

**FILE**

**Teleconference to Discuss Agency Concerns with  
Rockies Express Pipeline – East (REX) Project** RECEIVED-DOCKETING DIV

September 18, 2007  
10 am EST

06-1142-GA-BIN

2007 SEP 27 AM 9:19

PUCO

**Attendance:**

Name	Agency	Title/ Office
Laura Turner	FERC	Project Manger
Jim Martin	FERC	Alternatives
John Peconom	FERC	Water Resources and Fisheries
Janine Cefalu	FERC	Socioeconomics
Ellen St. Onge	FERC	Cultural Resources
Don Hammer	ICF	EIS Support
Michelle Moser	ICF	EIS Support
Trevor Loveday	ENTRIX	EIS Support
Heidi Kuska	FWS	Missouri
Forest Clark	FWS	Indiana
Joyce Collins	FWS	Illinois
Jeff Gosse	FWS	Regional Office
Liz Crane	USDA, Natural Resource Conservation Service	
Virginia Laszewski	USEPA Region 5	
Doreen Gentry-Davis	Ohio Public Utilities Commission	Ohio
Brian Mitch	Ohio EPA	Ohio
Steve Chard	IL Department of Agriculture	Illinois
Terry Savko	IL Department of Agriculture	Illinois
Robert Stout	Missouri Department of Natural Resources	Missouri
Jason Randolph	IN Department of Environmental Management	Indiana
Erin Peters	IN Utility Regulatory Commission	Indiana

**Project Schedule**

The FERC published a scheduling notice for the REX East Project on September 7, 2007. According to that schedule, the draft environmental impact statement (EIS) will be issued on January 4, 2008, and the final EIS will be issued on May 2, 2008. This schedule assumes that Rockies Express provides all information requested by FERC and that any major issues are resolved.

**Cooperating Agencies**

The FERC confirmed that the following are official cooperating agencies: US Army Corp of Engineers, US Fish and Wildlife Service, Illinois Department of Agriculture, and US Department of Agriculture's Natural Resource Conservation Service (NRCS).

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician                      Date Processed 9-27-07

## **Commenting on the Advanced Draft (AD) EIS**

Some agencies expressed concern in terms of conducting a complete and meaningful review within the limited time allotted for cooperating agencies. The FERC acknowledged their concerns, but will not be able to extend any deadlines given the deadline to publish the final EIS. The FERC noted that they would prefer if cooperating agencies comment during the cooperating agency review period, but given the tight schedule, the FERC will also accept comments from the cooperating agencies during the public comment period. The FERC suggested that cooperating agencies focus on a “big picture” review of the ADEIS in November so that the FERC would be aware of any large issues prior to publishing the draft EIS. For example, agencies could read through the list of endangered species to ensure that no species are missing and that none should be deleted.

## **Concerns about the Lack of Environmental Information Provided to Agencies**

Some agencies expressed concerns about the FERC publishing the draft EIS prior to conducting all the wetland field surveys. In addition, agencies were concerned that they would not know the exact route to fully assess the impacts of the proposed project and provide meaningful comments on the EIS. The FERC noted that if landowners do not allow Rockies Express on their property, Rockies Express can not finish the field surveys and gain access to the property until the EIS is published. The FERC EIS will set the proposed route.

Some agencies were also concerned that the mitigation acreage for REX West was less than they expected, and that they need to see the finalized route to determine an appropriate mitigation ratio.

## **Addressing Landowner Concerns**

Some agencies expressed concern over the numerous landowners that requested Rockies Express to reroute the pipeline on a different portion of their property, or off their property entirely. The FERC noted that all landowner letters have been recorded and will be assessed by the FERC. Generally, the FERC will require rerouting the pipeline if it would be environmentally preferable, such as impacting fewer acres of forests or wetlands. The FERC will also be conducting additional site visits in October to continue to evaluate various alternatives and landowner concerns. If agencies have any recommendations for alternatives that the FERC should consider or prioritize, they should inform FERC.

Illinois Department of Agriculture encouraged the FERC to consider rerouting the pipeline if doing so would reduce disruption to farming operations. Illinois Department of Agriculture also encouraged the FERC to rely on property owners knowledge of their land if they request reroutes on their property, especially for farmers.

## **Construction Methods as a Mitigation Measure**

In addition to rerouting the pipeline to minimize environmental impacts, the FERC will also consider requiring different construction methods to reduce environmental impacts. For example, using the HDD method to cross Big Walnut Creek would have fewer impacts on water and aquatic resources than crossing via open cut. Other potential changes would be to require the pipeline to be centered within the right-of-way and to decrease the extra construction work space.

Indiana Department of Environmental Management recommended drilling rather than open cut for various waterbodies, such as the Big Walnut and White River. Indiana Department of Environmental Management was encouraged to formally submit these suggestions to the FERC. The FERC also noted that some of these construction methods were requested in the August 29, 2007 Data Request.

## **Alternatives Suggested by NRCS**

NRCS stated that Rockies Express has not yet provided an alternative and NRCS would not be able to subordinate the easement that Rockies Express is currently requesting.

## **Draft Agricultural Impact Mitigation Agreements**

Illinois Department of Agriculture provided an update on the Draft Agricultural Impact Mitigation Agreements and their negotiations with Rockies Express. Illinois Department of Agriculture is having issues with Rockies Express's unwillingness to bury the pipeline five feet below the surface when the pipeline will be collocated with the Panhandle Eastern pipeline. In these areas, Rockies Express would only bury the pipeline 3 feet. Tile lines would be affected if proper burial depth is not achieved by Rockies Express. Without changing this burial depth, Illinois Department of Agriculture may not sign onto the Agricultural Impact Mitigation Agreement.

In addition, a local soil and water district called Illinois Department of Agriculture and they are very concerned that Rockies Express is not knowledgeable about the impacts their pipeline would have on a farmer's ability to enroll in Farm Bill Programs.