APPENDIX G

COMMENTS ON THE DRAFT EIS AND RESPONSES

APPENDIX G

COMMENTS ON THE DRAFT EIS AND RESPONSES

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APPLICANT

On January 8, 2007, Texas Gas filed three documents in response to the draft EIS and to supplement its application with updated information: Volume 1 – Public, Volume 3 – Privileged, and Volume 4 - CEII. No Volume 2 was filed. This information has been incorporated into the final EIS. **Volume 1 – Public** is available on the FERC internet Web site (http://www.ferc.gov) using the eLibrary link. Volume 3 and Volume 4 contain information not available to the general public via eLibrary due to its sensitivity.

On January 18, 2008, Texas Gas filed one document in Volume 1 – Public with updated environmental information in response to a request from OEP staff and to supplement its application with updated information. This information has been incorporated into the final EIS. **Volume 1 – Public** is available on the FERC internet Web site (http://www.ferc.gov) using the eLibrary link.

On January 28, 2008, Texas Gas filed three documents in two volumes in response to a request from the OEP staff and to supplement its application with updated information: **Volume 1 - Public**: Public information except those items designated as CEII; and **Volume 2 – CEII.** This information has been incorporated into the final EIS. **Volume 1 – Public** is available on the FERC internet Web site (http://www.ferc.gov) using the eLibrary link. Volume 2 contains information not available to the general public via eLibrary due to its sensitivity.

On February 1, 2008, Texas Gas filed two documents in Volume 1 – Public in response to a request from the OEP staff and to supplement its application with updated information. **Volume 1 – Public** is available on the FERC internet Web site (http://www.ferc.gov) using the eLibrary link.

PM-1 Public Meeting at Searcy, Arkansas, December 11, 2007

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Washington, DC 20426
FERC/EIS-0219D

PUBLIC COMMENT MEETING ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE FAYETTEVILLE/GREENVILLE EXPANSION PROJECT
PROPOSED BY TEXAS GAS TRANSMISSION, LLC

DOCKET NO. CP07-417-000

BE IT REMEMBERED that on the 11TH day of December, 2007, at the Carmichael Community Center, located at 801 S. Elm Street, Searcy, Arkansas, the above entitled public meeting was held, as follows:

APPEARANCES

Jennifer Kerrigan, Project Mgr.
Federal Energy Regulatory Commission
Office of Energy Projects
Washington, DC 20426
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P R O C E E D I N G S

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* * *

[THE PUBLIC MEETING WAS CALLED TO ORDER BY MS. KERRIGAN AT 6:40 P.M.]

THEREUPON,

MS. KERRIGAN: Good evening and welcome to the Federal Energy Regulatory Commission's comment meeting for the Draft Environmental Impact Statement for Texas Gas Transmission's proposed Fayetteville/Greenville Expansion Project. My name is Jennifer Kerrigan and I am the FERC Environmental Project Manager for the DEIS. With me here tonight is David Weeks and Joanna Craigmile, who is back there by the sign-in table and they are both from Ecology and Environment and they are our third-party environmental contractors. They are assisting us in -- they assisted us in the preparation of the DEIS and will continue to assist us in the -- for the preparation of the final Environmental Impact Statement. We began

reviewing Texas Gas's project under our -- the FERC's pre-filing process and we started doing this in December of 2006. On March 6th of 2007, we issued a Notice of Intent to prepare the Environmental Impact Statement for this project and at that time we assigned it the pre-filing Docket No. of PF07-2. And the pre-filing process provided an opportunity for interested parties to comment about the project during it's development. The pre-filing process ended when Texas Gas filed it's formal certificate application on July 11, 2007, and we issued a notice for the filing of the application on July 20th of 2007, and that document established the -- and assigned the Docket No. CP07-417-000 for the project. After the certificate application was filed we proceeded to prepare the Draft Environmental Impact Statement and it was issued on November 6th of 2007, and also, we issued a Notice of Availability of the DEIS and the NOA informed that the forty-five (45) day comment period for the DEIS had begun and that it would end on January 7th, 2008. So, if you're interested in filing written comments about the DEIS or

the project, you should do so by January 7th. We encourage you to file written comments about our DEIS since your comments can assist us in preparing a better final Environmental Impact Statement. Information about how to file comments with the FERC was provided in our NOA and it included the mailing address and filing information. If you would like to get a copy of the NOA, we do have some available here tonight that does have that address and all the other information you might need if you want to file some written comments. And when you do file written comments, it is important to include the Docket No. CP07-417-000, and to clearly write your name and address on your letter. It would also help if you would include approximate mile post for your property, if you know where that is, or to give us a good description, like the address of the property, because sometimes your home address and the property that's affected by the project aren't the same thing. And if you do that, we can more easily investigate your issue. You could also file comments electronically through the

Commission's website at www.ferc.gov and instructions for doing that can be found under the documents and filings link in the user's guide under that link. The NOA also included information about filing electronically, so if you need a copy of that, we do have those and so you'll have all the information you would need to file electronically, as well. As I said, we encourage you to file comments and to present your comments here tonight. We want you to make us aware of your concerns about the project and the information that's in our DEIS. If you have identified errors in the DEIS, we want to know about them, as well, so that they can be fixed for the final document. If you have different ideas about the location of the project, how it would be constructed, restoration or impacts on various resources, please feel free to comment about them, if that's what you have in mind. It is helpful, however, for you to give us, you know, information about what you're unhappy about, not just general statements about you're unhappy with the project because then we would be able to respond to your concerns

in the final document. The final EIS is scheduled to be issued on March 7, 2008 and we plan to stick to that schedule. We need to have your comments filed by January 7th, so that we may complete any additional investigations your comments may require, and so we can include our response to your comments in the final EIS. The final EIS will be used by the Commission when it evaluates Texas Gas's certificate application. Issues related to the pipeline design and transportation rates and services are also part of the application that will be addressed by the Commission in the Order that it will issue about the project. However, these issues are not part of the environmental analysis and are outside of the scope of the EIS. Other FERC staff will complete an economic analysis of the project. The Commission will decide whether approval of the proposed Fayetteville/Greenville Expansion Project is in the public interest. This decision will be in the Order for the project will issue at a date following the publication of the final EIS. As you may have noticed, we

have a court reporter here tonight. The transcript of this comment meeting will be placed in the public record and will be accessible from the FERC website. If you have any questions tonight, we will try to answer them when possible. Some of your questions may require additional research, so we may not have an answer tonight, and plus, we are just two members of a larger team and we may not have the answer ourselves and may need to, you know, investigate it further. But, we will respond to questions and if we can't answer them tonight, we will answer them in writing in the final EIS. Also, be assured, too, that the project is not final at this time. The final EIS may modify aspects of the project as it has been described in the Draft Environmental Impact Statement if there are reasonable alternatives. And the project does not become final until the Commission issues an Order approving the project. Now, I'd like to open the meeting up to any of you that -- I don't know if anybody has signed up to speak tonight -- no, we don't have anybody, but if there's anybody who would like to comment or

if you have questions, you can come up and just please, if you do so, just state your name and spell your name for the court reporter so we can get that accurately into the record. So, at this time, does anybody have anything they would like to say about the project?

AUDIENCE: [No response.]

MS. KERRIGAN: Well, if you -- if nobody wants to speak, you know, that's the purpose of this meeting is to hear comments from the public about the draft document, and if you don't feel comfortable, you know, doing that, or if you wanted, you know, just wanted to discuss anything at all with us after we close the meeting, you know, we have this room for three hours, so we can do that as well, if that's something you would prefer to do. So, anybody want to speak?

AUDIENCE: [No response.]

MS. KERRIGAN: No? Well, then, I guess, that's -- we'll close the meeting then and we can just informally talk with you, if that's what you would prefer to do. We do have alignment sheets here and if you want to point

out anything about your properties, please feel free to do so. Thank-you for coming.

COURT REPORTER: Are you ready to close the record for the meeting?

MS. KERRIGAN: Yeah, that's it.

[THE PUBLIC MEETING WAS CLOSED BY MS. KERRIGAN AT 6:50 P.M.]

* * * * *

(End of proceedings.)

* * * * *

RENI L. IRBY, CCR
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PH. 501-742-9014

REPORTER'S CERTIFICATE

STATE OF ARKANSAS)

COUNTY OF WHITE)

I, RENI L. IRBY, CCR, Court Reporter for the Federal Energy Regulatory Commission, do hereby certify the proceedings which appear in the foregoing pages are the proceedings taken by me by Stenomask in the matter of Comment Meeting on the DEIS for the Fayetteville/Greenville Expansion Project Draft Environmental Impact Statement proposed by the Texas Gas Transmission, LLC, Docket No. CP07-417-000, on December 11, 2007, at Searcy, Arkansas; that the same were thereafter reduced to typewritten form by me or under my direction and supervision, and that the foregoing pages number 1 through 11 contain a true and correct transcription of the proceedings held to the best of my ability, along with all items of evidence admitted into evidence.

WITNESS my hand and seal as such Official Court

RENI L. IRBY, CCR
P.O. BOX 53
HIGGINSON, AR 72068
PH. 501-742-9014

Reporter on this the 4th day of January, 2008.

RENI L. IRBY, CCR (Cert. #559)
NOTARY PUBLIC

My Commission Expires:

December 23, 2012
(SEAL)

RENI L. IRBY, CCR
P.O. BOX 53
HIGGINSON, AR 72068
PH. 501-742-9014

PM-2 Public Meeting at Forest City, Arkansas, December 12, 2007

FEDERAL ENVIRONMENTAL REGULATORY CONTROL
OFFICE OF ENERGY PROJECTS
WASHINGTON, D.C. 20425

FERC-DEIS COMMENT MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FAYETTEVILLE/GREENVILLE EXPANSION PROJECT

(Taken on December 12, 2007 at 6:30 p.m.)

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APPEARANCES

JENNIFER KERRIGAN

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FEDERAL ENVIRONMENTAL REGULATORY CONTROL

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WASHINGTON, DC 20426

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LANCASTER, NY 10486

ALSO APPEARING:

TINA BAKER

TEXAS GAS TRANSMISIONS

I N D E X

STYLE AND NUMBER 01

APPEARANCES 02

COURT REPORTER'S CERTIFICATE 17

P-R-O-C-E-E-D-I-N-G-S

MS. KERRIGAN: Good evening, and welcome to the Federal Energy Regulatory Commission's Comment Meeting for the Draft Environmental Impact Statement for the Texas Gas Transmission's proposed Fayetteville/Greenville expansion project. My name is Jennifer Kerrigan, and I am the FERC environmental project manager for this project. And here with me tonight on my left is David Weeks. And Joanna Craigmile is back there at the sign-in table. They are both from Ecology and Environment, who are a third party environmental contractor. E & E assisted the environmental staff in the preparation of DIES, and will continue to assist us in the preparation of the final DIES for this project.

We began reviewing this project under the FERC's pre-filing process in December of 2006. And on March 6th of 2007 we issued a Notice of Intent to Prepare an Environmental Impact Statement, or NOI, for the project and that was mailed to all of the affected land owners. Texas Gas provided us with a mailing

1 list, and we used that to send out our NOI
2 for the project at that time.
3 We also, during the pre-filing process,
4 we established a docket number PF07-2, into
5 which comments about the project could be
6 placed into the public record prior to Texas
7 Gas filing its official certificate
8 application. The pre-filing process provides
9 an opportunity for interested parties to
10 comment about the project during its early
11 development prior to the certificate
12 application being filed. The pre-filing
13 period ended on July 11, 2007 when Texas Gas
14 filed its formal certificate application.
15 And at that time the application was given
16 docket number CP0-41-000.
17 After the certificate application was
18 filed, we proceeded to complete the draft
19 environmental impact statement. FERC issued
20 a Notice of Availability, or NOA, for the
21 DIES on November 16th, 2007. And everyone
22 who indicated an interest on being on our
23 environmental mailing list received a of a
24 copy of that. And this is the document that
25 was mailed out. If you requested a CD, you

1 got the CD rather than this paper, large
2 volume. The NOI also informed that the 45
3 day comment period for the DIES had begun,
4 and that the comment period would end on
5 January 7, 2008. So if you are interested in
6 filing written comments about DIES or the
7 project in general, you should do so by
8 January 7th. And we encourage you to file
9 comments about the DIES since your comments
10 can assist us in preparing a better
11 environmental impact statement. Information
12 about how to file comments with FERC was
13 provided in the NOI, and it includes
14 information about mailing in your comments
15 and also about filing electronically. And if
16 you don't have a copy of the NOA, we do have
17 some available too. We also have these
18 brochures that has the same information in
19 it. So if you don't have it, it's available
20 for you pick up tonight.
21 And you can file electronically via the
22 commission's web site at www.ferc.gov, and
23 instructions about doing that are under the
24 documents and filling link. And there is a
25 user's guide, which can assist you on how to

1 go about filing electronically. But like I
2 said, that information is in this brochure
3 too if you didn't get it when I just said it.
4 And as I also said, we do encourage you to
5 file comments and to present to your comments
6 here tonight.
7 We want you to make us aware about your
8 concerns about the project and the
9 information that's in our drafted
10 environmental impact statement. If you
11 identified errors in the DIES, we want to
12 know about them so they can be fixed in the
13 filing of the DIES. If you have different
14 ideas about the location of the project, how
15 it would be constructed, restoration or
16 impacts on various resources, please feel
17 free to comment about them if that's what you
18 have in mind.
19 The filed DIES is scheduled to be issued
20 on March 7th of 2008, and we plan to stick to
21 that schedule. We need to have your comments
22 filed by January 7th so that we may complete
23 any additional investigations that your
24 comments may require and so that we can
25 include our responses to your comments in the

1 filed environmental impact statement.
2 The final environmental impact statement
3 will be used by the commission when it
4 evaluates Texas Gas' certificate application.
5 Issues related to the pipeline design and
6 transportation rates and services are also
7 part of the application and will be addressed
8 by the commission in its order on the
9 project. These issues are really outside of
10 the environmental analysis, and so they are
11 not included in our DIES. Other FERC staff
12 completes this type of economic analysis for
13 the project.
14 The commission will decide whether
15 approval of the Fayetteville/Greenville
16 expansion project is in the public interest.
17 This decision we make in the order for the
18 project, the commission will issue at a date
19 following the publication of the final
20 environmental impact statement.
21 As you may have noticed, we have a court
22 reporter here tonight. The transcript of
23 this comment meeting will be placed in the
24 public record and will be accessible from the
25 FERC website at www.ferc.gov.

1 Also, if you have any questions tonight,
2 we will try to answer them where possible.
3 Some of your questions, however, may require
4 additional research, so we may not have an
5 answer tonight. We are just two members of a
6 larger team, so we may not have that
7 particular technical expertise, but somebody
8 on our team does. And so be assured if we
9 don't have the answer tonight, we will
10 respond to your questions in the final
11 environmental impact statement. Also be
12 assured that the proposed project is not
13 final at this time. The final DIES may
14 modify aspects of the project described in
15 the draft of the environmental impact
16 statement if there are reasonable
17 alternatives. And the project is not to
18 become final until the commission issues an
19 order that approves the project.
20 Now, I would like to open up the meeting
21 to anybody who would like to speak, and I
22 understand that we haven't have anybody sign
23 up to speak at this time, but if you do have
24 questions, you can come up to the podium and
25 ask your questions. But we ask that you,

PM2-1	10 1 before you do so, state your name and spell 2 it for our court reporter so we can get it 3 accurately in the record. So is there 4 anybody that cares to speak, have a comment 5 or a question? Now is the time to do it. 6 This meeting is called for you to comment on 7 the project so if you -- okay, great, a 8 taker. Ice breaker, that's right. 9 MR. MARTIN: I am Charles Martin, Jr. of 10 Forrest City, and I am just wondering, the 11 area that the pipeline is going to be going 12 through, are you going to basically purchase 13 this land from the people and offer them a 14 certain percentage or a certain amount of 15 money? 16 MS. KERRIGAN: This project is not 17 sponsored by the federal government. I am 18 with the Federal Energy Regulatory 19 Commission. It's proposed by Texas Gas 20 Transmission, so you would need to ask them 21 about what their easement arrangements are. 22 That's really outside of our jurisdiction to 23 get involved in that. 24 MR. WEEKS: And there are some 25 representatives from Texas Gas here in the Flynn Legal Services - Certified Court Reporters (501)801-1801 - www.flynnlegal.com	**PM2-1**	See Section 1.4 for information about public comment.

PM2-2	11 1 room, Lisa, Neal, and they can perhaps 2 directly address your concerns. 3 MR. MARTIN: Okay. All right. Thank 4 you. 5 MS. KERRIGAN: Thank you. Anybody else? 6 Oh, great. 7 MS. HAYNES: My name is Barbara Haynes, 8 H-A-Y-N-E-S, and I would like to know exactly 9 where the gas line would be going from in St. 10 Francis County. 11 MR. WEEKS: Well -- 12 MS. KERRIGAN: We have alignment sheets 13 available that you can look at, but its kind 14 of -- there are several pages that are, you 15 know, not really visible from here back to 16 you in the audience, so if you want to take a 17 look at them, they are available for you to 18 do that so you can see where they are. 19 MS. HAYNES: In the newspaper it said 20 that the people that lived in Goodwin should 21 be the ones that really come out into the 22 meeting because that's the town that they 23 were -- said that the gas line might come 24 through the southern part of St. Francis 25 County, and we were just trying to see just Flynn Legal Services - Certified Court Reporters (501)801-1801 - www.flynnlegal.com	PM2-2	See Section 1.4 for information about public comment.

PM2-3	12 1 where those lines will come through. And if 2 they are coming through, will we have to -- I 3 guess that's an easement question that we are 4 going to have. If they put the lines through 5 there, will they put the -- restore the 6 grounds back so it can be usable or will that 7 have to be on the land owner or who? 8 MS. KERRIGAN: No, Texas Gas will be 9 required to restore all work spaces. Every 10 place where they did any construction 11 activity would have to be restored so it can 12 be reused for like for farming if that was 13 what it was used for prior to that. If it's 14 through whatever, whatever type of land, it 15 should be restored. You know, sometimes if 16 it goes through forested areas, that's not an 17 immediate kind of restoration that can 18 happen, and some of the restoration can occur 19 within the permanent easement for tree 20 planting and things like that. But if it is 21 crops or lawns, all of that can be restored. 22 MS. HAYNES: Homes? 23 MS. KERRIGAN: Well, it shouldn't go 24 through anybody's home. It's not proposed to 25 go through anybody's home, so I don't think Flynn Legal Services - Certified Court Reporters (501)801-1801 - www.flynnlegal.com	**PM2-3**	See Section 1.4 for information about public comment.

PM2-4	13 there is going to be taking of any homes to do this. MS. HAYNES: Businesses or anything like that? MS. KERRIGAN: Same, same -- Yeah, same thing. And during the construction process for business and homes, they are supposed to maintain access or provide some kind of alternative for like for the home owner, you know, if they have to go across their driveways and things like that, you know. There is things that they can do to make sure that access to homes is maintained or something is done to compensate the owner. That's a typical thing that happens. MS. HAYNES: And Texas Gas, this will be another alternative fuel for the area here instead Arkla Gas? MS. KERRIGAN: I am not sure of that. I don't believe that's part of the plan. I think this is -- Texas Gas is an interstate transporter of gas. And so I'm not sure the role of Arkla in this area either, so I can't really speak to that well. Is that your local distribution? Flynn Legal Services - Certified Court Reporters (501)801-1801 - www.flynnlegal.com	PM2-4	See Section 1.4 for information about public comment.

1 MS. HAYNES: That's our natural gas
2 lines.
3 MS. KERRIGAN: Is this your local who
4 delivers gas to homes?
5 MS. HAYNES: Yes.
6 MS. KERRIGAN: That's not Texas Gas'
7 function. They don't do that service. They
8 don't provide that service. There would not
9 be an alternative, right.
10 MS. HAYNES: Well, what type of service
11 does Texas Gas offer? The reason why it
12 wants to come through this area, is it for
13 automobiles or --
14 MS. KERRIGAN: No, it's natural gas.
15 It's not gasoline. And they are an
16 interstate transporter, so basically they
17 would be moving gas. They will just
18 transport gas --
19 MS. HAYNES: From one area to another?
20 MS. KERRIGAN: Yeah, for -- actually for
21 a customer. They just provide a conduit for
22 the owner of the gas or for -- yeah, for the
23 owner of the gas.
24 MS. HAYNES: They are providing gas for
25 the customers?

MS. KERRIGAN: They are providing a conduit. They don't really provide the gas.

MS. HAYNES: Transportation?

MS. KERRIGAN: Yes.

MR. WEEKS: Jennifer, I might add also, the reason for this particular pipeline is in large measure because of all the new gas production that's taking place in central Arkansas in what they call the Fayetteville shell formation, and so there is a lot of new gas available to be shipped to Arkla, and this line would connect with Texas Gas' existing main pipelines near Bald Knob and also to a line near Lulu, Mississippi -- and there is also another line in this too -- so that they can better distribute, get gas into their system. So in essence it eventually winds up with the consumer, but this is to provide a service for the producer of the wells and the companies that need it in other areas.

MS. HAYNES: All right. Thank you.

MS. KERRIGAN: Uh-huh.

MR. COLLIER: My name is Clifton Collier, C-O-L-L-I-E-R, up from Lee County. And I

	16 1 think my question would be for Texas Gas. 2 Are they going to take the podium any time 3 this afternoon? My question is for Texas		
PM2-5	4 Gas, I believe. Are they going to be where 5 we can ask them questions as a group?	**PM2-5**	See Section 1.4 for information about public comment.
	6 MS. KERRIGAN: No, this is not their 7 meeting. This is the Federal Energy 8 Regulatory Commission's meeting. So they may 9 be available afterwards to chat with folks. 10 Just like if anybody doesn't want to come up 11 and speak publicly, we have got this room for 12 three hours, so, you know, if you don't want 13 to publicly ask questions or comment and 14 would rather do it individually, you know, we 15 can do that as well afterwards. And I think 16 they would be open to chatting and answering 17 whatever questions you might have. 18 MR. COLLIER: Thank you. 19 MS. KERRIGAN: Thank you. 20 MR. DALLAS: My name is Shane Dallas. I 21 am the emergency management corp for St. 22 Francis County. My question is whether -- is		
PM2-6	23 all the pipeline going through the county 24 under ground? Will there be any above ground 25 sites for any reason or another? Flynn Legal Services - Certified Court Reporters (501)801-1801 - www.flynnlegal.com	**PM2-6**	See Section 1.4 for information about public comment.

MS. KERRIGAN: All of the pipeline is under ground. The only things that might be above ground, I would have to think about what might be in your county, would be like if there was a meter station or some kind of valve, but -- so that would be only aspect of the project that would be above ground. But the pipeline itself would be buried.

PM2-7 MR. DALLAS: What is the diameter of the proposed pipeline?

MS. KERRIGAN: 36-inch.

PM2-8 MR. DALLAS: Normally how deep is that placed?

MR. WEEKS: There is at least two feet of cover. As planned in an agricultural area, which would be a large part of the county, a minimum of three feet.

MS. KERRIGAN: At least three feet cover, at least three feet cover, and -- yeah, at least three feet of cover but it would be deeper in some agricultural areas because the machinery operates at greater depths, and then it's deeper under roads and railroads and under streams, that kind of thing.

MR. DALLAS: Do they own any of the

PM2-7	See Section 1.4 for information about public comment.
PM2-8	See Section 1.4 for information about public comment.

PM2-9	18 1 pipelines in our county? I know we have 2 several pipe lines. 3 MS. KERRIGAN: I don't know exactly. I 4 am kind of thinking may be -- do you know? 5 MS. BAKER: Not in this county. 6 MS. KERRIGAN: Not in that county. You 7 know, that is what I was thinking, didn't own 8 anything else in this county. 9 MR. DALLAS: Thank you. 10 MS. KERRIGAN: If nobody else has any 11 questions, we can just break up and talk 12 about the project informally. Like I said, 13 we have got the room for three hours, or not 14 three more, but two and one half or so more 15 hours. So if you would like to -- we are 16 available to talk about anything you feel 17 like talking about or asking. Okay. So that 18 will close the more formal part of the 19 meeting. 20 (Whereupon, the proceedings concluded at 21 6:49 p.m.) 22 23 24 25 Flynn Legal Services - Certified Court Reporters (501)801-1801 - www.flynnlegal.com	**PM2-9**	See Section 1.4 for information about public comment.

CERTIFICATE

STATE OF ARKANSAS)
) SS:
COUNTY OF PULASKI)

I, Dori Young, Certified Court Reporter #423, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of a Stenotype machine and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action.

WITNESS MY HAND AND SEAL this 19th day of December, 2007.

_____

Dori Young, CCR #423

State of Arkansas

PM-3 Public Meeting at Lexington, Mississippi, December 13, 2007

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Texas Gas Transmission, LLC Docket No. CP07-417-000

PUBLIC COMMENT MEETING FOR THE FAYETTEVILLE/GREENVILLE

EXPANSION PROJECT PROPOSED BY TEXAS GAS TRANSMISSION

DATE: December 13, 2007

TIME: 6:30 P.M.

PLACE: 115 Spring Street
Lexington, Mississippi

REPORTED BY:

Linda Wilson, CSR #1314
Verbatim Court Reporting
P.O. Box 16274
Jackson, MS 39236
(800) 689-9948

BY MS. KERRIGAN:

Good evening, and welcome to the Federal Energy Regulatory Commission Comment Meeting for the Draft Environmental Impact Statement for Texas Gas Transmission's proposed expansion project.

My name is Jennifer Kerrigan, and I'm the FERC Environmental Project Manager for this project.

Here with me tonight is David Weeks on my left, and Joanna Craigmile, who is back at the sign-in table. They are both from Ecology and Environment, who are our third party environmental contractor.

E&E has assisted the FERC environmental staff in the preparation of the DEIS, and will continue to assist us in the preparation of the final environmental impact statement for this project.

We are reviewing the Fayette/Greenville Expansion Project. Under the FERC's pre-filing process in early December 2006, and on March 6th, 2007, we issued a notice of intent to prepare an environmental statement for the project. This was mailed to all of the affected landowners based upon a mail list that was provided to us by Texas Gas. It was also sent to various elected officias and federal and state agencies.

And we also assigned a pre-filing docket to the project, TS07-2. The pre-filing process provided an

1 opportunity for interested parties to come assess the
2 project during its early development. The pre-filing
3 period ended on July 11, 2007, when Texas Gas filed its
4 formal certificate application with FERC. That
5 certificate application was assigned a docket number
6 CP007-417-000.
7 After the certificate application was filed, we
8 received the Draft Environmental Impact Statement. The
9 FERC issued a notice of availability for NRA for the
10 DEIS on November 16th, 2007, and everyone who indicated
11 an interest on being on the environmental mail list was
12 sent a copy of that document. And this is the document.
13 This is the document that was mailed out, and -- and
14 this is what -- we're having the comment meeting on that
15 tonight.
16 The NRA also informed that the 45-day comment
17 period for the DEIS has begun, and that comment period
18 will end on January 7th, 2008. So if you're interested
19 in filing written comments about the DEIS or the
20 project, you should do so by January 7th. And we
21 encourage you to file written comments about our DEIS
22 because your comments can assist us in preparing a
23 better filed environmental impact statement.
24 Information about how you file comments with
25 FERC to provide to DEIS, there's also a letter to the

1 parties at the front of the DEIS which has that
2 information, and we also have these little brochures
3 that has the filing information in it. It has the
4 address for the Commission; it also has the information
5 about filing electronically through the FERC website,
6 which is www.ferc.gov.
7 And it's important when you file comments that
8 you include the docket number, which is CP07-417-000,
9 and you clearly write your name and address on your
10 letter. We encourage you to file comments and to make
11 your comments here tonight -- I'm getting a little
12 feedback -- and we want you to make us aware of your
13 concerns about the project and the information that's in
14 our DEIS.
15 If you have identified errors in the DEIS, we
16 want to know about them so they may be checked in the
17 file of the environmental impact statement.
18 If you have other comments about the project,
19 restoration, or the impact of the various resources,
20 please feel free to comment about them.
21 The final environmental impact statement is
22 scheduled to be issued on March 7th, 2008, and we plan
23 to stick to that schedule. So you need to have your
24 comments filed by January 7th so that we may complete an
25 additional investigation that your comments may require

and so that we can include responses to your comments in the final environmental impact statement.

The final environmental impact statement will be used by the Commission to evaluate the certificate application. Issues related to (inaudible) and transportation services are also part of the certificate application, and will be addressed by the Commission in the order that it was issued for the project. Those issues which are not part of the environmental analysis and they are outside the scope of our impact statement, other FERC staff will complete the analysis of the project.

The Commission will decide whether approval of the Fayeteville/Greenville Expansion Project is in the public interest. Its decision will be an order for the project issue, and a date following publication of the final environmental impact statement.

As you may have noticed, we have a court reporter here tonight, and a transcript of this public meeting will be placed in the public record, and will be accessible from the FERC website at www.ferc.gov.

Also, if you have any questions tonight, we'll try to answer them where we can. Some of your questions may require additional research, and so we don't have to answer it twice. But we have two members of the larger

team that worked on the environmental impact statement, and so we may not have the answer -- our staff here tonight may have more focused answers. However, if we don't have the answer tonight, be assured that we will find the answer and provide it in our final environmental impact statement.

Also be assured that the proposed project is not final at this time. The final EIS may modify aspects of the project described in our draft environmental impact statement if there are reasonable alternatives. And as I said, the project does not become final until the Commission issues an order approving the project.

Now I'd like to open up the meeting to anyone who would like to speak. So far I have one card, and maybe I have another one from folks that are interested in commenting on this EIS for the project. And we can begin that now. And the first name I have is Marvin Burchfield. Would you like to speak?

BY MR. BURCHFIELD:

I got a question or two really I want to ask you. This environmental impact statement came about two-and-a-half weeks ago. And for a country boy like me, it's pretty voluminous to go through. I haven't been through it. Does this environmental impact

PM3-1	7 1 statement include the non-public application filed by 2 Texas Gas? 3 BY MS. KERRIGAN: 4 It includes all of the information related to 5 the environmental impact of the project, and it 6 includes -- there are some things like the maps and 7 alignment sheets that weren't filed on the internet. Is 8 that what you're referring to? 9 BY MR. BURCHFIELD: 10 Well, I'm talking about the formal application 11 filed for a Certificate of Convenience and Necessity. 12 Does this environmental impact in the preamble anywhere 13 include the non-public filing of the application? 14 BY MS. KERRIGAN: 15 The information that was included in it? 16 Because it does include everything related to -- it does 17 include everything that's related to the environmental 18 information in that application. 19 BY MR. BURCHFIELD: 20 I reckon I'm -- 21 BY MS. KERRIGAN: 22 Maybe I'm not -- 23 BY MR. WEEKS: 24 It's the terminology here. 25 BY MS. KERRIGAN:	**PM3-1**	See Section 1.4 for information about public comment.

1 Yeah. If I'm understanding.
2 BY MR. BURCHFIELD:
3 Okay. I'll go back and do it another way.
4 BY MS. KERRIGAN:
5 Yeah.
6 BY MR. BURCHFIELD:
7 If my understanding is correct, Texas Gas filed
8 a pre-filing, in the form of a pre-filing application,
9 and if my terminology is not right, I apologize, but
10 then they later I understand it filed a formal
11 application for a Certificate of Convenience and
12 Necessity.
13 BY MS. KERRIGAN:
14 That's correct.
15 BY MR. WEEKS:
16 That application is not included in this
17 document.
18 BY MS. KERRIGAN:
19 Everything --
20 BY MR. BURCHFIELD:
21 No, wait. It's -- it's -- I looked at some of
22 the document but I can't find per se a copy of the
23 application which was filed by Texas Gas.
24 BY MS. KERRIGAN:
25 It's -- all of it is --

1 BY MR. BURCHFIELD:
2 That's what I'm coming to.
3 BY MS. KERRIGAN:
4 Yeah.
5 BY MR. BURCHFIELD:
6 But it's non -- there's some of it --
7 BY MS. KERRIGAN:
8 Some --
9 BY MR. BURCHFIELD:
10 It's up on a website somewhere if you have a
11 computer. Some of it which is non-public, it doesn't
12 appear.
13 BY MS. KERRIGAN:
14 Yes. There's some things -- there's several
15 things like cultural resource reports, those are never
16 made public because of the concern that somebody might
17 go out there and dig them up. So -- and so that's never
18 made public. So that's -- that's -- that information is
19 summarized in the cultural resources section of this
20 document.
21 There's other things that were filed under what
22 the Commission called non-internet-public information,
23 and ever since 911, some information was considered
24 sensitive, and they didn't want it to be available
25 through the internet.

1 And so things like for -- the pipeline route on
2 topographic maps and the aerial photos showing the
3 proposed pipeline route were thought and labeled as
4 non-internet-public. And so those were not acceptable
5 via the internet, through the internet, okay?
6 BY MR. BURCHFIELD:
7 Okay. Let me help you out.
8 BY MS. KERRIGAN:
9 Yeah.
10 BY MR. BURCHFIELD:
11 And see if you can figure out how I'm talking.
12 BY MS. KERRIGAN:
13 All right.
14 BY MR. BURCHFIELD:
15 But there is not in this document the formal
16 application filed by Texas Gas.
17 BY MS. KERRIGAN:
18 It doesn't include that whole application.
19 BY MR. BURCHFIELD:
20 That's all I needed to know. Thank you.
21 BY MS. KERRIGAN:
22 That would be volumes.
23 BY MR. BURCHFIELD:
24 Now, all right. Bear with me. I'm going to
25 get it straight.

PM3-2	11 1 BY MS. KERRIGAN: 2 Don't worry. 3 BY MR. BURCHFIELD: 4 First, it's been about two-and-a-half months 5 ago, on the public information disclosure, I asked for 6 some non-public information from FERC. I got a copy of 7 the letter which went to the division I was told to send 8 it to. 9 The gentleman that responded did so in a 10 reasonable amount of time, and he sent me part of what I 11 asked for. And this is a quote of what I heard from 12 him. He said, "The rest of it will have to come from 13 'upstairs'. I'll send it up there." And I never heard 14 anything. 15 And four or five weeks passed, and I called. I 16 talked to him. And he referred me to a lady who I 17 understand now is no longer employed there. Then I was 18 referred to Mr. Hershfield, and I had to go back and 19 redo a letter. And I'm derelict in not properly doing 20 what he told me, but it's in his hands now, or someone's 21 hands, and reiterates what I asked for to begin with. 22 And I'd just like an answer to it. And I'm not 23 trying to embarrass anyone. I really understand the 24 time of the year, but I would really appreciate somebody 25 following up and see what's happened to it.	**PM3-2**	See Section 1.4 for information about public comment.

1 BY MS. KERRIGAN:
2 Yeah, I know we have this problem on occasions
3 for others, you know, in some similar situations. But
4 he is -- I know he has recently been involved in
5 determining whether or not material that has been filed
6 is public or confidential and can be released to you or
7 anyone else who asks for it. And he's usually pretty
8 good with following up on that stuff, so --
9 BY MR. BURCHFIELD:
10 He's been very cooperative.
11 BY MS. KERRIGAN:
12 Yeah, he's very good at that. So if -- if you
13 give me, you know, your contact information, I can talk
14 with him when I get back to the office, too, and see if
15 he can follow up on that issue.
16 BY MR. BURCHFIELD:
17 Okay.
18 BY MS. KERRIGAN:
19 But I don't know what specifically you're
20 asking.
21 BY MR. BURCHFIELD:
22 If it's okay when this is over with.
23 BY MS. KERRIGAN:
24 Sure. Yeah.
25 BY MR. BURCHFIELD:

	13 Now, I have one other question, I think. BY MS. KERRIGAN: Go ahead. BY MR. BURCHFIELD:		
PM3-3	Once this pipeline is in place, it's sodded, and the contractor is through with it, and as far as a particular location, it's a completed job, I understand the United States Department of Transportation has jurisdiction of seeing that it's operated properly, or as far as safety, and this sort of thing; is that correct? BY MS. KERRIGAN: That's correct. BY MR. BURCHFIELD:	**PM3-3**	See Section 1.4 for information about public comment.
PM3-4	All right. I got another question. I haven't read the environmental impact statement closely, and I didn't see anything in there, but who, which department handles the specs on the installation of the line, and who's responsible for seeing that it's laid to comply with the U.S. Department of Transportation's safety measures, or do they have jurisdiction of safety measures, or who does? BY MS. KERRIGAN: Yes. They do. BY MR. BURCHFIELD:	**PM3-4**	See Section 1.4 for information about public comment.

1 And if so, do y'all have in your possession its
2 document telling you what safety measures they are
3 supposed to comply with?
4 BY MS. KERRIGAN:
5 That -- it is in the document.
6 BY MR. BURCHFIELD:
7 Okay.
8 BY MS. KERRIGAN:
9 And -- that information, and it would be in
10 Section 4.7, the last section, for reliability and
11 safety.
12 BY MR. BURCHFIELD:
13 You got past the first two or three pages. I
14 hadn't read the first two or three pages.
15 BY MS. KERRIGAN:
16 I understand that. But it is in there, and the
17 information about the DOT regulations is in that
18 section.
19 BY MR. BURCHFIELD:
20 Well, unless I can think of something else,
21 before I embarrass myself some more, I'm going to stop
22 at that. I appreciate it.
23 BY MS. KERRIGAN:
24 Thank you very much. Another speaker, Wayne
25 Moore.

BY MR. MOORE:

Good afternoon. I was at the meeting that we had at Des Plains High School, and I sent in two questions when I was there. I didn't receive any communications from Texas Gas in the way of answer to those questions, and they were taken down by the dictator, and also I wrote it out and I put it in the box and sent it in. They told me it would be sent to Texas Gas, and I'm concerned about that.

I say, well, those are questions that I have about property that belongs to me, and you're going to install a pipeline on my property. I want to know, how would I pursue the losses if something happened that destroyed my house? I've got two houses on that property that will be fairly close to where the pipeline is. If a disaster happens there, I'm quite sure I won't be there, but I do have children. How would they be compensated?

Also, I asked the question is everyone going to be paid the same amount of money per foot of land? I'm aware of the fact that some land, you have trees on it, they will pay for timber, I'm aware of the fact that some land have cotton planted on it, soybeans planted on it, and they have hills, and also I'm aware of the fact that some land has hay planted on it, and each one is

PM3-5	**PM3-5**	See Section 1.4 for information about public comment.
PM3-6	**PM3-6**	See Section 1.4 for information about public comment.

PM3-7	16 1 different. I understand that. But the question that I 2 was asking was would everyone be paid the same amount 3 per foot? 4 And one other question that I have. The ones 5 that I've been in contact with that was purchasing 6 right-of-ways, Mike Espinosa, how do we know as 7 individual landowners that this is not someone that 8 works for a company that is purchasing the right-of-way 9 for Texas Gas Pipeline and receiving enormous profits 10 and bonuses, and we're getting crumbs? How do we know 11 that? 12 BY MS. KERRIGAN: 13 Well, let's go to the first question. 14 BY MR. MOORE: 15 Okay. 16 BY MS. KERRIGAN: 17 This had to do with if there's an accident on 18 the property. 19 BY MR. MOORE: 20 Uh-huh. 21 BY MS. KERRIGAN: 22 Texas Gas is responsible and liable for the 23 safe operation of this pipeline. So, therefore, Texas 24 Gas is liable. Okay? So that's the first question. 25 Both of the rest of your questions are	**PM3-7**	See Section 1.4 for information about public comment.

1 questions that only Texas Gas can answer because it has
2 to do with easements and monetary compensation for both
3 the easement rights and perhaps if there was property in
4 adverse possession, your compensation, those kinds of
5 losses, if you had like damages, and if trees were cut
6 down, those kinds of things.
7 Those -- those issues are outside of the FERC's
8 jurisdiction because it's really a business relationship
9 between the landowner and the company, and subject to
10 that association. And also if it comes to the point
11 where you can't negotiate and the courts have to decide,
12 it's subject to the local court's determination of what
13 is a fair compensation for easements, and that type
14 thing.
15 So really, Texas Gas is the only one who can
16 give answers to your last set of questions. So you
17 really need to talk with maybe Tina Baker back here, and
18 maybe she can give you some insights to that. And, like
19 I say, it's something that's outside of our jurisdiction
20 and I can't -- we don't get involved in that.
21 BY MR. MOORE:
22 Okay. I have one other question, also. I was
23 waiting for the end.
24 BY MS. KERRIGAN:
25 Okay.

PM3-8	18 1 BY MR. MOORE: 2 Now I want to know this. In such event, in 3 some of the cases where Texas Gas is going to go across 4 a road that is a highway that is used for travel, and 5 many of us going back and forth to work, and things of 6 that nature, how long would it be before they would be 7 through with areas of this nature? And some of us don't 8 have the opportunity of being able to just detour to 9 another route, who live close by. What about cases of 10 that nature, since this is the environmental? 11 BY MS. KERRIGAN: 12 Okay. Where they cross, sometimes they are 13 bored, so there is no surface disturbing, and it doesn't 14 affect traffic because they dig like a trench down, and 15 they do like an auger bore for the pipeline underneath 16 the road, and then the pipeline goes through there, so 17 there's no surface disturbance of the roadway. 18 And other times -- sometimes they do what's 19 called an overcast of the road, and usually they are 20 able to maintain a lane of traffic open, by either 21 putting steel plates over it so the traffic can go over 22 it, and they can slow it down so everything crosses 23 safely. 24 But usually the overheads are typically like a 25 day or two, you know. They are usually the smaller	**PM3-8**	See Section 1.4 for information about public comment.

1 roads, and they typically do that for gravel roads,
2 things like that. On the larger ones, they usually bore
3 under. So it depends on if the road is -- and it also
4 depends on what the local jurisdictions permit for that
5 crossing. Sometimes they want them all bored.
6 So that is the answer there because of the two
7 kinds of scenarios that could occur.
8 BY MR. MOORE:
9 Okay. Would that come under the jurisdiction
10 of the road supervisors for the county in that --
11 BY MS. KERRIGAN:
12 I don't believe so because they usually get
13 local permits for crossing of roads.
14 BY MR. MOORE:
15 Okay. So I know that neither one of our road
16 supervisors in the area have attended any of our
17 meetings, and I attended all of them.
18 BY MS. KERRIGAN:
19 Uh-huh.
20 BY MR. MOORE:
21 Okay. Thank you.
22 BY MS. KERRIGAN:
23 Does anybody else have any questions? If you
24 would like to talk after -- if you want to talk after
25 the meeting, we've got this room for three hours, and

PM3-9	20 you can do that as well. Also, we have the alignment sheets if anyone would like to see those. If you have any questions. You want to ask a question? BY MR. MONTGOMERY: Walter Montgomery. Is the route still in the same -- have y'all just deviated or changed the route? BY MS. KERRIGAN: There hasn't been -- BY MR. MONTGOMERY: The original map, we're sticking to that? BY MS. KERRIGAN: The map that was final in July is the one we're working from at this point. So there has been an earlier version that may have been modified, but it's -- it hasn't been any big modifications except for where it crossed the parkway, the Natchez Trace Parkway. BY MR. MONTGOMERY: Beyond -- beyond Lexington? That's where it -- yeah. BY MR. WEEKS: We have the alignment sheets. If you'll get with one of us tonight, your property, and you can see what's planned at this point. Depending -- depending on what you first saw, they may have changed it then, but it hasn't changed at this time.	**PM3-9**	See Section 1.4 for information about public comment.

1 BY MS. KERRIGAN:
2 Yeah, it hasn't changed since July. Okay?
3 BY MR. MONTGOMERY:
4 Okay.
5 BY MS. KERRIGAN:
6 Anybody else have any questions? If not, then,
7 we'll close out the formal part of the meeting, and
8 we're here. We can be here as long as you have
9 questions, and feel free to take advantage of us being
10 here right now.
11 Okay. We'll close the meeting, then. Thank
12 you.
13 [CONCLUDED AT 7:05 P.M.]
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20
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25

CERTIFICATE OF COURT REPORTER

STATE OF MISSISSIPPI

COUNTY OF MADISON

I, Linda Wilson, CSR #1314, and Notary Public in and for the County of Madison, State of Mississippi, do hereby certify that the foregoing pages, and including this page, constitute a true and accurate transcription of the Public Comment Meeting for the Fayetteville/Greenville Expansion Project Proposed by Texas Gas Transmission, as taken by me at the time and place heretofore stated in the aforementioned matter, and later reduced to typewritten form, to the best of my skill and ability.

I further certify that I am not in the employ of, nor related to, any Counsel or Party in this matter, and have no interest, financial or otherwise, in the final outcome of this proceeding.

Witness my signature and seal, this 21st day of December, 2007.

LINDA WILSON, CSR #1314

My Comm. Expires: 10-20-2008

F1 U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Letter dated December 10, 2007

Unofficial FERC-Generated PDF of 20071220-0019 Received by FERC OSEC 12/14/2007 in Docket#: CP07-417-0

WRONG DOCKET SHOULD BE CP07-417-000

[redacted]

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

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FILED
OFFICE OF THE SECRETARY
FEDERAL ENERGY REGULATORY COMMISSION

December 10, 2007

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

Dear Secretary Bose,

We have provided comments on the DEIS regarding the Fayetteville/Greenville Expansion Project, Construction, & Operation of the Natural Gas Pipeline Facilities in AR & MS (20070496).

The DEIS has been reviewed within the areas of the National Oceanic and Atmospheric Administration, National Geodetic Survey's (NGS) geodetic responsibility, expertise, and in terms of the impact of the proposed actions on NGS activities and projects.

F1.1 If there are any planned activities which will disturb or destroy geodetic control monuments, NGS requires notification not less than 90 days in advance of such activities in order to plan for their relocation. NGS recommends that funding for this project includes the cost of any required relocation(s).

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the homepage of NGS at the following Internet address: http://www.ngs.noaa.gov. After entering this website, please access the topic "Products and Services" then "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the NGS database 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.

We hope our comments will assist you. Thank you for giving NGS the opportunity to review your DEIS.

Sincerely,

Christopher W. Harm
Program Analyst
NOAA's National Geodetic Survey
Office of the Director
1315 East-West Highway
SSMC3 8729, NOAA, N/NGS
Silver Spring, Maryland 20910

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F1.1	Section 4.8.6 One geodetic control monument was identified in the Project area, and this information has been added to new section 4.8.6, which addresses geodetic monuments.

F2 U.S. Department of the Interior, Office of Environmental Policy and Compliance, Letter dated December 27, 2007

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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Richard B. Russell Federal Building
75 Spring Street, S.W.
Atlanta, Georgia 30303

TAKE PRIDE IN AMERICA

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December 27, 2007

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Review of Draft Environmental Impact Statement for the Construction and Operation of the Natural Gas Pipeline Facilities (Fayetteville/Greenville Expansion Project, Docket No. CP07-417-000) in Arkansas and Mississippi

Dear Ms. Bose:

The following comments are submitted in accordance with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et. seq.), the Endangered Species Act of 1973 (87 Stat.884; as amended; 16 U.S.C. 1531 et seq.), Bald and Golden Eagle Protection Act (54 Stat.250, as amended, 16 U.S.C. 668a-d), and Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661et seq.).

F2.1 We note that the subject document states that the right-of-way will cross the Cache River National Wildlife Refuge (NWR). The Fish and Wildlife Service (Service) provided FERC with a current map of the NWR and notes that the right-of-way does not cross any land owned by the Service within the Cache River NWR but it does cross lands within the identified acquisition boundary of the NWR. If there is a change in the proposed project that requires the use of any land within the Cache River NWR, the Refuge Manager must be contacted prior to any activity and with sufficient time to evaluate the potential impact on the NWR and obtain the required special use permit.

F2.2 The document identifies the bald eagle as threatened. The bald eagle has recently been delisted and is no longer considered to be a listed species. However, the bald eagle remains a protected species under the provisions of the Bald and Golden Eagle Protection Act.

F2.3 The analysis in Wildlife Resources, Section 4.6.1, pages 4-57 -- 4-75, would benefit from an assessment of potential impacts from leaks or catastrophic failures of the pipeline. Additionally,

F2.4 determination as to whether the construction and operation of the proposed project will obstruct any migratory routes of importance is recommended, including identification of mitigation measures to avoid impacts, as appropriate.

F2.1 Final EIS references to Project location with respect to NWR boundaries have been corrected. See sections 4.6.1.4 and 4.8.3.

F2.2 The final EIS has been revised in numerous places to incorporate the updated protection status of the bald eagle.

F2.3 We have revised section 4.6.1.2 to include potential impacts on wildlife from leaks or catastrophic failure.

F2.4 The final EIS includes additional information about impacts on and mitigation for migratory birds and a determination as to whether or not construction and operation of the proposed project would obstruct migratory routes of importance (see section 4.6.1.3).

F2.5 The draft EIS makes reference to several factual or generalized statements as well as surveys conducted without supporting scientific documentation. The final EIS would be enhanced if supporting references for such statements of fact and field surveys were identified and included in the literature cited section. Examples include but are not limited to the following:

"Many of the mammal, bird, reptile, and amphibian species can adapt to changing habitat conditions and have the ability to temporarily expand or shift their home ranges to find alternative sources of food, water, and shelter until construction work area habitats become reestablished." (page 4-58, last paragraph)

"... population-level impacts would not be expected, since migratory birds that occur along the pipeline route would likely opt for more suitable habitat." (page 4-59, 4th paragraph)

"Louisiana black bears were not observed during the field surveys...". (page 4-68, 4th paragraph)

"The potential range for the [ivory-billed Woodpecker] IBWO in Arkansas includes .... the potential for the IBWO habitat appears remote." (pages 4-68 - 4-69)

"No wood stork or wading bird rookeries were observed during field surveys...". (page 4-69, 4th paragraph)

"Texas Gas states that state-listed species were not identified during its field surveys." (page 4-73)

F2.6 Documentation of such field studies can provide important insights as how and when the data were collected as well as contribute to the public's understanding of the environmental setting and natural resources in the project area. For example, on page ES-5 (1st paragraph) it is stated that the survey completed by Texas Gas in October 2007 found no federally listed mussel species. However, it is later stated that "As recently as 2005, however, populations [of the federally endangered speckled pocketbook mussel species] were found to have persisted in all forks of the Little Red River." (page 4-70, 3rd paragraph).

Thank you for the opportunity to review and comment on this draft EIS. If you have any questions concerning our comments, I can be contacted at 404-331-4524.

Sincerely,

Gregory Hogue
Regional Environmental Officer

cc:
FWS-R4, Atlanta
Lloyd Woosley, USGS
OEPC, Washington

F2.5 The final EIS has been updated to included supporting reference for statements of facts and field surveys (see sections 4.6, 4.7, and Appendix I).

F2.6 Comment noted. The final EIS has been revised to include reference to the final mussel survey report (see section 4.7).

F3 U.S. Department of the Interior, Office of Environmental Policy and Compliance, Letter dated January 8, 2008

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United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Richard B. Russell Federal Building
75 Spring Street, S.W.
Atlanta, Georgia 30303

TAKE PRIDE IN AMERICA

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9043.1

January 8, 2008

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Draft Environmental Impact Statement for the Construction and Operation of the Natural Gas Pipeline Facilities (Fayetteville/Greenville Expansion Project, CP07-417-000), in Arkansas and Mississippi

Dear Ms. Bose:

On December 27, 2007, the Department of the Interior (Department) submitted comments to the referenced DEIS. The Department offers the following additional comments and recommendations for your consideration:

Nationwide Rivers Inventory Comments

We note the proposed project would cross four waterbodies listed on the Nationwide Rivers Inventory (NRI) maintained by the National Park Service (NPS): Big Creek, Cadron Creek, and Bayou De View in Arkansas, and the Big Black River in Mississippi. The NRI is a register of rivers that may be eligible for inclusion in the National Wild and Scenic River System. A Presidential directive and subsequent instructions issued by the Council on Environmental Quality (CEQ) require that each Federal agency, as part of its normal planning and environmental review processes, take care to avoid or mitigate adverse effects on rivers identified in the NRI. In addition, CEQ issued guidelines that require all federal agencies, or agencies administering federal programs and laws, to avoid or mitigate any adverse impacts to rivers that are potential candidates for inclusion in the National Wild and Scenic Rivers System. Adverse effects on inventoried rivers may occur under conditions which include destruction or alteration of all or part of the free flowing nature of the river, introduction of visual, audible, or other sensory intrusions which are out of character with the river or which alter its setting, deterioration of water quality, or actions that fail to protect the recreational, fish and wildlife

values of the river. Actions which diminish the free-flowing characteristics or outstandingly remarkable values of a river segment could prevent the segment from qualifying for inclusion into the national system. Free-flowing is defined by the Wild and Scenic Rivers Act as "existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway."

With the exception of Cadron Creek, the project proponent proposes to cross these waterbodies by Horizontal Directional Drill (HDD) methods. The NPS would concur that the proposed HDD method would avoid and/or minimize impacts to Big Creek and Bayou De View in Arkansas, and the Big Black River in Mississippi. No further consultation is required.

F3.1 Cadron Creek was listed to the NRI because of its outstandingly remarkable scenic, recreational, geologic, fish and wildlife values. Cadron Creek is one of the last free flowing streams in central Arkansas; it supports a good fishery and provides excellent canoeing and other recreational opportunities. Correspondence dated November 21, 2007, between the project proponent's consultant and the NPS detailed actions and strategies that will be undertaken to avoid adverse impacts to the physical and biological river values. Provided all actions detailed in the FERC Wetland and Waterbody Construction and Mitigation Procedures (Procedures) are employed by the project proponent during waterbody construction to preserve continued flows, minimize and control sedimentation and scour downstream of the crossing, and restore the riparian corridor, the NPS concurs that the actions and strategies detailed in the letter will adequately protect NRI values during the proposed construction of the gas pipeline crossing. Additionally, the NPS recommends portage routes and ample directional signs are provided for river users. These latter actions should be coordinated with the appropriate State agency.

Thank you for the opportunity to submit these additional comments. For information regarding Wild and Scenic Rivers or rivers listed on the NRI, please contact Ms. Sue Jennings, Wild and Scenic Rivers Coordinator, Midwest Regional Office, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone: 402-661-1848. I can be reached at 404-331-4524.

Sincerely,

Gregory L. Hogue
Regional Environmental Officer

cc:
NPS, MWRO
NPS, SERO
Mr. John D. Hartung, URS Cooperation
36 East 7th Street, Suite 2300
Cincinnati, Ohio 45202-4434
OEPC, Washington

F3.1 The final EIS has been updated to incorporate NPS concurrence with Texas Gas's proposal for the Cadron Creek crossing. Recommendations from the NPS have also been incorporated into the discussion (see section 4.3.2.1)

F4 United States Environmental Protection Agency – Region 6, Letter Filed with the FERC on January 14, 2008

Unofficial FERC-Generated PDF of 20080118-0231 Received by FERC OSEC 01/14/2008 in Docket#: CP07-417-000

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

FILED
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SECRETARY
2008 JAN 14 P 4:47
FEDERAL ENERGY REGULATORY COMMISSION

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

ORIGINAL

Docket Nos. CP07-417-000, PF07-2-000

Dear Ms. Bose:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the Fayetteville/Greenville Pipeline Expansion Project. The purpose of the project is to provide new transportation capacity to transport natural gas produced in north-central Arkansas markets served by interstate and intrastate pipeline systems.

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

Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. Detailed comments are enclosed with this letter, which more clearly identify our concerns and the informational needs requested for incorporation into the FEIS.

EPA appreciates the opportunity to review the DEIS. If you have any questions, please contact Mike Jansky of my staff at 214-665-7451 or e-mail him at jansky.michael@epa.gov for assistance. Please send our office five copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20460.

Sincerely yours,

Cathy Gilmore

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

Enclosure

l FERC-Generated PDF of 20080118-0231 Received by FERC OSEC 01/14/2008 in Docket#: CP0

DETAIL COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
FAYETTEVILLE/GREENVILLE PIPELINE EXPANSION PROJECT
ARKANSAS AND MISSISSIPPI

AIR COMMENTS

F4.1 The Federal Energy and Regulatory Commission (FERC) presents national ambient air quality standards (NAAQS) modeling results in Table 4.11.1-5 (page 4-127) for the compressor station in Mississippi. Results are presented for nitrogen dioxide (NO_2) and carbon monoxide (CO), but no results are presented for any other NAAQS as listed in Table 4.11.1-1 (page 4-118). NAAQS modeling results for these pollutants should be provided.

F4.2 Additionally, the impact on NO_2 ambient concentrations presented in Table 4.11.1-5 is 96.3 micro-grams per meter cubed ($\mu g/m^3$), compared to the NAAQS of 100 $\mu g/m^3$. Based on the information in Table 4.11.1-5, the impact from the Mississippi emergency generator (53.11 $\mu g/m^3$) seems to be driving the impact from the project. This seems to be inconsistent with the fact that the emergency generator will only be operating 500 hours per year and the NO_x emissions from the emergency generator will only be 0.55 tons per year, according to Table 4.11.1-3. The impacts from this project should be verified and any inconsistencies or errors in the analysis should be corrected before the EIS is finalized. Finally, it does not seem

F4.3 that any background concentrations were considered in the ambient impact analysis of this project. If the impact on NO_2 ambient concentrations from the project alone is indeed that close to the NAAQS, then we recommend further analysis of this project, including concentration values from other sources in the area.

F4.4 On page 4-121, FERC states that " Air Quality Control Regions (AQCRs) are categorized as Class I, Class II, or Class III" with reference to prevention of significant deterioration (PSD) area classifications. These classifications are not made on the basis of AQCR boundaries. We recommend changing the sentence to read "Areas of the U.S. are categorized as ...."

F4.5 On page 4-121, FERC states the following: "No Class I areas are located within 62 miles of any of the proposed compressor station locations." The concept of an official 100-km cutoff distance from PSD Class I areas is not correct. The distance at which a Class I area impact analysis may be required depends on the types and quantities of the pollutants emitted from a project and on the air quality related values of the specific Class I areas that could be potentially affected. In some cases, project impacts on a Class I area must be assessed even at distances much greater than 100 km. We recommend deleting the sentence quoted above and replacing it with the following: "Given the types and quantities of the emissions from the compressor stations involved in the proposed project and the distance to the nearest Class I area, no adverse impacts on Class I areas is expected."

According to page 4-121 of the DEIS, PSD permitting is not applicable to the construction of the compressor station in Mississippi. However, no modeling was performed to assess compliance with PSD increments. Even if the compressor station is not a PSD major

F4.1	The final EIS has been updated to address the comment (see section 4.11.1.3).
F4.2	The final EIS has been updated to address the comment (see section 4.11.1.3).
F4.3	The final EIS has been updated to address the comment (see section 4.11.1.3).
F4.4	The final EIS has been updated to address the comment (see section 4.11.1.2).
F4.5	The final EIS has been updated to address the comment (see section 4.11.1.2).

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F4.6 source the proposed emissions increases could still consume PSD increments. Increment consumption occurs for new minor sources and minor modifications if the minor source baseline date has been established prior to the construction of the new minor source or minor modification. For completeness sake, FERC might wish to compare modeling results for Fayetteville's NO_x emissions increases to the PSD Class II increment for NO_2. (Emissions increase for SO_2 and PM_{10} are probably low enough that modeling is unnecessary.) This is merely a suggestion. FERC can use its discretion in deciding what to do with the suggestion.

ENVIRONMENTAL JUSTICE

EPA appreciates the efforts taken to describe potential socioeconomic impacts and benefits to the overall populations within the affected project area. Additional information is requested to comply with the Executive Order 12898 on Environmental Justice (EJ).

F4.7 **Demographics**: The proposed project area contains high levels of poverty and unemployment. The DEIS examines the 2000 per capita income for each of the counties in the project area. Three of the six counties (Holmes, Humphreys and Sunflower) in Mississippi have lower per capita incomes than the Greenville Lateral average. The DEIS does not provide an average per capita incomes for the States for purposes of broader comparison. This additional information is helpful and should be included in the FEIS, especially since most of the counties in the Mississippi project area would likely have per capita incomes below the state average. In addition, the DEIS states that all of the counties in the Mississippi project area (Coahoma, Washington, Sunflower, Humphreys, Holmes, and Attala) have higher 2006 unemployment rates (8-13%) than the State average of 7% (Table 4.9.3-1).

F4.8 The DEIS does not reference or fully comply with the Executive Order 12898 on Environmental Justice , relative to "Federal Actions to Address EJ in Minority and Low Income Populations." While the DEIS examines potential socioeconomics impacts, it does not include the breakdown of the racial composition (i.e. Caucasian, African-American, Hispanic, Native American) within the counties that will be crossed by the project to ensure that there is no disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The percentage of each demographic population should be included in a table in the FEIS and compared to the Lateral Averages and State Average.

F4.9 **Impacts**: The FERC alternatives analysis should consider impacts on potential EJ populations (much like any other impacts addressed in the EIS) in the routing of pipeline alignments during their avoidance and minimization process. EPA does note, however, that the project is located in primarily rural areas with relatively small population densities. Based on the information in the DEIS, residential impacts associated with the project corridor appears to be relatively minimal in terms of direct project impacts.

It is unclear whether impacts to agricultural lands will significantly affect EJ populations in the project area. The FEIS should include additional information regarding the public supply

F4.6	The final EIS has been updated to address the comment (see section 4.11.1.3).
F4.7	The final EIS has been updated to address the comment (see section 4.9.9).
F4.8	The final EIS has been updated to address the comment (see section 4.9.9).
F4.9	The final EIS has been updated to address the comment (see section 4.9.9).

F4.10 wells in the project area and the populations served by them. Three public wells are located in Mississippi. Specific best management practices and Spill Prevention Control and Countermeasures (SPCC) that will be taken to minimize potential impacts to local resources in Mississippi should also be described. Will the same plans and practices be used in Arkansas?

F4.11 Editorially, the DEIS stated that the SPCC plan was located in Appendix D, but that Appendix included a wetlands crossing table.

Benefits and Burdens: Four full-time jobs will be created to operate and maintain the proposed pipeline. The DEIS states that two positions will be filled in each state and that these positions may be filled by either local or non-local personnel. Project construction will be completed within a six-month period (June 2008 – January 2009) with a peak employment of 225 workers in each of the two spreads in the Greenville Lateral (pg. 4-1-4). According to the DEIS, the average unemployment rate along the Greenville Lateral is 11.5% which is high compared to the Mississippi state average of 7%. The temporary construction jobs that are created will be occupied mainly by non-local workforces due to the specialized nature of construction and pipeline contractors. Consequently, the project would result in both minimal and temporary increases in employment opportunities within the region according to the DEIS. Only about 5% of the construction workforce would be hired within the project area.

F4.12 The DEIS describes the benefits to local and state governments and provides financial estimates of proposed benefits. However, the DEIS states that definite costs to local governments associated with the project cannot be provided, but it is assumed that the costs are less than the revenues. Efforts should be made to provide an estimate of project impacts to local governments based on prior pipeline projects of similar magnitude.

Resources: EPA recommends that the FERC staff consider the EJ assessment and public involvement approaches listed on EPA's website www.epa.gov/compliance/resources/policies/nepa/index/html), EPA R4's interim EJ guidance and other documents in the development of a useable EJ analysis procedure for their pipeline and other proposed projects.

Wetlands and Associated Mitigation

F4.13 NEPA requires that resources examined for potential impacts include those potentially subject to direct, secondary and cumulative impacts. In analyzing the potential for impacts under NEPA, FERC must examine all welands and other aquatic resources in the project area, not just those considered "jurisdictional" for permitting purposes by the Corps of Engineers.

F4.14 In permit actions under the CWA Section 404, however, the EPA Guidelines promulgated under Section 404 (b) (1) require specific sequencing of mitigation efforts for proposed impacts to wetlands and other waters. Therefore, the applicant should select an alignment that poses the least damaging practicable alternative. All efforts to minimize impacts must be undertaken and all remaining unavoidable impacts must have compensation.

F4.10	Potential impacts on public water supplies are addressed in section 4.3.1.
F4.11	The Spill Prevention Control and Countermeasure Plan for Mississippi and Arkansas is in Appendix D-1.
F4.12	Potential project impacts on local government are discussed in sections 4.9.4 through 4.9.8.
F4.13	We are examining all wetlands and aquatic resources in the project area in this EIS.
F4.14	We concur that wetlands impacts should be minimized to the extent practicable.

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We have provided below some general recommendations for the minimization of impacts. EPA may have additional comments if a public notice is issued for the Section 404 permit application(s):

F4.15 1. The plans describe means that will minimize the impacts within the construction methods, such as, topsoil will be separated from subsoil as the trench is dug (p. 4-44), and that the disturbed area will be narrowed through wetland areas. We recognize that horizontal directional drilling will be used in some cases to avoid impacts (p.2-20), and we recommend its use at all perennial streams and high quality wetlands where practicable.

F4.16 2. During restoration, desirable native wetland plants should be planted in wetland areas. Areas to be disturbed may be a source of material (seedlings, sprigs and seeds) for restoration if species are desirable (e.g. sedges, arrowhead, oaks, bald cypress, tupelo.) Forested wetlands that will be permanently cleared by the project will need off-site compensation.

F4.17 3. Minimize impacts to riparian corridors, especially forested areas. Minimize impacts to creek banks (soil and vegetation). Stabilize and replant disturbed banks as soon as construction at that point is finished.

F4.18 4. All best management practices should be used to minimize erosion of banks and bare soil, and siltation of streams. Bare soil should be stabilized and re-vegetated as soon as possible. Hay bales and silt fences should be inspected and repaired as needed after each rainfall event that creates runoff. All silt fences should be parallel to contours. Long and steep slopes may need multiple rows of fencing.

F4.19 5. Wetlands or forested floodplain should not be used for staging or storage areas.

F4.15 Texas Gas would use the HDD method to cross 16 waterbodies. Use of this method for crossing waterbodies and wetlands is discussed in sections 4.3.2.1, 4.4, and 4.4.1.1.

F4.16 Texas Gas is working with the USACE to determine appropriate restoration and off-site compensation.

F4.17 Recommendation is consistent with Texas Gas's proposal and our recommendations.

F4.18 Recommendation is consistent with Texas Gas's proposal and our recommendations.

F4.19 Recommendation is consistent with Texas Gas's proposal and our recommendations.

F5 U.S. Army Corp of Engineers – Little Rock District, Letter dated January 15, 2008

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ORIGINAL

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

REPLY TO ATTENTION OF
Regulatory Office

FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF THE SECRETARY

JAN 15 2008

2008 JAN 22 P 3:01

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

Dear Ms. Bose:

Please reference docket number CP07-417-000, on behalf of Texas Gas Transmission, LLC, regarding Corps of Engineers permit requirements pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The proposed project, referred to as the Fayetteville/Greenville Lateral Expansion Project, consists of the construction of two new interstate natural gas pipeline laterals. The request associated with the portion of the line within the Little Rock District boundaries has been assigned File No. **2007-00049**. The subject pipeline, Fayetteville Lateral, crosses the Little Rock District Corps of Engineers boundaries in the following counties: Conway, Faulkner, Cleburne, a portion of White, and a portion of Woodruff Counties, in Arkansas.

F5.1 We have reviewed the draft Environmental Impact Statement (DEIS) dated November 2007 for the referenced project and have several comments. From the standpoint of the Corps of Engineers Little Rock District regulatory program permit requirements, we are in the process of reviewing the alignment and jurisdictional determinations including the wetland data sheets that were submitted by URS Corporation. The final impacts to waters of the United States (streams and wetlands) as stated in portions of the DEIS cannot be confirmed until our review of the data submitted and received from Texas Gas Transmission, LLC and URS Corporation on July 23, 2007, November 28, 2007, and December 21, 2007, is completed. Our review process of impacts is ongoing at this time; in an initial review, we have identified locations of non-concurrence with waters of the United States jurisdiction. Jurisdictional determinations done by consultants are not official until approved by the Corps of Engineers. Please be advised that based on the jurisdictional determination, our review process could include agency coordination with the Environmental Protection Agency and Corps' Headquarters following the US Supreme Court decision in *Rapanos v. United States*.

F5.2 Please note as a point of clarification that Section 1, page 1-6, of the DEIS should indicate that the Little Rock District Corps of Engineers received the Preconstruction Notification on July 23, 2007. The document was dated July 19, 2007.

F5.3 Texas Gas Transmission, LLC, must identify any locations of the line that will cross or potentially impact levee projects. There will be specific requirements at these locations. Any proposed modifications or alterations to existing levees must be coordinated with the local levee boards. As a part of the permitting process, we need written confirmation of Texas Gas

F5.1	Comment noted.
F5.2	This correction has been made in the final EIS (section 1.3).
F5.3	A new recommendation was added to the final EIS (section 4.3.2.1).

F5.4

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Transmission, LLC's coordination efforts associated with levee boards within the Little Rock District. This coordination is identified in Section 1, page 1-4, of the DEIS.

The proposed pipeline traverses several other Corps of Engineers District boundaries; this letter is specific to the areas in Arkansas: Conway, Faulkner, Cleburne, a portion of White, and a portion of Woodruff Counties.

If you have any questions, please contact Mrs. Cynthia Blansett or Mrs. Sarah Usdrowski Chitwood at 501-324-5295.

Sincerely,

Joyce C. Perser

Joyce C. Perser
Chief, Regulatory Office

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

F5.4	Comment noted.

F6 U.S. Army Corp of Engineers – Memphis District, Letter filed February 4, 2008

DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894

REPLY TO
ATTENTION OF:
Operations Division
Regulatory Branch

January 9, 2008

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2008 JAN 30 P 3:32

FEDERAL ENERGY
REGULATORY COMMISSION

Kimberly Bose, Secretary
Attention: OEP/DG2E/Gas Branch
Federal Energy Regulatory Commission
888 First St., N.E. Rm 1A
Washington, DC 20426
Reference: Docket No. PF07-417-000

Dear Ms. Bose:

This is in response to your agency's request for comments on the draft Environmental Impact Statement (EIS), on Texas Gas Transmission's proposed Fayetteville/Greenville Lateral Expansion Pipeline Project, (Docket No. CP07-417-000). This project is designated within the Memphis District as File No. MVM-2006-679.

After a review of the document, we believe the Corps permitting concerns have been addressed by the document. A review of the jurisdictional determinations conducted by the contractor for the applicant as well as confirming final impacts to waters of the U.S. are currently ongoing. There is a minor accounting error we wish to point out. Under "Conclusions and Recommendations" on page 5-5 under Wetlands, the numbers do not add correctly. According to the citation, there is a total of 141.5 acres of wetlands affected by this project, of which 107.4 acres would be temporarily impacted. There remains 34.1 acres permanently altered, not 33.9.

F6.1

Texas Gas Transmission, LLC, must identify any locations of the line that will cross or potentially impact levee projects. There will be specific requirements at these locations. Any proposed modification or alterations to existing levees must be coordinated with the local levee boards. As part of the permitting process, we need written confirmation of Texas Gas Transmission, LLC's coordination efforts associated with levee boards within the Memphis District. This coordination is identified in section 1, pages 1-4, of the DEIS.

F6.2

Copies of this letter will be provided to the Regulatory Branches of the Little Rock and Vicksburg Districts, Army Corps of Engineers. Our point of contact for this project is Mr. Reginald Wuornos. He can be reached at the above address, or by email at reginald.c.wuornos@usace.army.mil or by telephone at (901) 544-0731.

Sincerely,

Timothy Davis
Lead Biologist
Regulatory Branch

F6.1	The final EIS has been updated to include updated wetlands impacts acreages (section 4.4.1).
F6.2	A new recommendation was added to the final EIS (section 4.3.2.1).

I-1 Fletcher Lewis, Elizabeth F. Lewis and Frankie Carl Brogdon, Comments filed February 6, 2008

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

TEXAS GAS TRANSMISSION, LLC	§ § § §	Docket No. CP07-417-000

OBJECTION OF FLETCHER C. LEWIS ; ELIZABETH F. LEWIS ; FRANKIE CARL BROGDON TO FAYETTEVILLE LATERAL PIPELINE ROUTE BETWEEN MP 80 THROUGH MP 86

Pursuant to the Commission's Rules of Practice and Procedure , (18 C.F.R. §385.214), and Section 15(a) of the Natural Gas Act (15 U.S.C. §717n), and other applicable sections, FLETCHER C. LEWIS ; ELIZABETH F. LEWIS ; FRANKIE CARL BROGDON [LEWIS-BROGDON] hereafter; object route in the above-captioned proceeding. In support they state the following:

I.

LEWIS-BROGDON are landowners with tracts of land in Woodruff County, Arkansas and particularly in sections 32, 29, 33, 28, 27, 34, and 24 T8N , R2W over which portions of the Fayetteville Lateral pipeline are proposed to proceed. Lewis-Brogdon are all individuals with mailing address 104 N. Edmonds, Box 410 , McCrory, AR 72101 and residents of Woodruff County, Arkansas.

II.

Service of pleadings, documents or communications with regard to this proceeding should be addressed to:

Fletcher C. Lewis,atty Ark Bar 72075
104 N. Edmonds
Box 410

E-FILING

McCrory, AR 72101
Telephone: (870) 731-2581
Facsimile: (870) 731-2581
Email fclewis@ix.netcom.com

III.

On July 11, 2007, Texas Gas Transmission, LLC ("Texas Gas") submitted for filing, pursuant to Section 7 of the Natural Gas Act, as amended and Part 157 of the Commission's rules and regulations, an Abbreviated Application for a Certificate of Public Convenience and Necessity requesting authorization for Texas Gas to construct, own, operate, and maintain 262.6 miles of pipeline consisting of two laterals, one primarily in Arkansas ("Fayetteville Lateral") and the other in Mississippi ("Greenville Lateral").

IV.

Lewis-Brogdon , as landowners over which pipeline may proceed , filed timely motion to intervene and no objections to intervention have been filed. Lewis-Brogdon have ownership interests in lands that generally begin around Fayette Lateral MP 83 and end at point where proposed route crosses U.S. HIGHWAY 64 between MP 85 and MP 86. All lands are north of Highway 64. Lewis-Brogdon are interested parties in the aforesaid proceeding within the meaning of Section 15(a) of the Natural Gas Act, and other relevant sections , and are proceeding to protect their rights as landowner that the pipeline may proceed under and over.

VI.

Central Arkansas Refuges Feb 2004 map[my most recent edition] [ordering 870-347-2614 Little Dixie,Augusta, Ark. Office of Cache River NWR] scale is one inch equals 1 and ½ miles [1.5]. Attached is portion of map, quality will not be very good

and color coding indicates USFWL with brown showing, private ownership shading is green . Take a N/S distance of around 12 inches on map [18 miles] ; river miles not known , with north point = Overcup, Arkansas on Hwy 17 , about 7 miles north of McCrory, Arkansas and run generally south along Cache River. The proposed Texas Gas crossing point for Cache is the only privately owned land in this 18 miles and the n/s distance on private land is about 440 yards [MP 82.4 on appendix B-5, Fayetteville Lateral ; page 5 of 9 from November 2007 Draft Environmental Impact Statement]. I find it curious that USFWL or AGFC land does not provide crossing points. I find increased paper work burden in dealing with USFWL or AGFC not to be acceptable reasons for this crossing point.

I-1.1

On page 5-6 of Conclusions and Recommendations of Draft Environmental Impact Statement November 2007 following appears : "The wetlands associated with the Cache River and Bayou De View have been identified as wetlands of international importance by the Ramsar Convention and as the most important wintering area for mallards by the North American Waterfowl Management Plan." ; page 5-10 "The proposed Project would cross one tract of land enrolled in the WRP"; page 5-14 : "Consultation with federal (USACE and FWS) and state (AWHHS) resource agencies resulted in analysis of five route alternatives and 23 route variations".

In VOLUMNE I -PUBLIC , Texas Gas Response to Recommended Mitigation Measures January 7, 2008, page 9 following appears : "For pipeline maintenance, Texas Gas will , as practical , avoid the use of herbicides except where needed to control exotic species. " .

I-1.2

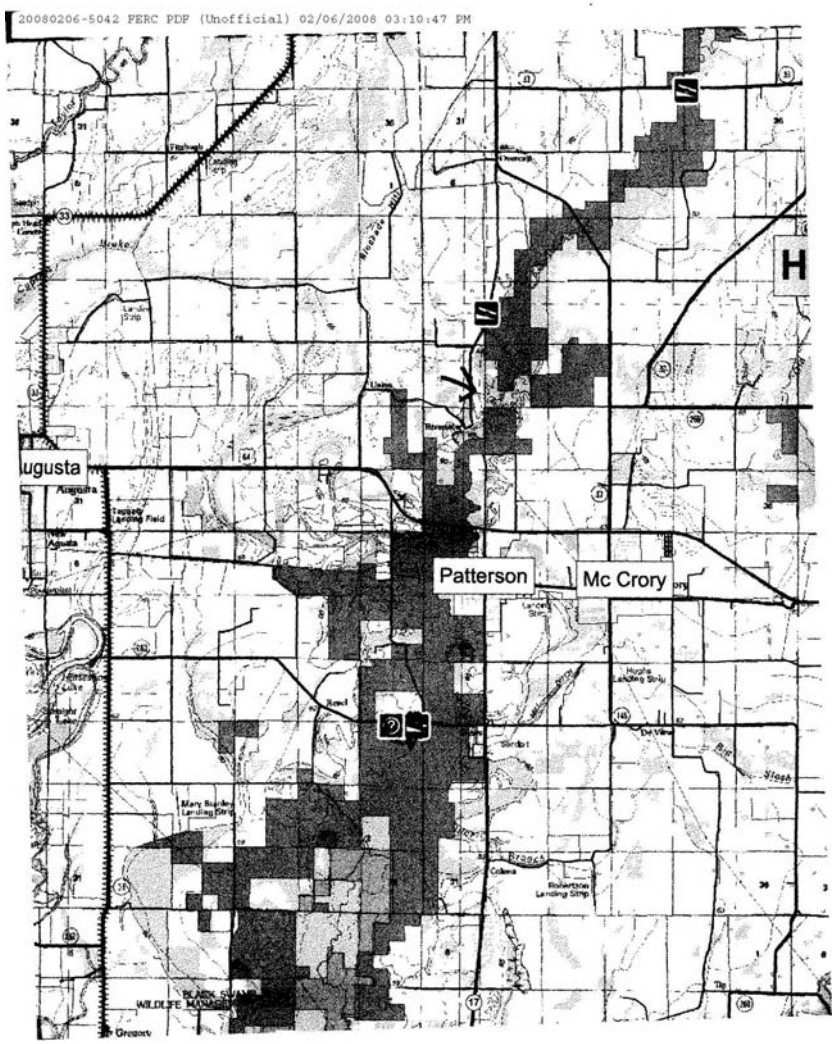
Waterfowl depend on what is commonly referred to as 'SMART WEED" [polygonum pennsylvaniam] a weed that is present on Brogdon-Lewis land along proposed route. The use of herbicides to control this plant would not be in the best interest of waterfowl.

In VOLUMNE I -PUBLIC , Texas Gas Response to Recommended Mitigation Measures January 7, 2008, page 30 [ADDITIONAL INFORMATION] page 4 [CACHE RIVER ISSSUE] following appears : " A USFWL representative questioned the FERC Environmental Project Manager about the crossing on the Cache River during a public meeting. Texas Gas Land personnel explained to the FERC and USFWL representative that the crossing is on private lands and that Texas Gas would send FERC a comment about the paragraph in the DEIS..... The proposed Fayetteville Lateral would cross beneath the Cache River and Bayou de View waterbodies. Although the Cache River NWR includes corridors along both of these streams, the

I-1.1 Thank you for your comment. Texas Gas has worked with the USFWS to develop a pipeline route that avoids the Cache River NWR.

I-1.2 Herbicides would be used only with landowner approval and would not be used in wetlands or waterbodies.

I-1.3	*E-FILING* proposed stream crossings will be entirely on private lands that are not currently part of the NWR." PRIVATE LANDS = OK ; NWR LANDS =/ OK. This is curious since Lewis-Brogdon lands only material physical difference FROM NWR LANDS can be found in deed ownership records at Courthouse in Augusta, Arkansas. WHEREFORE, Lewis-Brogdon owners requests protection of their land and equal protection of private landowners and that the proposed Texas Gas crossing point of Cache and path from crossing point to Highway 64 be granted only if this route is supported by physical and engineering matters as opposed to effort to avoid NWR ownership . Respectfully submitted, */s/ Fletcher C. Lewis, Attorney* Fletcher C. Lewis, Attorney 104 N. Edmonds Box 410 McCrory, AR 72101 ; tel 870-731-2581 **CERTIFICATE OF SERVICE** I hereby certify that I have this day served the foregoing document upon Texas Gas Transmission, LLC and will serve each person designated on the official service list compiled by the Secretary in this proceeding. DATED at Houston, Texas this 6 day of Feb. 2008. /s/ Fletcher C. Lewis, atty Ark. Bar 72075 Fletcher C. Lewis 104 N. Edmonds , Box 410 McCrory, AR 72101 ; tel 870-731-2581	I-1.3	Your comments will be considered. See sections 4.4, 4.6.1.4, and 4.8.3 for additional information on the Cache River NWR.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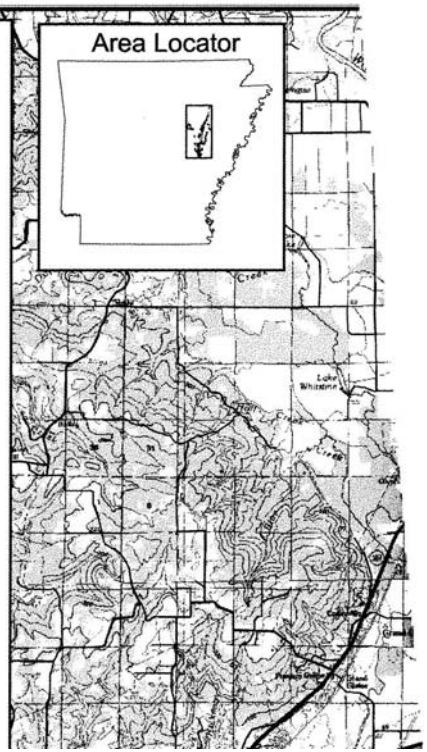
- Cache River NWR
- Bald Knob N.W.R.
- State W.M.A.
- Refuge Headquarters
- Cache River Hunt Unit Lines
- Waterfowl Sanctuary
- Boat Ramp
- Kiosk