express believes that development of site-specific construction and restoration procedures for all agricultural terrace structures is unwarranted. This paragraph and Condition 43 should be revised to reflect a FERC staff recommendation for Rockies Express to continue to work with willing landowners to establish typical construction and restoration practices applicable to all agricultural terrace structures for this project. This plan should be filed for review and written approval by the Director of OEP prior to construction.

A2-7

The text in section 4.3 has been revised to incorporate the additional information filed by Rockies Express.

A2-8

We believe that 5 years is an appropriate timeframe to monitor the right-of-way in agricultural areas to ensure successful restoration. If any landowner and Rockies Express agree that crop productivity is acceptable prior to the end of the 5-year requirement, Rockies Express should document this agreement and request that the monitoring requirement be terminated.

A2-9

The text in section 4.8 has been revised to incorporate additional information filed by Rockies Express. We have recommend that Rockies Express, in consultation with landowners who maintain agricultural terrace structures, develop site-specific construction and restoration procedures for all agricultural terrace lands crossed by the REX-West Project.

We conclude that the construction and restoration measures proposed and committed to by Rockies Express, in conjunction with landowner input regarding site-specific issues and our recommendation, would be adequate to minimize impacts on terrace farming structures along the REX-West route.

K-75

Applicant (A2)

B. Chapter 1

- Page 1-1

A2-10

The DEIS states that Rockies Express is a joint venture between Kinder Morgan Energy Partners, L.P. (Kinder Morgan) and Sempra Pipelines and Storage (Sempra).

Subsequent to the application filing, Conoco-Phillips joined Kinder Morgan and Sempra as an equity partner in Rockies Express LLC.

- Page 1-11, Cogeneration Facilities

A2-11

The DEIS indicates that FERC staff issued a data request to Rockies Express on September 28, 2006, inquiring about measures that Rockies Express may have considered regarding energy efficiency at the proposed compressor stations.

On 10/27/2006, Rockies Express filed its response regarding cogeneration opportunities with FERC and supplemented its response on December 7, 2006.

C. Chapter 2

- Page 2-8, Construction Right-of-Way (also Staff Recommended Mitigation Measure 12)

K-76

A2-12

In the DEIS, FERC staff has recommended that Rockies Express construct its Echo Springs Lateral using a 75-foot-wide right-of-way.

Rockies Express has evaluated the use of a 75-foot-wide right-of-way for construction of the Echo Springs Lateral. Because the Echo Springs Lateral is only 5.3 miles long, and because the heavy construction equipment to be used for the construction of the lateral likely will be the same equipment that is currently being used for construction of the 42-inch-diameter and to avoid additional transportation costs and impacts associated with heavy equipment transportation logistics, Rockies Express is requesting the use of a 100-foot-wide construction right-of-way. The proposed route is within an existing corridor along the Echo Springs Lateral and the additional 25 feet of width is required for topsoil segregation, where necessary, and to ensure safety during welding operations. Side slope terrain along portions of the lateral also necessitates the additional width in order to maintain a safe distance from the existing utilities. Based on an engineering review of the lateral, without the additional nominal width of 25 feet, construction would require additional temporary workspace along much of the lateral, resulting in a de facto 100-foot-wide right-of-way. In summary, although the smaller 24-inch-diameter pipe for the Echo Springs Lateral will diminish the need for as much additional spoil storage as that required for the REX-Entrega and REX-West pipe, Rockies Express is requesting the use of a 100-foot-wide construction right-of-way for the Echo Springs Lateral to allow for safe and efficient construction while accommodating temporary storage of topsoil and trench spoil, slide slope construction, the area needed for operation of

A2-10

The text in section 1 has been revised to incorporate the additional information filed by Rockies Express regarding corporate structure.

A2-11

Rockies Express stated that it does not believe that waste heat cogeneration is feasible for installation during construction of the facilities, but that subsequent third party installation of waste heat electric generation is possible.

A2-12

We agree that the use of a 100-foot-wide construction right-of-way is justified for construction of the Echo Springs Lateral. Section 2.2.1.1 of the EIS has been revised to reflect this change.

Applicant (A2)

K-77

- A2-12 (con't) | **the large equipment, and anticipated construction techniques, including the potential use of automatic welding equipment.**

 - Page 2-8, Permanent Right-of-Way
- A2-13 | The DEIS states that, following construction, Rockies Express would acquire a permanent easement of 50 feet for operation and maintenance of its facilities.

To clarify, Rockies Express intends to acquire permanent easements prior to, (not after) construction.

 - Page 2-8, Permanent Right-of-Way
- A2-14 | The DEIS states that the 50-foot-wide permanent easement would typically be 25 feet on either side of the pipeline centerline.

Actual placement of the pipeline within the permanent right-of-way will vary according to site-specific conditions such as presence of structures, topography, soils, etc.

 - Page 2-8, 2-9, and Table 2.2-2, Contractor Yards
- A2-15 | The DEIS refers to the list in Table 2.2-2 as the proposed yards currently identified by Rockies Express and the text indicates that additional contractor yards may be identified by contractors and/or pipe suppliers during the pre-construction planning phase. The DEIS also states that any newly identified locations would be surveyed for listed species, wetlands, and cultural resources, as required.

Since the application filing, Rockies Express has and will continue to investigate potential yards and has been conducting on-going surveys for listed species, wetlands, and cultural resources at each. The current list of contractor yards being considered for use is provided in the attached "Revised Table 2.2-2." (See Attachment 3)

 - Page 2-15, Trenching
- A2-16 | The DEIS states that excavated topsoil and trench spoil would be stockpiled along the right-of-way away from the construction traffic and pipe assembly area.

Topsoil and trench spoil will be segregated in accordance with the REX-West Plan; however, placement of topsoil and trench spoil relative to the construction work area at any given location will depend on a number of possible factors.

 - Page 2-18, Wetland Crossings
- A2-17 | The DEIS states that wetlands crossed would be crossed following the methods outlined in each Applicant's Procedures.

Based on the size of the equipment to be used and other factors, Rockies Express is developing a supplemental plan regarding wetland construction,

A2-13 The text in section 2.2.1.1 has been revised to incorporate this information.

A2-14 The text in section 2.2.1.1 has been revised to incorporate this information.

A2-15 The text in section 2.2.1.1 has been revised to incorporate this information.

A2-16 The text in section 2.3.1 has been revised to incorporate this information.

A2-17 We have reviewed the supplemental wetland crossing information filed by Rockies Express and have provided additional analysis in section 2.3.2. See also response to comment A2-6.

Applicant (A2)

K-78

A2-17 (con't) | Including appropriate right-of-way width for wetland crossings. See comments under Page ES – 9, Wetlands, above.

- Page 2-18, Wetland Crossings

A2-18 | The DEIS states that excavation of the ditch in wetlands would not occur until the pipe is ready for installation.
Rockies Express believes that this sentence should be rewritten to state that the amount of time the ditch is kept open will be minimized, as practical, to minimize the effect on the environment.

- Page 2-18, Wetland Crossings

A2-19 | The DEIS states that the construction right-of-way may be used for access when the wetland soil is firm enough to avoid rutting or the construction right-of-way has been appropriately stabilized to avoid rutting.
Rockies Express clarifies that issues with respect to rutting are not raised where the company has removed topsoil. If the wetland is saturated (with standing water), it would be stabilized with appropriate materials. If it is dry (non-saturated), Rockies Express would work as normal (i.e., utilizing normal upland construction techniques).

- Page 2-19, Dry Waterbody Crossings (also pertains to Staff Recommended Mitigation Measure 25)

A2-20 | The DEIS states that Rockies Express has not identified any locations where it would use a dry-ditch crossing method.
Rockies Express is currently proposing to use the dam and pump method at 12 of the 13 sensitive fishery streams (i.e., those identified in the notes/special restrictions column of Table 4.6.1-1). Of these 13 streams, only the South Platte River is still being proposed as a wet construction open-cut crossing. If a dam and pump proves infeasible at the time of construction at any of the 12 remaining sensitive fishery streams, Rockies Express will evaluate the possibility of using the flume method.

- Page 2-20, Horizontal Directional Drill Crossings

A2-21 | The DEIS states that Rockies Express proposes to use an HDD to cross the Missouri River and Big Creek.

Subsequent to its application filing, Rockies Express has determined that the HDD method also will be used to cross the Little Blue River at MP 424.12.

A2-18 | The text in section 2.3.2 has been revised to incorporate this information.

A2-19 | The text in section 2.3.2 has been revised to incorporate this information.

A2-20 | The text in section 4.6.1.2 has been revised to incorporate this information.

A2-21 | The text in the EIS has been modified to indicate that Rockies Express is proposing to cross the Little Blue River by HDD.

Applicant (A2)

K-79

- Page 2-20, Foreign Pipeline Crossings

A2-22

The DEIS states that project pipelines crossing under existing pipelines would be installed at an appropriate depth to meet soil cover and separation requirements.

To clarify, Rockies Express will install the pipe with an appropriate depth to meet soil cover and separation requirements, whether crossing under or over existing pipelines.

A2-22

The text in section 2.3.2 has been revised to incorporate this information.

- Page 2-21, Rugged Terrain

A2-23

The DEIS states that any springs or seeps found in the cut would be carried downslope through drainpipes and/or gravel french drains that would be installed as part of the cut restoration.

The use of drainpipes and/or gravel french drains are two possible techniques that can be used to carry groundwater downslope from seeps or springs that may be found in side hills. Final determination of the most appropriate method to ensure downhill flow of groundwater from seeps or springs in sidehill situations would be made in the field during construction.

A2-23

The text in section 2.3.2 has been revised to incorporate this information.

- Page 2-23, Environmental Inspection

A2-24

The DEIS states that Rockies Express would construct its facilities using 7 construction spreads that range from 11 to 290 miles.

Rockies Express' 7 construction spreads along the mainline actually will vary in length from approximately 86 to 120 miles.

A2-24

The text in section 2.5.1 has been revised to incorporate this information.

- Page 2-23, Environmental Inspection

A2-25

The DEIS states that Rockies Express would retain a qualified agricultural inspector (AI) on each construction spread that crosses agricultural land and states that AI's would act as the liaison between farmers and Rockies Express.

Rockies Express intends to retain an Agricultural Inspector on each spread, but the AI's duties would include many of the same duties as the other EIs. Rockies Express right-of-way agents will be the liaison between farmers and Rockies Express. Rockies Express AIs will work closely with the right-of-way agents, as appropriate.

A2-25

The text in section 2.5.1 has been revised to incorporate this information.

D. Chapter 3

- Page 3-12, Chalk Bluffs Variation

A2-26

See comment ES - 5, above.

A2-26

See response to comment A2-1.

- Page 3-14, Woolsoncroft Variation

A2-27

See comment ES - 6, above.

A2-27

See response to comment A2-2.

Applicant (A2)

E. Chapter 4

- Page 4-8, Paleontological Resources

The DEIS indicates that Rockies Express would further evaluate the potential for the occurrence of significant fossil resources.

A2-28

In its application filing, Rockies Express indicated that it would determine the need for any additional mitigation that may be required with regard to paleontological resources and listed the preparation and implementation of a Paleontological Monitoring and Mitigation Plan as one example of a potential mitigation measure, if required. Rockies Express has determined, in consultation with the BLM, that there is no need to survey or monitor for paleontological resources along the Echo Springs Lateral (see Attachment 4). Additionally, Rockies Express has not received any agency concerns or comments regarding paleontological resources elsewhere along the proposed mainline route and Rockies Express does not expect to encounter bedrock (which is the only matrix in which fossils could be found) in the trench between MPs 0 and 100. Therefore, based on these factors, Rockies Express' further evaluation has resulted in the determination that no additional mitigation for paleontological resources is required or warranted.

A2-28 The text in section 4.1.1.4 has been revised to incorporate this information.

- Page 4-20, Erosion Potential

The DEIS states that where trench dewatering is required, Rockies Express would pump the water from the trench into stable upland areas to prevent soil erosion in areas disturbed by construction.

A2-29

Filtering and/or discharge dissipation devices would be employed as appropriate, in accordance with Rockies Express' Plan and Procedures, to ensure that trench dewatering activities do not cause erosion or result in heavily-silt laden discharge water impacts to wetlands.

A2-29 The text in section 4.2.1.1 has been revised to incorporate this information.

- Page 4-36, Water Supply Wells and Springs

The DEIS states that Rockies Express will file field-verified occurrences and locations of active wells within 150 feet of its proposed mainline and Echo Springs Lateral rights-of-way.

A2-30

Rockies Express will file an updated version of Table 4.3.1-2 with distance and direction to water supply wells prior to construction.

A2-30 The text in section 4.3.1.1 has been modified to indicate this information would be filed prior to construction.

- Page 4-38, Water Supply Wells and Springs

The DEIS states that potential impacts to wells and springs within 150 feet of the proposed right-of-way include localized decreases in groundwater recharge, changes to overland water flow, contamination due to hazardous material spills, decreased well yields, decreased water quality and other adverse effects.

A2-31

Rockies Express notes that most of the wells along the proposed right-of-way, particularly in the Great Plains and in alluvial aquifers along streams

A2-31 The text in section 4.3.1.1 has been modified to indicate this information would be filed prior to construction.

K-80

Applicant (A2)

K-81

A2-31 (con't) and rivers, would not be susceptible to observable decreases in groundwater recharge. Many of these wells are completed in bedrock aquifers or other groundwater-bearing zones at depths over 100 feet. Others in alluvial settings are recharged within the setting of river and stream deposits. Recharge to these aquifers occurs over a much wider source area than would be affected by pipeline clearing and trenching. Furthermore, trench backfilling and relief of significant soil compaction are committed to on the part of Rockies Express, as provided in the REX-West Plan. These activities, along with implementation of site restoration, storm water pollution prevention, and spill prevention and control activities, would avoid or minimize potential impacts to groundwater recharge and water quality.

- Page 4-38, Water Supply Wells and Springs

A2-32 The DEIS states that Rockies Express would prohibit the refueling and storage of hazardous materials within 150 feet of all private wells and springs.

Rockies Express will prohibit the refueling and storage of hazardous materials within 150 feet of all identified wells (not just private wells) and springs.

- Page 4-38, Water Supply Wells and Springs

The DEIS states that wellhead protection areas (WPAs) are typically defined as areas through which contaminants are reasonably likely to move toward and reach water wells or well fields.

A2-33 Rockies Express notes that WPAs are primarily defined on the basis of recharge, which, in a project application, can be an important distinction from contaminant fate and transport. This distinction is particularly applicable to a comparatively shallow excavation and placement of a pipeline that must comply with permitting requirements. The likelihood of the proposed pipeline having effects on a WPA similar to those of other widespread contaminant sources in the Great Plains or the central U.S. is minimal.

- Page 4-39, Water Supply Wells and Springs (also Staff Recommended Mitigation Measure 18)

In the DEIS, FERC staff has recommended that Rockies Express file various pieces of information regarding WPAs.

A2-34 It has been determined that no WPAs occur along the route in Kansas (see Attachment 5) - these should be deleted from table 4.3.1-3. Also, no municipal water supply areas exist in Colorado. The two items identified for Colorado in table 4.3.1-3 are "non-community permanent well locations." Attachment 5 includes tables that indicate Public Water Supply (PWS) and Wellhead Protection Areas (WHPA) information collected from the state contacts for the proposed route in Colorado, Nebraska, and Missouri. No PWS or WHPA exists in the vicinity of the proposed ROW in Wyoming or Kansas. (See Attachment 5)

A2-32 The text in section 4.3.1.1 has been revised to incorporate this clarification.

A2-33 The text in section 4.3.1.1 has been revised to incorporate this information.

A2-34 The text in section 4.3.1.1 and table 4.3.1-3 have been revised to incorporate this information.

Applicant (A2)

K-82

- Page 4-41, Surface Water Resources (also Staff Recommended Mitigation Measure 20)

A2-35 In the DEIS, FERC staff has recommended that Rockies Express modify its Procedures to adopt the definition of "waterbody" from the FERC Procedures.

The REX-West Procedures will be revised to reflect the FERC definition of waterbody.

- Page 4-44, Waterbody Construction and Mitigation Procedures (also Staff Recommended Mitigation Measure 19)

A2-36 In the DEIS, FERC staff has recommended that Rockies Express revise its Procedures by removing the statement that elements of its SWPPP will take precedence over any contradictory conditions of the FERC Procedures.

Rockies Express will revise its Procedures regarding SWPPPs as requested. SWPPPs are being prepared for all states; however, only Colorado, Wyoming, and Missouri request submittal of General Stormwater (non-point source NPDES) permit applications.

- Page 4-44, Waterbody Construction and Mitigation Procedures

A2-37 The DEIS states that Rockies Express would cross intermittent waterbodies less than 10 feet in width using conventional upland construction methods if the waterbodies are dry at the time of the crossing.

Rockies Express would use conventional upland construction methods in any intermittent waterbody if dry at the time of crossing.

- Page 4-47, Wetlands

A2-38 The DEIS states that Rockies Express is currently compiling field data and preparing a wetland delineation report that will be filed with the Secretary upon completion.

Rockies Express is filing its Wetland Delineation Report under separate cover with this filing. (See ES – 9)

- Page 4-53, Wetlands of Special Concern or Value (also Staff Recommended Mitigation Measure 21)

A2-39 In the DEIS, FERC staff has recommended that Rockies Express file results of consultations with the FWS and NGPC regarding avoidance, minimization, and mitigation measures for project impacts on RWBC and Playa Lake wetlands.

The results of additional consultation with NGPC to date are attached as Attachment 8.

Based on additional review of the field wetland delineation sheets, aerial route maps, and topographic maps, Rockies Express has identified a total

A2-35 The text in section 4.3.1.2 has been revised to incorporate this information.

A2-36 The text in section 4.3.1.2 (and appendix D) has been revised to incorporate this information.

A2-37 The text in section 4.3.1.2 has been revised to incorporate this clarification.

A2-38 The text in section 4.3.1.4 has been revised to indicate that Rockies Express filed its wetland delineation report on January 17, 2007.

A2-39 The text in section 4.3.1.4 and table 4.3.1-8 has been revised to incorporate this additional information.

Applicant (A2)

K-83

A2-39 (con't) **of 14 wetlands within proposed construction work areas between MP 40 and MP 350 that may meet, or may once have met, the definition of a playa (MPs 52.0, 52.8, 60.6, 174.0, 177.3, 181.1, 181.9, 182.4, 183.0, 271.7, 297.6, 298.1, 310.2, and 310.8). Of these 14 potential playas, five of them are being actively farmed. Rockies Express does not anticipate any additional special construction procedures from the USFWS or NGPC at this time.**

- Page 4-66, Pipeline Facilities

The DEIS specifies maintenance activity details.

A2-40 **Rockies Express will perform right-of-way maintenance activities in accordance with the REX-West Plan and Procedures, as appropriate. The permanent easements for REX-West generally are 50 feet wide.**

- Page 4-81, Big Game Species

The DEIS states that the proposed Echo Springs Lateral facilities and the Wamsutter Compressor Station would be located within one crucial winter/yearlong range for pronghorn in Wyoming.

A2-41 **Crucial winter/year-long pronghorn range exists only on the Echo Springs Lateral north of I-80 (~ MP 4.9-5.3). (See Attachment 7)**

- Pages 4-92 and 4-93, Fisheries Resources

In Table 4.6.1-1, the DEIS lists incorrect spawning periods for certain species in the "Notes/Special Restrictions" column.

A2-42 **The flathead chub spawning period is July and August; the western silvery minnow spawning period is May and June; and the Topeka shiner spawning period is May 15 to July 31 (see Attachment 8).**

Source: An Illustrated Guide to Endangered or Threatened Species in Kansas. Collins, Joseph T., S.L. Collins, J. Horak, D. Mulern, W. H. Busby, C. C. Freeman, G. Wallace, and J. E. Hays Jr. 1995. pp 48 & 62.

- Page 4-98, Fisheries of Special Concern (Missouri)

In Table 4.6.1-3, the DEIS reflects the State of Missouri designated spawning streams crossed by REX-West.

A2-43 **The text and table should be modified to indicate that the six streams are designated as "Topeka shiner spawning streams." The in-stream Topeka shiner spawning avoidance period is from May 15 to July 31 for all of these streams.**

Discussions between Rockies Express, a recognized Topeka shiner expert retained by Rockies Express, and agency personnel have concluded that, most likely, there will be no in-stream avoidance restrictions necessary for all of these "historic habitat" streams in Missouri because no Topeka shiners were collected in any of them during the 2006 field surveys.

A2-40 The text in section 4.4.1.1 has been revised to reflect this clarification.

A2-41 The text in section 4.5.1.2 has been revised to incorporate this information.

A2-42 Table 4.6.1-1 has been revised to incorporate this information.

A2-43 The text in section 4.6.1.2 and table 4.6.1-3 has been revised to incorporate this information.

Applicant (A2)

K-84

A2-43 (con't) | **However, the formal decision is still pending agency concurrence with the 2006 Topeka Shiner Survey Report (see Attachment 9).**

- Page 4-101, Special Status Species

The DEIS identifies 54 special status species that might occur in the REX-West project area.

A2-44 | **Following consultation and field work, Rockies Express, based on consultation with other agencies, has been advised that other species should be included on the list of species for which no suitable habitat has been found within REX-West Project work areas. These additional species are: the black footed ferret, Colorado butterfly plant, and Ute ladies'-tresses orchid. (See Attachments 10 and 15)**

- Pages 4-102 through 107, Federally Listed Threatened and Endangered Species (Table 4.7-1)

In Table 4.7-1, contained on pages 4-102 through 4-107, the DEIS contains a list of Special Status Species.

A2-45 | **Rockies Express has received concurrence that no black-footed ferret surveys are necessary. Consultation resulted in no need for surveys due to lack of suitable habitat. Additionally, Rockies Express has no indication that the western burrowing owl is a species of concern in Nebraska. (See Attachment 11)**

However, based on additional agency correspondence to date, the king rail, barn owl, Eskimo curlew, common garter snake, eastern fox snake, plains minnow, and northern red-bellied dace are missing from the table. In addition, after additional consultation, Rockies Express has been advised that: (1) the Big Blue River in Kansas should be added to the bald eagle critical habitat; (2) Laramie County should be added as suitable habitat for the swift fox; and (3) Carroll and Buchanan counties should be added as suitable habitat for the Massasauga. (See Attachment 11)

- Page 4-108, Bald Eagle

A2-46 | **The DEIS identifies areas in Colorado and Kansas as critical habitat for the Bald Eagle.**

The Big Blue River should be added as critical habitat in Kansas. (See Attachment 12)

- Page 4-109, Bald Eagle

A2-47 | **The DEIS states that the NGPC has adopted a 0.5-mile avoidance buffer for bald eagles in the state of Nebraska.**

The correspondence by Rockies Express with the NGPC indicates that the NGPC has no state-specific protocol for the bald eagle. For the bald eagle,

A2-44 | The text in section 4.7.1 has been revised to reflect the additional information obtained by Rockies Express.

A2-45 | Table 4.7-1 has been revised to incorporate this additional information.

A2-46 | The text in section 4.7.1.1 has been revised to incorporate this information.

A2-47 | The text in section 4.7.1.1 has been revised to incorporate this information.

Applicant (A2)

K-85

- A2-47 (con't) | **NGPC will follow the recommendations of the FWS. Further consultation is required with the FWS.**

 - Page 4-109, Bald Eagle

The Commission Staff in the DEIS recommends that Rockies Express not construct within 1 mile of active bald eagle nests identified in Nebraska.
- A2-48 | **It is currently Rockies Express' understanding that the buffer would be 1.0 mile in Nebraska for active bald eagle nests according to the U.S. Fish and Wildlife Service (USFWS) bald eagle guidelines. Nebraska does not have a state specific protocol for bald eagles and defers to the USFWS guidelines. Rockies Express will continue to consult with the USFWS and follow its recommendations regarding bald eagle buffer zones.**

 - Pages 4-110 and 4-111, Least Tern and Piping Plover

The Commission Staff in the DEIS recommends that prior to construction, Rockies Express should survey for the Least Tern and Piping Plover (see Staff Recommended Mitigation Measure 30) at the South Platte River crossing location according to the FWS protocols.
- A2-49 | **Rockies Express has confirmed through agency consultation that least tern and piping plover surveys are not necessary at the crossing location of the South Platte River. Excerpts of agency meeting notes from the 2006 meetings between Rockies Express and the federal and state agencies concerning the need for least tern and piping plover surveys are submitted as Attachment 13 to this response.**

 - Page 4-112, Black-footed Ferret (BFF) (also pertains to Staff Recommended Mitigation Measure 32)

The DEIS indicates that additional surveys were intended to be conducted for black-tailed prairie dog colonies.
- A2-50 | **All black-tailed and white-tailed prairie dog colonies have been cleared by FWS, the Wyoming BLM and NGPC for BFF surveys. No BFF surveys will be conducted and no further work will be done. (See Attachment 14)**

 - Page 4-113, Indiana Bat (also Staff Recommended Mitigation Measure 33)

FERC Staff in the DEIS recommends that Rockies Express file surveys with respect to the Indiana Bat.
- A2-51 | **REX-West crosses 44 potentially suitable woodlots. Agency consultation regarding for 2007 survey is ongoing. Rockies Express is continuing to consult with the USFWS, including the possibility of assuming presence in all 44 woodlots, filing for a take permit, and negotiating mitigation on that basis.**

- A2-48 | The text in section 4.7.1.1 has been revised to incorporate this information.
- A2-49 | The text in section 4.7.1.1 has been revised to incorporate this information.
- A2-50 | The text in section 4.7.1.1 has been revised to incorporate this information.
- A2-51 | The text in section 4.7.1.1 has been revised to incorporate this information.

Applicant (A2)

K-86

- Page 4-115, Topeka Shiner (also pertains to Staff Recommended Mitigation Measure 35)

FERC Staff in the DEIS notes that Rockies Express has not provided it with the results of the 2006 historic habitat surveys so no specific determination can be made.

A2-52

No Topeka shiners were captured during 2006 field surveys. All potential 'historic' Topeka shiner streams in Missouri have been surveyed and no Topeka shiners have been found. All streams in Kansas, with the exception of N. Elm Creek (MP 447.4, 450.8, and 455.1) are cleared for construction. For N. Elm Creek crossings, construction cannot occur between May 15 and July 31. Salvage and relocation measures will be required to be performed while crossing. Recommended construction timing is after Aug. 1 when water levels are low. Agency concurrence will be filed prior to construction.

A2-52 The text in section 4.7.1.1 has been revised to incorporate this information.

- Pages 4-117 and 4-118, American Burying Beetle

In the DEIS, FERC Staff recommends that Rockies Express should file trapping/relocation plans for the American Burying Beetle (ABB) where appropriate.

A2-53

Construction activities in June and/or August could potentially result in adverse impacts to the ABB. Rockies Express will continue to consult with the FWS and NGCP regarding the need for 2007 surveys and will employ trap and relocate methods in areas of suitable habitat during the June and August activity periods.

A2-53 The text in section 4.7.1.1 has been revised to incorporate this information.

- Page 4-119, Colorado Butterfly Plant and Ute Ladies' Tresses Orchid (also Staff Recommended Mitigation Measure 39)

In the DEIS, FERC Staff recommends that Rockies Express should submit results of habitat surveys to the Ute ladies'-tress and Colorado butterfly plant under the circumstances described in the section.

A2-54

Rockies Express has determined that no suitable habitat for the Colorado Butterfly Plant or the Ute Ladies' Tresses Orchid is crossed by the REX-West Project, pending agency concurrence with the habitat assessment report. (See Attachment 15)

A2-54 The text in section 4.7.1.1 has been revised to incorporate this information.

- Page 4-120, Massasauga

In the DEIS, FERC Staff raises issues with respect to the need for surveys for the massasauga rattlesnake, and their three recognized subspecies, pursuant to the requirements of the FWS, MDC and the NGPC along the REX-West route.

A2-55

The MDC will require surveys for the Eastern massasauga and W. Fox Snake in Buchanan, Charlton, and Carroll Counties. 2006 habitat assessments were conducted and the results are still being analyzed. This information will be presented to the MDC for agency review and comment.

A2-55 The text in section 4.7.1.1 has been revised to incorporate this information.

Applicant (A2)

K-87

- A2-55 (con't) | **NGPC will not require surveys for the massasauga but will require an expert to act as a biological monitor and move snakes off of the ROW ahead of construction. (See Attachment 16)**

 - Page 4-121, State-listed Threatened and Endangered Species and Species of Concern
- A2-56 | **In the DEIS, FERC Staff notes that, for the South Platte River, a properly implemented open-cut waterbody crossing that adheres to specific fishery timing windows generally serves to adequately minimize impacts to most aquatic resources and their in-stream habitats.**

CDOW has stated that no further mitigation would be required for the South Platte River crossing if in-stream activity can be delayed until after July 31. (See Attachment 17)

 - Page 4-122, Flathead Chub and Western Silvery Minnow

The DEIS notes that construction in the South Fork Big Nemaha and Wolf Rivers could impact habitat or individuals of the flathead chub and western silvery minnow, including disruption of spawning and foraging behavior.
- A2-57 | **According to consultations with the Kansas Department of Wildlife and Parks (KDWP), the main branch of the Wolf River is not crossed by REX-West, only tributaries. There are no fishery issues for the tributaries of the Wolf River. Critical habitat for the Flathead Chub and Western Silvery Minnow is located at the South Fork Big Nemaha River crossing. KDWP will require Rockies Express to avoid any in-stream construction during the spawning period of June 1 - Aug 15 (See Attachment 18).**

 - Page 4-123, Peregrine Falcon

In the DEIS, the Commission Staff refers to its recommendation in section 4.5.1.4 to ensure that appropriate surveys are conducted for the Peregrine Falcon.
- A2-58 | **Rockies Express is continuing to consult with the USFWS on raptor species protocols, protection zones, and the distance from the right-of-way that nest surveys will be conducted.**

 - Page 4-123, Ferruginous Hawk

In the DEIS, the Commission Staff refers to its recommendation in section 4.5.1.4 to ensure that appropriate surveys are conducted for the Ferruginous Hawk.
- A2-59 | **The buffer zone is 1.0 mile in Wyoming; 0.5 mile in Colorado. (See Attachment 19).**

 - Page 4-124, Western Burrowing Owl
- A2-60 | **The DEIS notes that Rockies Express would conduct surveys for the Western Burrowing Owl in areas of potential nesting habitat prior to construction during**

- A2-56 | The text in section 4.7.1.2 has been revised to incorporate this information.
- A2-57 | The text in section 4.7.1.2 has been revised to incorporate this information.
- A2-58 | Comment noted.
- A2-59 | Comment noted.
- A2-60 | The text in section 4.7.1.2 has been revised to incorporate this information.

Applicant (A2)

K-88

A2-60 (con't) the breeding season and would invoke agency established seasonal and distance restrictions if applicable.

Wyoming Natural Diversity Database has identified the potential for occurrence of burrowing owls along the Echo Springs Lateral. (See Attachment 20) Rockies Express will conduct the appropriate surveys, as required.

- Page 4-124, Northern Harrier

A2-61 In the DEIS, Staff's proposes for Rockies Express to follow the recommendations in section 4.5.1.4 to ensure that the appropriate surveys are conducted and site-specific recommendations and buffer zones are established and reviewed by FERC staff and the Director of OEP.

Harriers will be incorporated into 2007 raptor surveys. Consultations are ongoing with the USFWS. Rockies Express will provide the results of the consultations to FERC staff prior to construction.

- Page 4-125, Plains Sharp-tailed Grouse

A2-62 In the DEIS, the Commission Staff recommends that Rockies Express submit the results of any consultations with the WGFD and CDOW regarding the plains sharp-tailed grouse.

Rockies Express is still consulting with CDOW and WGFD on protection zones for the plains sharp-tailed grouse. The results will be filed with FERC staff prior to construction.

- Page 4-126, Greater Prairie Chicken

A2-63 In the DEIS, the Commission Staff noted the requirement to consult with appropriate agencies for the presence of suitable habitat for the greater prairie chicken.

Rockies Express is conducting surveys with landowners identified as having potentially suitable habitat (Audrain County, Missouri). The results of the surveys will be provided to the MDC for comment.

- Page 4-126, Swift Fox

A2-64 In the DEIS, the Commission Staff recommends that Rockies Express submit the results of any consultations with the NGPC and CDOW regarding the swift fox.

Denning surveys will be required in Colorado, Wyoming, and Nebraska. Protection zones for active dens and survey protocols still are pending consultations with the appropriate agencies in Colorado, Wyoming, and Nebraska. The results of the surveys will be provided to the appropriate agencies for review. The results of the agency consultations will be provided to Commission Staff.

A2-61 Comment noted.

A2-62 The text in section 4.7.1.2 has been revised to incorporate this information.

A2-63 The text in section 4.7.1.2 has been revised to incorporate this information.

A2-64 The text in section 4.7.1.2 has been revised to incorporate this information.

Applicant (A2)

K-89

- A2-65

 - Page 4-129, Greater Sage Grouse

The DEIS states that Rockies Express has identified possible mitigation measures if an active lek was documented within 0.25 mile of the construction right-of-way.

Rockies Express is still consulting with the agencies regarding the distance of active leks to the construction ROW and other mitigation requirements for the Greater Sage Grouse with the BLM, Colorado Division of Wildlife, and the Wyoming Game and Fish Department.
- A2-66

 - Page 4-164, Pivot Irrigation Systems

The DEIS notes that "Rockies Express could provide temporary ditch plugs for the pivot system to traverse the ditch or other mitigation based on site-specific conditions."

Rockies Express will rely on site-specific mitigation measures other than the use of temporary ditch plugs in pivot irrigation areas, since the size of the spoil storage piles will generally prevent movement of the pivot systems across the construction work area.
- A2-67

 - Page 4-166, Agricultural Diversion Terraces (also Staff Recommended Mitigation Measure 43)

In the DEIS, the Commission Staff recommends, where agricultural terrace structures are present, that Rockies Express develop site-specific construction and restoration procedures. These plans should include specific measures to minimize impacts on existing terrace structures.

Rockies Express believes that development of site-specific construction and restoration procedures for all agricultural terrace structures is unwarranted. This paragraph and Condition 43 should be revised to reflect a FERC staff recommendation for Rockies Express to continue to work with willing landowners to establish typical construction and restoration practices applicable to all agricultural terrace structures for this project. This plan should be filed for review and written approval by the Director of OEP prior to construction.
- A2-68

 - Page 4-166, Agricultural Diversion Terraces (also Staff Recommended Mitigation Measure 45)

The Commission Staff recommends that Rockies Express develop and implement a post-construction monitoring program to evaluate crop productivity and the success of right-of-way restoration in active cropland for a period of 5 years following construction.

Rockies Express believes conducting an agricultural monitoring program and quarterly reporting for a period of two or three years would meet the objectives of FERC staff in assessing the success of ROW restoration. In the event that restoration is not achieved within a two or three year period in active croplands, Rockies Express would commit to developing a post-

- A2-65

Comment noted.
- A2-66

The text in section 4.8.1.2 has been revised to incorporate this information.
- A2-67

We have revised our analysis of construction practices in terrace farming areas to include a discussion of typical construction and restoration measures that would be used to minimize impacts. We continue to recommend that Rockies Express file site-specific plans for agricultural terraces. See section 4.8.1.2 for additional discussion of this issue.
- A2-68

Comment noted. We continue to recommend a monitoring plan for a period of 5 years or until the landowner and Rockies Express agree that crop restoration is acceptable. See section 4.8.1.2.

Applicant (A2)

A2-68
(con't)

construction project restoration mitigation plan for Staff approval and implementation based upon landowner, monitoring history, and/or appropriate professional recommendations to achieve restoration program goals.

- Page 4-194, Cultural Resources

A2-69

In Section 4.10, the DEIS states that the Applicants sent consultation letters to 37 Indian tribes and Native American groups regarding the Rockies Western Phase Project. Table 4.10.1-1, however, lists 47 tribes that were contacted.

Rockies Express contacted 47 Indian tribes, not 37 tribes as listed in text.

- Page 4-194, Cultural Resources (Colorado)

The DEIS states that Rockies Express proposed to inspect a 250-foot-wide corridor where the REX-West pipeline would be adjacent to an existing right-of-way, and a 300-foot-wide corridor in "Greenfield" areas where the proposed route would not follow an existing right-of-way.

A 250-ft survey corridor was proposed in places where the REX-West line was co-located with another line; however, Rockies Express actually surveyed 300-foot everywhere in Colorado.

A2-70

The DEIS states that in a July 7, 2006 response to a data request, Rockies Express indicated that it would provide the results of archival research and archaeological testing at the potentially eligible sites in Colorado by December 2006. The DEIS also states that in response to Commission Staff's June 26, 2006 data request, Rockies Express indicated that it would conduct archaeological testing at site 25LN53 and additional deep backhoe trenching at 35 geomorphological study areas in Nebraska by December 2006. In addition, the DEIS states that Rockies Express indicated that it would conduct deep backhoe trenching at 12 recommended geomorphological locations in Kansas by December 2006.

It is stated that certain information will be furnished by December 2006 (e.g., information resulting from further archival research on historic sites, as requested by the Colo. SHPO). Rockies Express intends to develop a supplemental report that would incorporate the necessary archival research, test excavation results, and additional surveys since testing has only recently been completed. Rockies Express anticipates filing this report with the SHPO, FERC, and BLM (as appropriate) in the first quarter of 2007.

- Page 4-200, Cultural Resources

A2-71

The DEIS states that the Colorado SHPO reviewed Centennial's May 2006 inventory report and provided comments in correspondence dated June 20, 2006. The Colorado SHPO agreed with the report's recommendations, with two exceptions. One of the exceptions is that the Colorado SHPO believes site 5LO582 should be considered eligible for listing on the NRHP and requires

A2-69 The text in section 4.10 has been revised to incorporate this information.

A2-70 The text in section 4.10.1 has been revised to incorporate this information.

A2-71 The text in section 4.10.1 has been revised to incorporate this information.

K-90

Applicant (A2)

A2-71
(con't)

additional information on the effect of the undertaking before a determination of effect can be made.

Regarding site SLO582 – apparently the SHPO, in response to Centennial's survey report of May 2006, commented that they believe the site should be considered eligible for the NRHP. In Data Request of June 28, 2006 (item 15), FERC requested Rockies Express submit plans to avoid or mitigate effects. Rockies Express' response to the data request was that the site wasn't eligible for NRHP; however, SHPO apparently believes it is. Regardless, the project doesn't appear likely to affect the site, as its boundary, at its nearest point, is 54 meters (approximately 176 feet) north of the proposed centerline.

- Page 4-201, Cultural Resources (Wyoming)

A2-72

In the second sentence of the first paragraph, Commission Staff makes reference to "Zeir."

Mr. Zler's name is misspelled, and should be spelled as "Zler" not "Zeir."

A2-72 The text in section 4.10.1 has been revised to incorporate this information.

K-91

Applicant (A2)

2. Response to Proposed Staff Recommended Mitigation Measures in Chapter 6

- i. Staff Recommended Mitigation Measures Applicable to Applicants: Staff Recommended Mitigation Measures 1-12.

Staff Recommended Mitigation Measure 1:

The Applicants shall follow the construction procedures and mitigation measures described in their respective applications, supplemental filings (including responses to staff data requests), and as identified in the EIS, unless modified by the Commission's Orders. Each Applicant must:

- a. request any modification to these procedures, measures, or conditions in a filing with the Secretary;
- b. justify each modification relative to site-specific conditions;
- c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
- d. receive approval in writing from the Director of OEP **before using that modification.**

A2-73

A2-73 Comment noted.

Response:

Rockies Express and TransColorado will follow the construction procedures and mitigation measures described in their applications, supplemental filings (including responses to staff data requests), and as identified in the EIS, unless modified by the Commission's Orders. Rockies Express and TransColorado will comply with procedures outlined above in Staff Recommended Mitigation Measures 1a-d.

...

Staff Recommended Mitigation Measure 2:

The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the Rockies Western Phase Project. This authority shall allow:

- a. the modification of conditions of the Commission's Orders; and
- b. the design and implementation of any additional measures deemed necessary (including stop work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.

A2-74

A2-74 Comment noted.

Response:

Rockies Express understands that the Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the Rockies Western Phase Project, including those identified in Staff Recommended Mitigation Measures 2a and 2b.

K-92

Applicant (A2)

...

Staff Recommended Mitigation Measure 3:

Prior to any construction, each Applicant shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.

A2-75

Response:

Prior to any construction, Rockies Express and TransColorado will file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector's authority and will have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.

A2-75 Comment noted.

...

Staff Recommended Mitigation Measure 4:

The authorized facility locations shall be as shown in the EIS, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, each Applicant shall file any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Commission's Orders. All requests for modifications of environmental conditions of the Commission's Orders or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets. The Applicants' exercise of eminent domain authority granted under NGA Section 7(h) in any condemnation proceedings related to the FERC Orders must be consistent with these authorized facilities and locations. Each Applicant's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas pipelines to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

A2-76

Response:

The authorized facility locations will be as shown in the EIS, as supplemented by filed alignment sheets. As soon as they are available, and before the start of construction, Rockies Express and TransColorado will file any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Commission's Orders. All requests for modifications of environmental conditions of the

A2-76 Comment noted.

K-93

Applicant (A2)

A2-76
(con't)

Commission's Orders or site-specific clearances will be written and will reference locations designated on these alignment maps/sheets. Rockies Express and TransColorado acknowledge that their exercise of eminent domain authority granted under NGA Section 7(h) in any condemnation proceedings related to the FERC Orders must be consistent with these authorized facilities and locations. The right of eminent domain granted under NGA section 7(h) does not authorize Rockies Express and TransColorado to increase the size of its natural gas pipelines to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

...

Staff Recommended Mitigation Measure 5:

Each Applicant shall file detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally-listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP before construction in or near that area.

This requirement does not apply to extra workspace allowed by the each Applicant's Upland Erosion Control, Revegetation, and Maintenance Plan, and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
- b. implementation of endangered, threatened, or special concern species mitigation measures;
- c. recommendations by state regulatory authorities; and
- d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

Response:

Rockies Express and TransColorado will file detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that will be used or disturbed and have not been previously identified in filings with the Secretary. Approval for

K-94

A2-77

A2-77 Comment noted.

Applicant (A2)

A2-77
(con't)

each of these areas will be explicitly requested in writing. For each area, the request will include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally-listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas will be clearly identified on the maps/sheets/aerial photographs. Rockies Express and TransColorado acknowledge that each area must be approved in writing by the Director of OEP before construction in or near that area.

Staff Recommended Mitigation Measure 6:

Within 60 days of the acceptance of its Certificate and **before the start of construction**, each Applicant shall file an initial Implementation Plan with the Secretary for the review and written approval of the Director of OEP describing how the Applicant will implement the mitigation measures required by the Commission's Order. Each Applicant must file revisions to the plan as schedules change. The plan shall identify:

- a. how the Applicant will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to on-site construction and inspection personnel;
- b. the number of environmental inspectors assigned per spread, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
- c. company personnel, including environmental inspectors and contractors, who will receive copies of the appropriate material;
- d. the training and instructions the Applicant will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change), with the opportunity for OEP staff to participate in the training session(s);
- e. the company personnel (if known) and the specific portion of the Applicant's organization having responsibility for compliance;
- f. the procedures (including use of contract penalties) the Applicant will follow if noncompliance occurs; and
- g. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - (1) the completion of all required surveys and reports;
 - (2) the mitigation training of on-site personnel;
 - (3) the start of construction; and
 - (4) the start and completion of restoration.

Response:

Within 60 days of the acceptance of its Certificate and before the start of construction, Rockies Express and TransColorado will file an initial Implementation Plan with the Secretary for the review and written approval of the Director of OEP describing how it will implement the mitigation measures

K-95

A2-78

A2-78 Comment noted.

Applicant (A2)

A2-78
(con't)

required by the Commission's Order. Rockies Express will file revisions to the plan as schedules change. The plan will identify information outlined above in Staff Recommended Mitigation Measures 6a-g.

...

Staff Recommended Mitigation Measure 7:

Each Applicant shall file updated status reports prepared by the lead environmental inspector on a weekly basis until all construction-related activities, including restoration, are complete. These status reports shall also be provided to other federal and state agencies with permitting responsibilities upon request. Status reports shall include:

- a. the current construction status of each spread, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
- b. a listing of all problems encountered and each instance of noncompliance observed by the environmental inspectors or the third-party compliance monitors during the reporting period (both for the conditions imposed by the FERC and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
- c. a description of corrective actions implemented in response to all instances of noncompliance, and their cost;
- d. the effectiveness of all corrective actions implemented;
- e. a description of any landowner/resident complaints that may relate to compliance with the requirements of the Commission's Order, and the measures taken to satisfy their concerns; and
- f. copies of any correspondence received by the Applicant from other federal, state, or local permitting agencies concerning instances of noncompliance, and the Applicant's response.

A2-79

A2-79 Comment noted.

Response:

Rockies Express and TransColorado will file updated status reports prepared by the lead environmental inspector on a weekly basis until all construction-related activities, including restoration, are complete. These status reports will also be provided to other federal and state agencies with permitting responsibilities upon request. Status reports will include all information detailed above in Staff Recommended Mitigation Measures 7a-f.

...

Staff Recommended Mitigation Measure 8:

Each Applicant shall develop and implement an environmental complaint resolution procedure that remains active for at least 3 years following the completion of construction for the respective project. The procedure shall provide landowners with clear and simple directions for identifying and resolving their environmental mitigation problems/concerns during construction of the project and restoration of the right-of-way. Prior to construction, Rockies Express, TransColorado, and Overthrust shall mail

A2-80

A2-80 Comment noted.

K-96

Applicant (A2)

the environmental complaint resolution procedures to each landowner whose property would be crossed by the respective project:

- a. In the letter to affected landowners, each Applicant shall:
- (1) provide a local contact that the landowners should call first with their concerns; the letter should indicate how soon to expect a response;
 - (2) instruct the landowners that, if they are not satisfied with the response, they should call Rockies Express', TransColorado's, or Overthrust's Hotline, as applicable; the letter should indicate how soon to expect a response; and
 - (3) instruct the landowners that, if they are still not satisfied with the response from the Applicant's Hotline, they should contact the Commission's Enforcement Hotline at (888) 889-8030, or at hotline@ferc.gov.
- b. In addition, each Applicant shall include in its weekly status reports a table that contains the following information for each problem/concern:
- (1) the identity of the caller and the date of the call;
 - (2) the identification number from the certificated alignment sheet(s) of the affected property and appropriate location by milepost;
 - (3) a description of the problem/concern; and
 - (4) an explanation of how and when the problem was resolved, will be resolved, or why it has not been resolved.

Response:

Rockies Express and TransColorado will develop and implement an environmental complaint resolution procedure that remains active for at least 3 years following the completion of construction. The procedure will provide landowners with clear and simple directions for identifying and resolving their environmental mitigation problems/concerns during construction of the project and restoration of the right-of-way. Prior to construction, Rockies Express will mail the environmental complaint resolution procedures to each landowner whose property will be crossed, and the letter will provide the information outlined in Staff Recommended Mitigation Measures 8a, 1-3, above. Additionally, Rockies Express will include in its weekly status reports a table that contains the information for each problem/concern as outlined in Staff Recommended Mitigation Measures 8b, 1-4, above.

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A2-80
(con't)

K-97

Applicant (A2)

K-98

Staff Recommended Mitigation Measure 9:

Each Applicant must receive written authorization from the Director of OEP **before commencing service of its respective project.** Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas of project-related disturbance are proceeding satisfactorily.

A2-81

Response:

Rockies Express and TransColorado will not commence service of their respective projects until written authorization from the Director of OEP has been received. Rockies Express and TransColorado acknowledge that such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas of project-related disturbance are proceeding satisfactorily.

Staff Recommended Mitigation Measure 10:

Each Applicant shall file a noise survey, for each new or modified compressor station, **no later than 60 days** after placing the respective compressor station(s) into service. If the noise attributable to the operation of any of the new or modified compressor stations exceeds an L_{dn} of 55 dBA at any nearby NSA, the respective Applicant shall file a report on what changes are needed and shall install additional noise controls to meet that level **within 1 year** of the in-service date. The Applicant must confirm compliance with this requirement by filing a second noise survey no later than 60 days after it installs the additional noise controls.

A2-82

Response:

Rockies Express and TransColorado, respectively, will file a noise survey, for each new or modified compressor station, no later than 60 days after placing the respective compressor station(s) into service. If the noise attributable to the operation of any of the new or modified compressor stations exceeds an L_{dn} of 55 dBA at any nearby NSA, Rockies Express and TransColorado will file a report on what changes are needed and will install additional noise controls to meet that level within 1 year of the in-service date. Rockies Express and TransColorado will confirm compliance with this requirement by filing a second noise survey no later than 60 days after they install the additional noise controls.

Staff Recommended Mitigation Measure 11:

If any of the Applicants propose weekend and/or 24-hour pile driving, that Applicant shall develop a noise mitigation plan to reduce noise levels during the weekend and/or nighttime period and document that the noise mitigation plan effectively reduces noise from construction pile driving activities at any

A2-83

A2-81 Comment noted.

A2-82 Comment noted.

A2-83 Comment noted.

Applicant (A2)

A2-83
(con't)

nearby NSAs. The noise mitigation plan must be filed for the review and written approval of the Director of OEP prior to the initiation of any weekend or nighttime pile driving activities.

Response:

Prior to any weekend and/or 24-hour pile driving, Rockies Express and TransColorado will develop a noise mitigation plan to reduce noise levels during the weekend and/or nighttime period and document that the noise mitigation plan effectively reduces noise from construction pile driving activities at any nearby NSAs. The noise mitigation plan will be filed for the review and written approval of the Director of OEP prior to the initiation of any weekend or nighttime pile driving activities.

- ii. Staff Recommended Mitigation Measures Applicable Only To Rockies Express: Staff Recommended Mitigation Measures 12-48.

Staff Recommended Mitigation Measure 12:

Rockies Express shall construct its Echo Springs Lateral using a 75-foot-wide right-of-way.

Response:

Rockies Express has evaluated the use of a 75-foot-wide right-of-way for construction of the Echo Springs Lateral. Because the Echo Springs Lateral is only 5.3 miles long, and because the heavy construction equipment to be used for the construction of the lateral likely will be the same equipment that is currently being used for construction of the 42-inch-diameter and to avoid additional transportation costs and impacts associated with heavy equipment transportation logistics, Rockies Express is requesting the use of a 100-foot-wide construction right-of-way. The proposed route is within an existing corridor along the Echo Springs Lateral and the additional 25 feet of width is required for topsoil segregation, where necessary, and to ensure safety during welding operations. Side slope terrain along portions of the lateral also necessitates the additional width in order to maintain a safe distance from the existing utilities. Based on an engineering review of the lateral, without the additional nominal width of 25 feet, construction would require additional temporary workspace along much of the lateral, resulting in a de facto 100-foot-wide right-of-way. In summary, although the smaller 24-inch-diameter pipe for the Echo Springs Lateral will diminish the need for as much additional spoil storage as that required for the REX-Entrega and REX-West pipe, Rockies Express is requesting the use of a 100-foot-wide construction right-of-way for the Echo Springs Lateral to allow for safe and efficient construction while accommodating temporary storage of topsoil and trench spoil, side slope construction, the area needed for operation of the large equipment, and anticipated construction techniques, including the potential use of automatic welding equipment.

K-99

A2-84

A2-84

We agree that site-specific conditions would necessitate the use of a 100-foot-wide construction right-of-way for the Echo Springs Lateral and have revised the text in section 2.2.1.1 of the EIS. As a result, this recommendation has been eliminated.

Applicant (A2)

Staff Recommended Mitigation Measure 13:

Prior to any use of explosives to construct any of the proposed REX-West facilities, Rockies Express shall develop a site-specific Blasting Specification Plan. The Blasting Specification Plan must include, but not necessarily be limited to, the following information:

- a. identification and compliance with applicable blasting regulations;
- b. provisions for pre-blast geotechnical investigations;
- c. determination of appropriate charge type, weight, and configuration;
- d. depth and spacing of charges;
- e. detonation delays;
- f. procedures for notifying nearby residents;
- g. procedures for pre- and post-blasting structural and well inspections;
- h. identification of sensitive biological resources in the blast area (within 0.5 mile), including mitigation measures that would be implemented to minimize blasting impacts on nesting birds; and
- i. blast mat placement.

The Blasting Specification Plan must be filed for the review and written approval of the Director of OEP prior to the commencement of any blasting.

Response:

Prior to any use of explosives to construct any of the proposed REX-West facilities, Rockies Express will develop a site-specific Blasting Specification Plan including the information listed above in Staff Recommended Mitigation Measures 13a-i. The Blasting Specification Plan will be filed for the review and written approval of the Director of OEP prior to the commencement of any blasting.

...

Staff Recommended Mitigation Measure 14:

Rockies Express shall develop a site-specific construction and restoration plan for the Sand Hills area (approximate MPs 205-210). This plan shall address greater depth of cover for the pipe, special revegetation measures, and post-construction monitoring to ensure right-of-way stability in the Sand Hills area. The site-specific plan must be filed for the review and written approval of the Director of OEP prior to construction in this area.

Response:

Rockies Express is developing a site-specific construction and restoration plan for the Sand Hills area (approximate MPs 205-210). This plan will address greater depth of cover for the pipe, special revegetation measures, and post-construction monitoring to ensure right-of-way stability in the Sand Hills area. The site-specific plan will be filed for the review and written approval of the Director of OEP prior to construction in this area.

A2-85

The text in section 4.1.1.1 has been revised to incorporate this information. Rockies Express further stated that it would file the Blasting Specification Plan with the Secretary for review and written approval by the Director of OEP prior to the commencement of any blasting. In order for us to verify that the Blasting Plan would provide adequate protection to resources, we have recommended that Rockies Express file its Blasting Plan, for the review and written approval of the Director of OEP, prior to the commencement of any project-related blasting activities.

A2-85

A2-86

The text in section 4.2.1.1 has been revised to incorporate this information. We continue to recommend that Rockies Express file a site-specific plan to actively monitor depth of cover over the pipeline in the Sand Hills area, including restoration and post-construction mitigation measures to ensure adequate depth of cover and right-of-way stability.

A2-86

K-100

Applicant (A2)

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Staff Recommended Mitigation Measure 15:

Rockies Express shall implement either full right-of-way topsoil stripping or the ditch-plus-spoil-side topsoil segregation method in Conservation Reserve Program land, actively cultivated or rotated cropland and pastures, residential areas, and other areas at the landowner's or land managing agency's request.

A2-87

Response:

Rockies Express will implement either full right-of-way topsoil stripping or the ditch-plus-spoil-side topsoil segregation method in Conservation Reserve Program land, actively cultivated or rotated cropland and pastures, residential areas, and other areas at the landowner's or land managing agency's request.

...

Staff Recommended Mitigation Measure 16 (and Page 4-25):

Rockies Express shall prepare an Agricultural Wet Weather Contingency Plan to address construction practices in agricultural areas during wet weather (i.e., active precipitation and/or saturated ground or as otherwise determined by the AI. This plan shall include, at a minimum, the following information:

- a. a determination of the allowable depth of rutting, and allowable working conditions, prior to suspension of construction activities based on the topsoil thickness and/or utilizing the Atterberg Field Test Procedure;
- b. designation of authority for the on-site AI to have "stop-work" authority in the event wet weather conditions place topsoil at risk; and
- c. identification of alternate construction procedures to enable activities to continue without risking the loss and/or mixing of topsoil in the event of an unseasonably wet construction season.

A2-88

This plan must be filed for the review and written approval of the Director of OEP prior to construction.

Response:

Rutting occurs on virtually every pipeline construction project during both dry and wet weather conditions, is inevitable, and will occur to some degree. Variable soil types preclude the establishment of standard allowable rutting limits that would prevent topsoil and subsoil mixing. The intent of Rockies Express' Agricultural Wet Weather Contingency Plan is to address preventative measures appropriate to keep topsoil from mixing with subsoil, as follows:

A2-87

The text in section 4.2.1.3 has been revised to incorporate this information. As a result, this recommendation has been eliminated.

A2-88

Comment noted. We have revised the text in section 4.2.1.3 to include the additional mitigation measures discussed by Rockies Express in its comments. As a result, this recommendation has been eliminated.

K-101

Applicant (A2)

A2-88
(con't)

- *AI should monitor ROW conditions during construction activities. Should it be determined that construction activities are, or have the potential to create rutting sufficient to mix topsoil with subsoil, construction activities in this area will cease until site conditions improve.*
- *Topsoil should not be mixed with subsoil on agricultural lands.*
- *Construction activities that cause topsoil and subsoil mixing will be stopped to prevent further mixing.*
- *Partial or full ROW topsoiling may be implemented as an alternative measure to enable construction to continue during unseasonably wet weather construction seasons.*
- *The on-site AI for Rockies Express will have stop-work authority in the event wet weather conditions place topsoil at risk.*

All areas will be restored during final cleanup activities to a condition comparable to that existing prior to construction. This would include the elimination of any rutting, and decompaction and/or revegetation where required.

Rockies Express understands that the Atterberg field test has been used on certain loam based agricultural soils to evaluate the appropriateness of performing soil decompacting activities. However, we are unaware of the Atterberg field test being used as a practical measure in determining if soil conditions are too wet to work.

Staff Recommended Mitigation Measure 17:

Rockies Express shall file documentation identifying the sources and estimated amount of water to be used for dust control measures for the entire project during construction. Rockies Express shall provide documentation of consultation with the appropriate groundwater management agency if water would be withdrawn from any groundwater management unit. Rockies Express must file this information **prior to construction.**

A2-89

Response:

Rockies Express believes this Staff Recommended Mitigation Measure is applicable only to those areas that are currently under moderate to severe drought conditions. Thus, Rockies Express recommends revising this Staff Recommended Mitigation Measure to be applicable to pipeline construction in Colorado, Wyoming, and as far East as the county line dividing Gosper and Phelps Counties in Nebraska that are currently under moderate to severe drought conditions. (<http://www.drought.unl.edu/dm/monitor.html>)

K-102

Comment noted. We recognize that the use of water for dust control purposes could stress the already limited water supply in this region, and that local sources may not be available for dust control purposes, thus requiring Rockies Express to make other arrangements, such as trucking in water from approved sources.

A2-89

Applicant (A2)

K-103

Staff Recommended Mitigation Measure 18:

Rockies Express shall file the following information in its comments on the draft EIS or in a separate document submitted at the same time:

- a. the length of each WPA crossing identified in table 4.3.1-3 of the EIS;
- b. the approximate distance of the pipeline centerline from each well associated with the WPAs in table 4.3.1-3; and
- c. documentation of consultations with the applicable municipalities and other federal and state agencies regarding construction within WPAs.

A2-90

Response:

Rockies Express is filing herein the information listed above in Staff Recommended Mitigation Measures 18a-c. (See Attachment 5)

Staff Recommended Mitigation Measure 19:

Rockies Express shall revise its Procedures by removing the statement that elements of its Stormwater Pollution Prevention Plan will take precedence over any contradictory conditions of the FERC Procedures.

A2-91

Response:

Rockies Express will revise its Procedures by removing the statement that elements of its Stormwater Pollution Prevention Plan will take precedence over any contradictory conditions of the FERC Procedures.

Staff Recommended Mitigation Measure 20:

Rockies Express shall modify its Procedures to adopt the definition of "waterbody" from the FERC Procedures (i.e., any natural or artificial stream, river, or drainage with perceptible flow at the time of crossing).

A2-92

Response:

Rockies Express will revise its Procedures to adopt the definition of "waterbody" from the FERC Procedures (i.e., any natural or artificial stream, river, or drainage with perceptible flow at the time of crossing).

A2-90 Rockies Express filed this information in its comments on the draft EIS. Therefore, this recommendation has been removed from the final EIS.

A2-91 The text in section 4.3.1.2 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

A2-92 The text in section 4.3.1.2 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

Applicant (A2)

Staff Recommended Mitigation Measure 21:

Prior to construction between MPs 40 and 350, Rockies Express shall file the results of consultations with the FWS and NGPC regarding avoidance, minimization, and mitigation measures for project impacts on Rainwater Basin Complex and Playa Lake wetlands.

Response:

The results of additional consultation with NGPC to date are attached as Attachment 6.

Based on additional review of the field wetland delineation sheets, aerial route maps, and topographic maps, Rockies Express has identified a total of 14 wetlands within proposed construction work areas between MP 40 and MP 350 that may meet, or may once have met, the definition of a playa (MPs 52.0, 52.8, 60.6, 174.0, 177.3, 181.1, 181.9, 182.4, 183.0, 271.7, 297.6, 298.1, 310.2, and 310.8). Of these 14 potential playas, five of them are being actively farmed. Rockies Express does not anticipate any additional special construction procedures from the USFWS or NGPC at this time.

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Staff Recommended Mitigation Measure 22:

Rockies Express shall continue to consult with the NGPC and Colorado Natural Heritage Program regarding site-specific crossing plans (including locations that would be bored) and/or measures to avoid, minimize, and mitigate impacts on each of the vegetation communities of special concern listed in table 4.4.1-4 of the EIS. These measures shall include methods to avoid and minimize the introduction of non-native species, and shall include site-specific restoration and reseeding measures. Rockies Express must file this information for the review and written approval of the Director of OEP **before the start of construction.**

Response:

Rockies Express will continue to consult with the NGPC and Colorado Natural Heritage Program regarding site-specific crossing plans and/or measures to avoid, minimize, and mitigate impacts on each of the vegetation communities of special concern listed in table 4.4.1-4 of the EIS. These measures will include methods to avoid and minimize the introduction of non-native species, and will include site-specific restoration and reseeding measures. Rockies Express will file this information for the review and written approval of the Director of OEP before the start of construction.

...

Staff Recommended Mitigation Measure 23:

Rockies Express shall prepare a noxious weed control plan in consultation with land management agencies and local weed control experts. This plan

A2-93

A2-93

The text in section 4.3.1.4 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

A2-94

A2-94

We continue to recommend that Rockies Express file site-specific crossing plans and minimization measures regarding vegetation communities of special concern.

A2-95

A2-95

We continue to recommend that Rockies Express file a noxious weed control plan prior to construction.

Applicant (A2)

A2-95
(con't)

shall specifically identify locations along the proposed construction right-of-way that are currently experiencing noxious weed infestations and shall include measures to address these infestations during construction. The plan shall also address measures that would be used for any new weed infestations that present themselves following construction. These measures shall specify the proposed weed control methods and the criteria used to determine which method would be employed. The noxious weed control plan, along with any applicable local agency documentation showing approval of the plan, must be filed for the review and written approval of the Director of OEP prior to the start of construction.

Response:

Rockies Express currently is preparing a noxious weed control plan in consultation with land management agencies and local weed control experts. This plan will specifically identify locations along the proposed construction right-of-way that are currently experiencing noxious weed infestations and will include measures to address these infestations during construction. The plan will also address measures that would be used for any new weed infestations that present themselves following construction. These measures will specify the proposed weed control methods and the criteria used to determine which method would be employed. The noxious weed control plan, along with any applicable local agency documentation showing approval of the plan, will be filed for the review and written approval of the Director of OEP prior to the start of construction.

Staff Recommended Mitigation Measure 24:

Rockies Express shall continue to consult with the FWS and/or appropriate state wildlife agency to determine the appropriate survey protocols and seasonal buffer zones for nesting raptors. Rockies Express shall also consult with the BLM to determine if the BLM has any records of raptor nests occurring along the Echo Springs Lateral route. Rockies Express shall file the results of the most recent raptor nest surveys and the appropriate seasonal buffer zone for all active raptor nests within 1 mile of the construction right-of-way, as well as any additional comments and recommendations resulting from the agency consultations. Seasonal buffer zones shall be drawn on project maps and construction alignment sheets. Rockies Express shall not begin construction of the Echo Springs Lateral until this information has been filed for the review and written approval of the Director of OEP.

A2-96

Response:

Rockies Express has continued, and will continue, to consult with the FWS and/or appropriate state wildlife agency to finalize the appropriate survey protocols and seasonal buffer zones for nesting raptors. Rockies Express has consulted with the BLM to determine if the BLM has any records of raptor nests occurring along the Echo Springs Lateral route (See Attachment 19). Rockies Express will file the results of the most recent raptor nest surveys

A2-96 Comment noted. The text in section 4.5.1.4 has been revised to incorporate this information. We continue to recommend that Rockies Express file the results of upcoming surveys as well as any additional comments or recommendations resulting from agency comments.

K-105

Applicant (A2)

A2-96
(con't)

and the appropriate seasonal buffer zone for all active raptor nests based upon further agency consultations and recommendations. Rockies Express will not begin construction of the Echo Springs Lateral until this information has been filed for the review and written approval of the Director of OEP. Rockies Express is still consulting with the FWS on raptor survey protocols and protection zones. (See Attachment 19)

...

Staff Recommended Mitigation Measure 25:

Rockies Express shall evaluate the 13 sensitive fishery streams (i.e., those identified in the notes/special restrictions column of table 4.6.1-1 of the EIS) to determine which dry-ditch crossing method can be used. Rockies Express must file the results of this investigation, along with the results of any agency consultations, in its comments on the draft EIS or in a separate document submitted at the same time.

A2-97

Response:

Rockies Express is currently proposing to use the dam and pump method at 12 of the 13 sensitive fishery streams (i.e., those identified in the notes/special restrictions column of Table 4.6.1-1). Of these 13 streams, only the South Platte River is still being proposed as a wet construction open-cut crossing. If a dam and pump proves infeasible at the time of construction at any of the 12 remaining sensitive fishery streams, Rockies Express will evaluate the possibility of using the flume method.

...

Staff Recommended Mitigation Measure 26:

Rockies Express shall not construct within 0.5 mile of active bald eagle nests identified in preconstruction surveys in Colorado and Nebraska, and not within 1 mile of active nests in Wyoming, Kansas, and Missouri. The results of this consultation must be filed for the review and written approval of the Director of OEP prior to construction. Rockies Express shall not begin construction until the Commission staff has reviewed the information, completed any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction may proceed or use of mitigation may begin.

A2-98

Response:

Rockies Express will not construct within 1.0 mile of active bald eagle nests identified in preconstruction surveys along the entire route. The results of this consultation will be filed for the review and written approval of the Director of OEP prior to construction. Rockies Express will not begin construction until the Commission staff has reviewed the information, completed any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction may proceed or use of mitigation may begin.

A2-97

The text in section 4.6.1.2 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

A2-98

We continue to recommend that Rockies Express complete preconstruction surveys and file results of consultations with the Commission.

K-106

Applicant (A2)

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Staff Recommended Mitigation Measure 27:

If Rockies Express encounters a previously unidentified active bald eagle nest within 0.5 mile of the construction right-of-way in Colorado and Nebraska (1 mile in Wyoming, Kansas, and Missouri), Rockies Express shall concurrently notify the Commission staff, the BLM (if on federal land), and the FWS, and file the notification. Rockies Express shall not continue with construction until the staff has reviewed the information, completed any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction may proceed or use of mitigation may begin.

A2-99

Response:

If Rockies Express encounters a previously unidentified active bald eagle nest within 1.0 mile of the construction right-of-way, Rockies Express will concurrently notify the Commission staff, the BLM (if on federal land), and the FWS, and file the notification. Rockies Express will not continue with construction until the staff has reviewed the information, completed any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction may proceed or use of mitigation may begin.

A2-99

We continue to recommend that Rockies Express complete preconstruction surveys and file results of consultations with the Commission.

...

Staff Recommended Mitigation Measure 28:

Prior to any construction between November 15 and March 15, Rockies Express shall file the results of its winter surveys for bald eagle roost sites, as well as any FWS coordination. Rockies Express shall not begin or continue with construction within 0.5 mile of any bald eagle communal roost site (1 mile in Wyoming) until the Commission staff has reviewed the information, completed any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction or use of mitigation may begin.

A2-100

Response:

Prior to any construction between November 15 and March 15, Rockies Express will file the results of its winter surveys for bald eagle roost sites, as well as any FWS coordination. Rockies Express will not begin or continue with construction within 0.5 mile of any bald eagle communal roost site (1 mile in Wyoming) until the Commission staff has reviewed the information, completed any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction, or use of mitigation, may begin.

A2-100

We continue to recommend that Rockies Express complete preconstruction surveys and file results of consultations with the Commission.

...

K-107

Applicant (A2)

Staff Recommended Mitigation Measure 29:

Rockies Express shall, in consultation with the FWS and any applicable state agency, identify locations where bald eagles are known to roost or nest, and within such areas identify known or potential bald eagle roosting/nesting trees on or immediately adjacent to the proposed construction right-of-way. Rockies Express shall assess measures to avoid such trees that could be damaged by construction. For any potential roost/nest tree that Rockies Express believes must be removed (i.e., can not be avoided by use of horizontal directional drill [HDD] or by routing), Rockies Express shall file a detailed justification as to why the tree must be removed, including measures considered before determining removal was necessary. Rockies Express shall not remove any potential bald eagle roosting or nesting tree until the Commission staff receives comments from the FWS regarding the proposed action, completes any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction or use of mitigation can begin.

A2-101

Response:

Rockies Express will, in consultation with the FWS and any applicable state agency, identify locations where bald eagles are known to roost or nest, and within such areas identify known or potential bald eagle roosting/nesting trees on or immediately adjacent to the proposed construction right-of-way. Rockies Express will assess measures to avoid such trees that could be damaged by construction. For any potential roost/nest tree that Rockies Express believes must be removed (i.e., can not be avoided by use of horizontal directional drill [HDD] or by routing), Rockies Express will file a detailed justification as to why the tree must be removed, including measures considered before determining removal was necessary. Rockies Express will not remove any potential bald eagle roosting or nesting tree until the Commission staff receives comments from the FWS regarding the proposed action, completes any necessary Section 7 consultation for the bald eagle with the FWS, and the Director of OEP notifies Rockies Express in writing that construction or use of mitigation can begin

Staff Recommended Mitigation Measure 30:

Prior to construction, Rockies Express shall survey the South Platte River crossing location for least terns and piping plovers according to FWS protocols. Rockies Express shall file the completed survey report, which must contain the following information:

- a. name(s) and qualifications of the person(s) conducting the survey;
- b. method(s) used to conduct the survey;
- c. date(s) of the survey;
- d. area surveyed;
- e. an analysis of potential impacts that could result from the construction of the proposed project; and
- f. the FWS' comments on the survey results.

A2-102

A2-101 We continue to recommend that Rockies Express complete consultation with appropriate agencies regarding bald eagle issues.

A2-102 The text in section 4.7.1.1 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

K-108

Applicant (A2)

A2-102
(con't)

If least terns or piping plovers are present, Rockies Express shall not construct an open-cut crossing of the South Platte River between April 15 and September 15 until:

- a. the staff receives comments from the FWS regarding the survey reports, proposed mitigation, and/or alternative routes or crossing methods;
- b. the staff completes any required Section 7 consultation for the least tern and/or piping plover with the FWS; and
- c. Rockies Express has received written notification from the Director of OEP that construction or use of mitigation may begin.

Response:

Rockies Express has confirmed through agency consultation that least tern and piping plover surveys are not necessary at the crossing location of the South Platte River. Excerpts of agency meeting notes from the 2006 meetings between Rockies Express and the federal and state agencies concerning the need for least tern and piping plover surveys are submitted as Attachment 13 to this response.

...

Staff Recommended Mitigation Measure 31:

Rockies Express shall cease construction and contact the FWS if a whooping crane is found within 1 mile of construction. In addition, Rockies Express shall not continue construction activities until:

- a. the Commission staff receives comments from the FWS on the whooping crane;
- b. the staff completes any required Section 7 consultation for the whooping crane with the FWS; and
- c. Rockies Express receives written notification from the Director of OEP that construction may continue or use of mitigation may begin.

Response:

Rockies Express will cease construction and contact the FWS if a whooping crane is found within 1 mile of construction. In addition, Rockies Express will not continue construction activities until Staff Recommended Mitigation Measures 31a-c, above, have been met.

...

Staff Recommended Mitigation Measure 32:

Rockies Express shall file its completed black-footed ferret survey report, which must contain the following information:

- a. name(s) and qualifications of the person(s) conducting the survey;

K-109

A2-103

A2-103 We continue to recommend that Rockies Express implement measures to protect the whooping crane.

A2-104

A2-104 The text in section 4.7.1.1 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

Applicant (A2)

- b. method(s) used to conduct the survey;
- c. date(s) of the survey;
- d. area surveyed;
- e. an analysis of potential impacts that could result from the construction of the proposed project; and
- f. proposed mitigation that would substantially minimize or avoid any potential impacts.

In addition, Rockies Express shall not begin construction activities until:

- a. the Commission staff receives comments from the FWS regarding the survey reports, proposed mitigation, and/or alternative routes;
- b. the staff completes any required Section 7 consultation for the black-footed ferret with the FWS; and
- c. Rockies Express receives written notification from the Director of OEP that construction or use of mitigation may begin.

Response:

Rockies Express has conducted the requisite habitat surveys and has confirmed through agency consultations that no black-footed ferret surveys are required for the project. The survey documentation is set forth in Attachment 10.

A2-104
(con't)

K-110

Applicant (A2)

Staff Recommended Mitigation Measure 33:

Rockies Express shall file its completed Indiana bat survey report, which must contain the following information:

- a. name(s) and qualifications of the person(s) conducting the survey;
- b. method(s) used to conduct the survey;
- c. date(s) of the survey;
- d. area surveyed;
- e. an analysis of potential impacts that could result from the construction of the proposed project; and
- f. proposed mitigation that would substantially minimize or avoid any potential impacts.

In addition, if Indiana bats or maternity roosts are found during the surveys, Rockies Express shall not begin construction activities until:

- a. the Commission staff receives comments from the FWS on the survey reports, proposed mitigation, and/or alternative routes;
- b. the staff completes any required Section 7 consultation for the Indiana bat with the FWS; and
- c. Rockies Express receives written notification from the Director of OEP that construction or use of mitigation may begin.

Response:

Rockies Express will file its completed Indiana bat survey report, which will contain the information outlined above in Staff Recommended Mitigation Measures 33a-f. In addition, if Indiana bats or maternity roosts are found during the surveys, Rockies Express will not begin construction activities until:

- *the Commission staff receives comments from the FWS on the survey reports, proposed mitigation, and/or alternative routes;*
- *the staff completes any required Section 7 consultation for the Indiana bat with the FWS; and*
- *Rockies Express receives written notification from the Director of OEP that construction or use of mitigation may begin.*

...

Staff Recommended Mitigation Measure 34:

In the event that Rockies Express cannot complete an HDD crossing of the Missouri River, Rockies Express shall file a site-specific alternative crossing plan. This plan shall be developed in coordination with the Kansas Department of Wildlife and Parks (KDWP), Missouri Department of Conservation, the Commission staff, and the FWS. The plan shall include a description of the mitigation measures Rockies Express would implement to minimize the extent and duration of construction-related impacts that could affect the pallid sturgeon. Rockies Express shall not begin a non-HDD crossing of the Missouri River until:

A2-105

A2-105

The text in section 4.7.1.1 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS. We have recommended that Rockies Express not construct in the 42 tracts identified in its habitat assessment as containing suitable Indiana bat maternity roost habitat between April 1 and September 30, unless Rockies Express agrees to use the targeted survey option for the Indiana bat in coordination with the FWS.

A2-106

A2-106

We continue to recommend that Rockies Express file an HDD contingency plan for the crossing of the Missouri River. Rockies Express shall not begin a non-HDD crossing of the Missouri River until the Commission completes its review.

K-111

Applicant (A2)

A2-106
(con't)

- a. the Commission staff evaluates the potential impact of a non-HDD crossing of the Missouri River on the pallid sturgeon;
- b. the staff and FWS determine that the alternative crossing and/or mitigation plan is acceptable;
- c. the staff completes any required Section 7 consultation for the pallid sturgeon with the FWS; and
- d. the Director of OEP notifies Rockies Express in writing that it may proceed with the alternate river crossing method.

Response:

Rockies Express has prepared a draft site-specific alternative crossing plan for the Missouri River to account for the possibility of HDD failure (see attached). This plan also will be provided to the Kansas Department of Wildlife and Parks (KDWP), Missouri Department of Conservation, and the FWS for review and input. The finalized plan will include a description of the mitigation measures Rockies Express will implement to minimize the extent and duration of construction-related impacts that could affect the pallid sturgeon. Rockies Express will not begin a non-HDD crossing of the Missouri River until Staff Recommended Mitigation Measures 34a-d, above, have been met.

The spawning period for the pallid sturgeon is April through August. Further consultation with the FWS would help to determine any further mitigation that may be required, such as bank restoration.

...

Staff Recommended Mitigation Measure 35:

Rockies Express shall file the results of the 2006 historic habitat surveys for the Topeka shiner. The survey reports must contain the following information:

- a. name(s) and qualifications of the person(s) conducting the surveys;
- b. method(s) used to conduct the surveys;
- c. date(s) of the surveys;
- d. streams surveyed (including the mileposts of the crossing locations);
- e. results of the surveys, to indicate whether the historic habitat has the potential to contain Topeka shiners at the time and location of the proposed crossings; and
- f. comments from the FWS and KDWP regarding the survey results and the suitability of the historic habitat to contain Topeka shiner, as well as any agency recommendations.

Response:

The results of the 2006 Topeka shiner surveys will be filed under separate cover. The 2006 Topeka shiner surveys were completed on December 5, 2006.

...

K-112

A2-107

A2-107 The text in section 4.7.1.1 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

Applicant (A2)

Staff Recommended Mitigation Measure 36:

Rockies Express shall conduct joint site visits with the KDWP and the FWS at the three proposed crossings of North Elm Creek (MPs 447.4, 450.8, and 455.1) to determine if suitable habitat for the Topeka shiner is present. **If suitable habitat is present at any of the proposed North Elm Creek crossing locations (or any occupied historic Topeka shiner habitat), Rockies Express shall cross using an HDD or bore.** If geotechnical or engineering surveys indicate that an HDD or bored crossing is not feasible, Rockies Express shall not construct an in-stream crossing of North Elm Creek or occupied historic Topeka shiner habitat between May 15 and July 31.

A2-108

Response:

If suitable habitat is present at any of the proposed North Elm Creek crossing locations (or any occupied historic Topeka shiner habitat), Rockies Express will consult with the appropriate agency to determine appropriate mitigation for crossing and constructing through those crossings. Rockies Express will not construct an in-stream crossing of North Elm Creek or occupied historic Topeka shiner habitat between May 15 and July 31.

...

Staff Recommended Mitigation Measure 37:

Rockies Express shall prepare site-specific construction and restoration plans for the three North Elm Creek crossings (MPs 447.4, 450.8, and 455.1), plus any crossings in occupied historic Topeka shiner habitat. If an HDD or bore is infeasible and in-stream work must be conducted, Rockies Express shall include in the crossing plans measures that avoid or minimize to the extent practicable the amount of bank vegetation removed, and include active revegetation and/or other measures to ensure the successful restoration of native riparian vegetation. Rockies Express must file all consultation, field visit reports, and survey results, as well as any agency recommendations and any changes in proposed routing or construction methods, as well as its site-specific crossing plans for the review and written approval of the Director of OEP **before construction of the North Elm Creek crossings, or any crossings of occupied historic Topeka shiner habitat.**

A2-109

Response:

Rockies Express will prepare site-specific construction and restoration plans for the three North Elm Creek crossings (MPs 447.4, 450.8, and 455.1), plus any crossings in occupied historic Topeka shiner habitat. Rockies Express will include in the crossing plans measures that avoid or minimize to the extent practicable the amount of bank vegetation removed, and include active revegetation and/or other measures to ensure the successful restoration of native riparian vegetation. Rockies Express will file all consultation, field visit reports, and survey results, as well as any agency recommendations and any changes in proposed routing or construction methods, as well as its site-

A2-108

The text in section 4.7.1.1 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

A2-109

We continue to recommend measures to minimize potential impacts on the Topeka shiner.

K-113

Applicant (A2)

A2-109
(con't)

specific crossing plans for the review and written approval of the Director of OEP before construction of the North Elm Creek crossings, or any crossings of occupied historic Topeka shiner habitat.

...

Staff Recommended Mitigation Measure 38:

Rockies Express shall submit the results of the habitat surveys for the Ute ladies'-tresses and Colorado butterfly plant. The survey reports should be filed with the Secretary in Rockies Express' comments on the draft EIS or in a separate filing at the same time, and should contain the following information:

A2-110

- a. name(s) and qualifications of the person(s) conducting the surveys;
- b. method(s) used to conduct the surveys;
- c. date(s) of the surveys;
- d. results of the surveys, including the criteria Rockies Express used to determine that suitable habitat for Ute ladies'-tresses and Colorado butterfly plant is not present; and
- e. any comments from the FWS regarding the survey results.

Response:

The results of the habitat surveys for the Ute ladies'-tresses and Colorado butterfly plant surveys are attached as Attachment 15.

...

Staff Recommended Mitigation Measure 39:

If suitable habitat for the Ute ladies'-tresses or Colorado butterfly plant would be crossed by the REX-West Project, Rockies Express shall not construct in those locations until it has completed species-specific surveys to determine whether or not the plant(s) are present. If plants are present, Rockies Express must avoid the populations by either a bore or reroute, unless otherwise permitted by the FWS. Route modifications should be filed with the Secretary for the review and written approval of the Director of OEP.

A2-111

Response:

Rockies Express has determined that no suitable habitat for the Colorado butterfly plant or the Ute ladies'-tresses orchid is crossed by the REX-West Project, pending agency concurrence with the habitat assessment report. (See Attachment 15)

...

K-114

A2-110 The text in section 4.7.1.1 has been revised to incorporate this information. We are still recommending that Rockies Express file any comments from the FWS on its reports.

A2-111 The text in section 4.7.1.1 has been revised to incorporate this information. We are still recommending that Rockies Express conduct additional survey on properties where survey permission was not granted. If plants are present, Rockies Express would avoid the populations by either a bore or reroute, unless otherwise permitted by the FWS.

Applicant (A2)

Staff Recommended Mitigation Measure 40:

A2-112

Rockies Express shall avoid construction within 0.25 mile of an active plains sharp-tailed grouse lek.

Response:

Rockies Express is still consulting with the CDOW and WGFD for specific protection zones and survey protocols for the plains sharp-tailed grouse.

Staff Recommended Mitigation Measure 41:

A2-113

Prior to construction, Rockies Express shall file its mountain plover survey results, along with any agency comments and recommended mitigation measures. Rockies Express shall not construct within 0.25 mile of an active mountain plover nest until the young have fledged.

Response:

Prior to construction, Rockies Express will file its mountain plover survey results, along with any agency comments and recommended mitigation measures. Rockies Express is still consulting with the USFWS regarding the appropriate protection zones and survey protocols for mountain plover.

Staff Recommended Mitigation Measure 42:

A2-114

Rockies Express shall submit the results of any consultations with the NGPC and CDOW regarding the swift fox. The results of any surveys, conservation measures, and state agency correspondence (including recommendations and approvals) must be filed **prior to construction.**

Response:

Rockies Express will submit the results of any consultations with the NGPC and CDOW regarding the swift fox. The results of any surveys, conservation measures, and state agency correspondence (including recommendations and approvals) will be filed prior to construction.

Rockies Express is still consulting with the CDOW, WGFD, and NGPC regarding the appropriate protection zones and survey protocols for the swift fox.

Staff Recommended Mitigation Measure 43:

A2-115

Rockies Express, in consultation with landowners who maintain agricultural terrace structures, shall develop site-specific construction and restoration

A2-112 Comment noted. We have recommended that prior to construction, Rockies Express submit the results of any consultations with the WGFD and CDOW regarding the plains sharp-tailed grouse. The results of any surveys, conservation measures, and state agency correspondence (including recommendations and approvals) should be filed.

A2-113 The text in section 4.7.1.2 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

A2-114 The text in section 4.7.1.2 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

A2-115 The text in section 4.8.1.2 has been revised to incorporate additional information on this issue. We have recommended that Rockies Express, in consultation with landowners who maintain agricultural terrace structures, develop site-specific construction and restoration procedures for all agricultural terrace lands crossed by the REX-West Project. These plans should include specific measures to minimize impacts on existing terrace structures. Rockies Express should file these plans with the Secretary prior to construction.

K-115

Applicant (A2)

A2-115
(con't)

procedures for all agricultural terrace lands crossed by the REX-West Project. These plans shall include specific measures to minimize impacts on existing terrace structures. Rockies Express must file these plans prior to construction for the review and written approval of the Director of OEP.

Response:

Rockies Express believes that development of site-specific construction and restoration procedures for all agricultural terrace structures is unwarranted. This condition should be revised to reflect a FERC staff recommendation for Rockies Express to continue to work with willing landowners to establish typical construction and restoration practices applicable to all agricultural terrace structures for this project. This plan should be filed for review and written approval by the Director of OEP prior to construction.

...

Staff Recommended Mitigation Measure 44:

Rockies Express shall develop a Depth of Cover Plan that identifies the specific measures it would implement to actively monitor depth of cover over the pipeline in agricultural areas and what restoration and mitigation measures Rockies Express would implement (e.g., importing soil) in areas where erosion or other factors reduce the cover to the point that the pipeline interferes with active farming operations. In addition, Rockies Express must determine locations where environmental conditions and farming practices may warrant deeper depths of cover (e.g., highly erodible soils; deep-tilling farming areas; terraced fields, and other locations where specific landowner concerns are raised). The Depth of Cover Plan shall include specific justification for any locations or instances where Rockies Express would not construct with a deeper depth of cover in areas where it has been requested or brought up as a point of concern. Rockies Express must file the Depth of Cover Plan in its comments on the draft EIS or in a separate document submitted at the same time.

A2-116

Response:

Rockies Express acknowledges that certain locations may warrant deeper depths of cover based upon environmental conditions, farming practices, and other specific and reasonable landowner needs. For that reason, Rockies Express committed to a depth of cover of 36-inches in normal soil (i.e. Rockies Express will not utilize 36-inch depth of cover in rock). DOT's Minimum Federal Safety Standards require only a depth of cover of 30 inches (49 CFR 192.327 (2006)). As a practical matter, the depth of cover would be established from the working grade (i.e., after topsoil segregation); therefore the depth of cover over much of the project would be in excess of 36-inches, dependent on the depth of segregated topsoil. Any additional depth of cover for circumstances such as existing surface and sub-surface drainage systems or existing permanent erosion control structures (i.e. terraces) will be addressed on a case-by-case basis with each landowner and documented in the easement agreements; Rockies Express has already committed to a

K-116

A2-116

Comment noted. Based on this response, we issued a data request on January 18, 2007, seeking additional information on Rockies Express' Depth of Cover Plan. The text in section 4.8.1.2 of the EIS has been revised based on Rockies Express' January 30, 2007, response to our data request. We continue to recommend that Rockies Express prepare a Depth of Cover Plan that contains each milepost stretch where Rockies Express has reached an agreement with a landowner to construct with at least 4 feet of cover.

Rockies Express states that its right-of-way agents have offered landowners additional depth of cover (4 feet) in locations where environmental conditions and farming practices may warrant deeper depths of cover (e.g., highly erodible soils; deep-tilling farming areas; terraced fields; and other depth of cover concerns). Rockies Express states that it is unaware of any location where additional depth of cover has not been offered where it has been identified as an issue or concern by the landowner.

Applicant (A2)

greater depth of cover at a number of specific locations based on negotiations with landowners.

With respect to restoration and maintenance for depth of cover:

- *Upon commissioning, Rockies Express will implement a surveillance plan which includes monthly aerial pipeline patrolling to inspect for excavation activities, ground movement, wash-outs, leakage, and/or other activities. Any observance of excavation activities, ground movement, wash-outs and/or other earth moving activities will require the Rockies Express operating group to initiate a corresponding depth survey in the respective area.*
- *Within one-year of installation of cathodic protection systems, a close interval survey (CIS) will be performed on the REX-West pipeline which will require Rockies Express operations personnel and contractors to walk this REX-West right-of-way. Any signs of reduction or disturbance of ROW during this CIS will be followed up with a corresponding depth survey in the respective area.*
- *Rockies Express will utilize an outreach program that includes landowner and tenant communication to discuss pipeline location, operations, maintenance, and emergency reporting. This outreach program will include an introduction to the local Rockies Express representatives who need to be contacted regarding erosion or other maintenance issues.*

The landowner and tenant outreach program conducted by Rockies Express is intended to facilitate ongoing company and landowner communications and education, including appropriate land use practices within the permanent easement during and after right-of-way restoration. While Rockies Express has only limited control of landowner or tenant activities within the permanent easement, Rockies Express will continue to provide communications on subjects including land use, easement monitoring and maintenance, and reporting.

With respect to mitigation for depth of cover:

Rockies Express will respond to all landowner and tenant inquiries to Rockies Express regarding depth of cover concerns. Appropriate and specific mitigation will be determined based upon site specific conditions and in accordance with applicable OPS/PHMSA regulatory requirements, including but not limited to re-contouring, importing soil and/or line lowering.

Staff Recommended Mitigation Measure 45:

Rockies Express shall develop and implement a post-construction monitoring program to evaluate crop productivity and the success of right-of-way restoration in active cropland for a period of 5 years following construction. Rockies Express shall also evaluate the direct effects of compression-related soil heating (including, but not limited to, soil temperature, soil moisture, and crop yield) for a distance of 5 miles (or the extent of cultivated cropland, whichever is less) downstream of the REX-West compressor stations.

A2-116
(con't)

A2-117

K-117

A2-117 Comment noted. We believe that 5 years is an appropriate timeframe to monitor the right-of-way in agricultural areas to ensure successful restoration. If any landowner and Rockies Express agree that crop productivity is acceptable prior to the end of the 5-year requirement, Rockies Express should document this agreement and request that the monitoring requirement be terminated.

Applicant (A2)

A2-117
(con't)

Rockies Express shall file quarterly reports for a period of 5 years following construction that document any problems identified by the company or landowner and describe any corrective action taken to remedy those problems. If any landowner and Rockies Express agree that crop productivity is acceptable prior to the 5-year requirement, Rockies Express must provide documentation in its quarterly reports indicating which landowners have agreed that monitoring is no longer necessary. This documentation shall include the landowner's name, the identification number from the certified alignment sheets of the landowner's property, the approximate milepost location, and the date of the agreement.

Response:

The FERC Plan, Section VII.A.1, only requires follow-up inspections after the first and second growing seasons. Rockies Express believes a two or three-year agricultural monitoring program and quarterly reporting would meet FERC's objectives in assessing the success of ROW restoration of active crop land. In the event that restoration is not achieved within a two or three year period, Rockies Express would develop a post-construction project restoration mitigation plan for Staff approval and implementation based upon landowner comment, monitoring history, and/or appropriate professional recommendations, to achieve restoration requirements.

...

Staff Recommended Mitigation Measure 46:

Rockies Express shall revise its Plan by removing the option in sections VII.A.2. and VII.A.4. that indicates successful revegetation can be accomplished through landowner compensation.

A2-118

Response:

Rockies Express will revise its Plan by removing the option in sections VII.A.2. and VII.A.4. that indicates successful revegetation can be accomplished through landowner compensation.

...

K-118

A2-118 The text in section 4.8.1.2 and Appendix C-1 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

Applicant (A2)

Staff Recommended Mitigation Measure 47 (and Page 4-172):

Rockies Express shall consult with the appropriate local officials or managers of the Village of Bertrand Golf Course in Phelps County, Nebraska and the Potts Memorial Park in Chariton County, Missouri to develop site-specific construction and restoration plans for these areas. Rockies Express must file these plans, with documentation of consultation, in its comments on the draft EIS or in a separate document submitted at the same time.

Response:

Village of Bertrand Golf Course - Phelps County, Nebraska

Rockies Express has consulted with appropriate local officials or managers of the Village of Bertrand Golf Course in Phelps County Nebraska, consultations have included:

1. July 28, 2006 – Representatives of Rockies Express met with Village representative onsite.
2. August 8, 2006 – Representatives of Rockies Express made a presentation and answered questions at Village of Bertrand's regularly scheduled meeting.
3. October 18, 2006 – Representatives of Rockies Express met with Mayor, Village representatives, and President and members of the golf board. Rockies Express committed to site-specific construction and restoration measures, including:
 - a. Pre-assemble and stage for 500-ft pipe sections,
 - b. minimize construction width at greens,
 - c. complete trenching, lowering in, and backfill within an expedited timeframe, and
 - d. compensate Village for golf course greens restoration.
4. October 31, 2006 – Village Chairman completed and signed easement option with Rockies Express.

Potts Memorial Park – Chariton County, Missouri

Rockies Express has consulted with representatives of the City of Salisbury regarding proposed construction through a portion of Potts Memorial Park, consultations have included:

1. August 4, 2006 – Rockies Express representatives met with Mayor.
2. August 10, 2006 – Rockies Express representatives introduced project at City Council meeting.

K-119

A2-119

A2-119

The text in section 4.8.1.5 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

Applicant (A2)

A2-119
(con't)

- 3. *August 16, 2006 – Rockies Express representatives met with City representatives including the Mayor, City Attorney, and the Parks Director. Of primary concern was maintaining public access to the golf course during construction.*
- 4. *December 14, 2006 – City of Salisbury completed and signed easement option with Rockies Express. Site-specific construction and restoration measures included:*
 - a. *Maintain public access on road to city golf course through use of road bore construction technique.*
 - b. *Utilize original fencing and install playground equipment foundations for equipment during restoration.*

...

Staff Recommended Mitigation Measure 48:

Rockies Express shall defer construction and use of facilities, including staging, storage, and temporary work areas and new or to be improved access roads until:

- a. Rockies Express files all additional required cultural resource inventory and evaluation reports, and necessary avoidance or treatment plans, as well as any additional information that State Historic Preservation Officers (SHPOs) or the BLM has requested;
- b. Rockies Express files copies of the appropriate SHPO and BLM comments on all reports and plans;
- c. the Advisory Council on Historic Preservation (ACHP) has been provided an opportunity to comment if any historic properties would be adversely affected; and
- d. the Director of OEP reviews and approves all reports and plans and notifies Rockies Express in writing that it may proceed with treatment or construction.

Response:

Rockies Express will defer construction and use of facilities, including staging, storage, and temporary work areas and new or to be improved access roads until conditions outlined in Staff Recommended Mitigation Measures 48a-d above are met.

...

K-120

A2-120

A2-120 Comment noted.

Applicant (A2)

iii. Staff Recommended Mitigation Measures Applicable Only To TransColorado; Staff Recommended Mitigation Measures 49-51.

Staff Recommended Mitigation Measure 49:

TransColorado shall apply water or a tackifier to topsoil piles to maintain a surface crust to minimize wind-blown losses.

A2-121

Response:

TransColorado agrees to apply water or a tackifier to topsoil piles to maintain a surface crust to minimize wind-blown losses.

Staff Recommended Mitigation Measure 50:

TransColorado shall conduct raptor nest surveys within 1 mile of its proposed project sites in consultation with appropriate FWS and/or state wildlife office if construction activities would take place during the nesting season (March through August). TransColorado shall file the results of any raptor surveys along with any agency comments and recommendations. TransColorado shall not begin construction of the Blanco to Meeker Project until this information has been filed, for the review and written approval of the Director of OEP.

A2-122

Response:

TransColorado agrees with this Mitigation Measure.

A2-121 The text in section 4.2.2.1 has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

A2-122 The text in section 4.5.2.2 has been revised to incorporate this information. We continue to recommend that TransColorado shall file the results of any raptor surveys along with any agency comments and recommendations

K-121

Applicant (A2)

Staff Recommended Mitigation Measure 51:

TransColorado shall defer construction and use of facilities, including any staging, storage, and temporary work areas and new or to be improved access roads **until**:

- a. TransColorado files the New Mexico SHPO's opinion on whether or not additional cultural resource surveys are required for the proposed facilities in New Mexico;
- b. files the New Mexico and Colorado SHPO's comments on the contract program with Indian tribes;
- c. files the SHPOs' comments on TransColorado's Unanticipated Discovery Plans;
- d. files any additional required cultural resource inventory and evaluation reports, and necessary avoidance or treatment plans, and the comments of the New Mexico and Colorado SHPOs on all reports and plans, not previously filed; and
- e. the Director of OEP reviews and approves all reports and plans and notifies TransColorado in writing that it may proceed.

Response:

TransColorado agrees with to comply with all parts of this Mitigation Measure.

A2-123

A2-123 Comment noted.

K-122

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Federal Energy Regulatory Commission in this proceeding.

Dated this 27th day of December 2006.



Shippen Howe
Van Ness Feldman
1050 Thomas Jefferson Street, NW
Washington, DC 20426

An attorney for Rockies Express
Pipeline LLC

K-123

Applicant (A2)



PUBLIC

ORIGINAL

2007 JAN 17 P 1:09

OFFICE OF THE SECRETARY

January 17, 2006

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

Attn: Gas Branch 1

Re: Rockies Express Pipeline Project, REX-West Project
Supplemental Response to DEIS and
Wetland Delineation Survey Report
Docket Nos. CP06-354-000

Dear Ms. Salas:

Attached for filing in the above referenced docket are two sets of documents:

- (1) The supplemental comments of Rockies Express Pipeline LLC ("Rockies Express") to the Draft Environmental Impact Statement (DEIS) issued by the Commission Staff for the REX-West Project in this proceeding. In its initial comments filed on the DEIS, Rockies Express requested additional time to file more thorough comments with respect to specific issues that might arise with construction through wetlands. Those supplemental comments are filed here.
- (2) The Wetland Delineation Survey Report ("Report") for the REX-West Project. Due to the Report's large size, only one copy of the report is being filed with the Secretary's office and one copy is being hand-delivered to the Commission's environmental staff. Also, the report contains numerous schematics that are considered as "non-internet public" under the Commission's regulations. Accordingly, these latter documents are filed in a separate volume and are marked appropriately..

K-124

A3-1

PUBLIC

Applicant (A3)

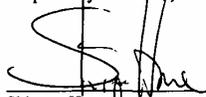
A3-1

Our responses to this comment letter are focused on the items raised by Rockies Express associated with the draft EIS. Information provided in the Wetland Delineation Survey Report has been incorporated into the EIS, as appropriate.

Applicant (A3)

If you have any questions with regard to these responses, please contact Rock Meyer at (303) 914-4736.

Respectfully submitted,



Shippen Howe
Van Ness Feldman, P.C.
1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007
(202)-298-1881

Attorney for
Rockies Express Pipeline LLC

Attachments

cc: David Swearingen (Gas Branch 1)
J.H. Rumpp

K-125

Applicant (A3)

Rockies Express Pipeline LLC
REX-West
Docket No. CP06-354

SUPPLEMENTAL COMMENTS TO DEIS
FOR
WETLANDS CONSTRUCTION

Introduction

On December 27, 2006, Rockies Express Pipeline LLC (Rockies Express) filed in the above-referenced docket initial comments to the Draft Environmental Impact Statement (DEIS) issued by the staff of the Federal Energy Regulatory Commission (FERC or Commission) for the proposed REX-West Project. Rockies Express requested additional time to file supplemental comments specifically on the issue of proposed methods to be available for constructing a 42-inch pipeline in wetlands including, but not limited to, additional right-of-way (ROW) than proposed in the DEIS. Rockies Express hereby files comments discussing the specific factors that will affect wetland construction on REX-West and proposing measures to mitigate the environmental effects of that construction which would, if applied, comply with all relevant and effective regulations and implementing procedures.

Background

In its original NGA Section 7(c) application to construct, own and operate the REX-West Project, Rockies Express recognized that a greater amount of ditch spoil and larger machinery would be needed for a 42-inch pipeline and requested a 125-foot ROW. Seeking to limit its impact on wetlands, however, Rockies Express stated that it would "use a 75-foot construction ROW in non-agricultural wetland areas."¹ In the DEIS issued for the project in the 4th Quarter of 2006, the Commission staff proposed to grant the 125-foot ROW for the pipeline. The DEIS proposed to retain the 75-foot construction ROW for wetlands, adopting the proposed wetland procedures submitted by Rockies Express.²

In the period between the time that Rockies Express filed its application and the issuance of the DEIS, Rockies Express has gained additional experience constructing a 42-inch pipeline in wetlands as it built Segment 2 of the REX/Entrega pipeline in Wyoming and Colorado.³ Based on this experience, described below, Rockies Express has concluded that, in order to enhance compliance with federal environmental

¹ Application at 62.

² See DEIS at D-16.

³ See *Entrega Gas Pipeline Inc.*, 112 FERC ¶ 61,177, order on reh'g, 113 FERC ¶ 61,327 (2005) ("Order Issuing Certificate"). On February 23, 2006, Rockies Express acquired 100% of the membership interests in Entrega from Alenco Pipelines Inc., resulting in Entrega becoming a wholly-owned subsidiary of Rockies Express Pipeline LLC. Rockies Express Pipeline LLC was merged into Entrega, effective April 11, 2006. Pursuant to the merger agreement, Entrega Gas Pipeline LLC continued to exist after the merger under the name "Rockies Express Pipeline LLC."

K-126

A3-2

A3-2

FERC staff does not "propose" or "adopt" right-of-way widths for projects. We do however, evaluate whether an applicant's proposed wetland crossing methods provide sufficient resource protection. The discussion in the draft EIS regarding right-of-way widths in wetlands was based on proposals made by Rockies Express in its application materials, which we found acceptable based on the information submitted.

A3-3

A3-3

Thank you for your comment.

Applicant (A3)

A3-3
(con't)

regulations, and to better minimize its overall impact on wetlands, it should develop a proposed construction plan that incorporates greater flexibility than may be contemplated in the DEIS for construction through wetlands. This plan should include, specifically, the flexibility to use a ROW greater than 75 feet in particular circumstances. As demonstrated below, Rockies Express has developed these comments and proposals as a result of the lessons learned on Segment 2 construction and respectfully submits that the proposals will enhance compliance with applicable federal regulations and further the policies of the Commission.

REX/Entrega Experience

Rockies Express has largely completed the construction of Segment 2 of the REX/Entrega pipeline. Segment 2 consists of 191.5 miles of 42-inch pipeline. It crosses 135 wetland locations in Wyoming and Colorado. In the certificate order approving the Entrega Project, the Commission granted, and Entrega agreed to, a 75-foot ROW for construction in the wetlands crossed by the project.

For Segment 2, Rockies Express primarily encountered non-saturated emergent wetlands. Based on wetlands construction experience and its understanding of the Project's wetland construction procedures, Rockies Express initially began construction through these wetlands with what it believed to be appropriate measures to minimize overall temporary construction impacts. These measures included installation and maintenance of temporary erosion control devices, topsoiling over the ditchline, leaving ditch plugs in place to maintain wetland hydrology, and using timber mats as appropriate. Commission staff approved additional temporary workspace areas necessary to support the wetland crossings outside the wetland and, where necessary, within the wetland due to site-specific considerations.

A3-4

Rockies Express anticipated construction through these wetlands using conventional construction sequencing, including, in order: right-of-way clearing, trenching (with plugs at each end to maintain hydrology), stringing and welding, lowering pipe, backfill, and then restoration. Rockies Express believed that wetland construction in this manner minimized the overall time of construction disturbance within wetland areas while still providing appropriate protective measures.

A3-4

The use of "conventional construction sequencing" (*i.e.*, upland crossing methods) is generally not appropriate for non-cultivated wetland crossings.

A3-5

During construction of REX/Entrega Segment 2, FERC Staff's third-party on-site environmental monitors requested interpretation by the third-party compliance manager and FERC staff of a certain provision of the approved wetland construction procedures. Specifically, the provision "Minimize the length of time that topsoil is segregated and the trench is open" (Appendix F(VI)(A)(5)(d)), was interpreted to mean that trenching should occur *after* stringing and welding and immediately prior to lowering-in the wetland-crossing sections of pipe. The stated purpose of this interpretation was to lessen the time the trench was open. This interpretation of the approved wetland construction procedure necessitated a significant change in the wetland construction methodology.

A3-5

Other applicants typically are able to stage and coordinate wetland construction in a manner which effectively minimizes wetland impacts.

K-127

Applicant (A3)

A3-5
(con't)

Under the method originally implemented by Rockies Express, stringing and welding could be accomplished within the non-saturated wetland after trenching had been completed, all within the 75-foot ROW. Under the alternative sequence, however, Rockies Express determined that the welded pipe would act as a barrier dividing the ROW before trenching could begin. As a consequence, there would be insufficient space in a 75-foot ROW for trenching, topsoil segregation, spoil storage, and the necessary movement of personnel and equipment. Rockies Express concluded that digging the ditch over the welded pipe section was not practical. Accordingly, under the revised sequence, coupled with the 75-foot ROW, Rockies Express determined that the wetland pipe sections had to be welded up outside the wetland area and brought into place as a drag section soon after trenching occurred. This required shorter sections of pipe with more tie-ins.

The result was that more time, activities, and equipment travel was required for construction utilizing this sequence of necessary construction activities. Additional equipment (trackhoes, sidebooms, and dump trucks) were necessary since the mainline crews had already proceeded past tie-in areas. Furthermore, additional personnel (operators, welders) were necessary, and additional strain on inspection staff resources was realized in covering the increased number of tie-in locations. The large number of tie-ins and modification of the spread construction sequence also impacted the overall project spread restoration sequence, as clean-up activities could not move ahead of these interspersed construction areas efficiently.

As a result of its experience on REX/Entrega, Rockies Express submits that a 75-foot construction ROW in wetlands for REX-West may not be the appropriate width of right of way for construction through wetlands if the construction sequence that was required on REX/Entrega is also applied to construction of REX-West. Rockies Express, as reflected below, therefore urges the Commission to modify the DEIS -- with respect to the mitigation findings applicable to wetlands construction -- to specifically find that the construction sequence originally proposed by Rockies Express is acceptable and will meet all federal regulations and implementing policies that call for the mitigation of overall impacts to wetlands. Even with the use of the construction sequence recommended by Rockies Express, however, in some circumstances -- based on soil composition and terrain -- a 75-foot construction ROW for wetlands may not be practical and environmental impacts of wetland construction may be better mitigated by a 100-foot construction ROW.

A3-6

If, however, the Commission determines that it prefers to utilize the revised construction sequence similar to that utilized on REX/Entrega, Rockies Express believes that a 100-foot ROW is necessary to achieve maximum mitigation of overall impacts on affected wetlands. With a 100-foot ROW, Rockies Express believes that it may be possible to utilize the new sequencing method for lowering in pipe without additional impacts on wetlands.

A3-7

Rockies Express further submits, however, based upon the benefit of its experience on REX/Entrega, when constructing a 42-inch pipeline, a 100-foot right of

A3-6

We agree that a 100-foot-wide right-of-way is appropriate for Rockies Express' installation of its 42-inch-diameter pipeline in certain wetlands; namely, non-saturated emergent and scrub-shrub wetlands. However, we believe Rockies Express should continue in its efforts to install its proposed pipeline using a 75-foot-wide right-of-way for forested and saturated wetlands, or those with unconsolidated sandy soils. See section 2.3.2 for our recommendation.

A3-7

See our response to comment A3-5.

K-128

A3-7
(con't)

way may be better suited to provide the necessary work space and logistical certainty to construct a 42-inch pipeline safely, efficiently -- and with less overall impact -- through wetlands.

In the following discussion, Rockies Express examines the characteristics of the different types of wetlands that the REX-West Project will cross, and, given its experience on REX/Entrega, suggests appropriate mitigation procedures for each type of wetland, with the goal of minimizing the overall impact on traversed wetlands.

Wetland Details for the REX-West Project and Proposed Mitigation Measures

As noted above, Rockies Express will cross approximately 75 acres of wetlands for the REX-West Project. Initially, Rockies Express notes several factors that will apply to all the wetlands, regardless of their type.

1. Rockies Express will be constructing a 42-inch diameter pipeline. As described in its NGA Section 7(c) certificate application, a 42-inch pipeline requires a wider and deeper ditch creating the need for larger spoil storage areas.⁴ Larger sidebooms are required to lower the pipe into the ground. Thus, regardless of the terrain circumstances, a wider ROW is required for a 42-inch pipeline than for the more typical 24 to 36-inch pipeline. As Attachment 1, Rockies Express submits a schematic of the space required for the construction of a 42-inch pipeline.
2. In order to minimize its impact on wetlands, Rockies Express' application proposed a 75-foot construction ROW in wetlands - a 40% decrease in the 125-foot ROW width recommended for the same size pipeline in non-wetland areas. The DEIS adopts this proposal. The experience on REX/Entrega, however, shows that, in many instances a 40% decrease may not be feasible, particularly under the sequencing method required for Segment 2 of REX/Entrega and proposed for the REX West Project. In fact, the reduced ROW, when coupled with certain construction sequences, may cause a greater overall impact because, in some instances, spoil cannot be stored on the ROW and must be trucked back to a temporary use area and returned later, and pipe must be welded off the ROW and dragged to the ditch, potentially causing greater overall impacts to the wetlands.
3. Generally, wetlands contain unstable soils that require additional space between existing and other proposed pipelines to maintain adequate safety buffers. With unstable soils, a wider ditch is required than in upland soils because of slope instability. Because the ditch is wider, the resulting spoil placement also encompasses additional space.

⁴ Application at 58-62.

K-129

Applicant (A3)

4. Where concrete-coated pipe or other weights are necessary to keep the pipe at desired depths, a greater depth of cover may be required. This, in turn, requires that more spoil be stored adjacent to the ditch, again using more space.
5. On a wider ROW, pipe can be lowered immediately following trenching. On the other hand, construction time (and therefore overall impact on wetlands) is greater on a 75-foot ROW because pipe stringing, trenching, and lowering-in are conducted outside the ROW.

Besides the general factors noted above, there are particular circumstances that apply to the specific types of wetlands that Rockies Express will cross for the REX-West Project. The wetlands on REX-West include four major types based on soil composition and terrain. Below is a description of each type of wetland and, given all the circumstances for construction on the specific type of wetland, the recommendation by Rockies Express to mitigate impacts.

1. Non-saturated Wetlands. Non-saturated wetlands are characterized by soil that may have been saturated in the past, or near past, but at the time of construction is dry. For this type of wetland, Rockies Express recommends two choices: (1) with a 75-foot ROW, allow trenching – with plugs – to occur prior to stringing and welding, or (2) allow a 100-foot ROW. On balance, Rockies Express strongly believes that a 100-foot ROW should be permitted to avoid numerous variance requests and, in general, to lessen the overall impact on the wetlands in terms of the combination of time spent on the wetlands and physical disruption. This is particularly true where mats are determined to be required. In the latter instance, 10 or 15 more feet are required to avoid storing spoil on top of the mats.
2. Saturated Wetlands. Saturated wetlands are characterized by soils inundated with water, but water may or may not be present on the surface. With saturated wetlands, Rockies Express will seek to utilize the “push-pull method” as the most efficient, and least impacting, method to lay its pipe. Rockies Express believes that it can attempt to conduct the push-pull method with a 75-foot ROW, but, again, is concerned that it will need to request numerous variances. Rockies Express recommends additional 25-feet on the existing right-of-way for temporary spoil storage.
3. Forested Wetlands. Forested wetlands are characterized by wetlands or portions of wetlands located in wooded areas. First, Rockies Express will seek to minimize tree clearing to the maximum extent possible. Rockies Express recommends that the appropriate construction method to be utilized be determined on a case-by-case basis after considering the specific circumstances present at the time of construction, i.e., dry or wet. As stated above, Rockies Express can attempt to work within a 75-foot ROW in forested wetlands, but believes a 100-foot ROW is more appropriate.
4. Sandy Soil Wetlands. Sandy soil wetlands are characterized by soils with a predominance of unconsolidated sandy soil. With sandy soils, the wall of the trench is

K-130

more unstable and the spoil piles are harder to maintain. Both circumstances, therefore, require greater space. Rockies Express strongly believes that, with a 42-inch pipeline, a 100-foot ROW is required for sandy soil wetlands. Otherwise, it believes that it would be required to request numerous variance requests in order to maintain the integrity of the ROW limits.

Legal and Policy Analysis

Rockies Express believes that permitting it to construct the REX-West pipeline in wetlands subject to specific conditions for construction techniques, including a ROW greater than 75-feet, is consistent with Commission precedent, complies with all applicable federal regulations and enhances environmental policy objectives. Federal environmental policy with respect to wetlands is the subject of the Clean Water Act and the implementing regulations of the Department of the Army's Corps of Engineers (Corps) and the Environmental Protection Agency (EPA), the two agencies with primary jurisdiction over wetlands.⁵ Under the Clean Water Act and implementing regulations, acceptable mitigation measures may be developed to address specific circumstances presented by the proposed activity to be undertaken in the particular wetland. In the 1990 Memorandum of Agreement ("MOU") between the Corps and the EPA, the MOU clarified:

The determination of what level of mitigation constitutes 'appropriate' mitigation is based solely on the values and functions of the aquatic resources that will be impacted.⁶

The MOU supports the position that the intent of the Clean Water Act and the regulation of wetlands is to look at overall impacts. Thus, the MOU states:

The objective of mitigation for unavoidable impacts is to offset environmental losses.⁷

The Commission's Wetland and Waterbody Construction and Mitigation Procedures implement the policies of the agencies designed to execute their statutory obligations under the Clean Water Act. Thus, the Commission states in its Procedures:

⁵ See Clean Water Act of 1977 § 404, 33 U.S.C. § 1344 (2000). See also 33 C.F.R. Parts 320-330 (implementing regulations of the Corps) and 40 C.F.R. Part 230 (2006) (implementing regulations of the EPA).

⁶ 1990 Memorandum of Agreement Between the Department of the Army and the EPA: The Determination of Mitigation Under the Clean Water Act Section 404(b)(1) § II.B, available at <http://www.epa.gov/owow/wetlands/regs/mitigate.html>.

⁷ *Id.* at § III.B. See also U.S. Army Corps of Engineers: Regulatory "General Statement" of Mitigation Policy, 33 C.F.R. § 320.4(f) (2006) ("The concept of 'mitigation' is many-faceted, as reflected in the [CEQ regulations]. Viewing 'mitigation' in its broadest sense, practically any permit condition or best management practice designed to avoid or reduce adverse effects could be considered 'mitigation.'"). Final Rule for Regulatory Programs of the Corps of Engineers, 51 Fed. Reg. 41,206, 41,208 (Nov. 13, 1986).

Applicant (A3)

The project sponsors should specify in their applications for a FERC Certificate any individual measures in these Procedures they consider unnecessary, technically infeasible, or unsuitable due to local conditions and to fully describe any alternative measure they would use. Applicants should also explain how those alternative measures would achieve a comparable level of mitigation.⁸

A3-8

Rockies Express understands the Wetland and Waterbody Procedures to contemplate that specific requirements contained in the Procedures, such as the 75-foot ROW limits, may not be suitable in certain situations, and the Commission retains discretion to review and approve alternative, site-specific mitigation measures in those instances.⁹ As set forth above, and based on its experience on REX/Entrega, Rockies Express believes that such alternative procedures may be more suitable for the construction of the 42-inch pipeline through wetlands on REX-West.

A3-8

Thus far, Rockies Express' discussion has centered upon wetland types. We look forward to reviewing Rockies Express' site-specific measures for crossing certain wetlands. See section 4.3.1.4 for our recommendation.

A3-9

Rockies Express therefore urges the Commission to find that, given the experience on the REX/Entrega project, overall mitigation of impact on affected wetlands will be minimized if a 100-foot ROW is available in most areas of wetland construction. Rockies Express also urges the Commission to clarify that the construction sequence on a 75-foot ROW which utilizes clearing, trenching (with plugs at either end to maintain hydrology and topsoil segregation and spoil storage on ROW), then stringing and welding, lowering, backfill and clean up, is also an acceptable construction mitigation plan that will adequately mitigate overall wetland impact given the construction of larger diameter pipe (*i.e.* 42-inches). Rockies Express also requests that the Commission clarify these issues specifically in the Final Environmental Impact Statement (FEIS). While the site-specific variance procedure is important to the efficient construction of any project, it is, in Rockies Express' view, not designed to handle project-wide policy determinations such as those at issue here.¹⁰

A3-9

FERC staff has the obligation to ensure that a project minimizes wetland impacts as per the FERC Procedures and any site-specific factors. This is a qualitative evaluation of a performance-based standard and does not direct the FERC to further clarify or suggest specific construction methods, which are typically decided upon by the construction contractor.

Conclusion

Although Rockies Express originally believed that it could operate effectively and efficiently within a 75-foot ROW for construction of its 42-inch pipeline through wetlands, its experience on REX/Entrega shows that numerous variances to allow extra workspace were required. Although construction on a 75-foot ROW would impact fewer acres of wetland, Rockies Express believes that, for the reasons discussed above, overall mitigation of the impact on wetlands would be greater with a 100-foot ROW.

⁸ Wetland and Waterbody Construction and Mitigation Procedures, Federal Energy Regulatory Commission, § 1.A (2003)

⁹ For example, the Commission staff approved a variance for a 120-foot ROW for wetlands construction for the construction of CenterPoint Energy Gas Transmission's "Carthage to Perryville Project" in Docket No. CP06-85-000. See Variance Determination issued January 3, 2007.

¹⁰ Rockies Express, furthermore, believes that determining the appropriate right-of-way or construction techniques within the context of a post-certificate implementation plan would be too late for Rockies Express to prepare adequately for construction.

Applicant (A3)

A3-10 Rockies Express is willing to attempt construction through wetlands within a 75-foot ROW, while using the Commission's variance procedures for areas that require greater ROW width. Rockies Express is concerned, however, that on a 75-foot ROW, its project will be slowed, and the Commission's resources will be taxed unnecessarily by multiple requests for variances. Therefore, Rockies Express suggests that the Commission consider whether the public interest would be better served, and environmental impacts better mitigated, by simply adopting a 100-foot ROW for wetlands construction on REX-West.

A3-10 See response to comment A3-5.

A3-11 Additionally, Rockies Express requests that the Commission provide guidance in the FEIS on whether certain construction methods are, or are not, acceptable. Specifically, with respect to sequencing, Rockies Express requests guidance as to whether its preferred method of trenching, with plugs, before stringing and welding is unacceptable to the Commission. If that method is unacceptable, Rockies Express believes that it requires a 100-foot construction ROW in wetlands in order to avoid greater overall impacts to wetlands and to safely and efficiently implement alternative construction methods.

A3-11 See response to comment A3-8.

Rockies Express appreciates the extra time granted to submit these comments. The company looks forward to a continuing dialogue with Commission staff on this issue.

K-133

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

COMMENTS REGARDING SPECIFIC CONCLUSIONS AND
RECOMMENDATIONS OF FERC STAFF

Recommendation 52. Prior to blasting, Overthrust shall specify the locations (by milepost) where blasting may occur, locations of known raptor and other migratory bird nest locations within the general vicinity of blasting, and shall develop mitigation measures that would be implemented to minimize blasting impacts on nesting birds. Overthrust shall not conduct blasting until this information as well as any agency comments or recommendations have been filed, for the review and written approval of the Director of OEP.

Overthrust Comment:

Based on pre-construction planning and evaluation of soils and geology data along the proposed route, Overthrust has determined that blasting of rock may be required between milepost (MP) ranges MP 3.1 to MP 9.2, MP 22.3 to MP 33.1, and MP 39.6 to MP 45.3. These ranges are the only potential areas where blasting may occur. However, blasting will only occur after rock removal by mechanical means is not feasible, a decision that will be made during active construction after attempts are made via rock saw or other mechanical means. As such, providing a list of specific locations (by milepost) where blasting is expected before construction occurs is not possible. Providing a list of locations during construction, but prior to blasting if required in a given location, could occur on a site-by-site basis. Doing so in accordance with the Commission's recommendation, however, would require construction at that location to stop until written approval is granted. This work stoppage, if it occurs frequently, could have longer-term ramifications on project schedule and costs.

Overthrust has consulted with the U.S. Fish and Wildlife Service (FWS) to discuss suitable conservation measures to be implemented if active raptor nests are identified in areas where blasting is subsequently determined to be necessary. The FWS has recommended, and Overthrust has agreed, that blasting will not occur within restricted buffers around active raptor nests. Overthrust will determine locations of active raptor nests during surveys conducted prior to construction in 2007. Once a nest is determined to be inactive, through monitoring, blasting and other construction activities would be allowed to continue. Also as recommended by the FWS, Overthrust would schedule blasting to avoid the mid-day period when protection of the eggs from extreme heat is necessary and disturbance of adults could be detrimental. Overthrust previously filed copies of correspondence documenting these discussions with the FWS.

Applicant (A4)

K-134

A4-1

A4-1 The text in section 4.5.3.4 of the EIS has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

Subsequent to that time, Overthrust received confirmation from the FWS regarding the acceptability of those measures. Further, per a recommendation from the FWS, Overthrust will consult with the FWS if blasting is required within the buffer zone of an active nest to develop additional protective measures to avoid adverse effects on nesting species. A copy of all correspondence related to this issue is included as Attachment 1 to these comments.

A4-1
(con't)

Therefore, because Overthrust proposes to avoid blasting unless other mechanical trenching methods are ineffective, and this determination would be made in the field during construction, providing a specific list of expected blasting locations is not feasible. Further, in those instances where blasting is necessary and an active raptor nest is identified nearby, Overthrust would adhere to spatial buffers around the active nests (if present) to avoid disturbance of individuals tending the nest, as recommended by the FWS. As such, Overthrust believes that it has complied with the intent of the Commission's Recommendation Number 52 and that the recommendation can be removed from the EIS.

K-135

Applicant (A4)

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

Recommendation 53. Overthrust shall revise its Plan to commit to the following:
"Revegetation in non-agricultural areas shall be considered successful if upon visual survey the density and cover of non-nuisance vegetation are similar in density and cover to adjacent undisturbed lands."

A4-2

Overthrust Comment:

Overthrust has revised its project-specific plan per the Commission's Recommendation Number 53. The revised plan is included as Attachment 2 to these comments. As such, Overthrust believes that it has complied with the Commission's Recommendation Number 53 and that the recommendation can be removed from the EIS.

K-136

Applicant (A4)

A4-2 The text in section 4.4.3.1 and Appendix D of the EIS has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

Recommendation 54. If a federally listed species is found along the Wamsutter Expansion Project, or there otherwise is a potential to affect a federally listed species in a way not yet considered, Overthrust shall not begin or continue with construction activities until:

- a. the Commission staff receives comments from the FWS on the proposed action;
- b. the staff completes formal consultation with the FWS, if required; and
- c. Overthrust has received written notification from the Director of OEP that construction or use of mitigation may begin.

Overthrust Comment:

Overthrust has consulted with the FWS regarding the potential for federally listed species to occur along the proposed project route. As a result of that consultation and as indicated in the DEIS, the FWS has concurred that the proposed project would have no effect on or is not likely to adversely affect federally listed species. As further indicated in the DEIS, the FWS has stated that the FERC must re-initiate consultation with the FWS if new information revealed that the project may affect listed species or critical habitat in a manner or to an extent not considered in previous consultation; the action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in previous consultation; and/or a new species is listed or critical habitat is designated that may be affected by the project. Overthrust believes that its commitment to adhere to the potential triggers for re-initiation of consultation, which would be conducted by Overthrust as the FERC's non-federal representative, would sufficiently avoid impacts on federally listed species if identified prior to or during construction. Nonetheless, in accordance with the Commission's Recommendation Number 54, Overthrust agrees to delay starting or halt construction if a federally listed species is found along the proposed project, or there otherwise is a potential to affect a federally listed species in a way not yet considered until the Commission staff receives comments from the FWS on the proposed action, the staff completes formal consultation with the FWS, if required, and Overthrust receives written notification from the Director of OEP that construction or use of mitigation may begin. As such, with its commitments, Overthrust believes that it has complied with the intent of the Commission's Recommendation Number 54 and that the recommendation can be removed from the EIS.

Applicant (A4)

A4-3

A4-3

The text in section 4.7.3.1 of the EIS has been revised to incorporate this information. Therefore, this recommendation has been removed from the final EIS.

**Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments**

COMMENTS ON ADDITIONAL ITEMS

(DEIS Section, Page, Heading, Overthrust comments)

2.2.1.3, 2-11, Contractor Yards: Overthrust is currently in the process of identifying locations for contractor yards. Once an area has been selected, Overthrust would file with the Secretary the location of the pipe storage and contractor yard, an assessment of potential impacts, and applicable correspondences.

Overthrust Comment:

Overthrust continues to evaluate potential locations to be used as contractor yards. One contractor yard location being considered by Overthrust has been reviewed for cultural and biological resources. Reports summarizing those survey efforts are attached to these comments as discussed below. Additional details regarding contractor yard locations will be provided as they are available, but prior to use.

Overthrust reviewed several possible pipe storage yard locations, some of which were documented in resource-specific reports. However, Overthrust no longer anticipates the need for a pipe storage yard. As such, Overthrust will not be providing additional information regarding pipe storage yards to the Commission.

Applicant (A4)

A4-4

A4-4 Comment noted.

K-138

**Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments**

4.3.3.2, 4-59, Surface Water Resources: Overthrust would prepare site-specific waterbody crossing plans for the proposed HDD crossings of Deadman Wash (MP 39.1) and Ten Mile Draw (MP 39.2).

Overthrust Comment:

In its original Certificate application filed with the Commission on July 19, 2006, Overthrust proposed to cross both Deadman Wash and Ten Mile Draw with the horizontal directional drill (HDD) method. Since that time, Overthrust has revised its plans and now proposes to only cross Deadman Wash using the HDD method. Ten Mile Draw will be crossed using the open cut construction method or via flume or dam and pump if flowing at the time of crossing.

Overthrust is preparing a site-specific crossing plan for the proposed HDD crossing of Deadman Wash. This plan will be filed with the Commission when complete, likely with Overthrust's Implementation Plan to be filed with a Notice-to-Proceed request prior to beginning construction.

Applicant (A4)

A4-5

A4-5 Comment noted. The text in section 4.3.3.2 has been revised to incorporate this information.

K-139

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

4.6.3.1, 4-99, Fisheries Resources: Overthrust proposes to cross the one perennial stream (Deadman Wash) and the intermittent Ten Mile Draw with HDDs.

A4-6

Overthrust Comment:

As discussed in its comments on the surface water section, Overthrust no longer intends to cross Ten Mile Draw using the HDD crossing method. Overthrust now plans to use the open cut crossing method or the flume or dam and pump if flowing water is present at the time of crossing.

K-140

Applicant (A4)

A4-6 Comment noted. The text in section 4.6.3.1 and elsewhere has been revised to incorporate this information.

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

4.7.3.1, 4-142, Black-footed Ferret: Overthrust conducted surveys for ferrets during September of 2006 in accordance with FWS 1989 guidelines to confirm presence or absence. Overthrust is preparing a survey report and anticipates filing it with the Secretary in December 2006.

A4-7

Overthrust Comment:

As reported in the DEIS, Overthrust has completed surveys for black-footed ferrets in areas of suitable habitat along the proposed project route. No ferrets or ferret sign were identified during the surveys. A copy of the survey report summarizing this effort is included as Attachment 3 to these comments.

K-141

Applicant (A4)

A4-7 Comment noted. The text in section 4.7.3.1 has been revised to incorporate this information.

**Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments**

4.7.3.1, 4-143, Ute Ladies'-tresses: Overthrust is preparing the Ute ladies'-tresses survey report and anticipates filing it with the Secretary in December 2006.

A4-8

Overthrust Comment:

As reported in the DEIS, Overthrust has completed surveys for Ute ladies'-tresses in areas of suitable habitat along the proposed project route. No Ute ladies'-tresses were identified during these surveys. A copy of the survey report summarizing this effort is included as Attachment 3 to these comments.

Applicant (A4)

A4-8 Comment noted. The text in section 4.7.3.1 has been revised to incorporate this information.

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

4.7.3.2, 4-146, Mountain Plover: Overthrust conducted potential habitat surveys for the mountain plover during surveys conducted in summer 2006 along the proposed project route and at aboveground facility sites. The results of this survey would be filed with the Secretary in December 2006.

A4-9

Overthrust Comment:

As reported in the DEIS, Overthrust has completed surveys for potential mountain plover habitat along the proposed project route. Suitable habitat for the plover was identified during surveys and Overthrust will conduct nest surveys in these areas prior to construction in 2007. A copy of the survey report summarizing the habitat survey effort is included as Attachment 3 to these comments.

K-143

Applicant (A4)

A4-9 Comment noted. The text in section 4.7.3.2 has been revised to incorporate this information.

**Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments**

4.7.3.2, 4-149, Flannelmouth Sucker: As a result, Overthrust would qualitatively monitor flow at the proposed crossing location [of Bitter Creek] throughout the summer and fall of 2006 to determine if the waterbody should be reclassified as a perennial. Overthrust will file a summary report in December 2006 for the wetland and waterbody surveys.

Overthrust Comment:

The proposed crossing location of Bitter Creek was visited on numerous occasions throughout the summer and fall of 2006 to qualitatively monitor flow. During wetland and waterbody field surveys along the entire route, Bitter Creek was noted as containing water and considered a perennial waterbody. However, although Bitter Creek was identified as a perennial waterbody during the field survey, subsequent visits to the site by Overthrust and agency representatives, including the Commission Staff, revealed flow in Bitter Creek is intermittent as it was dry at the time of their site visits in 2006. The wetland and waterbody survey report summarizes the survey effort and discusses the proposed Bitter Creek crossing. The report is included in Attachment 3 to these comments.

Applicant (A4)

A4-10

A4-10 Comment noted. The text in section 4.7.3.2 has been revised to incorporate this information.

K-144

**Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments**

4.7.3.2, 4-150, Large-fruited Bladderpod, Mystery Wormwood, Nelson's Milk-vetch, Ownbey's Thistle, Persistent Sepal Yellowcress, Trelease's Racemose Milk-vetch, and Tufted Twinpod: Overthrust has conducted BLM sensitive plant surveys in appropriate habitats, and in accordance with BLM-approved protocols during late summer 2006. Overthrust indicated that no BLM sensitive plant species were found during the surveys. Overthrust is currently preparing its final survey report and anticipates filing it with the Secretary in December 2006.

Overthrust Comments

A4-11

As indicated, Overthrust has conducted a survey for BLM sensitive plant species along the proposed project route. However, when investigating an area not included during preliminary surveys, a BLM sensitive species (Nelson's milk-vetch) was located along the proposed route. Overthrust is consulting with the BLM to determine the appropriate measures to avoid or minimize impacts on this species. Overthrust will file copies of correspondence related to this issue with the Secretary as it becomes available. Overthrust will not begin construction in the area where the plants were found until it receives written notification from the Director of OEP that construction or construction with the use of mitigation procedures may begin in this area. A copy of the survey report summarizing the habitat survey effort is included as Attachment 3 to these comments.

K-145

Applicant (A4)

A4-11

Comment noted. The text in section 4.7.3.2 has been revised to incorporate this information.

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

4.10.3.1, 4-212, Results of Cultural Resource Surveys: Metcalf also conducted a block survey of 20 acres at the proposed Rock Springs Compressor Station location, in Sweetwater County, Wyoming. The survey report identified one previously recorded site, the Rock Springs-to-Vernal Freight Road (48SW4164), within the southwestern portion of the block. This site was previously determined eligible for the NRHP. Metcalf believes this site should be avoided during construction.

Overthrust Comment:

On October 19, 2006, Overthrust filed with the Commission a revised cultural resource survey report prepared by Metcalf Archaeological Consultants, Inc. (Metcalf) titled *Questar Overthrust Pipeline Company Wamsutter Expansion Project: Class III Cultural Resource Inventory, Sweetwater County, Wyoming* (Scott et al. 2006). On page 48 of that report, Metcalf recommended the segment of Site 48SW4164 (the Rock Springs-to-Vernal Freight Road) within the Wamsutter Expansion Project area as a non-contributing element of an otherwise eligible site. Metcalf adds that no further work related to Site 48SW4164 is recommended.

In comments dated August 14, 2006 on Metcalf's draft report, the BLM requested an additional photo of the site in an updated site form, but otherwise agreed with Metcalf's determination and conclusions regarding the site. The updated site form was included as an attachment to Metcalf's revised report. Overthrust also anticipates concurrence from the Wyoming SHPO regarding this determination. As such, Overthrust has not modified its construction plan for the Rock Springs Compressor Station and will not avoid Site 48SW4164. The BLM's August 14, 2006 comment letter was sent directly from the BLM to the Commission. Additionally, Overthrust filed a copy of this letter on October 19, 2006 with Metcalf's revised inventory report.

A4-12

A4-12 Comment noted. The text in section 4.10.3.1 has been revised to incorporate this information.

K-146

Questar Overthrust Pipeline Company
Docket No. CP06-423-000
Overthrust's DEIS Comments

4.10.3.4, 4-213, Compliance with the NHPA: Overthrust must document that the entire APE for the proposed TL-90 Tie-in was inventoried, and any historic properties identified and avoided.

Overthrust Comment:

The entire APE for the proposed TL-90 Tie-in was inventoried by SWCA Environmental Consultants, Inc. on behalf of Questar Overthrust Pipeline Company for the proposed Overthrust Expansion Pipeline. The results of this survey were reported in *Class I and Class III Cultural Resource Inventory of the Overthrust Expansion Pipeline for Overthrust Pipeline Company, Inc., Lincoln and Uinta Counties, Wyoming* (Stettler et al. 2006). The final version of this report was filed with the FERC on May 1, 2006 (FERC Docket No. CP06-167-000).

Although the TL-90 Tie-in is not specifically discussed in SWCA's report, the area of potential effects for the tie-in is wholly within the corridor surveyed by SWCA for the Overthrust Expansion Pipeline. SWCA identified one site (48LN2522) in the immediate vicinity of the TL-90 Tie-in. During routing for the proposed tie-in, however, Overthrust modified its proposed route to avoid this site. No cultural resources are present within the tie-in project area.

Applicant (A4)

A4-13

A4-13

Comment noted. The text in section 4.10.3.1 has been revised to incorporate this information.

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Questar Overthrust Pipeline Company
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Overthrust's DEIS Comments

SUPPLEMENTAL INFORMATION

Access Roads

Subsequent to filing its Certificate application, Overthrust has conducted a more detailed review of the proposed project route for construction access. As a result of that review, Overthrust has identified a total of 80 roads that will be required during construction, including existing public roads (those not requiring improvement) as well as access roads (those roads that will require improvement prior to construction). Overthrust has reviewed the proposed access roads for cultural resources, wetlands/waterbodies, and special status species. Reports documenting these survey efforts are included in Attachments 3 and 5 to these comments (also see "Cultural Resources" below). All roads proposed to be used by Overthrust during construction, including existing public roads and access roads are identified by milepost in the table included as Attachment 4 to these comments.

Cultural Resources

Overthrust commissioned Metcalf to conduct additional cultural resource surveys along proposed project components not previously surveyed, including access roads, ancillary facilities (such as staging areas), and a pipeline reroute. A draft addendum survey report documenting this effort was submitted to the BLM and Wyoming SHPO for review on November 29, 2006. As of this filing, neither the BLM nor the SHPO have commented on the addendum report. The addendum report, entitled *Questar Overthrust Pipeline Company Wamsutter Expansion, Access Roads, Ancillary Facilities, and Reroute: Class III Cultural Resource Inventory, Addendum 1 to: Questar Overthrust Pipeline Company, Wamsutter Expansion Project: Class III Cultural Resource Inventory, Sweetwater County, Wyoming*, is included as Attachment 5 to these comments.

Metcalf's recommendations in the addendum report include narrowing the right-of-way width and installing barrier fences along two access roads which cross eligible sites (48SW6531 and 48SW6832). Overthrust will implement these recommendations. Additionally, Overthrust will incorporate the recommended narrowing and fencing into its construction alignment sheets and/or access road maps; the revised alignment sheets and maps depicting the fencing will be filed at a later date.

Water Use

During continued project planning, Overthrust has determined that increased volumes of water will be required for hydrostatic testing and dust control during construction. Overthrust had originally proposed using 6.3 million gallons of water. The modified volume of water Overthrust now anticipates for these construction activities is a total of

Applicant (A4)

A4-14

A4-14

Comment noted. The text in section 2.2.1.3 has been revised to incorporate this information.

A4-15

A4-15

Comment noted.

A4-16

A4-16

Comment noted. The text in section 4.3.3.3 has been revised to incorporate this information.

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16.3 million gallons. Overthrust proposes to withdraw the majority of this water from holding ponds at the Jim Bridger Power Plant. As necessary, Overthrust will also utilize water from municipal sources located near Rock Springs, Wamsutter, and Table Rock, Wyoming.

A4-16
(con't)

Overthrust consulted with the U.S. Fish and Wildlife Service (FWS) regarding the increased water volumes. In a letter dated November 17, 2006, the FWS concluded that the depletion fee for the project is waived and that consultation regarding the issue is completed. Copies of correspondence with the FWS regarding water usage are included as Attachment 6 to these comments.

K-149

Applicant (A4)

Federal (F1)



United States Department of the Interior



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December 15, 2006

9043.1
ER 06/1008

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

Subject: **REFERENCE:** OEP/DG2E/Gas 1, Draft Environmental Impact Statement for the Rockies Express Western Phase Project, Docket Nos. CP06-354-000, CP06-401-000, and CP06-423-000

Dear Ms. Salas:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Rockies Express Western Phase Project, FERC Docket Nos. CP06-354-000, CP06-401-000, and CP06-423-000, and offers the following comments

GENERAL COMMENTS

As you are aware, the Bureau of Land Management (BLM) requested cooperating agency status and is participating with the Federal Energy Regulatory Commission (FERC) in accordance with the terms of the "Interagency Agreement [Agreement] on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction with the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certified by the FERC," dated May 2002.

Based on the Agreement, BLM has played an active role with FERC in the National Environmental Policy Act (NEPA) processes such as scoping issues and recommending routing alternatives. BLM reviewed a preliminary Administrative DEIS prior to the release of the DEIS so that many of our initial concerns and comments have already been included in the document. Nonetheless, BLM would like to take the opportunity to comment on several subjects analyzed in the DEIS.

The U.S. Fish and Wildlife Service (USFWS) is also a cooperating agency, and provided comments and recommendations to the Federal Energy Regulatory Commission (FERC) during the development of the subject DEIS in letters dated February 13, May 9, May 17, and October 6, 2006 (see enclosed). Based on those recommendations, the following comments reflect

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specific details that should be included in or eliminated from the final environmental impact statement (FEIS) under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) as well as the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401; 16 U.S.C. 661 *et seq.*), Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; 40 Stat. 755, as amended) and Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 688-688d, as amended) and NEPA. Please include the information in this letter and enclosure when preparing the FEIS on the proposed projects.

The comments below are organized into comments applicable to all Project Components and subcategories for Rockies Express, TransColorado, and Overthrust Wamsutter Expansion. In addition to the subjects discussed below, we have identified a number of additional comments on tables and text that clarify the potential impacts disclosed. These comments are summarized in the enclosed DEIS comment table.

1. Comments Applicable to all Project Components

Threatened and Endangered Species

Section 4.7, Special Status Species (page 4-100): The last sentence in the 2nd paragraph states that "In accordance with Section 7 of the ESA, [the Applicants] are requesting that the FWS consider this draft EIS... as our BA for the proposed Rockies Western Phase Project." Although the use of the DEIS as a BA is allowed under the ESA, the USFWS will review only BAs for the preferred alternative. Because of the size of this document, the preferred alternative should be detailed in the FEIS. An additional section specifically for the BA would be helpful.

F1-1

Section 7 consultation will need to be completed and information regarding the outcome of the consultation will need to be included in the FEIS. At this time, the USFWS is either reviewing information regarding impacts to federally listed species or waiting for the results of surveys to determine whether further consultation on those specific species will be needed

F1-2

Construction Access Roads

BLM's experience is that the use of primitive access roads across Federal lands by heavy construction traffic hauling pipe and equipment to the work site results in damages to roads and adjoining resources. The DEIS appears not to have addressed this activity nor the potential environmental consequences of this activity to the public lands and resources. The impacts resulting from the use, maintenance, and upgrading of temporary construction access roads must be addressed in the FEIS.

F1-3

BLM requires proponents to apply for Temporary Use Permits to authorize the use and maintenance of access roads needed for construction of these projects. The FEIS must include the proponents' access transportation plan showing all roads, permanent and temporary, that may be needed during construction and for future operations and maintenance of approved facilities. Without this description of the surface disturbing activities and potential environmental consequences of road use or temporary road use or both, the BLM would not be able to issue the required permits or authorizations when they are needed. A summary of all temporary roads

F1-4

The preferred alternative for the Rockies Western Phase Project is presented in its entirety in the DEIS. The project is introduced in section 1.0, and the proposed action is described in section 2.0. The environmental analysis is presented in section 4.0. Any alternatives that were considered are presented in section 3.0. As such, we respectfully request that the DEIS and/or FEIS be considered as our BA. Section 4.7 (Special Status Species), taken with the project description in section 2.0, should provide the bulk of the information needed for ESA review.

F1-1

Comment noted. The FERC will continue to consult with the FWS in order to prevent or minimize impacts to special status species.

F1-2

The text in section 2.2 has been updated to include this information.

F1-3

Access roads are discussed in sections 2.2.1.1, 2.2.1.2, and 2.2.1.3.

F1-4

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Federal (F1)

Magalie R. Salas, Secretary

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F1-4 (con't) used and acreage affected must be included in the FEIS as part of the proposed action and potential environmental consequences analyzed and disclosed.

Environmental Inspection, Compliance Monitoring, and Post-Approval Variances

F1-5 We recommend including a brief discussion in Section 2.5.1, Environmental Inspection (pages 2-22/23) about the reporting requirements of the environmental inspectors, e.g. who will they report to, where does the status report go, etc.

F1-6 In section 2.5.3, Post-Approval Variance Process (pages 2-24/25), the text should point out that without an Environmental Compliance and Monitoring program, BLM would be unable to react to variance requests in a timely manner. Review and approval of any construction variance would take far longer to evaluate and authorize. We also recommend inserting a discussion on supplements to the FEIS if there are significant changes or impacts as a result of increased land usage

Rangeland Standards

F1-7 A search of the DEIS did not reveal a reference to Wyoming Standards for Healthy Rangelands. BLM Wyoming Standards for Healthy Rangelands apply to all activities on Federal lands and when applied have a marked effect on the successful reclamation. BLM's final approval of the reclamation of the Right-of-Way (ROW) and subsequent release of performance bonds and reclamation obligations is dependent on the successful establishment of healthy rangeland vegetation. There should be at least one specific reference to these standards in the document.

Water Discharge and Consumptive Use

F1-8 Hydrostatic test discharge locations have not been identified by any of the proponents; and, therefore, the potential impacts of discharging millions of gallons of water to upland sites have not been addressed. So that the environmental consequences may be considered and included in the FEIS, BLM requires that a plan for waste water disposal must be included with other proposed activities associated with pipeline construction. The BLM requires that all upland disposal sites on Federal land be approved by the BLM prior to use and those sites be inspected during and after disposal operations.

F1-9 Any upland discharge of hydrostatic test water is a consumptive use that may result in depletion depending on the origin of the water. The FEIS must include any proposal that may be considered consumptive use and the impacts addressed. Only water discharged directly back into the waterbody or possibly into the wetland/riparian vegetation immediately next to the waterbody would not be considered a consumptive use; upland disposal even in the same drainage of origin is considered a consumptive use of water. If discharged only to uplands, we estimate that the REX project has the potential for at least 712 acre feet of consumptive use water. At a minimum, the FEIS should use this figure and describe any associated impacts.

F1-5 Text in section 2.5.1 has been modified to address the comment.

F1-6 Text in section 2.5.3 has been modified to address the comment.

F1-7 With the Applicants' adherence to the applicable laws and regulations, proposed mitigation, and our additional mitigation recommendations, we believe that the four fundamentals of rangeland health identified in the Wyoming Standards for Healthy Rangelands: (1) watersheds are functioning properly; (2) water, nutrients, and energy are cycling properly; (3) water quality meets state standards; and (4) habitat for special status species is protected; would be met.

F1-8 Information on hydrostatic test water discharge locations is provided in sections 4.3.1.3, 4.3.2.3, and 4.3.3.3. Final discharge locations will be in accordance with each Applicant's NPDES permit, state issued hydrostatic test water discharge permit, and FERC regulations. See also our recommendation in section 2.3.1.

F1-9 Consumptive use and its potential impacts are discussed in sections 4.7.1.1 and 4.7.3.1. In section 4.3.1.3 we indicate that: "Rockies Express would require approximately 257,001,000 gallons (787 acre-feet) of water to hydrostatically test the entire mainline ... and 700,000 gallons (2 acre-feet) to test the Echo Springs Lateral."

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Federal (F1)

Magalie R. Salas, Secretary

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Visual Resources

F1-10 To mitigate night-time visual impacts, BLM requires shielded lighting at all above ground facilities, including compressor stations. This must be added to the visual impact mitigation section of each component of the project sited on Federal land.

F1-10 The text in section 4.8 has been modified to address this comment.

Soils

F1-11 The BLM requires holders of authorizations to stop working when saturated soil conditions allow construction equipment and vehicles to create ruts in excess of 4-inches deep. The 4-inch rule would apply to all access roads on Federal lands and to the construction ROW where topsoil has not been segregated and conserved (Section 4.9.1.4).

F1-11 Overthrust proposes to strip and segregate topsoil on federal lands; therefore, the 4-inch rule would not apply. The text in section 2.2 has been modified to address rutting on access roads.

Significant Unavoidable Impacts

F1-12 The fifth and sixth sentences on page 5-5 state that “Our analysis indicates that... the Rockies Western Phase Project would result in no significant impact that is unavoidable. Further, we believe that all environmental impacts would be reduced to less than significant levels if the proposed and recommended mitigation is fully implemented.” This is an important discussion and should be included in the Executive Summary and other relevant sections of the EIS.

F1-12 Text in the executive summary has been modified to address the comment.

2. Rockies Express (REX-West Project)

Soil Limitations (Section 4.2.1.1)

F1-13 The first paragraph, third sentence on page 4-20 mentions that “Erosion... can be compounded by the poor revegetation potential of the soil.” The last sentence of the second paragraph mentions that revegetation will include seed mixtures recommended by NRCS. We recommend including a brief statement that the selection of the seed mixture will take into account the poor revegetation potential of the soil and that the mixture will be free of non-native plant species.

F1-13 Text in section 4.2.1.1 has been modified to address the comment.

ROW Width and Topsoil

F1-14 BLM concurs with FERC that Rockies Express has not justified a 100-foot construction ROW for the 24-inch Echo Springs Lateral. On the Echo Springs Lateral, BLM recommends full width topsoil segregation. BLM concurs with FERC’s recommendation for a 75-foot construction ROW and would further consider an additional 10-feet (total 85-foot construction ROW) where necessary to allow for topsoil storage.

F1-14 Upon further review and analysis of additional information provided by Rockies Express, we have decided to grant Rockies Express a 100-foot-wide construction right-of-way along the Echo Springs Lateral for non-federal lands. Rockies Express indicated that, although the proposed pipeline route would be within an existing corridor, an additional 25 feet of width would be required to accommodate the larger equipment proposed for use (brought from the mainline spreads), for topsoil segregation, where necessary, and to ensure safety during welding operations. In addition, side slope terrain along portions of the Echo Springs Lateral warrants an additional 25 feet to maintain a safe distance from existing utilities. For these reasons, we have modified the text in section 2.2.1.1 of the EIS regarding the right-of-way width on the Echo Springs Lateral. The right-of-way width on federal lands would be established by any BLM Right-of-Way Grant issued for the project.

Wetlands (Section 4.3.14)

F1-15 The first paragraph, third sentence on page 4-52 states, “As such, the Southwest Playas are protected by the FWS.” This is not a correct statement. Although Southwest Playa wetlands are important habitat for Federal trust fish and wildlife resources, the USFWS does not own or have any protective easements. We recommend that this sentence be deleted.

F1-15 Text in section 4.3.14 has been modified to address this comment.

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Federal (F1)

Raptors and Other Migratory Birds

The first full paragraph of Section 4.5.1.4 (page 4-86) states that Rockies Express will conduct breeding bird surveys prior to construction occurring between March 1 through July 31. These surveys would concentrate on important bird species. The fourth sentence mentions that, "If an active nest for an important migratory bird species is documented during these surveys, Rockies Express states that it will coordinate with the FWS and other appropriate agencies to determine what protection measures would be required." As mentioned in Section 4.5.1.4, first paragraph, page 4-82, as well as the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; 40 Stat. 755, as amended), all migratory birds, eggs, and young are protected from unauthorized or unpermitted take, not just the species identified as important migratory birds listed in Table 4.5.1-2 of the DEIS. The USFWS recommends that the final EIS include all migratory birds and not just those identified as important listed in Table 4.5.1-2, as well as a commitment that Rockies Express will consult with the USFWS and other appropriate agencies to comply with MBTA.

F1-16

F1-16 Text in section 4.5.1.4 has been modified to address the comment.

In the footnote in Section 4.5.1.4, FERC should add that any pre-construction clearing operations to mitigate impacts on migratory birds would require a written pre-construction clearing plan prior to issuance of any Notice to Proceed. The plan must be approved by BLM and address access, time of year of activity, identification of clearing limits, and clearing methods.

F1-17

F1-17 Footnote text in section 4.5.1.4 has been modified to address the comment.

Federally-Listed Threatened and Endangered Species (Section 4.7.1.1)

On page 4-108, under the discussion on "Platte River System Water Depletions", there is a statement that, due to "Rockies Express' withdrawal and use of approximately 240 acre-feet of water from the South Platte River... the REX-West Project is likely to adversely affect the whooping crane, least tern, piping plover, bald eagle, pallid sturgeon, and western prairie fringed orchid." It is then recognized that formal consultation is required. However, under the discussions for these specific species, there are measures mentioned that would bring this finding down to a level of *may affect, but not likely to adversely affect*. Please clarify why there are differing "assessments" between the general and more specific discussions.

F1-18

F1-18 Text in section 4.7.1.1 has been modified to address the comment.

The third paragraph under "Black-footed ferret" on page 4-112 discusses how "The FWS has block-cleared all prairie dog colonies in the Laramie County, Wyoming, and Colorado portions of the REX-West Project area." The narrative goes on to state that Weld County, Colorado, populations have not been block-cleared. In the following paragraph, the text mentions that "In Colorado, one colony was identified... that would incur about 38 acres of construction-related impact. This colony has since been block-cleared." These statements are confusing and need clarification. The third paragraph should clarify that Logan and Sedgwick Counties, Colorado, have been block-cleared but not Weld County, Colorado. It should then be made clear that in Weld County colonies are block-cleared on a colony-by-colony basis. Additionally, the USFWS needs further clarification regarding why this population has been block-cleared if viable and whether there will be any further requests for block-clearance in the county. In other words, please state that this clearance in Weld County is the result of consultation with USFWS and provide a USFWS citation for this discussion.

F1-19

F1-19 Comment noted. Text in section 4.7.1.1 for the black-footed ferret has been modified to address the comment.

K-154

Federal (F1)

National Historic Trails

The NPS National Trails System office in Salt Lake City administers the Oregon, California, Pony Express, and Mormon Pioneer National Historic Trails. Their staff and knowledgeable trails partners have examined the maps provided in the DEIS, and have identified no sensitive resources, such as visible wagon traces, that would be physically impacted by the alignment as it currently is proposed. However, three trail segments are located in the vicinity of the mapped alignment across Nebraska and Kansas. We bring these to your attention so that any alteration to the alignment can be designed to avoid them. They are:

- F1-20 1. In Jefferson County, Nebraska, T1N R53 S36. Aerial photographs show possible trail swales in the north 1/2 of Sec. 36. The site is about one-half mile south of the planned pipeline route. If the pipeline is altered in that vicinity, the area should be field-checked, in cooperation with the property owner and qualified wagon trail experts, to ascertain whether the feature is trail swale.
- 2. In Gage County, Nebraska, T1N R5E S31. Visible swales exist in the SW 1/4 of Sec. 31. The segment is about one mile south of the planned pipeline route.
- 3. In Nemaha County, Kansas, T1S R11 E S19 and 28. Visible swales exist in the east 1/2 of Sec. 19 and in the E 1/2 of Sec. 28. This segment is about three miles north of the planned pipeline route.

F1-20 Comment noted.

Reclamation Monitoring

- F1-21 BLM would require that Rockies Express monitor the success of reclamation on Federal lands for 5 years following construction or until satisfactory reclamation is achieved (Section 4.8.1.2). This also applies to Overthrust in Section 4.8.3.2.

F1-21 Text in sections 4.8.1.2 and 4.8.3.2 has been modified to address the comment.

Grazing Permittees

- F1-22 During the term of construction activities and when livestock are present on the allotment, BLM would require that Rockies Express notify current grazing permittees using Federal land prior to construction (Section 4.8.1.3). This also applies to Overthrust in Section 4.8.3.2.

F1-22 Text in sections 4.8.1.3 and 4.8.3.2 has been modified to address the comment.

Transportation

- F1-23 BLM requires the repair of any road used for construction to at least the pre-construction condition or better.

F1-23 Comment noted.

K-155

Federal (F1)

Magalie R. Salas, Secretary

3. TransColorado (Blanco to Meeker Project)

Alternatives

F1-24 Section 3.1.2: The FEIS should point out that the No Action alternative for the TransColorado project would likely result in continued operation of the existing pipeline system taking a portion of the increased gas production in the Piceance Basin southerly to southwestern markets.

Noise Levels

F1-25 The FEIS should note that the Greasewood Compressor Station is within 1.5 miles of a known Greater sage-grouse lek location and is within sage grouse nesting habitat. The new compressor at the Greasewood station must not add to the existing noise levels measured at the facility.

F1-26 Section 4.7.2.2 states that a 2 to 6 dBA noise increase is minor and would not result in measurable impacts. BLM has processed multiple ROW applications for new compressors at the Greasewood Hub in the past 5 years. Each has resulted in similar minor increases to background noise levels. Any potential minor addition to the current background noise would have potentially cumulative adverse impacts on sage grouse; this environmental consequence must be included in the FEIS.

4. Overthrust (Wamsutter Expansion Project)

Topsoil Segregation

F1-27 BLM recommends that full width topsoil segregation take place on Federal lands. BLM recommends that 6-inches of topsoil be segregated unless it is demonstrated that the topsoil is less than 6-inches deep and that it is practical to only segregate the topsoil that is present.

Hydrostatic Test Water:

F1-28 In the Overthrust Resource Report 2, Overthrust states they are tapping an existing waterline at MP 35.5 to obtain hydrostatic test water. The DEIS states Overthrust is withdrawing water from Bridger power plant holding ponds. If pipeline operations are dependent on water withdrawn from the Bridger holding ponds then this must be disclosed in the FEIS and the consequences explained.

If you have questions concerning BLM comments, please contact Tom Hurshman, BLM Project Manager, at (970) 240-5345. For questions regarding USFWS comments, please contact Mr. John Cochnar at the USFWS's Nebraska Field Office at john_cochnar@fws.gov or (308)382-6468, extension 20.

Sincerely,



Robert F. Stewart
Regional Environmental Officer

Enclosures

F1-24 Text in section 3.1.2 has been modified to address the comment.

The expansion of the Greasewood Compressor Station would slightly increase the cumulative noise attributable to the Greasewood Hub. A post-construction noise study conducted on April 27, 2006, after the installation of the Greasewood Compressor Station, showed that the noise level at the nearest noise-sensitive area (NSA), located about 1,900 feet away, was 45.3 decibels on the A-weighted scale (dBA). Most of the facilities at the Greasewood Hub were operating at the time of the survey.

F1-25 The sage grouse lek area, located about 1.5 miles (7,920 feet) from the Greasewood Hub, would experience significantly lower sound levels due to the effects of distance and atmospheric absorption. The sound level attributable to the Greasewood Hub, even under an unlikely scenario where all five facilities expand and consume their noise budgets, would only be 42 dBA at the lek site. This level is well below the sage-grouse criterion for impact of 47 dBA. Accordingly, we do not anticipate any noise impact on sage grouse due to the current proposal or any future expansion of the Greasewood Hub.

F1-26 Text in section 4.13.5 has been modified to address the comment.

F1-27 Text in section 4.2.3.3 has been modified to address the comment.

F1-28 Overthrust stated in its initial filing with the FERC that the primary withdrawal point for hydrostatic test water would be from an existing waterline at approximate MP 35.5. However, on October 5, 2006, Overthrust filed additional information stating that it would obtain water from existing holding ponds associated with the Jim Bridger Power Plant, located about 2.5 miles north of MP 35.0. Use of water from these holding ponds is further discussed in sections 4.3.3.2, 4.3.3.3, and 4.7.3.1.

K-156



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

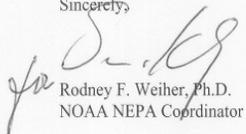
DEC 21 2006

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

Dear Ms. Salas:

Enclosed are comments on the Draft Environmental Impact Statement for the Rockies Express Western Phase Project. We hope our comments will assist you. Thank you for giving us the opportunity to review this document.

Sincerely,


Rodney F. Weiher, Ph.D.
NOAA NEPA Coordinator

Enclosure



K-157

Federal (F2)

MEMORANDUM FOR: Rodney F. Weiher
NEPA Coordinator

FROM: David Zilkoski
Director, National Geodetic Survey

SUBJECT: **DEIS Rockies Express Western Phase Project, Constr & Op for the Natural Gas Pipeline Facilities: Rockies Express (CP06-354-000), TransColorado (CP06-401-000) & Overthrust (CP06-423-000), CO, WY, NE, KS, MO & NM**

The subject statement has been reviewed within the areas of the National Ocean Service (NOS) responsibility and expertise and in terms of the impact of the proposed actions on NOS activities and projects.

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the National Geodetic Survey's home page at the following Internet World Wide Web address: <http://www.ngs.noaa.gov>. After entering the this home page, please access the topic "Products and Services" and then access the menu item "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the National Geodetic Survey data base for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

If there are any planned activities which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation(s) required.

For further information about geodetic control monuments, please contact:

Brett Howe
SSMC3 8622, NOAA, N/NGS
1315 East West Highway
Silver Spring, Maryland 20910

Voice: (301) 713-3197 ext. 115
Fax: (301) 713-4175
Email: Brett.Howe@noaa.gov

Federal (F2)

K-158

F2-1

F2-1

The Applicants would be responsible for coordinating with the National Oceanic and Atmospheric Administration regarding the potential disturbance of geodetic control monuments.



ORIGINAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

DEC 26 2006

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2007 JAN -3 P 4:18
REGULATORY SERVICES
DIVISION

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

Dear Secretary Salas:

Re: Rockies Express Western Phase Project, Construction and Operation for the Natural Gas Pipeline Facilities: Rockies Express (CP06-354-000), TransColorado (CP06-401-000) and Overthrust (CP06-423-000), CO, WY, NE, KS, MO, and NM

This letter provides the U.S. Environmental Protection Agency's (EPA) comments for the Draft Environmental Impact Statement (DEIS) for the subject pipeline project. EPA Regions 6, 7, and 8 have reviewed this DEIS in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. The DEIS was assigned the Council on Environmental Quality (CEQ) number 20060465.

Based on our overall review and the level of our comments, EPA rated the DEIS for this project EC- 2 (Environmental Concerns-Insufficient Information). Please refer to the attached "Summary of Rating Definitions" for further details on EPA's rating system. EPA believes that additional information is needed to inform decisions on compressor station siting location, and on water acquisition and discharge for the hydrostatic testing. EPA understands that the applicants are developing this information for individual construction, and discharge permits, however we believe that this information should be comprehensively presented within the Final Environmental Impact Statement to facilitate universal understanding among approval and permitting authorities.

Clean Air Act

The results of the air dispersion modeling for Rockies Express (noted to be already complete on page 4-216) is not provided in the DEIS. The Final Environmental Impact Statement (FEIS) should include information regarding the Prevention of Significant Deterioration (PSD) construction permit and operating permit process, controls required by the permits, and the amount of PSD increment that will be consumed at compressor station locations where PSD available increment may be limited (i.e. Blanco, Wamsutter, Rock Springs, and Meeker). If the increment consumption of new compression is significant, future industrial growth could be limited in these areas.



Federal (F3)

K-159

F3-1

F3-1

Text in section 4.11.1.1 has been modified to address the comment. A discussion on PSD regulations and applicability to the project is also included in section 4.11.1.1.

Federal (F3)

Hydrostatic Test Waters

F3-2 EPA recommends that the FEIS evaluate the potential for aquatic nuisance species, pathogens or other organisms to be transported beyond their watershed of origin via discharges of hydrostatic test waters. EPA also recommends that the final EIS evaluate the extent to which any state aquatic nuisance species control plans (see <http://www.anstaskforce.gov>) may be applicable to this proposed project.

F3-2 Rockies Express will work with uptake/discharge permitting agencies to resolve or avoid any transport issues.

F3-3 To rule out the possibility that corrosion preventatives could become mobilized during a hydrostatic test, (and thereby constitute a discharge "pollutant"), EPA recommends a review of internal corrosion preventatives for pipeline materials that will be used for this project. Products that could be mobilized should be disclosed in individual permit applications.

F3-3 Rockies Express has indicated that no chemical additives would be added to the test water. All test water would be discharged in accordance with their NPDES hydrostatic water discharge permits.

Other Comments

F3-4 Page 2-20, second paragraph - Horizontal Directional Drilling (HDD) is proposed for the Missouri River Crossing at St. Joseph Missouri. Recent investigations by the U.S. Geological Survey (USGS) have found significant river bed degradation (down-cutting) in the river reach between St. Joseph, Missouri to a point slightly downstream of Kansas City, Missouri. EPA recommends consultation with the USGS (Mr. Dale Blevins, 816-254-5824) to determine appropriate HDD elevations.

F3-4 Rockies Express contacted Mr. Blevins regarding HDD of the Missouri River. Mr. Blevins indicated that the proposed elevations are well below the scour depths measured by the USGS.

F3-5 Page 3-14, Section 3.5.1 (Facility Siting criteria) - Thirteen (13) criteria were utilized to determine preferred locations for siting compressor stations. EPA would recommend utilizing the results of required air dispersion modeling as a 14th criteria to ensure that the proposed siting determinations remain correct when considering the cumulative effects of the new compressor station when also considering other existing and reasonably expected future air pollution sources.

F3-5 Comment noted. Rockies Express has already conducted its alternative analysis for the locations of its proposed compressor stations using 13 criteria discussed in section 3.5.1. We have reviewed this analysis and do not believe that the alternative sites would offer a significant environmental advantage over the proposed locations. The proposed natural gas-fired compressor stations would be located in non-attainment areas.

F3-6 Page 4-8, Second paragraph - This paragraph reiterates the proposal to install the pipeline with HDD at the Missouri River crossing. EPA agrees that disruption of soils and sediments would be minimized if this technique is possible at this location. However, since HDD could be abandoned for an alternate installation technique, (due to geological conditions and scour potential constraints), EPA recommends including a discussion in the FEIS of alternative pipeline installation methods, and possible environmental consequences associated with those methods.

F3-6 As discussed in section 4.7.1.1, if a frac-out (the escape of drilling fluid) were to occur, short term sediment transport, water quality impacts, and bottom disturbance would likely be present at or near the crossing location. Rockies Express would implement its HDD Contingency Plan to address potential impacts to aquatic environments from the inadvertent release of drilling fluid during the HDD process. We have recommended that Rockies Express file its final alternative/contingency crossing plan for the Missouri River. Rockies Express should not begin a non-HDD crossing of the Missouri River until the Commission staff evaluates the potential impact of a non-HDD crossing of the Missouri River and completes required consultations.

F3-7 Page 4-35, second paragraph - Pertaining to the source of water for dust control, EPA points out that the entire Missouri River basin is enduring it's 8th year of a prolonged drought. If the drought persists, availability of water may be a constraint not only for dust suppression, but also for hydrostatic testing. EPA recommends contingency planning for such a drought condition in order to avoid a schedule disruption.

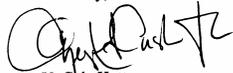
F3-7 Rockies Express is in the process of filling permit applications for the volume of water needed for hydrostatic testing and dust suppression. Rockies Express is aware that these permits may be denied or limited and will continue to work with agencies and landowners to identify possible alternative sources.

EPA appreciates the opportunity to review and comment on the DEIS. Please send one copy of the FEIS to the address indicated on the letterhead above (Mail Routing: ENSV/IO), and one copy to EPA Regions 6 and 8 (addresses below) at the time the FEIS is filed with EPA's

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Washington, D.C. office. If you have any questions, please contact Mr. Joseph Cothorn, NEPA Team Leader, (913) 551-7148, or at cothorn.joc@epa.gov.

Sincerely,



U. Gale Hutton
Director
Environmental Services Division

cc:

Ms. Rhonda Smith
USEPA REGION 6
1445 Ross Avenue Suite 1200
Mail Code: 6ENXP
Dallas, TX 75202-2733

Mr. Steven Pratt
USEPA REGION 8
999 18th Street Suite 300
Mail Code: 8EPR-N
Denver, CO 80202-2466

Mr. Cliff Rader
HQ USEPA
Office of Federal Activities

Federal (F3)

Draft Environmental Impact Statement Rating Definitions

Environmental Impact of the Action

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer

has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

ORIGINAL

STATE OF COLORADO

Bill Owens, Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE
AN EQUAL OPPORTUNITY EMPLOYER
Bruce McCloskey, Director
8060 Broadway
Denver, Colorado 80216
Telephone: (303) 297-1192



For Wildlife-
For People

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2007 JAN -5 P 3:26

STATE OF COLORADO
LEGISLATIVE COMMISSIONER

December 28, 2006

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St. NE, Room 1A
Washington, D.C. 20428

Re: **Federal Energy Regulatory Commission Rockies Express Pipeline project (docket nos. CP06-354-000, CP06-401-000, CP06-423-000)**

Dear Ms. Salas,

The Colorado Division of Wildlife (CDOW) is pleased to submit comments on the Rockies Express Pipeline project. Please consider this list of methods to reduce effects of development on wildlife.

Siting and Construction

- S1-1 | • Involve CDOW personnel early in the project planning phases and combine project shape files with Natural Diversity Information Source wildlife data shape files to plan orderly, lower impact development.
- S1-2 | • Locate and plan the right-of-way (ROW) in areas of less productive or lower quality habitats. Orient and place the ROW out of sensitive or irretrievable habitats.
- S1-3 | • Site compressor facilities out of drainages or topographically constrained areas where sound is not easily dampened. Utilize hospital grade mufflers, housing and/or earthen berms to dampen sound associated with compressor facilities.
- S1-4 | • Ensure all gas plants have spill control and emergency response plans. Educate employees on emergency response and spill mitigation procedures.
- S1-5 | • Prior to ground disturbing activities, determine locations of raptor and birds of conservation concern nests and consult with CDOW on timing and appropriate buffer zones.
- S1-6 | • Conserve soil horizons and segregate topsoil from subsoil. Re-vegetate topsoil piles to maintain soil microbe health and viability.
- S1-7 | • Consolidate pipeline corridors and economize gas transportation. Encourage cooperative gas carrying agreements.
- S1-8 | • Evaluate steep slopes and unstable areas prior to development which could compromise long term pipeline integrity.

DEPARTMENT OF NATURAL RESOURCES, Russell George, Executive Director
WILDLIFE COMMISSION, Jeffrey Crawford, Chair • Tom Burke, Vice Chair • Claire O'Neal, Secretary
Members: Robert Ross • Reed Coore • Rick Erdman • Richard Rau • James Madenly • Ken Torres

State (S1)

- S1-1 | We note that as part of our pre-filing process the CDOW, and other stakeholders, were involved early on in the planning process of the Project.
- S1-2 | The Rockies Western Phase Project components located in Colorado (*i.e.*, Rockies Express and TransColorado) have been located adjacent to existing utility corridors, to the extent practicable, to minimize impacts.
- S1-3 | Mitigation measures to reduce noise impacts are discussed in section 4.11.2 of the EIS.
- S1-4 | Rockies Express has prepared a Spill Prevention, Control and Countermeasures Plan (SPCC Plan) and TransColorado has prepared a Spill Prevention and Response Plan (SPR Plan). These plans address preventative and mitigative measures that would be used to avoid or minimize the potential impacts of hazardous material spills during construction. These plans also specify preventative measures such as spill training for construction personnel.
- S1-5 | The Applicants have and continue to consult with the appropriate federal and state agencies to obtain information on raptor species and nest sites. In addition, we have recommended that Rockies Express continue to consult with these agencies to determine the appropriate survey protocols and seasonal buffer zones for nesting raptors; and that TransColorado conduct raptor nest surveys within 1 mile of its proposed project sites in consultation with appropriate agencies if construction activities would take place during the nesting season.
- S1-6 | Topsoil segregation is discussed in sections 4.2.1.3 and 4.2.2.3.
- S1-7 | See response to comment S1-2.
- S1-8 | Steep slopes and unstable areas are evaluated in sections 4.1.1.3 and 4.1.2.3.

K-164

State (S1)

K-165

- S1-9 • Properly plan and site pipeline ROWs so they avoid drainages and riparian areas, as well as areas containing unstable soils.
- S1-10 • Engineer ROWs such that they drain water away from wetlands and riparian areas.
- S1-11 • Reduce width of pipeline ROWs where ever possible. Cite pipeline ROWs in areas of vegetative successional maturity (such as pinyon juniper woodlands) rather than grasslands.
- S1-12 • Avoid critical habitats such as migration corridors, production areas, wetlands, etc. and plan activities to avoid these areas.

Pipeline Operations

- S1-13 • Consider providing three acres of reclamation for every one acre of surface disturbance to mitigate wildlife impacts.
- S1-14 • Reclaim well sites and other disturbed areas quickly with native-weed free seed and forbs. Consult with CDOW and other experts on interim/final reclamation seed mixes.
- S1-15 • Control noxious and invasive weed species often and aggressively. Consult county and State of Colorado guidelines for weed identification and mitigation.
- S1-16 • Preplan and adequately size infrastructure and facilities to accommodate current and future gas production.
- S1-17 • Educate employees and contractors on best management practices, environmental regulations, and raise awareness on wildlife issues.
- S1-18 • Encourage industry participation in CDOW's Operation Game Thief program and immediately report all potential poaching incidents. Educate industry and their contractors on the importance of not harassing wildlife.
- S1-19 • Protect wetlands, drainages, and riparian areas from erosion, sedimentation and spills. Map wetlands prior to development to identify and properly permit these sensitive areas. Consider wetland banking if feasible.
- S1-20 • Map noxious weed infestations prior to ground disturbance to optimize long-term weed mitigation.
- S1-21 • Facilitate increased communication and cooperation between stakeholders, companies and agencies.

Transportation

- S1-22 • Minimize fugitive dust generation and vegetative impacts from construction and road traffic through application of gravel to roads, watering roads with potable water. Make every effort to minimize fringe vegetative effects from dust.
- S1-23 • Manage travel and prohibit off road travel. Manage development of road networks through transportation planning, and reduce habitat fragmentation.
- S1-24 • Restrict and monitor vehicular speed to reduce wildlife collision potential, increase safety, and minimize dust generation.
- S1-25 • Encourage carpooling, transportation coordination or provide mass transport options for workers to work sites. Consider advantages of man camps.

S1-9

The facilities associated with the Rockies Western Phase Project have been situated with an attempt to avoid or minimize impacts on waterbodies and riparian areas. The Applicants would prepare site-specific crossing plans for major waterbody crossings. In addition, the Applicants would implement their respective Procedures to further minimize impacts on waterbodies.

S1-10

The Applicants would grade the construction right-of-way to restore preconstruction contours.

S1-11

The Applicants would reduce the construction right-of-way to the extent practicable in wetland areas. See sections 2.3.2 and 4.3 of the EIS, which discuss wetland construction and mitigation measures.

S1-12

See response to comments S1-5 and S1-9.

S1-13

Our analysis of wildlife impacts and mitigation is contained in section 4.5 of the EIS. Additional mitigation of this type could be incorporated in any state permit required.

S1-14

The Applicants would apply appropriate re-vegetation seed mixes in consultation with local experts and landowners. See Appendix F for agency recommended seed mixes.

S1-15

To prevent the spread of noxious weeds we have recommended that Rockies Express prepare a noxious weed control plan in consultation with land management agencies and local weed control experts. TransColorado has developed a noxious weed protection plan.

S1-16

Section 1.1 discusses the Project purpose and need, and section 2.0 describes the facilities required to meet each project's stated purpose and need.

S1-17

We have recommended that both Applicants file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors, and contractor personnel have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.

S1-18

Rockies Express states it will stress wildlife protective measures and mention the "Operation Game Thief" program during the environmental training sessions.

S1-19

Description of wetland resources, potential impacts, and proposed mitigation are discussed in sections 4.3.1.4 and 4.3.2.4.

S1-20

See response to comment S1-15.

S1-21

See response to comment S1-1.

S1-22

Potential mitigation measures used by both Applicants for fugitive dust control include watering of the construction sites, if necessary, and minimizing soil disturbances to areas necessary for construction. Both projects would follow state and local requirements for dust control on roads and excavated surfaces. We have recommended that Rockies Express file documentation identifying the sources and estimated amount of water to be used for dust control measures.

State (S1)

K-166

- S1-26 • Place physical access deterrents along pipeline ROWs to eliminate unnecessary access.
- S1-27 • Engineer pipeline ROWs to reduce width and avoid sensitive or irreplaceable habitats.
- Environmental**
- S1-28 • Educate employees and contractors on environmental and wildlife issues.
- S1-29 • Hire environmental specialists such as reclamation and weed experts, and biologists, and implement their recommendations.
- S1-30 • Develop site-specific management plans to influence post development, which could include reclamation, control of invasives/noxious weeds, grazing, storm water, transportation management, spill control, sampling and analysis plans, wildlife habitat enhancement, etc.
- S1-31 • Spread quick germinating native seed for interim reclamation on cut and fill slopes of well pads as well as on other disturbed areas such as ROWs.
- S1-32 • Develop site specific reclamation plans and consult with CDOW on seed mixes, apply seed most effectively during the late fall and early winter. Reclaim all exposed soils using native seed mixes and forbs to return landscape productivity. Consider retaining a percentage of native live plants for future replanting.
- S1-33 • Assess reclamation success at least annually through photo documentation, vegetation plots, documentation of invasive weeds and erosion. Evaluate reclamation in different areas that represent different elevations, vegetative communities, slope aspects and water proximity.
- S1-34 • Consult with CDOW on wildlife habitat enhancement opportunities and create plans to implement improvements. Wildlife habitat improvements could include water, grazing management, vegetation, installation or removal of fences, vegetative treatments, interseeding, controlled burns, replanting, etc.
- S1-35 • Compile maps containing wildlife information including mule deer, elk, sheep, sage grouse, raptor, wildlife usage etc. Survey for wildlife issues prior to development. Plan around issues accordingly.
- S1-36 • Monitor and map wildlife presence or usage areas. Document using photographs, maps and annual reports as to deer and elk usage. Identify locations of native fish (Cutthroat trout) and consider stream habitat improvements. Compile information on maps to track changes and document occurrences.
- S1-37 • Mitigate impacts to streams by controlling erosion and sedimentation, and managing storm water. Reclaim sites as quickly as possible to restore vegetation and control erosion.
- S1-38 • Apply certified weed free mulch to reclaimed areas to preserve seed and maintain soil moisture.
- S1-39 • Allow no pets on site or at man camps and report feral animals to County Animal Control Officers.
- S1-40 • Design and install culverts to ensure adequate size for coursing water. Protect inlets and install energy dissipation structures at outlets to protect drainages from erosion and sedimentation. Consult with CDOW to evaluate habitat to determine if bridges or low water crossings that permit fish passage may be appropriate structures.
- S1-41 • Consider off site mitigation opportunities to reduce environmental effects from development.

- S1-23 To minimize impacts on transportation and traffic, Rockies Express would develop a Traffic and Transportation Management Plan and TransColorado would coordinate with contractors to restrict travel on roads not suitable for heavy construction traffic and on any unpaved roads if they are excessively wet and muddy, until conditions allow use without rutting.
- S1-24 See response to comments S1-22 and S1-23.
- S1-25 See response to comment S1-23.
- S1-26 Private and public property, such as fences, gates, driveways, and roads disturbed by the pipeline construction would be restored to original or better condition.
- S1-27 See response to comments S1-2 and S1-11.
- S1-28 See response to comment S1-17.
- S1-29 See response to comment S1-17.
- S1-30 With both Applicants' adherence to applicable laws and regulations, proposed mitigation, and our additional mitigation recommendations, we believe that post-construction issues outlined in this comment would be met.
- S1-31 See response to comment S1-14.
- S1-32 See response to comment S1-14.
- S1-33 Both Applicants have proposed various mitigation plans that include monitoring and assessment of success. We have recommended additional measures.
- S1-34 Rockies Express will consult with the CDOW about the issues in question and provide FERC with documentation when available.
- S1-35 Both Applicants have been and will continue to consult with the appropriate federal and state agencies to obtain information about wildlife. Also see response to comment S1-5.
- S1-36 Both Applicants have been and will continue to consult with the appropriate federal and state agencies to obtain information about fishery resources.
- S1-37 Both Applicants would mitigate impacts on waterbodies by adhering to the measures contained in their Procedures and our additional recommendations. A discussion on waterbody impacts and mitigation is included in sections 2.3.2, 4.3.1.2, and 4.3.2.2.
- S1-38 See response to comment S1-14.
- S1-39 Comment noted.
- S1-40 See response to comment S1-37.
- S1-41 Both Applicants have been and will continue to consult with the appropriate federal and state agencies in the development of various mitigation plans.

In summary we feel that it is beneficial to enable the flow of gas to be reversed in the TransColorado pipeline, especially if it reduces the need for additional pipeline ROW disturbance. Thank you for consideration of our comments.

Sincerely,



Ron D. Velarde
NW Regional Manager

Cc: Scott Hoover
K. Kaal

State (S1)

K-167



WYOMING GAME AND FISH DEPARTMENT

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December 27, 2006

WER 10736
Federal Energy Regulatory Commission
Draft Environmental Impact Statement
Rockies Express Western Phase Project
Docket No. CP06-354-000, CP06-401-000, and
CP06-423-000

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

Dear Ms. Salas:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement for the Rockies Express Western Phase Project. We offer the following specific comments for your consideration.

Terrestrial Considerations:

- S2-1 | **Table 4.5.1-1 and Page 4-82:** Northern bobwhite are incorrectly listed as being present in Wyoming. They should be removed from this list for Wyoming.
- S2-2 | **Page 4-81:** Our Department does not "oversee" or manage land, unless the Wyoming Game and Fish Commission specifically owns the land. By statute, we are authorized to manage fish and wildlife populations.
- S2-3 | **Page 4-81 (4th Paragraph):** We suggest changing the last sentence to read "although this can be adjusted..." to "through consultation with the BLM and the WGFD, these dates may be adjusted if vegetation condition, weather, or the animal's condition are suitable." Exceptions are granted if these conditions are met, and our Department does not necessarily and unequivocally agree with a blanket statement that these dates can simply be "adjusted."
- S2-4 | **Page 4-81 (5th Paragraph):** The second to the last sentence in this paragraph refers to a letter sent to Kerry Malone on July 10, 2006. This letter specifically refers to a small portion of the mainline pipeline in southeastern Laramie County, a receipt meter station, lateral compressor station and five miles of pipeline at Echo Springs, and a compressor station at Wamsutter. The way this sentence is written, it implies we have no concerns with the entire pipeline, which is incorrect. Our specific concerns have been expressed in numerous letters. Please re-word this sentence to reflect this information.

State (S2)

- S2-1 | Text in table 4.5.1-1 has been modified to address the comment.
- S2-2 | Text in section 4.5.1.2 has been modified to address the comment.
- S2-3 | Text in section 4.5.1.2 has been modified to address the comment.
- S2-4 | Text in section 4.5.1.2 has been modified to address the comment.

K-168

State (S2)

Ms. Magalie R. Salas
December 27, 2006
Page 2 – WER 10736

S2-5 | **Page 4-89:** After the second bulleted item “The opened trench would be regularly inspected for trapped animals,” we suggest adding, “Any injured or deceased animal(s) will be reported to the WGFD.”

S2-6 | **Page 4-89:** We recommend changing the third bulleted statement to strike the word “remove” and add this statement following that sentence: “Any injured or deceased animal(s) will be reported to the WGFD prior to removal.”

S2-7 | **Page 4-123:** The peregrine falcon is also a species of concern in Wyoming.

Table 4.7-3: Most of the BLM special status species are also classified by our Department as “Species of Greatest Conservation Need,” an updated classification of the Native Species Status (NSS) codes used previously.

To minimize impacts to terrestrial wildlife, we recommend the following:

- S2-8 |
- Reclamation contractors should investigate and plant forb species that are beneficial to sage-grouse and big game species. Reclamation plans should prepare for use by livestock (especially in drought years) and make sure that reclamation is successful.
 - Avoid disturbance to sage-grouse nesting habitat during late spring and early summer (May 15-July 1).
 - Open trenches should include ramps at regular intervals to allow animals a way to escape.
 - Workers should not carry or possess firearms at worksite or in camps.
 - Workers should not “camp out” along or near project area.
 - Contractors should keep all trash picked up along the route during and after construction.

Aquatic Considerations:

If Federal Energy Regulatory Commission and Wyoming Department of Environmental Quality regulations are strictly followed, we do not foresee any long-term impacts to the aquatic resources.

Thank you for the opportunity to comment.

Sincerely,


JOHN EMMERICH
DEPUTY DIRECTOR

JE:VS:gb

cc: USFWS

S2-5 Text in section 4.5.3.1 has been modified to address the comment.

S2-6 Text in section 4.5.3.1 has been modified to address the comment.

S2-7 Text in section 4.5.3.1 has been modified to address the comment.

S2-8 Both Applicants have been and will continue to consult with the appropriate federal and state agencies in the development of various mitigation plans.

K-169

ORIGINAL



BILL RICHARDSON
GOVERNOR

State of New Mexico
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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

DEC 12 P 2:29
RECEIVED
SECRETARY

December 6, 2006

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

Dear Ms. Salas:

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT: ROCKIES EXPRESS
WESTERN PHASE PROJECT — TRANSCOLORADO GAS TRANSMISSION
COMPANY; DOCKET NO. CP06-401-000; FERC/EIS – 0203D; NOVEMBER 2006

This transmits New Mexico Environment Department (NMED) comments concerning the above-referenced Draft Environmental Impact Statement (DEIS).

SURFACE WATER QUALITY

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges from construction projects (common plans of development) that will result in the disturbance (or re-disturbance) of one or more acres, including expansions, of total land area. This DEIS appears to address only construction of a compressor station near Blanco, NM. As mentioned in Table 15-2 of the DEIS, because this project may exceed one acre (including staging areas, etc.), it may require appropriate NPDES permit coverage prior to beginning construction (small, one - five acre, construction projects may be able to qualify for a waiver in lieu of permit coverage - see Appendix D).

S3-1

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow velocity from the

S3-2

State (S3)

S3-1

See table 1.5-1 for all major permits. TransColorado would be required to comply with all applicable federal and state permit programs.

S3-2

TransColorado has prepared a Spill Prevention and Response Plan (SPR Plan). This plan addresses preventative and mitigative measures that would be used to avoid or minimize the potential impacts of hazardous material spills during construction and specifies preventative measures such as spill training for construction personnel.

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State (S3)

Magalie R. Saias
December 6, 2006
Page 2

construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 9.C.1)

S3-3 | You should also be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications (probably TransColorado Gas Transmission Company in this case), the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

S3-3 | Comment noted.

The CGP was re-issued effective July 1, 2003 (see **Federal Register/Vol. 68, No. 128/Tuesday, July 1, 2003** pg. 39087). The CGP, Notice of Intent (NOI), Fact Sheet, and Federal Register notice can be downloaded at: <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

S3-4 | Please be advised that the CGP does not allow discharges of hydro-static test waters, treated effluent, or most other "non-storm water" discharges. These types of discharges require individual NPDES permit coverage.

S3-4 | Comment noted. Also, see response to comment S3-1.

AIR QUALITY

The Blanco Hub portion of this project is located in San Juan County, New Mexico. San Juan County is considered to be in attainment for all New Mexico and National Ambient Air Quality Standards.

The Four Corners region is rich in coal and oil & gas reserves. Oil & gas production and coal-fired power plants result in large emissions of air pollution that may be degrading air quality. Specific concerns include National Ambient Air Quality Standards (NAAQS), Prevention of Significant Deterioration (PSD) increment compliance, and degradation of visibility and increased deposition.

S3-5 | Cumulative affects resulting from drilling and transporting of natural gas could increase future background levels of pollutants in the area, which include concentrations of ozone in San Juan County. Analyses have shown that gas development may reduce visibility in nearby Class I areas.

S3-5 | Cumulative impacts from oil and gas development are discussed in sections 4.13 and 4.13.9.

The NMED administers a voluntary emission reduction program known as San Juan Voluntary Innovated Strategies for Today's Air Standards (VISTAS). The purpose of San Juan VISTAS is to identify, promote, and implement cost-effective technologies and Best Management Practices (BMPs) to reduce ozone precursor emissions (oxides of nitrogen and volatile organic compounds) in northwestern New Mexico. San Juan VISTAS is now open to companies in the oil and gas exploration and production industries in San Juan, Rio Arriba,

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State (S3)

Magalie R. Saias
December 6, 2006
Page 3

and Sandoval Counties. Companies that participate in the program are recognized by NMED. For more information about the VISTAS program, go to <http://www.nmenv.state.nm.us/aqb/projects/SJV/index.html>.

The States of New Mexico and Colorado have convened an Air Quality Task Force to work on the air quality issues and challenges facing the Four Corners region. The Four Corners Air Quality Task Force is a multi-entity effort being formed to look at air quality issues in the Four Corners region. It will develop a broad list of options for improving air quality in the region. Membership will include community members, interest groups, local governments, industry, tribes, state and federal agencies. The Task Force will work over a two-year period, making its final report available by December 2007. For more information on the Four Corners Air Quality Task Force, go to <http://www.nmenv.state.nm.us/aqb/4C/index.html>. The proper air quality permits will need to be obtained from the NMED Air Quality Bureau for the New Mexico portion of this project.

S3-6

Potential exists for temporary increases in dust and emissions from earthmoving, construction equipment, and other vehicles, however the increases should not result in non-attainment of air quality standards. Dust control measures should be taken to minimize the release of particulates due to vehicular traffic and construction. Areas disturbed by the construction activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust.

S3-6

Potential mitigation measures used by TransColorado for fugitive dust control include watering of the construction sites, if necessary, and minimizing soil disturbances to areas necessary for construction. The project would follow state and local requirements for dust control on roads and excavated surfaces.

S3-7

All asphalt, concrete, quarrying, crushing, and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

S3-7

Comment noted.

S3-8

The Blanco Hub compressor station is subject to applicable New Mexico air quality regulations.

S3-8

TransColorado would adhere to all state air quality regulations.

S3-9

If a standby generator is used, be advised that records should be kept of the hours of operation of the generator. An application for a construction permit must be submitted for standby generators used 500 hours per year or more.

S3-9

Comment noted.

With the use of best available control technologies the impacts from this project should be minimal.

We appreciate the opportunity to comment on this document. Please let us know if you have any questions.

Sincerely,



Ron Curry
Secretary

NMED File No. 2375ER

K-172

ORIGINAL

GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson, Ph.D.

Tod Stevenson, Deputy Director

December 12, 2006

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

Re: OEP/DG2E/Gas 1 TransColorado Gas Transmission Company Docket No. CP06-401-000;
NMGF Project No. 11142

Dear FERC:

In response to your correspondence, the New Mexico Department of Game & Fish (NMGF) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Rockies Western Phase Project. The Project is a set of interconnected facilities that are components of a larger, combined natural gas transportation system. Only one component of the Project, the TransColorado (Blanco to Meeker), would be constructed and operated partially within the state of New Mexico. Therefore, as a state agency, our comments are limited to that portion of the TransColorado project which is located in New Mexico. Namely that portion consists of one new compressor station (Blanco Compressor Station) and 2230 feet of various associated pipeline to accomplish connection to existing facilities. This project will cause 9.3 acres of surface disturbance, of which 4.1 acres will be permanent. No site visit was conducted by NMGF staff in connection with this project consultation.

1. The DEIS in Section 4.2.2 identifies the soils in the project area as highly susceptible to erosion by both wind and water. NMGF supports the FERC staff recommended mitigation that topsoil stockpiles should be treated with water or tackifier to maintain a soil crust and minimize erosion, and the operator's plan to cover the permanent disturbance with gravel. The operator should also adhere to FERC Upland Erosion Control, Revegetation and Maintenance Plan component F.3.c., pertaining to mulch before seeding if revegetation cannot be accomplished immediately following completion of construction activities. DEIS Appendix F, Agency-Recommended Seed Mixes, does not include a proposed seed mix for the TransColorado project. The project proponent should submit a proposed mix of native plant seed before approval is granted to proceed.
2. The DEIS in Section 4.5.3.1 lists trenching precautions for the Overthrust project that will minimize direct impact to wildlife via trapping hazard. Similar practices should be used for the TransColorado project as well. NMGF recommends that FERC strongly consider adopting these best trenching practices as standard for all pipeline projects.
3. The DEIS on Table 4.7.2 identifies two special status plant species that were observed on or near the Blanco Compressor Station site. The beautiful gilia (*Gilia formosa*) was found 70 feet away, and the

STATE GAME COMMISSION

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Tijeras, NM

M. H. "Dutch" Salmon, Commissioner
Silver City, NM

DEC 22 0 55 PM '06
FEDERAL ENERGY REGULATORY COMMISSION

State (S4)

K-173

S4-1

S4-1

Comment noted.

S4-2

S4-2

TransColorado has contacted the BLM, which has recommended a seed mix for use at the Blanco Compressor Station. See section 4.4 and table 4.4.2-2 of the final EIS.

S4-3

S4-3

Comment noted.

S4-4

S4-4

TransColorado personnel and contractors would avoid areas where these plants are located. Also, see section 4.7.2.2 of the final EIS.

Ms. Magalie R. Salas

Page -2-

Dec 12, 2006

State (S4)

S4-4
(con't)

project footprint was adjusted to avoid direct impact on individuals of Brack's fishhook cactus (*Sclerocactus cloveriae* ssp. *brackii*). NMGF recommends that the area where these plants were found should be flagged prior to and throughout the construction period, using a unique color, in order to avoid inadvertent direct impact.

S4-5

4. The analysis of potential impact to special status species, in Section 4.7.2, is not complete. A number of species which are listed by NMGF as Threatened or Endangered under the state Wildlife Conservation Act, or which are considered sensitive by NMGF biologists, are neither considered in the DEIS nor eliminated from consideration due to lack of habitat. Another copy of the San Juan County Wildlife of Concern list is enclosed for your reference. That section of the DEIS should be rewritten to include all New Mexico special status species. In particular, the project area seems to contain nesting habitat for mountain plover (*Charadrius montanus*, NM sensitive and FWS Species of Concern), which nests on the ground in locations with sparse vegetation, and the gray vireo (*Vireo vicinior*, NM Threatened), which nests in juniper woodland. An estimated 60-80 junipers will be cut from the Blanco Compressor Station site, during the planned project duration from May to October 2007. In addition to the FERC staff recommendation of raptor surveys within one mile of the project, the site should be surveyed for these two species prior to disturbance. If any are found, please contact NMGF and consider delaying construction until the young have fledged or the nesting season is over.

S4-5

According to John Kendall, Wildlife Biologist for the BLM, Farmington Field Office, there is no occurrence or preferred habitat for the mountain plover at the Blanco Compressor Station site. TransColorado has agreed to conduct surveys for the gray vireo. See section 4.7 and table 4.7-2.

Thank you for the opportunity to comment on this draft Environmental Impact Statement. If there are any questions please contact Rachel Jankowitz at (505) 476-8159 or rjankowitz@state.nm.us.

Sincerely,



Lisa Kirkpatrick, Chief
Conservation Services Division

cc: Acting Ecological Services Field Supervisor, USFWS
Mark Olson, NW Area Habitat Specialist, NMGF

K-174

State (S4)

**NEW MEXICO WILDLIFE OF CONCERN
SAN JUAN COUNTY**

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at <http://www.fws.gov/nw2ee/NewMexico/SBC.cfm>. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to <http://nmrareplants.unm.edu/>. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information.

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Roundtail Chub	Gila robusta	E	SOC	
Colorado Pikeminnow	Ptychocheilus lucius	E	E	Y
Razorback Sucker	Xyrauchen texanus	s	E	Y
California Kingsnake	Lampropeltis getula californiae	s		
Brown Pelican	Pelecanus occidentalis	E		
Bald Eagle	Haliaeetus leucocephalus	T	T	
Northern Goshawk	Accipiter gentilis	s	SOC	
Peregrine Falcon	Falco peregrinus	T	SOC	
Mountain Plover	Charadrius montanus	s	SOC	
Least Tern	Sterna antillarum	E	E	
Black Tern	Chlidonias niger surinamensis		SOC	
Yellow-billed Cuckoo	Coccyzus americanus	s	C	
Mexican Spotted Owl	Strix occidentalis lucida	s	T	Y
Burrowing Owl	Athene cucularia		SOC	
Black Swift	Cypseloides niger	s		
Broad-billed Hummingbird	Cynanthus latirostris	T		
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y
Loggerhead Shrike	Lanius ludovicianus	s		
Gray Vireo	Vireo vicinior	T		
Baird's Sparrow	Ammodramus bairdii	T	SOC	
Western Small-footed Myotis Bat	Myotis ciliolabrum melanorhinus	s		
Yuma Myotis Bat	Myotis yumanensis yumanensis	s		
Little Brown Myotis Bat	Myotis lucifugus carissima	s		
Long-legged Myotis Bat	Myotis volans interior	s		
Fringed Myotis Bat	Myotis thysanodes thysanodes	s		
Long-eared Myotis Bat	Myotis evotis evotis	s		
Spotted Bat	Euderma maculatum	T		
Pale Townsend's Big-eared Bat	Corynorhinus townsendii pallescens	s	SOC	
Big Free-tailed Bat	Nyctinomops macrotis	s		
Yellow-bellied Marmot	Marmota flaviventris	s		
Gunnison's Prairie Dog	Cynomys gunnisoni	s		
Red Fox	Vulpes vulpes	s		
Western Spotted Skunk	Spilogale gracilis	s		

K-175



Missouri Department of Conservation
Headquarters
2901 West Truman Boulevard, P.O. Box 180
Jefferson City, MO 65102-0180

John D. Hoskins, Director

December 27, 2006

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

RE: FERC Dockets # CP06-354-000, CP06-401-000, and CP06-423-000
Rockies Western Phase Project—Draft Environmental Impact Statement (DEIS)

Motion to intervene—out of time request due to computer filing issue

The Missouri Department of Conservation (MDC) is responsible for fish, forest, and wildlife resources in Missouri. As such, we actively participate in regulatory project reviews when projects might affect those resources, such as the Rockies Express Pipeline Project (REX). MDC has provided natural resource information along with recommendations throughout the FERC pre-filing process to REX and most of our concerns have been addressed in the DEIS document.

MDC is still concerned regarding the proposal to use open-cut trench method to cross the Grand (~220 ft.) and the Chariton Rivers (>180 ft.). MDC would recommend REX to evaluate the use of a Horizontal Directional Drill (HDD) method for both rivers. It is MDC's belief that the use of the HDD method would have less environmental impacts to streambed degradation, adjacent wetlands and riparian communities and to the fisheries (Pallid Sturgeon, a federally endangered species have been caught in the Grand River watershed). Open trench or dam and pump methods, if employed on the perennial stream crossings in Missouri, may have more than short-term environmental impacts. These crossings will largely be mixed alluvial sediments (silts and fine sands) and the stream bottoms may be more susceptible to headouts and erosional instability, if backfilling is not done properly. Backfilling the trench with large rock or riprap and keying the rock into the banks will make the crossings more stable, both short and long term. If open trench methods were still pursued, MDC would appreciate the opportunity to review and comment on the site-specific plans filed with FERC, including plans at the Missouri River crossing. MDC is concerned about an open cut option at the Missouri River; as any construction method proposed, other than HDD, may jeopardize the current boat ramp, constructed with federal dollars.

MDC is also concerned about hydrostatic testing using surface water withdrawals, if river levels continue to remain low due to drought conditions. Currently many of the identified source streams (e.g., Missouri and the Grand River) in Missouri are at or near historic levels. MDC would recommend that REX have mitigation procedures providing for a reasonable in-stream flow (for aquatic life support), based on stream gage data, or consider an alternative source or testing procedure. Mitigation procedures should also address the potential to introduce and spread aquatic nuisance species, if interbasin transfers of water are allowed.

We endorse the recommendation that REX prepare a noxious weed control plan (DEIS p. 4-70). MDC would recommend that the plan include similar procedures on dealing with aquatic nuisance species (e.g. Zebra Mussel).

SUBMITTED BY:

/s/

DOYLE F. BROWN
POLICY COORDINATOR

State (S5)

K-176

S5-1

S5-2

S5-3

S5-1

S5-2

S5-3

Rockies Express is currently evaluating the use of HDD to cross the Grand and Chariton Rivers. Rockies Express' current proposal for the crossing of the Missouri River is to use HDD. We have recommended in section 4.7 that Rockies Express not begin a non-HDD crossing of the Missouri River until the Commission staff evaluates the potential impact of a non-HDD crossing of the Missouri River and the Director of OEP notifies Rockies Express in writing that it may proceed with an alternative river crossing method.

Rockies Express is currently in the process of filing permit applications for hydrostatic test water, and would adhere to all permit conditions for maintenance of reasonable in-stream flow for aquatic life support. Rockies Express is also working to locate alternate sources for hydrostatic test water. In addition, Rockies Express states it would work with permit agencies to avoid the spread of nuisance species.

Rockies Express would work with uptake/discharge permit agencies to resolve or avoid any issues raised about the transport of nuisance species, including the zebra mussel where it is of concern.

State (S6)



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

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2007 JAN -3 P 4: 29

FEDERAL ENERGY
REGULATORY COMMISSION

CP06-354-000
CP06-401-000
CP06-423-000

December 19, 2006

Magalie Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Rockies Express Western Phase Project, Draft Environmental Impact Statement

Dear Ms. Salas:

The Nebraska Department of Environmental Quality (NDEQ) has reviewed the above referenced project. As with any facility, permits may be required prior to beginning construction or operation. At minimum, you should be aware of the possible requirement for the following permits:

	Contact	Phone
Air Quality Construction	AQC Hotline	(800) 834-0474
Open Burning	Donnie Zach	(402) 471-4212
Integrated Solid Waste Management	Jim Harford	(402) 471-8308
Construction/Industrial Storm Water	Donna Garden	(402) 471-1367

You should include statements regarding the following in your environmental assessment:

- Dust emissions must be controlled throughout the construction project (Title 129, Chapter 32).
- Using open burning for the disposal of trees, brush, vegetation and untreated lumber would need approval by the Director of NDEQ per Nebraska Air Quality Regulations, Title 129, Chapter 30).

K-177

S6-1

S6-2

S6-3

S6-1

A list of major permits for the REX-West Project can be found in table 1.5-1.

S6-2

Control of fugitive dust emissions during construction is discussed in section 4.11.1.2. We have recommended that Rockies Express file documentation identifying the sources and estimated amount of water to be used for dust control measures.

S6-3

All trees and brush would be removed and disposed of in accordance with all local regulations.

State (S6)

- S6-4
- Building demolition would be subject to Nebraska Air Quality Regulations regarding both open burning (Title 129, Chapter 30) and asbestos (Title 129, Chapter 23). The Nebraska Department of Health and Human Services (HHS) regulations also contain asbestos requirements; contact Doug Gillespie at (402) 471-0548.
 - Building debris and waste materials must be deposited at a licensed solid waste (or construction and demolition waste) management facility (per Integrated Solid Waste Management Regulations, Title 132).

S6-5

Until further along in the planning process, it is unknown whether there may be additional regulatory requirements. Additionally, we would recommend you check with the U.S. Army Corps of Engineers concerning the need for a 404 permit if any wetlands are impacted.

We strongly urge the project sponsors to make contact with the Department. It has been our experience that early and open communication helps facilitate the permitting process.

If you have questions about the permitting process, or any other questions, feel free to contact me at (402) 471-8697.

Sincerely,



Hugh Stirts, PhD
NEPA Coordinator

S6-4 All demolition and disposal would be done in accordance with all local regulations.

S6-5 All major permits for the REX-West Project can be found in table 1.5-1.

ORIGINAL

2210 The Knolls
Lincoln, NE 68512
December 27, 2006

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St. NE, Room 1A
Washington, D.C. 20426

FILED
OFFICE OF THE
SECRETARY
DEC 28 A 11:37
FEDERAL ENERGY
REGULATORY COMMISSION

Re: Environmental Comments on Rockies Express Pipeline
Docket No. CP06-354-000, CP06-401-000, and CP06-423-000
Alternate Route Should be Taken to Avoid Wetlands and Springs
In Nemaha County, Kansas in the
Northwest Quarter of Section 6, Township 2S, Range 11E

To the Federal Energy Regulatory Commission:

When will there ever be a case where the Federal Energy Regulatory Commission protects wetlands and springs if this is not it?

There is no dispute that:

- 1) my property contains wetlands right where Rockies wants to run their pipeline;
- 2) there is water flowing from these wetlands and springs into two ponds; and
- 3) when the hydrologist hired by Rockies Express (REX) hand dug holes in both wetlands areas on October 30, water was reached at 26" to 30" and the water rose in both holes during the time they were being dug.

On December 13, 2006, REX delivered copies of a report by ENSR Corporation to both me and David Swearingen, Project Manager for the Federal Energy Regulatory Commission. This report was commissioned by REX. Looking at the report by ENSR Corporation, it is clear that:

1) there will be an impact on the property during construction and ENSR thinks the impact will last for weeks or months. (Page 4-2, 3rd full paragraph.) In the far west wetlands, the report indicates that "the three-foot cover depth would obstruct flow between the depths of 3.0 to 5.5 feet bgs." (Page 4-2, first full paragraph.) This finding in ENSR's report actually supports the need for an alternate route around the wetlands rather than the one proposed by Rockies Express.

2) "It is possible that highly-localized sand lenses also have a role in supplying groundwater" to the springs, ponds and streams and that "[v]ery thin sand lenses were present in Boring W3 . . ." (Page 4-1, paragraph 4 of ENSR's report.) As a matter of fact, these thin layers were less than 6". This was in Mr. Burrell's handwritten field notes, which I copied, but this is not specifically mentioned in the typed report. No one is stating they can or will

K-179

General (G1)

Magalie Salas, Secretary
December 27, 2006
Page 2 of 3

replace the soil in exact layers that are less than 6". Again, I think this shows the need to reroute the pipeline so these thin layers are not disturbed.

3) while the report indicates that there will be no permanent effect on the existing springs, seeps, and perennial streams on the property, how much the property is affected is dependent upon several factors which may or may not occur and the outcome is not certain.

A) REX should not trench deeper than the hand-augered soil samples since the report mentions that "more transmissive zones may exist at greater depths than those reached by the shallow borings of this investigation . . ." (Page 4-1, paragraph 4.) The report specifically notes that "deeper borings may have been desirable, particularly at the drainage crossings [wetlands]." (Page 3-1, Paragraph 3.) If REX were to trench too deeply, no one knows what lies below.

B) ENSR is recommending that there has to be a minimum of three feet of cover. (Page 4-2, Paragraph 5) So the trenching can't be too deep, and it can't be too shallow, and even with three feet of cover the flow in the west wetland will be affected as already noted.

C) There must be protective measures which must be properly done. ENSR is recommending protective measures of trench breakers. (Page 4-1, paragraph 5.) ENSR is also recommending "to the extent possible" the salvaging certain soils, and subsequent replacement of certain soils in the surface and near surface. (Page 4-1, paragraph 5.) What does "to the extent possible" truly mean? It is really doubtful that the soils will be replaced in the same manner they are taken out due to the thin layers of top soil, and very thin lenses and stratas contained in the soil. If clay is mixed with the topsoil and thin lenses of sand, the water is almost certainly not going to be able to move in the same manner that it currently does.

There has only been a limited study of this wetlands and spring system. There is an element of uncertainty here about how much water is under the ground and the source of the water. There is an element of uncertainty that the project will be performed in a way that will not damage the water resources. ENSR's report admits a "temporary" impact and admits that flow in the first wetlands to the west will be obstructed. The "temporary" impact could turn out to be much more substantial. This would be extremely detrimental to the property to lose a source of fresh water, and detrimental to the wildlife which are also accustomed to using this wetlands environment for fresh water. Evidence of animals having bedded down in the native grass by the springs and ponds was apparent during the on-site visits made with REX agents on May 22, October 30, and December 14, 2006.

The Federal Energy Regulatory Commission should also consider the cumulative impact of allowing the REX to place their pipeline in this location. There is another pipeline, TransCanada Keystone, which will be following this route. Their engineer has told me if REX moves its pipeline, then TransCanada will also reroute their pipeline. If REX does not move its pipeline, neither will TransCanada. The impact of having the wetlands torn up twice is twice as likely to have a substantial impact.

It should not be assumed there is no environmental risk to the wetlands and springs simply because there is an existing pipeline on the property. The existing Platte Pipeline (now owned by Terasen) was placed on the property over 50 years ago. This was before the

K-180

G1-1

G1-2

G1-3

General (G1)

G1-1

Comment noted. FERC staff has reviewed the referenced report and considered the information in our analysis of the pipeline route in this area. Based on this analysis, we are recommending that a route variation be adopted in this location. See our discussion in section 3.4 of the EIS.

G1-2

Cumulative impacts are discussed in section 4.13 of the EIS. However, the FERC has no jurisdiction over the proposed Keystone Oil Pipeline project.

G1-3

Construction of natural gas pipelines often requires the crossing of wetlands and waterbodies, and does not typically result in adverse impacts to these resources.

Magalie Salas, Secretary
December 27, 2006
Page 3 of 3

kind of environmental regulatory review that exists today. The right-of-way used by the Platte Pipeline, for which federal certificate approval was never required, provides absolutely no federal regulatory assurance that environmental issues associated with the specific route were satisfactorily addressed. Furthermore, that pipeline was laid on top of the ground through the wetlands area, and Rockies Express would be trenching it in. The two installation methods, and their effects on the wetlands and springs, are totally different.

G1-3
(con't)

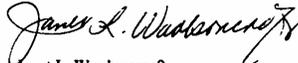
I think it is clear there is a substantial risk to these wetlands. Wetlands are intended to be protected under the National Environmental Policy Act of 1969 (NEPA). No one can guarantee that the wetlands, springs and ponds will be in the same condition after construction as before construction if trenching through the wetlands is allowed. This property is unique. The water on this property is a valuable resource. The only way to guarantee there will be no effect on the wetlands, springs and ponds is to move the pipeline route to avoid the wetlands.

The Federal Energy Regulatory Commission has identified an alternate route in the draft environmental impact statement at figure 3.4-2 on page 3-15. This alternate route would be acceptable to me, although Rockies Express has not agreed to it. My husband and I have also proposed an alternate route to Rockies, moving the pipeline 80 to 100 feet north of our south boundary line, which would miss all of the wetlands. This would require moving the pipeline to the south 800 to 900 feet at most, and less than that as the pipeline goes east. This is a short distance in order to protect an environmentally sensitive area. We feel either of these alternative routes would be preferable to Rockies proposed route through the wetlands. The cost of moving the pipeline a few hundred feet south would be nominal compared to the overall cost of the entire project. This is not a major change; it is a minor change. There is no justification for disturbing a valuable, environmentally sensitive area when there is an alternative. The proposed alternative routes might actually be easier to trench, because Rockies will not be faced with dewatering the trenches if an alternative route is selected outside of the wetlands. It offers less disturbance to wildlife, and much less risk of damaging the wetlands.

G1-4

For all of the foregoing reasons, I would respectfully request the Federal Energy Regulatory Commission to order Rockies Express to use an alternative route to avoid the wetlands on this property and the potential impact to springs and spring-fed ponds attached to the wetlands.

Sincerely,


Janet L. Woolsoncroft

K-181

General (G1)

G1-4

We have conducted a review of a route variation in this location to address concerns related to the specific wetland communities on the Woolsoncroft property. See section 3.4 of the EIS for our analysis of a route variation and our recommendation that Rockies Express modify the proposed route in this location.

 ORIGINAL

December 14, 2006

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

RECEIVED
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SECRETARY

2006 DEC 19 P 4: 59

Reference Docket Nos. CP06-354-000, CP06-401-000, and CP06-423-000

I am writing in regards to the above mentioned dockets. Our family has land in Nemaha County, Kansas, directly impacted by REX Pipeline. I have several concerns regarding its placement and guidelines.

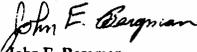
G2-1 | I would like the pipeline to have at least 4 foot of ground cover. The old Platte Pipeline that was installed in 1952 runs through our pasture and farm ground. Over the years the ground above the pipeline has settled 10-12 inches in the pasture. I am wondering how much cover is left on the ground that I farm. If the current pipeline is to be placed only 3 foot deep, in future years it will only be 2 foot deep. For a 42 inch pipeline, that is not very deep and could cause major problems. Five to eight years ago Platte had to repair the pipeline on our property. They dug 4 holes in our pasture and farm ground. There are now sink holes at two sites and one other site the terrace won't drain. We have asked Platte to fill in the low places in past years and we were told we had already been paid for damages and it was not their problem. We don't want that to happen with the REX pipeline.

G2-2 | With the current farm program we have to control erosion. The one farm involved is classified as highly erodable land. We would like REX pipeline to be responsible for controlling the erosion also.

I gave REX permission to survey the proposed pipeline, and they left their survey markers in the farm ground and pasture. I did not mind them being left in the fence lines, but I had to remove them from the pasture and farm land before I could plant this spring. I should never have to clean up after them at any time, present or future.

If I had my choice, I would want the pipeline to go around our land. It is a major headache dealing with everything involved. It devaluates the land and restricts what we can and cannot do on the property forever. Our taxes are the same as the guy across the road that doesn't have to deal with the pipelines. The pipelines pay no property tax in our county and probably not our state.

Thank you.


John E. Bergman
1029 136th Road
Seneca, Kansas 66538

General (G2)

G2-1 | The burial depth of pipelines is regulated by the DOT. The DOT requires that pipelines of this type be buried a minimum of 30 inches deep. Rockies Express has committed to a minimum depth of cover of 36 inches in normal soils. Further, Rockies Express states that it is continuing to negotiate easements with landowners and has offered 4 feet of cover to those landowners that have requested additional depth of cover. Following construction, Rockies Express has committed to actively monitoring depth of cover in agricultural areas through monthly aerial surveillance, pedestrian surveys, and implementation of a landowner outreach program to assist in the identification of erosion or other maintenance issues. See our discussion of depth of cover in section 4.2 of the EIS.

G2-2 | Rockies Express would be required to restore the right-of-way to pre-construction condition following installation of the pipeline. Following construction, Rockies Express would monitor the right-of-way to identify problem areas, including instances of erosion, and would make repairs as necessary.

K-182

General (G3)

 ORIGINAL

December 26, 2006

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

FILED
OFFICE OF THE
SECRETARY
2007 DEC -3 A 9 39
FEDERAL ENERGY
REGULATORY COMMISSION

Reference Docket Nos. CP06-354-000

Neta D Crutchfield
Jerry D Crutchfield
1320 County Road 2150
Huntsville MO 65259

To the Federal Energy Regulatory Commission,

I live in Randolph County Missouri at proposed Rex-West project mile point 665.93. This site is shown on page G-23 of appendix G site-specific construction plans for residential structure within fifty feet of Rex-West projects, in Draft Environmental Impact Statement. FERC/EIS - 0203D

The plan on page G-23 has several inconsistencies. The mobile home mentioned is 28' X 56' with a 40' X 24' stick built addition that is only 70 feet from the existing Platte Pipe Line not 95' as drawn. The water body shown as pond has 9 1/2 acre surface, is 26 feet deep, the dam is over 700 feet long. No consideration is given in this draft to crossing the 280 foot arm of the lake that will be approximately 12- 14 feet deep. This process will need additional area south of the right of way shown. Also to the east of the lake the easement and temporary easement will destroy 200 trees and a shelter house that are part of a three family recreational area, having a dramatic visual effect on these properties.

Immediately leaving this project planned area the pipe line will dig a drill pit and directional drill approximately 200 feet under a driveway and a perpetual care public pet cemetery.

I have proposed at a scoping meeting in Mexico Missouri and again in an environmental impact meeting in Moberly Missouri on December 14, 2006 that the pipe line has an existing power line right of way 300 feet north of this site as an alternate route.

An on site meeting on December 15, 2006 with David Swearingen, Project Manager Federal Energy Regulatory Commission, Jay Muschenweim, Environmental & Project Manager Rex-West Pipe Line and myself were present. Mr Muschenweim admitted at this time no final plans were available to show the expected plan and route.

Thank you for your comment. We acknowledge that the residential construction plan for this property provided by Rockies Express and presented in the EIS may not include all of the current features located on this property. However, we have recommended that Rockies Express reroute the pipeline in this location to avoid impacts to the residence and other features on this property. Final routing in this area would be subject to the approval of the Director of OEP prior to construction. See our discussion of a route variation on this property in section 3.4 of the EIS.

K-183

G3-1

G3-1

General (G3)

G3-1
(con't)

I would like very much to have an alternative route some 300 feet north of the existing Platte pipe line considered as an alternative to the taking of my driveway, parking, electric service, phone service, outside water sources, septic system, outside storm drains, boat dock, shelter house, 200 trees, 600- 700 feet of shore line, crossing 280 feet arm of the lake, and directional drilling 200 feet under a pet cemetery.

As I have identified potential impacts on natural and human environmental concerns and described a reasonable alternative to minimize adverse effects I request that you consider the alternative that I have mentioned.

Sincerely,
Neta and Jerry Crutchfield

Jerry D. Crutchfield
Neta D. Crutchfield

Glenn Larson, Vice President
KANZA Chapter
Oregon-California Trails Association

December 12, 2006

Magalie R. Silas, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

FILED
OFFICE OF THE
SECRETARY

2006 DEC 21 A 8:40

Original

JAMES LUSBY
REGULATORY COMMISSIONER

Reference: Docket Nos. CP06-354-000, CP06-401-000, and CP06-423-000

KANZA is a Chapter of the Oregon-California Trails Association (OCTA). OCTA is a non-profit organization dedicated to the preservation, study and education of the Oregon and California Trails of the mid nineteenth century. The headquarters office of OCTA is at 524 South Osage Street, Independence, MO 64051-0519. The KANZA Chapter is located in northeast Kansas. KANZA and OCTA are thus interested parties in the proposed pipeline project. KANZA would appreciate being placed on a mailing list regarding this project and being kept apprised of any route change. The contact information for the mailing list is:

G4-1
Glenn Larson, Vice President
KANZA Chapter
239 Highway 9
Waterville, KS 66548

We have obtained and studied the documents and maps relating the proposed Keystone Pipeline project. The KANZA Chapter investigated the route of the proposed pipeline last Sunday, Dec 3, 2006, using the maps provided and on the ground investigation. We find there are possible conflicts with known visible remnants of the Oregon-California Trail in Nemaha county, Kansas and in Jefferson and Gage counties in Nebraska as follows.

G4-2

In Jefferson county, NE, in Township R4E, T1N, Sec 36. Examination of aerial photography indicates the possibility of visible remnants of the Oregon-California Trail in the North 1/2 of Sec 36. The planned route of the pipeline is about 1/2 mile north of this site. A change in route could conflict with these visible remnants.

In Gage county, NE, in Township R5E, T1N, Sec 31. Visible remnants of the Oregon-California Trail exist in the SW 1/4 of Sec 31. The planned route of the pipeline is about 1 mile north of this site. A change in route could conflict with these visible remnants.

In Nemaha county, KS, in R11E, T1S, Sec 19 and Sec 28. Visible remnants of the Oregon-California Trail exist in the E 1/2 of Sec 19 and in the E 1/2 of Sec 28. The planned route of the pipeline is about 3 miles south of these sites. A change in route could conflict with these visible remnants.

Respectfully,


Glenn Larson

General (G4)

G4-1 We have added your name to the project mailing list.

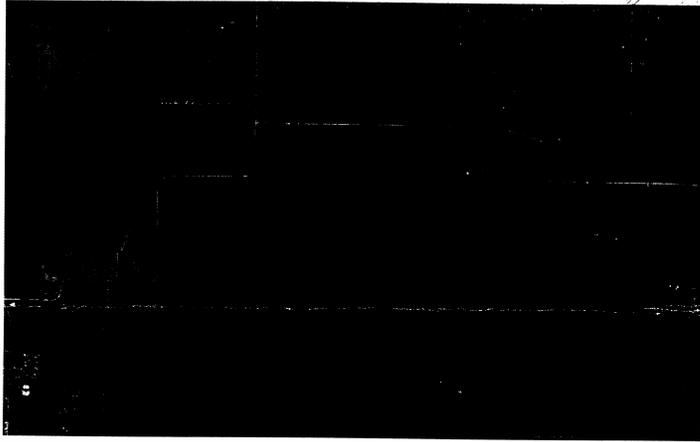
G4-2 The FERC has no jurisdiction over the Keystone oil pipeline. This EIS evaluates the environmental effects associated with construction and operation of the Rockies Express Western Phase Project, a natural gas pipeline project.

K-185

Google
Maps

Address Kansas City, MO

ORIGINAL



I would like to comment on CP06-354-000, CP06-401-000 and CP06-423-000. I was told that our number is CP06-354-000. I have provided a map that shows what my neighbors and I recommend to be a better route for the natural gas pipeline. The dotted line is how the pipe line would like for it to go and the solid line is how we propose for it to be rerouted. This will allow the pipe line to go around a group of houses (7) and only be on land that is farmed. The only activity on the land is in the spring for planting and in the fall for harvest. This is located in Clinton County, Missouri, northwest of Gower, Mo. The dotted line follows County Road (CR) 349. The solid line goes south and will miss roads and houses. My neighbors and I would appreciate your consideration of our reroute proposal.

Poor QUALITY ORIGINAL

G5-1

2007 JAN -3 A 9:16
574V3-07

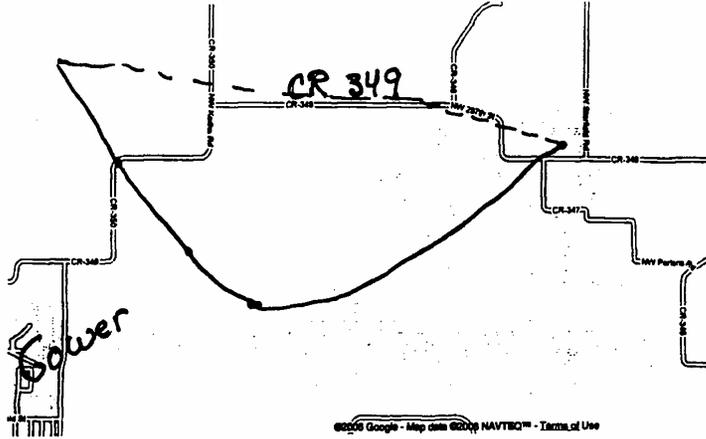
General (G5)

G5-1

In its response to our January 18, 2007, data request, Rockies Express indicated that a route variation in the vicinity of Gower, Missouri had been evaluated to reduce impacts on residences located along the Platte Pipeline corridor. Rockies Express has proposed to incorporate this variation into the proposed route for the REX-West pipeline. See section 1.3.3 of the EIS for additional information on this reroute.

K-186

Google Maps Address Kansas City, MO



This map is a copy of the other map showing the roads and town better.

K-187

General (G5)

General (G6)



5444 Westheimer Road
Houston, TX 77056-5306
P.O. Box 4967
Houston, TX 77210-4967
713.989.7000

December 28, 2006

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

Re: CP06-354-000
Comments to Draft Environmental Impact Statement
Rockies Express Pipeline Project – Western Phase

Dear Ms. Salas:

Panhandle Eastern Pipe Line Company, LP (“Panhandle”) submits comments requested pursuant to the “**Notice of Availability of the Draft Environmental Impact Statement for the Rockies Express Western Phase Project**” issued November 3, 2006.

Panhandle outlined its concerns as it relates to the Rockies Express Pipeline Project – Eastern Phase in Docket No. PF06-30-000 filed with the Commission on September 29, 2006. To address the close proximity of proposed construction to the existing Panhandle pipelines for approximately 3 miles for the Rockies Express – Western Phase and approximately 200 miles for the Rockies Express – Eastern Phase, representatives from Rockies Express have been in discussions with Panhandle personnel to achieve a satisfactory solution to the issues identified in the comments filed. At this time, no definitive agreement has been reached to resolve the factual and technical issues to permit the Rockies Express – Western Phase to be constructed safely with an increased offset from Panhandles existing pipelines. There is sound technical basis for Panhandle’s concerns regarding any construction activity near it’s Line 100 or 200. Panhandle’s concerns have only been heightened by recent construction related damage on other systems.

Panhandle has been in discussions with Rockies Express attempting to reach agreement on appropriate mitigation measures. Bases on those discussions, Panhandle believes the following measures can be practically implemented. In the absence of an agreement with Rockies Express concerning construction near our existing pipelines, Panhandle is requesting that the following items be included as specific mitigation measures as they relate to construction near an existing Panhandle pipeline:

G6-1

- 1) Rockies Express will have no construction activity of any kind to occur within 25-feet of the Panhandle pipelines, except at mutually agreed crossing locations;

G6-1

Rockies Express indicates that it has had extensive discussions with Panhandle Eastern Pipe Line (PEPL) regarding the specific issues raised in this letter. Rockies Express anticipates entering into an Encroachment Agreement with PEPL in the near term that would address construction and operations issues where these facilities would be collocated.

K-188

General (G6)

CP06-354 DEIS Comments of
Panhandle Eastern Pipe Line Company, LP

- 2) The outside edge of Rockies Express permanent easement shall be no closer than 25 feet from the centerline of Panhandle existing pipelines. Rockies Express and Panhandle will agree to share that portion of Panhandle's easement beginning 25 feet from the centerline of Panhandle's existing pipelines and extends to 50 feet from the same centerline. It is further agreed that no permanent facilities or appurtenances of either company will be allowed in this joint 25 foot area;
- 3) Rockies Express will not construct its pipeline at less than 65-foot centerline to centerline distance from the existing outermost Panhandle pipelines;
- 4) Rockies Express will install and maintain a construction barrier to keep equipment operations and construction activities away from the Panhandle pipelines;
- 5) Rockies Express will utilize Panhandle's requirements and procedures for construction equipment and personnel crossings of Panhandle's pipelines;
- 6) In areas where Panhandle deems it necessary to install reinforced couplings on its 100 and/or 200 lines due to Rockies Express construction, Rockies Express will reimburse Panhandle for the cost of materials and installation;
- 7) Rockies Express will ensure that any construction activities undertaken will not cause soil instability or soil movement around the Panhandle pipelines and will install piling or other engineered structures as necessary in certain situations so as to prevent undermining and soil slippage;
- 8) Rockies Express will reimburse Panhandle for construction monitoring by Panhandle personnel and/or their designated third-party construction monitors during any construction within the right-of-way of the existing Panhandle pipelines;

G6-1
(con't)

K-189

General (G6)

CP06-354 DEIS Comments of
Panhandle Eastern Pipe Line Company, LP

G6-1
(con't)

- 9) Rockies Express will reimburse Panhandle for right-of-way cost required to facilitate the Rockies Express project;
- 10) Rockies Express will reimburse Panhandle for engineering cost required to facilitate the Rockies Express project;
- 11) Rockies Express will reimburse Panhandle for damage, relocation and/or replacement of cathodic protection system to accommodate the Rockies Express construction.

Otherwise, the following mitigation measure would be sufficient to satisfy the concerns of Panhandle:

- 1) Rockies Express and Panhandle shall file the agreement to be reached by the parties as it relates to the factual and technical issues determining the appropriate construction protocols in order for the Rockies Express pipeline to be constructed safely with an acceptable offset for review and written approval of the Director of OEP before the start of construction.

The specific mitigation measures identified above will allow for safe construction of the Rockies Express project as well as protect the safety and integrity of the existing Panhandle pipelines adjacent to the proposed construction.

Respectfully submitted,

PANHANDLE EASTERN PIPE LINE COMPANY, LP

/s/ Michael T. Langston
Michael T. Langston
Sr. Vice President
Government & Regulatory Affairs

Cc: Gas Branch 1

CP06_354PEPLDEISCOMS

ORIGINAL



Sac & Fox Tribe of the Mississippi in Iowa

349 Meskwaki Road, Tama, IA 52339-9634 • (641) 484-4678 FAX (641) 484-5424

November 28, 2006

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St., NE Room 1A
Washington, DC 20426

CP06-354-000
PF06-3-000

FILED
OFFICE OF THE
SECRETARY
DEC - 6 P 2 51
FEDERAL ENERGY REGULATORY COMMISSION

Dear Ms. Salas:

Thank you for the notice concerning the project:

**Rockies Western Phase Project located in:
New Mexico, Colorado, Wyoming, Nebraska, Kansas, and Missouri**

At this time, the Historical Preservation Department of the Sac and Fox of the Mississippi in Iowa has determined the above listed has:

- No interest in the area geographically
- No comment on the proposed undertaking
- No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the NAGPRA Representative, Johnathan L. Buffalo.
- Have an objection or require additional project information. Please send the following: _____

Sincerely,

Johnathan L. Buffalo
Historical Preservation Coordinator
Sac and Fox of the Mississippi in Iowa

Cc: File

K-191

G7-1

General (G7)

G7-1 Comment noted. See our discussion regarding Unanticipated Discovery Plans in section 4.10.1.3 of the EIS.

General (G8)

December 28, 2006

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

Reference: Docket No. CP06-354-000

Comments to Draft Environmental Impact Statement
Rockies Express Western Phase Project
FERC/EIS – 0203D

Dear Secretary Salas:

We are landowners whose land will be traversed by the installation of the Rockies Express Western phase project, a proposed 795.7 mile natural gas pipeline. As a result of the installation, our land will be adversely affected. Following are our comments to the Draft EIS.

The installation of the new Rockies Express (REX) West Pipeline will destroy our environment as we know it. The proposed pipeline will run adjacent to the existing Platte pipeline easement on our property, creating an easement nearly one-half the width of the property, running directly through the center of our property, rendering it nearly useless for any other use. A home cannot be built over a pipeline, a roadway is not allowed, nor any other use, other than agricultural use, will be practical. We have already been notified that an additional un-regulated pipeline will follow (Keystone/TransCanada).

Given these facts, we respectfully ask that the FERC deny the REX petition to build this pipeline.

We purchased this land to provide a living for our families, whether that be through agricultural use, to provide housing for our families, or to provide a means of income to our families through any use that we saw fit. Constructing pipelines and gaining easements through the middle of this property eradicates our ability to use the land to our family's benefit, by limiting the land use forever. Yes, Forever.

A permanent Right-of-Way through the middle of our property in a width of nearly one-half the width of the property does not provide for an ideal business situation. While there is an existing easement for the existing Platte Pipeline, the REX plan calls for an additional 150 feet of permanent easement. Add this 150

G8-1 Most existing land uses on land crossed by the permanent right-of-way can continue after construction. Permanent structures would not be allowed to be constructed on the permanent right-of-way, but things such as driveways, roads, and utility crossings would be allowed, although Rockies Express should be contacted prior to construction to ensure they are safely installed. Specific questions regarding future use of the right-of-way should be directed to Rockies Express.

G8-2 Following construction, Rockies Express would retain a 50-foot-wide permanent easement over the pipeline. The easement negotiations are conducted between the company and the landowner and include compensation for loss of use during construction, loss of nonrenewable or other resources, damage done to property during construction, and allowable uses of the right-of-way after construction. Easements are established for a specific period of time and allow specific uses within the easement area. These negotiations are beyond the scope of the environmental analysis contained in this EIS.

K-192

G8-1

G8-2

General (G8)

G8-2
(con't)

feet to the existing easement, then add in the additional (two) proposed easements for un-regulated crude oil pipelines take a 500 foot strip of land out of the middle of our property, rendering it essentially useless for any other use (other than agricultural). The property owner rights are being overlooked during this process. The compensation offered to us is only for the farmland (at this time) and there is no allowance being offered for future or potential use. This is an environmental impact on our livelihood and our right to earn a living and provide for our families.

G8-3

Our current environment is agricultural use with terraced lands. The stripping and replacement of topsoil will take approximately 2 to 8 years to produce the same crop potential as is currently capable of producing. This issue is not addressed by Rockies Express in the easement negotiation process and, while the FERC recommends that REX develop and implement a post-construction monitoring program to evaluate crop productivity in the right-of way restoration, there is no guarantee that the applicant will follow-up and conduct the studies on crop production that the FERC suggests. If follow-up is conducted, there is no provision for compensation of the loss of crop production after the easement negotiation/agreement is reached and signed. REX pipeline has the right to sell the natural gas that will be conveyed through the pipeline in the proposed easement, yet we, the landowners, have no way to collect the loss of crop over the years it takes to re-build the topsoil layer and regenerate the crop potential that we currently have. If the FERC issues approval to REX for this pipeline, we request that the FERC cause REX to provide for compensation to the landowners for loss of crop on the easement right-of-way for the period of the topsoil/soil re-building process.

G8-4

Further, should the pipeline be approved for construction, we request a deeper depth of cover for the proposed pipeline. The REX plan only allows for the minimum depth of cover, however, with heavy farm implements running over the easement (as is allowed) and our family members and employees operating this equipment, we require at least a four (4) foot depth of cover over the proposed 42 inch natural gas line which is to be operated at 1450 pounds of pressure. The easement agreement does not provide for compensation of loss of life in the event of a catastrophic pressure eruption or explosion should this occur while we are working this farmland.

If the pipeline is allowed to be constructed over our property, we request that the FERC require REX to provide four (4) foot cover over the pipeline to allow for soil erosion and settlement of cover. Soil compaction should be required, and should meet the most stringent compaction limits to assure that the property is re-stored to its current state. We also request that erosion be controlled in compliance with

G8-3

Comment noted. Please see section 4.8.1.2 for our analysis of impacts and recommended mitigation measures for areas utilizing terrace farming practices. We have also recommended that Rockies Express monitor crop productivity for a period of 5 years following construction. Rockies Express would also be required to compensate agricultural landowners for actual crop losses resulting from the removal of standing crops, disruption of planned seeding activities, disruption of general farming activities, or other losses resulting from construction of the pipeline as negotiated in individual easements with the landowners.

The "recommendations" contained in section 4 of the EIS are recommendations to the Commission from the environmental staff. They are not recommendations to Rockies Express. Should the Commission decide favorably on the proposal, these recommendations would become enforceable conditions of any Certificate issued for the Project. See section 5 of the EIS for the specific language that would be used in a Commission Order that would require action by Rockies Express.

G8-4

The burial depth of pipelines is regulated by the DOT. The DOT requires that pipelines of this type be buried a minimum of 30 inches deep. Rockies Express has committed to a minimum depth of cover of 36 inches in normal soils. Further, Rockies Express states that it is continuing to negotiate easements with landowners and has offered 4 feet of cover to those landowners that have requested additional depth of cover. Following construction, Rockies Express has committed to actively monitoring depth of cover in agricultural areas through monthly aerial surveillance, pedestrian surveys, and implementation of a landowner outreach program to assist in the identification of erosion or other maintenance issues. See our discussion of depth of cover in section 4.2 of the EIS.

General (G8)

G8-4 | the stormwater control procedures and current construction practices and
(con't) requirements that are currently enforced in the state of Missouri.

G8-5 | We request the courtesy and respect due us as land owners by REX employees, subcontractors of REX and any and all inspectors. We own this property and have full ownership rights. However, those ownership rights are being ignored by REX, (et. al.). If we were allowed to traverse through others' land without permission, the common law would call it trespassing. When REX gains access without permission (as has been done on many occasions throughout the past year) it is deemed to be allowable due to business progress, the employees and contractors hired by REX virtually telling landowners that they can come and go as they please, without consequence. As a common courtesy of farmers and those involved in the agricultural professions, we don't go onto others property without permission. We, as landowners, expect the same courtesy from REX.

G8-6 | The FERC states in the draft EIS that REX provide a contact person during the installation and follow-up period who will accept our calls regarding concerns and issues and provide follow-up, especially as it relates to the issues of erosion control, entry to the property and the clean-up of construction debris and trash generated by the construction process and the workers. We would expect that the workers leave our property in the same condition that they entered it. We expect that the FERC will enforce this recommendation by offering a contact person as oversight to REX.

Our first request is that you deny the installation of this pipeline. If you will not deny it, then please consider the landowners in your decision and rule in favor of us, recalling that we did not invite this pipeline or request that it be placed here, as it does not benefit us, but only de-values our property and ignores our concerns.

G8-7 | Forever will our land be changed and affected by the decisions of the FERC. We respectfully ask that the FERC consider our rights as property, and business, owners to make a living and provide for our families. We ask that the FERC consider the value of return that REX stands to benefit from the selling of the natural gas product that is conveyed through this pipeline – over and under our lands - and allow some of that value back to the property owner. We are all after the same end - to grow our business.

G8-5 | Thank you for your comment. Rockies Express has indicated that all survey crews would obtain survey permission from affected landowners prior to entering their property. Any issues regarding the conduct of survey crews should be directed to Rockies Express.

G8-6 | We have recommended that Rockies Express develop and implement an environmental complaint resolution procedure that would remain active for at least 3 years following the completion of construction. The procedure would provide landowners with clear and simple directions for identifying and resolving their environmental mitigation problems/concerns during construction of the project and restoration of the right-of-way. Rockies Express would mail the environmental complaint resolution procedures to each landowner whose property would be crossed.

Pertinent components of this procedure would include a local contact that the landowners should call first with their concerns; establishment of a project hotline response system; and information on the FERC's Enforcement Hotline.

G8-7 | Thank you for your comment.

General (G8)

Thank you for your consideration of our comments. We look forward to an amicable resolution to these issues.

Sincerely,

Darla Hall Emmendorfer
And Kathy Hall
Landowners
12585 SW State Route JJ Hwy
DeKalb, MO 64440

K-195

General (G9)

Rocky Express Pipeline Easement Proposal 12/26/2006
FERC Docket #CP06-401-000, CP06-423-000 and CP06-354-000

Comment on Draft EIS For Rockies Express Western Phase Project

There have been many meetings and attempted contacts with multiple "right-a-way agents", one engineer and David Swearingen, who was represented by Rocky Express as the designated FERC representative, to attempt a right-a-way easement settlement. To my knowledge none have been documented and none have been successful

This document will be filed electronically and by US mail and will also serve as an intervention document.

This comment and request for a sight specific plan from the Rocky Express pipe line, pursuant to the proposed environmental impact study for land crossing property owned by The Shiloh Revocable Trust dated 3-15-03, located in Chariton County, T54N-R19W-Sec19 between station 639 and 640 and is submitted by Robert U. Unternaehrer, Trustee who's address 25934 Highway Y, Brunswick Mo. 65236 and phone number is 660-548-3228

Summary: The existing plan does NOT comply with the recommendations` proposed in the EIS draft proposal in the following areas.

Recommendations on page 4-165 and 4-166 concerning agricultural diversion terraces are not proposed to be used. Specially they are:

1. Reduction (or minor relocation) of construction right-a-way to minimize impacts on terraces surrounding the pipeline centerline
2. Positioning of the pipeline at angles to the terrace contours to minimize impacts on the area of concentrated water flow (The tile inlet areas)
3. Minimum depth of cover increase of 4 to 5 feet measured in the terrace channels.
4. Rocky express, in consultation with the landowners who maintain agricultural terrace structures, develop "site specific construction and restoration plans and procedures" for all agricultural terrace lands crossed by the REX-West project. These plans should include specific measures to MINIMIZE impacts on existing terrace structures. Rockies Express should file these plans with the Secretary PRIOR to the construction for

Thank you for your comment. Please see the revised analysis regarding construction planning in terrace farm areas (section 4.8.1.2). Further, we have provided an analysis of a route variation on this property and recommended that Rockies Express incorporate the Unternaehrer Route Variation into the proposed route (section 3.4).

K-196

G9-1

G9-1

General (G9)

K-197	G9-1 (con't)	<p>the review and written approval of the Director of OEP, and I might ad approval of the landowner.</p> <p>5. Rockies Express should also file post construction reports with the landowner and allow all post construction inspections to be accompanied by and approved by the landowner.</p> <p>6. Bonding to the Landowners of all contractors on this project should be required protecting landowners from “non-performance” of contractors to the EIS recommendations.</p> <p>7. There should be a point of contact person for the landowner to communicate with at all times during construction, with authority to contractors to assure specifications are followed on landowners behalf.</p> <p>The implementation of the above EIS recommendations would eliminate the destruction and reconstruction of some 20 Tile inlets and their associated connecting tiles, 4 “seep tiles”, 1 grass waterway and numerous temporary water diversion systems, as well as save countless dollars in construction cost.</p>
	G9-2	<p>In addition to the above recommendations of the EIS I am requesting that all site-specific plans that involve agricultural diversion terraces and the reduction and/or relocation of right-a-way be co-ordinated with TransCanada pipeline. Their Keystone pipeline project, a crude oil pipeline is also proposed to access this same corridor. This co-ordination is required to assure that both projects minimize the impact to sensitive timber areas, specifically my 7 oaks park development area, and the Shiloh Farms Airpark development.</p>
	G9-3	<p>The subject projects also impact the airspace of a private Airport (Shiloh Airpark) owned by the Shiloh Revocable Trust. There exist two pipelines directly North of the Airpark which are patrolled by low level airplanes directly in the traffic pattern of the Airpark. Although this airspace is uncontrolled airspace the addition of two more pipelines significantly increases the risk of collisions of aircraft in the area, since I'm sure the two additional pipelines will be patrolled by the same method of “low flying private or commercial aircraft”. I have request that all pipelines conducting patrols in this area provide E-mail notification of the intent to patrol the pipelines at least 24 hours in advance of any patrol operations. Again I have had no response to any of these request.</p>

- G9-2 The Keystone Oil Pipeline Project proposed by TransCanada is not regulated by the Commission. Therefore, routing concerns and mitigation measures associated with that project are beyond the scope of the environmental analysis contained in this EIS.
- G9-3 As indicated, this is uncontrolled airspace. Pilots using this airspace would be required to comply with applicable regulations.

General (G9)

G9-4 With this comment I am attaching detailed sight specific plans that would implement all of the above EIS issues, as well as drastically reduce soil erosion, soil loss and minimize the effect of "reconstruction of drainage tile" during the construction phase. It would also minimize the impact on sensitive development sites in the area during the construction phase.

G9-4 See response to comment G9-1.

Whether or not this is relevant to the EIS, it will be included here. There are two practices by the Rockies Express in the Missouri area, and I suspect elsewhere that are NOT effective in promoting good "landowner/Rockies Express" relationships. They are listed here and requested to be eliminated from procedures used to access the right-a-ways.

G9-5 1. Severe inequities in acquisition prices offered to landowners. They are known to range from in excess of \$5000 per acre for upland grass and timber areas to \$1500 for productive farmland.

G9-5 Easement negotiations are between Rockies Express and the landowner and are beyond the scope of the environmental analysis contained in this EIS.

2. Some and possibly all landowners being required to sign "hush clauses", some without knowing it, that requires that they NOT discuss right-a-way contracts with anyone, especially their neighbors.

3. In areas of farmland using diversion terraces that require the same re-construction in the temporary easement areas, the compensation and re-construction techniques offered to landowners should be the same in the temporary easements as the permanent easement. In these areas the terrace structures will have to be "leveled and reconstructed" for pipe handling and other construction practices in a similar manner as is required in the permanent easement areas.

Attached is one proposed "site specific" plan mentioned above and a description of terrace restoration work requested.

Sincerely,

The Shiloh Revocable Trust 3-15-03

Robert U. Unternaehrer, Trustee

K-198

CP06-354-000
- submitted by
Robert Untermaehrer

Rockies Express Site Specific Plan 12-26-06
- Proposed by Landowner

ORIGINAL

G10-1

This Plan refers to Sketches called "Rockies Express Pipeline relocation Proposal Plan 12/26/06" and "Terrace Conversion from "broadbase terraces" to "steep grass back terraces". Terrace numbers and other features are numbered consecutive from West to East. A survey of all existing terraces shall be made and the berm heights, slopes and lengths of all terraces recorded and submitted to the landowner. Another survey of the re-constructed terraces shall be made to assure that the reconstructed heights match or exceed the existing terraces. The following plan assumes no relocation of the right-a-way. Should the right-a-way be relocated to the south most of the inlet reconstruction will be eliminated. Rockies Express is to furnish a daily point of contact person with the authority to halt construction if the landowner finds specifications and plans, including requirements of the EIS, are not being followed. This person must be available at all times when construction equipment is being operated. The following plan must also be approved by the operators of the Platt Pipeline in areas it effects their right-a-way. For the purpose of this plan the "right-a-way" will include both the temporary construction easment and the permanent right-a-way.

G10-2

G10-3

1. A deteriorated, but functional grass waterway which has trees growing in it will be replaced with a tile outlet terrace. Since the tile inlet point distance to the creek (discharge point) is very close (less than 200'), a tile of sufficient size (as determined by FSA) will be used to allow drainage of the terrace in 4 hrs with less than a 6" increase in height of the berm height for ponding storage. Storage not to exceed 200 ft. (flag set). Complete top soiling procedures will be used in re-construction and if insufficient top soil quantities are not available, it will be purchased and hauled in as per the EIS. All trees in the existing waterway will be properly disposed of as per the EIS. As an alternate for placing the tile inlet at the existing outlet, you may place the inlet anywhere along the rebuilt terrace, if you maintain parallel alignment with terrace #2. All the berm dirt in the terrace must be reused as berm dirt in the re-constructed terrace and the same amount of topsoil must be present after re-construction as before in the old terrace.
2. Terrace #2 shall be re-constructed as a "steep grass back terrace" in a manner described in the conversion sketch and as specified by the FSA. Length of this conversion is approximately 675 feet. It runs somewhat parallel to the right-a-way, thus the longer area to be re-constructed.

FILED
JAN 18 11 00 AM '07
COMMERCIAL

General (G10)

G10-1

Thank you for your comment. Site-specific construction and restoration measures should be incorporated into the easement agreement negotiated between the landowner and Rockies Express.

G10-2

We have recommended that Rockies Express adopt a route variation on this property, similar to the one identified in this comment letter. See section 3.4 of the EIS.

G10-3

See response to comment G10-1.

K-199

General (G10)

G10-3
(con't)

3. Terrace #3 runs nearly parallel to the right-a-way in most cases and will be rebuilt "steep grass backed" for approximately 210ft and put back "as is" outside the flagged areas.
4. This is a grass waterway crossing with multiple large inlet pipes in the area. A survey of the existing waterway at the upper end in the area of the right-a-way will be made to locate underground tiles showing location and depth. Also size and depth of water way shall be recorded and replaced turf and burn areas be replaced as is and maintained for 3 years after sod is re-established. Should any erosion result, the 3 year maintenance period shall start over from the time the sod is re-established. Terrace #4 goes into this waterway near this point and will be replaced as is, both in the temporary and permanent easements.
5. This crossing will be converted to steep grass backed type from the Platt line to the south 1/2 section line. This line also runs nearly parallel to the right-a-way and includes approximately 350ft of reconstruction.
6. Terrace #6 is already a "steep grass backed" terrace in some of the right-a-way area. Replace as is if damaged.
7. This terrace will be converted to steep grass backed terrace from the South 1/2 section line to the Platt line. Approximately 150 feet of grass backed terrace is involved.
8. This concludes the West slope of the right-a-way area. Replace terrace and drainage system as is on this Terrace #8.
9. Terrace #9, replace terrace and drainage system as is.
10. Terrace #10 is to be converted to steep grass backed from 100ft North of the 1/2 section line to 100ft So. Of the 1st left turn of the Terrace when walking or facing North. (About 520 feet of reconstruction is involved, some running parallel to the right-a-way. No crop damage or compaction elimination will be required outside the right-a-ways.
11. Terrace #11 to be replaced with steep grass backed terrace from the Platt to 75ft North of the South 1/2 section line. This totals approximately 270ft. Replace the rest of the system as existing.
12. On Terrace #12, starting 75ft North of the south 1/2 section line and going to the 2nd right turn in the terrace when facing North. This area (approx. 525 feet) will be replaced steep grass backed and the remainder to be replaced as is. At this point the distance between the Rockies Express and the Platt will begin to be narrowed to allow for the 2nd (Trans Canada) pipe line to be located North of the 1/2 section line, which will include a narrowed right away in a short area West of the County Gravel road (Marquette).
13. Terrace #13 will be replaced as existing

General (G10)

G10-3
(con't)

14. Terrace #14 will be converted to steep grass backed for the total length of the terrace (approximately 300ft) of which 150 feet runs parallel to the right-a-way

This completes the description of the terrace reconstruction required for construction of the Rockies Express Pipeline located in Chariton County, T54N-R19W-Sec19 between station 639 and 640.

Signed _____
The Shiloh Revocable Trust dated 3/15/2003
Robert U Unternaehrer, Trustee

Signed _____
The Shiloh Revocable Trust dated 3/15/2003
Deborah A Unternaehrer, Trustee

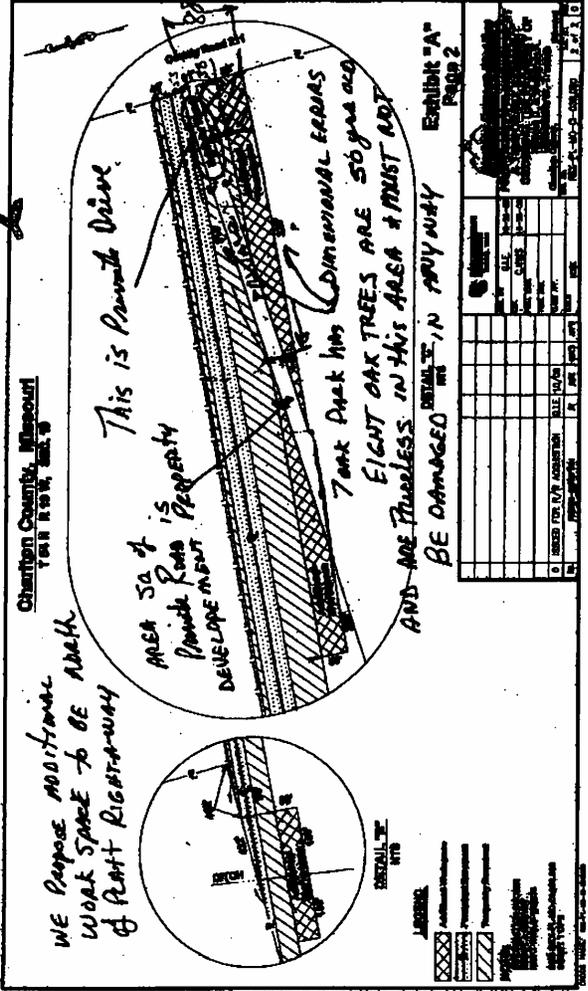
Signed and Approved _____
Printed _____
For Rockies Express Pipeline

Signed and Approved _____
Printed _____
For Rockies Express Pipeline

Signed and Approved _____
Printed _____
For Rockies Express Pipeline

K-201

COPY

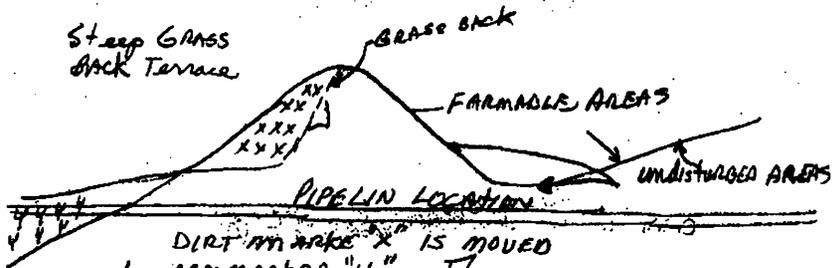


General (G10)

Terrace Conversion From "Broadbase"
Terraces to "Steep Grass Back" Terraces



BROAD BASE TERRACE



DIRT MARKER "X" IS MOVED
to RE-MARKED "Y". THE GENERALLY ACCEPTED
method of doing this is to use a DOZER to
cut a NEARLY VERTICAL CUT APPROXIMATELY 3' BACK
of the HIGHEST POINT of the Terrace AND SPREAD THAT
DIRT IN area MARKED "Y". A Motor Grader can then
SLOPE the REMAINING BACK SIDE to the DESIRED SLOPE
IN THE CASE of RE construction ALL DIRT would be SPILLED DOWN
HILL & REPLACED USING the "PUSHING" METHOD.

K-204

General (G11)

Weaver Ranch, Inc.
3000 West County Road 70
Fort Collins, CO 80524
970-568-3898

December 28, 2006

RE: Comments to Rockies Express Pipeline Project
Docket No. CP06-354-000

To whom it may concern:

We are submitting these comments regarding the above project for Rockies Express Pipeline Project as it affects our property in Sedgwick County, Colorado.

1. Regarding prairie dogs and potential relocation:

What is your relocation plan? We do not want any prairie dog relocations on any private property, particularly ours. We have spent thousands of dollars in conjunction with Sedgwick County in trying to control prairie dogs. We have been the subject of at least two (2) relocation – dumpings – of prairie dogs previously and this has cost us lots of money.

G11-1 There is no plan for relocation of prairie dogs associated with the Rockies Western Phase Project.

2. Hydrostatic testing:

What is your plan for dealing with the current and pending augmentation cases on the South Platte River in relation to your anticipated use of over 78 million gallons of South Platte River water during your hydrostatic testing of the line from mile post 0.0 through 217.4?

G11-2 Rockies Express is in the process of filing permit applications for the volumes of water necessary for hydrostatic testing. Rockies Express would be required to adhere to all permit conditions related to maintenance of in-stream flow conditions, water rights, and discharge of testwaters.

Thank you in advance for responding to these questions.

Maxine R. Weaver
P.O. Box 463
Cheyenne, WY 82003
Home – 307-634-8200
Work 307-777-7108

K-205

General (G12)

ORIGINAL

CP 06 354-000
CP 06 401-000
CP 06 423-000

PAGE 1 of 4

FILED
OFFICE OF THE
SECRETARY
2007 FEB -9 P
MACALIE
SALAS

my NAME IS Robert Sack, I AM
A LANDOWNER A LONG THE PROPOSED PIPELINE
THAT KINDER MORGAN WOULD LIKE TO BUILD.

G12-1

my MAIN CONCERN IS SAFETY OF THE
PLACEMENT OF THE PIPE. THEY WISH TO PLACE
THIS PIPE BESIDE AND EXISTING 22" CRUDE
OIL PIPELINE. I TALKED WITH THE STATE FIRE
MARSHAL'S OFFICE, THEY HAD ANOTHER GENTLEMAN
CALL ME. HE SAID THIS WAS NOT A GOOD IDEA.
I AGREE.

G12-1

The DOT is responsible for establishment of the pipeline safety standards at 49 CFR Part 192. Safety is discussed in section 4.12 of the EIS.

I'VE HAD MY SHARE OF PROBLEMS WITH
ROCKIES EXPRESS PIPELINE, BAD WORKMANSHIP AND
SOME PERSONAL.

G12-2

I AM STILL TRYING TO GET A TRENCH
THAT PASSED THROUGH ONE OF MY TERRACES.
THEY HAVE BEEN HERE TWICE AND FIXED IT,
BUT THEY HAVEN'T FIXED IT RIGHT, IT HAS
WASHED OUT TWICE BECAUSE IT WAS NOT FIXED
RIGHT. IN ABOUT 10 YRS. THIS HAS BEEN GOING ON.

G12-2

Comment noted. Previous activities associated with the installation and maintenance of the Platte Pipeline are beyond the scope of the environmental analysis contained in this EIS.

THEY SENT A CREW OUT TO CUT TREES
THAT WERE IN THERE EASEMENT. THEY ASK
HOW I WOULD LIKE THIS DONE? I SAID
PUT THE BRUSH IN A PILE TO BE BURNED,
AND PILE THE RAIL IN ANOTHER PILE. I
THEN WENT TO GRAND ISLAND NEBRASKA,

K-206

General (G12)

PAGE 2 of 4

THAT EVENING I RETURNED HOME. I ASK MY FATHER HOW THEY HAD DONE, HE SAID HE HAD NOT WALKED DOWN TO THE SITE, BUT SAID IT HADN'T BEEN LONG AFTER I HAD DRIVEN OFF THE PLACE THAT THEY DROVE ALSO. THE NEXT DAY I WALKED DOWN TO THE SITE. THEY HAD CUT THE TREE OFF AND LET THEM LAY WHERE EVER THEY FELL.

G12-2
(con't)

THEY DUG UP THE PIPE ⁴ DAYS AGO, IN THE DEAD OF WINTER. WHEN THEY COVERED THE PIPE, THE DIRT THAT WAS PUSHED INTO THE HOLE WAS FROZEN, YOU CAN NOT PACK FROZEN DIRT. HOLES HAVE BEEN OPENING FOR THE LAST 4 OR 5 YRS. THESE HOLES ARE LARGE ENOUGH TO BREAK CATTLE AND HORSES LEGS. THEY BROKE DOWN THE PASTURE, AND THEN NEVER FIXED IT.

I CAN'T BEGIN TO REMEMBER ALL OF THE LIE TOLD TO MY FATHER, AND MYSELF, SINCE 1952 WHEN PLATTE VALLEY PIPELINE WENT THROUGH.

G12-3

I AM SUPPOSE TO HAVE A MEETING WITH SOMEONE FROM ST. LOUIS MO. ON 1-1-07. SHE WANTS ME TO SIGN SETTLEMENT AGREEMENT, AND PIPELINE EASEMENT. WE TALK BY PHONE FOR ABOUT 10 OR 20 MINS. ALL SHE WANTED TO DO WAS TELL ME HOW IT'S GOING BE, AND THERE WASN'T

G12-3

Easement negotiations are between the landowner and the Applicant (i.e., Rockies Express) and are beyond the scope of the environmental analysis contained in this EIS.

K-207

General (G12)

K-208

G12-3
(con't)

Page 3 of 4
 ANYTHING THAT I COULD DO ABOUT IT. SHE SAID ROCKIES EXPRESS PIPELINE WAS ONLY GOING TO AWARD ME \$300.00 DOLLARS, IN A ONE TIME PAYMENT FOR THERE EASEMENT, AND DAMAGES. I CONSIDER THIS TO BE STRONG ARM TACTICS, AND THEN WHEN YOU GET UP SET, THEY JUST THINK YOUR NUTS. THEY WILL SET, AND LOCK YOU RIGHT IN THE EYES, AND LIE TO YOU.

THEY NEVER SENT ANY PAPER WORK TO ME THAT STATE I HAD A DEADLINE ON PAPER WORK THAT HAD TO BE IN THE FEDERAL ENERGY REGULATORY COMMISSION BY 12-31-06 THE LAST PAPER WORK I RECEIVED CAME FEDX DATE 1-2-07. I CALLED JOSH POPP ON 1-19-07. HE DIDNT KNOW ANYTHING, BUT MADE APPOINTMENT WITH LADY FROM ST LOUIS MO. ITS REAL HARD TO HAVE PAPERWORK IN ON TIME, WHEN YOU DID NOT KNOW ABOUT IT!

G12-4

I'VE BEEN IN TOUCH WITH ANOTHER GENTLEMAN, THAT LIVE A FEW MILES FROM ME. IT SEEM ODD TO ME THAT MYSELF, AND THIS GENTLEMAN RECEIVED PAPER WORK WAY LATER THAN EVERYONE ELSE. HE HAD NOT GOTTEN THE PAPER WORK THAT I GOT. WE WERE BOTH AT THE PUBLIC

G12-4

We rely on Rockies Express to provide the initial list of property owners affected by the proposal. We have issued several documents using this mailing list and also notified local, county, and state officials, libraries, and newspapers in an effort to ensure that interested parties are given the opportunity to comment on the project. We also update the mailing list continuously as individuals request to be added or deleted. Your name and address have been added to the mailing list for the Rockies Western Phase Project.

General (G12)

G12-4
(con't)

MEETINGS. ~~IF~~ I STATE THAT I DIDN'T ^{PAGE 4 OF 4}
WANT ANOTHER PIPELINE ON MY
PROPERTY, AND THEN I KNOW HE
SPOKE. TO ME THIS LOOKS LIKE
DISCRIMINATION TO ME, I HAVEN'T CONTACTED
TO MANY, BUT I HAVE HEARD CONCERNS
BEING DISCUSSED.

IF THERE IS ANYTHING YOU NEED,
PLEASE CONTACT ME.

I THANK YOU FOR YOUR TIME
AND ENERGY.

Sincerely

Robert Jack

12124 ROAD T.

BLUE HILL, NEBR

68930

P.S. THIS FARM HAS BEEN IN MY FAMILY FOR
ABOUT 100 YRS. I AM 3RD GENERATION

THIS IS MY HOME!

K-209