PUBLIC SCOPING MEETING

FOR THE

KINDER MORGAN LOBOS CO2 PIPELINE

ENVIRONMENTAL IMPACT STATEMENT

December 4, 2013
Socorro Public Library
401 Park Street
Socorro, New Mexico 87801

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P R E S E N T E R S

H. Trevor Loveday, Edge Engineering & Science

Danita Burns, Bureau of Land Management

Gregory Helseth, Bureau of Land Management

Mark Mackiewicz, Bureau of Land Management

Bobby Curbow III, Kinder Morgan

MR. LOVEDAY: Good evening. Welcome to the Bureau of Land Management's public scoping meeting for the Kinder Morgan Lobos carbon dioxide pipeline project. Thank you for coming tonight.

Just some general housekeeping rules. We do have water and snacks, if anybody would like any of that, and it will be available once we're done with this more formal portion of it as well. We have the space until eight clock tonight, so we'll be here. The restrooms are just out these main doors and to your right. And if we needed to exit the building for any kind of emergency, we have an exit here and then we have one here in the hallway. So that's just some general safety.

My name is Trevor Loveday. I work for Edge Engineering & Science. I'm an environmental consultant. I'm the third-party contractor for this project.

In the room we have several different members from different companies. Obviously we have folks from the Bureau of Land Management, the BLM. And up here are the two project managers. And they'll go into their roles a little later. Several other members of the Bureau of Land Management are here tonight. Several on this side of the room, and the table with GIS capabilities, as we mentioned a while ago. And others throughout the room as well.

And then we also have members from the Kinder

Morgan team who are here on th
is side of the room at this table. And they have their right-of-way person here, and he's able to pull up maps as well to look at property. So they're here to answer any questions you may have once we hear from you, the public, on any concerns you may have regarding the project. And then afterwards, like I said, you can talk to them. You can ask the BLM questions.

My role is the project manager for the development of the Environmental Impact Statement, which is a document that we will prepare through the National Environmental Policy Act process. And we will prepare an Environmental Impact Statement analyzing and looking at impacts to the environment from construction and operation of the project, if it were to be approved.

I have a couple of other members of my team that are here tonight as well. In the back, helping with the sign-in, was Rachel Blodgett. And she and I are out of Houston. And then with us, our company has teamed up with another company, Merjent. And with us from Merjent is Kim Jesson. She is the deputy project manager of the EIS team, the Environmental Impact Statement team, and she's out of Minneapolis. And those are our roles.

We work under the direction of the BLM and the project management of BLM for what we're doing as far as

preparing the EIS.

With that, I want to introduce to you Danita Burns, who is the field manager here at the Socorro field office. Danita?

MS. BURNS: Hello, everybody. Thank you for coming tonight. I really appreciate that. He just told you that I was the authorized officer. That means I sign the final document. Why we're here today is to gather input from you. It won't be the first time, it won't be the last time, but I need some information from you to make my decision. I don't like making decisions in a vacuum. I will, but I really need your input here to make this a better decision. So I would appreciate it, again, if you'd be thoughtful, think about what we're doing here, and if you see any issues, please bring them up. It's not that I want this just to go through. I'm here to make sure I make a good decision, and that's what you're here for as well. Okay? Thank you.

MR. LOVEDAY: Thanks, Danita. And as Danita says, we're very early in the process. The scoping process that we are in now is under compliance of the National Environmental Policy Act, which I mentioned earlier, and the Federal Land Policy and Management Act.

Scoping is the part where we hear from the public as to what your concerns would be regarding this proposed

action from Kinder Morgan.

Greg or Mark will go over the project itself with more specifics in just a second. I'm going to kind of talk to you more about the National Environmental Policy Act or NEPA. You'll hear that acronym, NEPA. I'll talk a little bit more about what we're doing in that process, in that step.

A public notice was published for the preparation of a Notice of Intent to prepare the Environmental Impact Statement. That was noticed on October 31, 2013, and it opened up a 90-day scoping period which we are in the middle of right now, that will end on January 29, 2014. So in that period of time we want to hear from the public, as we've said. And we'll say that over and over. We want to hear from the public, their concerns on the environmental issues.

Tonight there is a forum to provide those comments to us orally. We have a court reporter here to record, transcribe all the minutes from tonight's meeting. It's not the only way for you to provide comments. Maybe it's, like we've said, it's early in the process. You're new to this. Maybe you're not really sure, you need to think about it. You can submit comments. We have comment cards in the back that you can handwrite comments. You can hand them to us tonight before you leave. You can mail them in, the address is there. You can e-mail comments.

So no matter how you provide us your comment, whether it's orally tonight or through written or -- they all get weighing the same. There's no more weight placed on something that you give us tonight speaking here tonight. We want to hear from you, whichever way.

So you may need more time to think about it. I know it's early. This may be the first time you've really thought about it or heard of it. And maybe through discussions tonight, you'll think of some things that you'll have concerns about. It's your land. It's your property. It's where you live. So you understand the resources better than we do, so that's why we come to the public to hear from you.

I've talked about that we're going to prepare an Environmental Impact Statement. And what are the resources that we will analyze and discuss in that document? We will discuss how construction and operation of the proposed project -- again, if it's approved -- how it would impact different resources areas. And those resource areas would be air and noise quality. We would look at soils and geology, how they would be impacted. Water resources, and that would include groundwater, surface water, wetlands, riparian areas, floodplains, we look at those. Vegetation, including noxious weeds or invasive species from construction.

We will look at wildlife and aquatic resources, fisheries. And that will include special status species like threatened and endangered species. And game species, we will look at those, how they would be affected potentially. We will look at land use like range management, we will look into that and analyze that. Recreational areas.

And then as aesthetics or visual resources, how that would potentially be impacted from construction or operation. Then, of course, we will look at cultural, archeological issues, Native American concerns and paleontology. And then we'll look into socioeconomic impacts from the action.

Like we said, we're early in the process. We are in the scoping period right now. From there we will -- you know, some of the big milestones that we are looking at would be preparing the draft Environmental Impact Statement and -- somewhere, maybe in the summer 2014. And then following the issuance of the draft, we would come back again. You would have an opportunity to review that document. And then we would come back and hear your comments on the draft. If you still feel something has not been adequately addressed, then we want to hear that from you. We want to hear your concerns from that document as well.

And then that would probably be sometime shortly in the summer/fall of 2014. It would be a 90-day period to comment on it, such as what we're in now for the scoping. And then we would go to a final Environmental Impact Statement sometime maybe late spring/summer 2015. And then that would lead to a Record of Decision from the BLM. And eventually there would be a Notice to Proceed for the company to construct. So that's kind of the major milestones.

The immediate next steps after tonight -- we had a meeting last night in Quemado. We have the meeting tonight, and we have a meeting tomorrow night in Roswell because a portion of the project is in Roswell. And then next week we have two more meetings in Belen and Mountainair. So once that's done, we will compile all the comments. We will categorize them. We'll make sure that all the comments that are brought up, we will address. We want to make sure we address them in the EIS. We will prepare a scoping matrix of the comments that we received, not just from the meetings, but through the end of January 29th.

We will then formulate alternatives, so we are looking at alternative routes. So what you see on the board, you see a proposed route. You see what Kinder Morgan has proposed, but nothing is in stone. So, again, we're early, and so that's why we want to hear from you, so there

is likely to be changes. So we will look at other alternatives as well. And then we will again preparing the draft Environmental Impact Statement. So that's kind of the big milestones and the immediate milestones, what we're looking to in the next few months.

So with that, I'll turn it over to Greg and he can discuss more about the project.

MR. HELSETH. Good evening, everyone. Thank you for showing up this evening. Sorry that I was a little late. I found out that there's actually two libraries in Socorro, and I ended up at the University. That's what I get for asking a University student where the library is.

So thank you very much, Trevor. My name is Greg. I'm a project manager out of Las Vegas, Nevada. What I do there is I take on renewable emergency projects. That's where a lot of my work has been done in the past with Environmental Impact Statements. I was offered to start this project, which I did, and I've worked on this project for about 120 days, which we call a detail, and then you return to your normal duty station. So after tomorrow night, the project will be turned over to Mark Mackiewicz. He's a Washington office project manager out of Price, Utah, and he will be managing the project as the project manager from here on out.

So we received -- the BLM received a project

application, what we call an SF-299. It's just a form. We received that September 10th, 2012. That was when the application came in from Kinder Morgan to the BLM to do this pipeline.

On May 20th, 2013, that application was amended. So this project started out at about 400-plus miles. It was going to go from Arizona into Texas. And that was the original plan. In May they sized it down to what we currently have, which is going from Arizona, about nine miles inside of Arizona at the St. Johns yard, to what we call the main line valve 160 in New Mexico, which is a little bit below Albuquerque, in that area. Is that --

MR. LOVEDAY: Southeast.

MR. HELSETH: Southeast. Okay. And the purpose and need in the documentation that was in the application was for enhanced oil recovery. So what they do is they inject the CO2. They transport the CO2 from Arizona through the pipeline, it connects to the main pipeline that is already in existence here, the El Cortez pipeline, and then that pipeline runs into Texas, western Texas and eastern New Mexico in the Permian Basin. And that'll be used for enhanced oil recovery.

So really, it's what is CO2? So CO2 is a heavy colorless gas that does not support combustion. So it's not inflammable. It's just CO2. It's often used in dry ice.

It's used to carbonate our beverages. It's used in oil recovery to help thin out the oil and help the oil flow easier up to the surface.

So the maximum operating pressure in the pipe will be at about 2160 psi. That's the maximum operating pressure. What they do with the CO2 is they apply pressure to it and it turns it into a liquid form or slurry, and then that slurry runs down the pipe. And then from Kinder Morgan, we've learned that only about 75 percent of the pipe will be -- it won't be at 100 percent capacity. It will only be running at about 75 percent capacity. And that will be for -- to help insure that pipe's integrity and make sure everything is good.

The project is 214 miles from Arizona to that main line -- or the main valve that I spoke of. In acres, that's 773 BLM, 345 on state, 2,146 on private, and 177 on Native American. So that is construction acres. That would be 100 foot right-of-way or easement on private land or whatever it may be to construct -- to run a trench or a directional drill or whatever it may be so -- to put the pipe, should it get approved.

Once it's all done and installed, if it gets approved, then they reclamate the 100 feet back to 50 feet. So they would reseed the area with native plants and there would be a reclamation plan to describe exactly how they

would do it. If that should happen and it should get approved, it would end up with 360 acres on BLM land, 158 acres on state, 963 on private and 72 on Native.

Now, we are at the very beginning stages of this project. No decisions have been made about the pipeline. There's an applicant preferred route, which you see on this map back here. It's where the applicant has done their homework and feels that this is the best route for the pipe based on any conflicts, cultural conflicts or wildlife conflicts or other issues. But that's why we're here. We're here to hear from the public about what real issues there are out there that you all know about, and to find out so we can add this information into our document, our Environmental Impact Statement, and then start out with a draft and then have another set of meetings to discuss the draft information. So that's basically the project.

Mark, would you like to --

MR. MACKIEWICZ: I'm fine.

MR. HELSETH: You're fine. So I will turn it back to Trevor to go over the ground rules for public comments. And then after that, we'll go ahead and start the public portion of the meeting. We are here until eight clock this evening. So if we do get through the public comments, we're still here. There's a lot of BLMers here to talk to. There's a lot of Kinder Morgan folks to talk to.

The environmental consultants are here. So we really -- and then of course our court reporter is here if you'd like to sit with our court reporter and give her a statement because you would rather have your comment in private.

So I do ask that when you do come up here to give a comment, that you make sure you spell your last name so that she can capture it and we can get your name spelled correctly in the document.

So with that said, I'll give it back over to Trevor to go over the ground rules.

MR. MACKIEWICZ: Well, just one thing. We're really flexible here. There's no question that we think is foolish, whatever else. This is new. This is a pipeline like this. So any question you might have, just feel free to ask it. We have engineers here. I've been doing this work for decades, as you can tell from the gray hair. And we have the right staff here that can probably answer any questions you might have, so don't be afraid to ask. And if you don't want to ask it up here in front of the crowd, save it and put it on a piece of paper and we'll answer it. Just don't go home with a question unanswered and try to Google it because they'll probably give you the wrong answer.

MR. HELSETH: Just to add, truthfully, that what we're going -- you know, we're going to have, at a minimum, four alternatives. One is a no action alternative,

which means -- one is a no action alternative, which denies the project, you know, it doesn't make sense in the public interest. And then there will be action alternatives. And that's what we're here to figure out and to determine, what are the alternatives and the range of alternatives and the good ideas and the best ways to avoid or mitigate for any issues.

So once we get that and then we put that into the draft, once we come out with a draft, we often come out with what we call the BLM preferred alternative, which is letting the public know that this is the BLM's preferred route, without still making a decision on the project. Because even that preferred alternative after the draft meetings could be a combination of different alternatives, or something could come up even in the draft that says this is going to be a no-go.

So, really, you know, we really want to make sure we hear from the public and get your comments on the project. So I'll go ahead and turn it over to Trevor for the ground rules. And thank you very much.

MR. LOVEDAY. I think just some common courtesy things. Please, if you haven't already, just put your cell phones on silent or vibrate mode. And then I don't believe anyone has signed up. When you came in tonight, I don't believe anyone signed up to give a comment.

So what I would say is we'll open the floor. But if you do want to give a comment, you decide you want to, please come up to here. Well, you maybe could do it from your chair. This is a small enough room. But please state your name and then spell it, please, your last name for the court reporter so we can accurately get your name into the record. And then I would just ask that everyone else please be respectful of whoever has come up to speak. Just keep side conversations to a minimum just so that we can respect who is up here, and everyone has a chance to hear what they have to say.

We usually have a time limit. I don't think we need to worry about that necessarily tonight. Are there any elected officials here? I don't think there's anyone that's an elected official, other than I think someone is here from the governor's office. And I don't know if you were wanting to speak or not. No? Okay.

Then with that, I would just open the floor to anyone that would like to maybe provide a comment to us or maybe you have a question. I'm sure a lot of you have questions.

Yes, sir.

MR. KEARNEY: I have a question. Don Kearney.

MR. LOVEDAY: Could you spell your last name?

MR. KEARNEY: K-e-a-r-n-e-y. Why is that loop going around on the Cortez? I'm just kind of curious since it's an existing pipeline.

MR. LOVEDAY: Bobby, do you want to answer it? Because I could try, and then mess it up, but I'd rather you just do it.

So this is Bobby Curbow, and he is the project manager for Kinder Morgan. So he'll answer a lot of your specific questions as to the pipe.

MR. CURBOW: As Trevor said, I'm Bobby Curbow. I'm the project manager for Kinder Morgan. And with regards to your question, it's based on a hydrologic design. And due to the additional flows that are coming in from the St. Johns development, coming in and transporting from -- through the Lobos pipelines and ultimately to the Cortez pipeline, which I'm sure you're all familiar with the Cortez pipeline that goes from Cortez, Colorado, down to the Permian Basin and goes -- pretty much dissects through New Mexico. The increased capacity through hydrologic design, it's just what you call looping the line. And so we add this additional line just to allow the pipe to handle the additional capacity.

MR. HELSETH: And the Cortez loop is about 30 miles?

MR. CURBOW: No, sir. It's closer to 40

miles.

MR. HELSETH: And 30 inches. That's where I got the 30 from.

MR. CURBOW: It's a 30-inch pipeline, yes, sir. Did that answer your question?

MR. KEARNEY: One other question, too. I noticed on the public meeting, there's nothing on the Alamo Reservation. I'm just kind of curious why there was none.

MR. MACKIEWICZ: No --

MR. KEARNEY: No public meeting or scoping meeting for Alamo.

MR. HELSETH: When we formed the committee to figure out where the public meetings were, we chose certain locations based on time. And then Jane is here, she's our cultural consultant. So we have been in -- we've sent out tribal letters and have been in contact. But, yeah, we didn't schedule a meeting on the Alamo Tribe. And then I do know we are talking with the tribes and have government-to-government consultations with them.

MR. LOVEDAY: Does anyone else have a comment or a question?

What's your name, please?

MR. GARCIA: Dennis Garcia, G-a-r-c-i-a. I'm with the Farm Service Agency. And some producers came into my office with the -- so Monday, and their concern, I guess,

is with their ag land, their farm land along the river there as how that pipeline being put in would affect their cropland, and had some concerns on that. And I don't know, someone had mentioned earlier that the drilling, things like that, I don't know if that's something that will be used there, but just kind of curious how would that work on small parcels of land owned by several different people? It's currently -- in cropland, it takes a while to get it to a status, you know, to rip it up and put a pipeline in and then to have an easement across there, I think, is their concern. So just kind of curious there.

MR. HELSETH: Yeah. So in our document, we'll analyze the effects, the cumulative effects to private land and any other ag land. And then when they come to the Rio Grande or any other rivers, they're going to do horizontal directional drilling. So they're going to go very deep underground to get under the water table of the river and then come out the other side.

In areas where there's ag land, there are other pipes, and Kinder has developed other projects where they've gone across ag land. And the pipe is very -- it could possibly be deeper in those areas to make sure that any agricultural use of the land doesn't -- you know, because you're disking and tilling and planting and this kind of stuff. And they'll work very close with the landowner to go

over and address any issues.

In Quemado last night, the issue came up about what if I want to put a water pipe in on my land, how am I going to cross your pipe? Well, they'll make sure when they work out those deals on the easement on the land that the pipe -- that either their pipe is very deep and doesn't affect any water pipes that may be, say, three feet deep and maybe the CO2 pipe is ten feet deep at that point to make sure there isn't interference.

And the pipeline will be marked with stakes, pipeline stakes, so people will know where the pipeline is. And whoever has the easement will obviously know how deep it is at that point. They also do yearly inspections on the pipeline. There's -- BLM will be doing monitoring inspections for the first five years for sure, and then every year after that we will set up monitoring accounts.

We have in our right-of-away, when they applied for the right-of-way, it was to construct, maintain, operate and then deconstruct. So the purpose and need of the pipeline is for the CO2 from St. Johns state lands in Arizona to be transported. So there'll be certain plans in place should the pipe -- say, 25, 30 years from now, should the pipe need to be decommissioned, there'll be a specific plan that the public will know about how they're going to decommission and reclamate the land.

MR. MACKIEWICZ: Now, one other thing. When Kinder Morgan's landspeople will come to the landowners, or will work with the landowner, they'll come up with what we call a landowner agreement. And they'll bring somebody into your house or home or wherever and sit down with you and see what your needs and requirements are, or the rancher or farmer, whatever it is, whatever his needs are. One of them, there are literally thousands of miles of pipeline through agricultural land, so they've got it down to a pretty good science of how deep it should be. And again, but they'll be working with you or your constituent landowners to make sure it's right.

They don't have to worry about it here, but I was working on a project in northern Utah, they have these drains. And I guess they do pipelines in the South like that, drain fields. So there's all kinds of drainages, these tile drains under the fields that they had to work with and make sure they didn't get damaged as they were building the pipeline. So, again, I'm sure they'll work with you or your landowners and make it right for the most part with these landowner agreements.

MR. GARCIA: I was just curious. I've never, you know, seen it done in those kinds of areas. But I figured once you mentioned the horizontal drilling, a light bulb kind of kicked in, I figured that was probably going to

be how something like that would be addressed.

MR. MACKIEWICZ: Right. And for the -- they call it HDD, horizontal directional drilling, is very, very expensive. They do core -- what's the other drill, the small ones?

MR. LOVEDAY: Boring.

MR. MACKIEWICZ: -- boring under highways and under railroad tracks and things like this. But a horizontal directional drill is used in circumstances like where they go under rivers and so on, as was mentioned by Greg over here. We also had an area in -- pipeline project I'm managing right now in the Farmington, New Mexico, area where they had a very critical, critical cultural site, and they went underneath it all, so no impact or damages at all to the cultural resources there. That's a rare one, but it's done.

We've also had areas of -- I was working on a project in Utah where they purchased a lot of very, very expensive land where they had riparian areas, wetland areas where they also did the horizontal directional drills. But it's a -- you know, hundreds and thousands of dollars, and sometimes millions of dollars to do those horizontal directional drills.

So in most cases they can build this and dig it and basically have few impacts by the traditional trenching

of the pipe.

MR. HELSETH: And we'll have monitors. Should the project get approved, there's always monitors on site, too. And what we do is we -- the process is a Record of Decision. That's the decision on NEPA. Then a right-of-way, if it's positive, there's a right-of-way grant for "X" amount of time. And then in that right-of-way grant, there's going to be a list of stipulations, plans, weed management plans, other plans, storm water prevention pollution plans, monitoring plans, transportation plans, et cetera.

What they get to, then, is a Notice to Proceed. What the monitor's job is on the project is to look for violations. If there's violations, Danita, as the authorized officer, could issue a stay on the project until they correct whatever issue it is. So we're going to be watching it, third-party monitors are going to be watching it, state monitors are going to be watching. So this is a very careful thing that goes on, should the project get approved.

MR. MACKIEWICZ: And just a clarification here, Greg. On the private lands -- again, we, as the BLM, do not have any control over that. Your control basically is through the landowner agreements. But let me say, Kinder Morgan will have -- they'll have what they call

environmental monitors and compliance monitors making sure that all their requirements are enforced because they have some pretty -- you know, this pipeline project, I don't think it's -- it's not news, it's hundred of millions of dollars it's costing. So Kinder Morgan is concerned about building the best pipeline they can possibly build, and a safe pipeline.

They go through -- the pipe that they have is the highest standard pipe that they can -- every single joint is x-rayed in that, and they use the state of the art construction techniques. We also have, under the Department of Transportation, there's an agency there that does monitor and have strict requirements for construction of these pipelines.

As Greg mentioned, this pipeline like this is transporting CO2, not natural gas, which does have inherent dangers in it. But they use the same standards as they're constructing, safety standards on a pipeline like this. The Department of Transportation, the PHMSA, they call -- what's that acronym again?

MR. LOVEDAY: PHMSA, Pipeline Hazardous Materials Safety Administration.

MR. MACKIEWICZ: So they're -- they will be -- they'll have to put plans and have these plans approved by them. They typically don't come down and watch these

pipelines being constructed, more than likely, but Kinder Morgan is required to meet those stringent safe federal pipeline safety standards. Sir?

MR. KEARNEY:. Would this pipeline also be able to be used for something other than CO2?

MR. MACKIEWICZ: I'm going to let Bobby answer that.

MR. CURBOW. At this point, my best answer to that is the pipeline is being designed strictly for the transportation of CO2. It'll be a high grade steel and should -- I can't predict what the future will hold.

MR. KEARNEY: But it could be natural gas or crude oil?

MR. CURBOW: That is not the intention of the pipeline. The pipeline is for CO2 transportation only.

MR. MACKIEWICZ: Let me say one thing. If for whatever reason there was a -- let's say ten years down the road a big find up there in Farmington or something, you know, natural gas is worth $17 a cubic foot, a million cubic feet, or something. They would have -- if they were to change that use, they would have to come to us for a change of use. And we would most likely be looking at an additional analysis because now we have a different product that has different, perhaps, safety issues and so on that we would like to see analyzed and discussed, and probably

another document issued to approve it.

MR. MACKIEWICZ: Our right-of-way grant, should it be issued, is only for that purpose. And in the document, our NEPA document, there'll be in chapter two purpose and need. And that's the section that, here is the purpose, here is the need. That's what we would grant, if we granted it. So, yeah, you can't use it for another product and other stuff. It'll have to go through another analysis.

MS. WILSON: Mary Wilson. If the Pipeline Safety Administration is the regulatory entity that will oversee the construction of this, why are they not the lead agency for NEPA purposes?

MR. MACKIEWICZ: Safety only. That's the only issues they're basically -- is safety there.

MR. HELSETH: We're the lead agency because of the land, and they're a safety agency. So there will be a stipulation in our right-of-way grant that they have to meet all state, federal and local safety standards and other regulations. So basically if they're issued a right-of-way grant, they can't go out and construct it. The Notice to Proceed is the golden ticket that allows them to go into construction, but if they don't meet those stipulations in the grant, they can't get that Notice to Proceed. And one of the stipulations in the grant will be to show us, to

prove that they have gone through and jumped through the correct hoops and have boxes checked off.

MS. WILSON: What authority and role does this Pipeline Safety Administration play?

MR. MACKIEWICZ: Bobby, can you maybe answer that? Under the federal -- what is it -- is it 49 CFR, part 195, is that the one?

MR. CURBOW: Yes, sir. The pipeline will be designed under CFR -- that stands for the Code of Federal Regulations, and it's DOT, so the Department of Transportation Section 195, and that's for the transportation of hazardous liquids. And those are the guidelines under which we will design the pipeline in order to ensure the safety and that the pipeline is well-designed and well-constructed.

PHMSA comes into play because they're more with regards to the actual operations of the pipeline. Because when we receive the permit from the BLM and we take it to the next stage because we're actually operating the pipeline, PHMSA will then be the controlling agency and they'll insure that Kinder Morgan maintains a safe operating system. And there's lots of regulations they have in place that insure that we do safety tests. And we have to make sure that the pipeline is properly monitored.

You know, our current system, we have 24-hour

SCADA operations, which means from remote locations, we have 24-hour surveillance on the pipeline all the times. So that's how PHMSA comes into play with regard to the pipeline.

MR. HELSETH: It's an oversight Regulatory --

MR. MACKIEWICZ: Right. In past projects -- again, I've managed many pipeline projects through the years -- we have asked that agency to become a cooperating agency with us, and typically they decline to be one. They've got their requirements, their standards, whatever, that Kinder Morgan needs to comply with, and so I guess they make that decision to not be involved as a cooperating agency.

A cooperating agency -- we'll be inviting the local counties, the cities, the towns and others, New Mexico Fish and Game and Arizona Fish and Game, all those agencies that have special expertise to become what we call cooperating agencies. So with their special expertise, they can guide us through their comments to help us write a better Environmental Impact Statement.

MS. WILSON: One additional question. Does FERC have any roll in this?

MR. MACKIEWICZ: FERC does not. If this was a natural gas pipeline, and an interstate natural gas pipeline under the Natural Gas Act, FERC would become involved with it. And most likely, if FERC was involved

with it, they would be the lead federal agency and we would be a cooperating agency. But because it is carbon dioxide, basically, they do not become involved with this. And there's other pipelines that are being constructed, like natural gas liquids -- that's another pipeline that's being constructed in the area right now, that FERC is not involved with because it does not come under their jurisdiction under the Natural Gas Act.

MS. BAILEY-BOWMAN: This is Karen Bailey-Bowman from the Defensive Chieftain Newspaper. So the U.S. Department of Transportation requires strict safety standards, but they don't actually do any on-site inspections. Is there a regulatory agency that actually inspects the construction?

MR. MACKIEWICZ: I don't believe that's actually true. Bobby, why don't you answer that about PHMSA.

MR. CURBOW: Every project is a little different. And the last pipeline that we just installed, the CO2 group just installed, was a 90-mile pipeline called Eastern Shell Pipeline. And PHMSA was out there every other week for a three-day stint. And they went out and just did checks to insure that we followed all of our specifications and basically all the construction standards that we had presented to them, that we were going to construct safely.

So we haven't at this stage developed a time frame with them, PHMSA, as to how they're going to monitor the pipeline during construction. Typically the correspondence with PHMSA will happen six to eight months prior to the actual construction of the pipeline. And we'll have meetings, Kinder Morgan and PHMSA, to discuss the monitoring. And at that time, they'll tell us what our requirements are going to be as far as monitoring.

MR. HELSETH: There'll be layers of monitoring. There will be third-party monitoring. There will be that monitoring. There will be -- BLM will possibly come out there to monitor or to do a check on the monitors. So there'll be layers. And the pipes will be designed to ANSI standards and engineered and stamped and approved, and has to be signed off by the engineer.

And OSHA, I'm sure that --

MR. CURBOW: OSHA is more for operational safety to employees. And we, Kinder Morgan, has a very strong stance on safety, and we believe in target zero. And our employees are very important to us.

I just want to kind of elaborate on as far as monitoring. We will have a construction staff, and we'll invest a lot of money in a group of very qualified individuals that will be on the project the entire time. It won't just be the general contractor, which we will also

hire general contractors that are very, very highly qualified. And there's contractors that this is all they do is build pipelines. And those are the people that we will seek out. And they'll actually bid on the project and then they'll actually construct it, and then we will have a group that will provide what we call quality assurance. And this is -- they work directly for Kinder Morgan and they assure that it's built properly. Because the last thing I want is to install a pipeline that hasn't been monitored and there be, you know, defects in it. Because I want to make sure it's installed properly so that we can have a good life of the pipeline.

MS. BAILEY-BOWMAN: What about this is -- this is going to cross the Rio Grande rift, which is a seismically active area. What kind of seismic studies have you done on this?

MR. CURBOW: Can I defer to Helen, or do you have an answer?

MR. HELSETH: That's not something that has been studied yet. There will be a study on anything that has to do with seismic activity in the EIS. It's one of the targets we have on our list to get a full analysis on. Like you bringing it up, there's known, so we will make sure that we get the scientific studies done and that we get it put into the document.

MR. MACKIEWICZ: Active seismic zones and the like will be looked at closely. One of the things that, these pipelines are -- the steel is very thick, the wells are -- basically, they can survive a pretty significant seismic event. But they do -- we do look at areas that are prone to landslides and seismic areas. And there are safety requirements under PHMSA that in areas -- tougher areas like this, that the pipe be built -- thicker pipe and some different standards, sometimes even deeper in these areas. What's the term for those? There's a term in their regulations for these highly sensitive areas.

MR. CURBOW: It's called HCA. That's an acronym for high consequence areas.

MR. MACKIEWICZ: That's it, yeah.

MR. CURBOW: And high consequence areas are based on the Federal Code of Regulations. And that's another study that we have not conducted at this stage, but those are studies that will be conducted next year. And they'll determine where the high consequence areas are located.

MR. MACKIEWICZ: Right. And it's more crucial if they're -- like natural gas pipelines, like petroleum product and crude and stuff like that, that type of a product, which are higher, much, much higher standards. Let's say I had a pipeline in Utah that was going through a

municipal area where if there was a breach in the line, the consequences could have been significant. So in those higher concentration or very sensitive areas, there is a requirement to build the pipeline with thicker pipe -- steel, that is, and much deeper.

But a pipeline like this, as was mentioned, the gas is pretty safe once it -- you know, they put it under pressure, under pressure it's liquid. If there happened to be a breach in the pipeline, it would basically just come out as gas, just a gas.

Now, one other thing, though, Bobby, that we mentioned at the meeting last night, what are -- you've got safety systems. You have a SCADA system. Why don't you mention that, as well as the shut-off valves at the pumping stations if there was a breach of some sort.

MR. CURBOW. I guess I kind of mentioned it a little earlier in this meeting here. What SCADA is, it's a -- SCADA is an acronym, and I've asked the specialists what that acronym means, and no one knows. I even Googled it, and it doesn't come up. What SCADA is, it's a remote system. And we have two control centers, and we have one control room in Cortez, Colorado. And Cortez, Colorado is the main control room for this pipeline. And then we have a secondary control room in Midland, Texas. And the secondary -- and we have them geographically a good distance

from each other so if in the unlikely event that something were to go down in Cortez, we have the secondary as well, so we have a redundant safety system in place.

And what this monitoring system does is in the event of what like Mark was saying, of breach, it's very unlikely for a main line kind of breach, but more if, say, a relief valve popped off or whatnot, we have an almost instantaneous alert system back to our control room. And then all our valves will be electrically operated, so they'll close on their own. They'll isolate the system. And that way it controls the incident.

And then we, per DOT requirements, we are required to have an actual person on site and respond within a designated amount of time. And I'm not exactly certain what the time is, but it is a very, very fast response time. I want to say it's within an hour, certainly not greater than two hours, which is why our operators all live a very close proximity of the pipeline and they're located across the pipeline based on their travel time.

So a person will actually physically go out there, turn the valve, take care of the system, that's at the pumping stations, and things like that, so --

MR. MACKIEWICZ: Thank you, Bobby. I appreciate that.

MR. CURBOW: We talked a little bit about the

high consequence areas, and we talked about the Rio Grande River. The Rio Grande River is designated. We will directionally drill that. And based on design, it will be a thicker pipe.

Greg had mentioned our pipe is designed to only 72 percent capacity, and that's -- it can obviously go up to 100 percent, but it's a safety factor that's in place per the DOT codes. But under rivers and in these more sensitive areas, it's actually 60 percent. So these will be thicker pipes. So under all the roads, we'll be at 60 percent so that the pipe -- some people would say it's overdesigned, but I would rather be on a more conservative side as opposed to the less conservative side.

MR. HELSETH: Thank you.

MR. MACKIEWICZ: Anybody? Any other questions? Sir.

MR. KEARNEY: So at this point, the decision has been made to go underneath the river and not above it? I know the pipeline is often -- the bridge --

MR. CURBOW: No, sir. There are pipelines that span across. That's -- actually, that's kind of an older technology. Those -- most spans were before the technology of directional drills. But we will not span across. We will directionally drill that river.

MR. MACKIEWICZ: It's just very rarely done.

And I know we see a lot of these pipelines, and I know it's kind of scary, if you knew some of these pipelines spanning rivers and so on. But it's just not done anymore for the most part. Always, under rivers, directionally drilled. And as Bobby pointed out, much thicker pipe under the river when they put them -- and they're 20 to 30 feet sometimes. That's one of the reasons they're so expensive. If they're going under a river, they have to get way over here and then way over here on the other side of the river to do these directional -- horizontal directional drills. Again, very, very expensive to do them.

But it does provide a lot of safety for a pipeline that does go under a critical river like that. And no impact to the river, for the most part.

MR. HELSETH: And the operating temperature of the pipeline?

MR. CURBOW: The standard design range is -- it can be on the low end from the 60s to the high end of 85 --

MR. HELSETH: Fahrenheit.

MR. CURBOW: -- Fahrenheit. And that's very standard. And as we get more into our design, some of these design standards may shift one way or another, but that's a very standard design. I believe that's currently what the Cortez pipeline is operating at. So based on real life

situations, it falls fairly closely to what we're looking at.

MR. HELSETH: So any other questions?

MR. MACKIEWICZ: Come on. There have to be some burning questions about pipelines.

MR. HELSETH: I think this gal right here in the orange shirt has a question.

MR. MACKIEWICZ: What do you think?

UNIDENTIFIED WOMAN: No.

MR. HELSETH: Have you gotten a cookie yet?

MR. MACKIEWICZ: Well, if nobody has any more questions, we have lots of cookies and we have healthy food over there for health people, or unhealthy, whatever, and water. And we'll be here to answer any questions that you don't feel comfortable asking in a public forum like this.

MR. HELSETH: I'm not sure if the clock is right. It's seven o'clock.

MR. MACKIEWICZ: And we have -- for those that aren't aware, we have what we call our GIS guy over here from the Socorro office. He knows his stuff. I worked with him this afternoon. If you're a private landowner, or even if you're not, he has maps over here that will show you the location of the pipeline. We have landspeople here, if you are a landowner, from Kinder Morgan --

MR. WINNER: I'm Kevin Winner. I'm the

right-of-way manager.

MR. MACKIEWICZ: Kevin is the right-of-way guy. He's probably issued thousands and thousands of easements through his lifetime. He'll be able to answer your questions here. Bobby is the project manager. Rusty is an engineer also. It's scary. Yes, ma'am?

MS. BAILEY-BOWMAN: This is not a federal project, so the land cannot be condemned.

MR. MACKIEWICZ: It is -- okay, let's talk about this. It is a federal project, but we -- this project involves federal lands, private lands, tribal lands. Okay? There is something everybody has heard of, it's called eminent domain. Okay? The federal government has the right of eminent domain. But private, there is -- in order for utilities and pipelines to actually get built, sometimes there's this thing called eminent domain where -- and these pipeline companies like Kinder Morgan have that, under state law, I believe, they have been given the right of eminent domain.

So if for whatever reason, perhaps there's a need where they've negotiated, negotiated, negotiated and there doesn't seem to be an amicable settlement with a private landowner, they can go to court and condemn the property. The decision is basically almost automatic. And then the only thing left is paying the private landowner a fee for

that.

And it'll either go to a judge or it will go to a jury for a determination of what should be paid for the right to take that land.

Let me just tell you one thing here. The companies like Kinder Morgan don't like to do it. In fact, it's pretty rare to do it for the most part. And I had a project that went from -- 700 files from Wyoming all the way to southern Oregon. Twice they had to do it. Most of the time their landspeople are willing to sit down with private landowners and work an agreement out. And most of the time it's successful agreements that they work out between the private landowner and the company.

So we're very hopeful -- I've had the opportunity to work with this company for years -- that that will occur here, where there are some big disagreements, that we can work it out with you. But the federal government is not involved at all with these eminent domain cases. The Bureau of Land Management isn't. We work with the private landowners because we manage so much land out here, you know, you're our neighbors.

And we like to -- companies like Kinder Morgan, again, they like to make things work. It is not something they take pleasure in or -- and they don't exercise it likely, at all. So we hope this is the situation here, and

I'm sure it will be also.

Any other questions?

MR. CURBOW: Mark, if I may. I wanted to address the gentleman in the camo hat just with regards to the Rio Grande area, and if I understand the question you were asking with regards to the soil. And I understand that you cultivated the soil and over the life, and it's very hard to get it as rich as it is.

We will work with you, and we have full intentions of working with the landowners. And we have special construction practices that we call topsoil separation. And we'll dig down to the richness of the soil. And those types of depths are negotiated with the actual landowners. Because I don't know how deep we would need to go. And we'll come through and we'll scrape off to the side. And then we come back and reclaim it. We'll pull the soil back. And most of the times, it's back to the original conditions. And our job is not to mix that with the subsoil to -- basically that subsoil will contaminate your rich topsoil.

So it's -- like I say, it's a special construction practice. And, again, we have very highly trained individuals who will monitor those types of processes to insure the integrity of your topsoil. And a lot of times we'll just do not just the segregation, but then the subsoil that we dig up from the ditch, we'll put that either on the

other side of the right-of-way, or we have some plans in place right now that we're investigating to just maybe put a berm to separate the two.

But our goal is to come in and impact the landowners as minimally as possible so that when we leave you didn't really even know we came through. That's our goal.

MR. GARCIA: That kind of actually brings up another questions that I failed to ask earlier. I kind of figured as much. I've put in a few water pipelines and stuff here and there. In these cases where these farmers have their land along the river, it's small parcels of land, -- five acres here, ten acres there -- in that particular area, there's a lot of irrigation ditch. Some of it's in concrete, some of it is not. I think a lot of those producers might have questions about how does that work.

Because in a lot of cases, and I would venture to say 99 percent of the time, a lot of the irrigation ditches that transport that water to their fields does not belong to them. There's an easement, a right-of-away from MRGCD or their neighbor to allow a concrete ditch across there. When those thing are damaged -- or not necessarily damaged, but when they're modified, drilled under, whatever, if they have to trench through it, basically, if you guys go with the traditional route, how does --

MR. MACKIEWICZ: There's typically -- and I'll let Bobby talk to that -- they're bored, correct, most of those that --

MR. CURBOW: We take it on a case-by-case basis. If there's a large -- you know, let's say sometimes we encounter corridors, and we do this with every -- we will treat a waterline as if it's a foreign operator. And what a foreign operator means, you know, if we cross any pipeline, you know, whether it be water, sewer, gas, any line, to protect the integrity of that line, we will do a very intensive study to determine who the owner of the line is.

And we're actually in communications right now with the MRGCD to try to locate these types of areas. And so if it's a large corridor, let's say 100 foot of line through there, it makes sense for us to just go ahead and conventionally bore it. If it's just one or two lines, we can't open cut and trench through there, but we have had methods in place in which we protect those lines.

And a lot of times we will ask the operator to come out and be a part of the process and witness the actual excavation so that we do protect it. Because we don't want to dig into a water line. You know, we don't want to dig into a communication cable. We're crossing the AT&T transcontinental cable, and we've had large conversations with AT&T. And we are working with them. Because we will

consider all foreign operators a neighbor, you know, all landowners a neighbor. So we will take every step that we can in order to protect the integrity of those lines that we cross.

MR. HELSETH: And those will be agreements with the landowners. And they're very open and easy to work with. And all of that kind of information will also be placed into our document so that the public can see that this is what they're doing, this is how they're working on it. This is -- you know, we won't go into the details of the agreements; that's proprietary information. But we will tell the story and tell the story very well so that the public can give us input back on their opinion on it.

MS. WILSON:. Yes. Respect to the small producers, will you allow them to continue to grow their crops on the permanent easement?

MR. CURBOW: Yes, ma'am. That's very standard. And very typically we will negotiate with the landowner and determine what sort of damages you'll incur, whether it be one-year, two-year or some times as high as three years worth of damage. And we will pay those types of -- to make sure that you're not financially hindered by our crossing.

And to answer your question, yes, during the -- once the easement is reclaimed, it's back to your land. And

we have lots of pipelines that are in ag land, and farmers, they're our neighbors, and they have crops on top of us.

MR. MACKIEWICZ: Trees is a different story. On most of those pipelines, they don't like to have trees over the pipelines. But cropland, yes, they can put it back and farm it like before.

MR. HELSETH: And when they go near transmission lines, they often shield the pipe from transmission lines, because they can have an effect called pitting on the pipes. So there's things like that. They will make sure that when they do the inspections, if the pipes are in good shape and stuff like that. So they're engineered to very, very, very high standards.

Could we answer anyone else's question, or does anyone else have -- sir.

MR. KEARNEY: Just as you were talking about reclamation and farming, you mentioned earlier that the right-of-way was 100 feet and reclaimed back to 50.

MR. MACKIEWICZ: There's some misinformation there. I'll clarify that one. There's -- there will be a total of 100 feet to construct the pipeline. 50 feet will be what we would call a permanent easement across there. All of it will be reclaimed. The whole 100 feet will be reclaimed. There might have been -- as I was listening to Greg up there, it was --

MR. KEARNEY: Yeah, it sounded a little funny.

MR. HELSETH: I meant the whole 100.

MR. MACKIEWICZ: Yeah. The whole 100 feet will be reclaimed.

MR. KEARNEY: So basically there's -- it's all underground. There's some risers or pump stations that are outside and --

MR. HELSETH: Yeah, but when it's cut in and trenched, that's a 100-foot area they've scraped with a dozer, say. And then we'll look for a natural seed collection or reclamation. And then over a period of five years, we're going to be monitoring the growth to make sure that it comes back. I mean, everybody knows as soon as you cut a road in the desert, you can see it practically forever.

I come from Nevada, and we have pipelines that have gone through Nevada, and it's just a road that you can see for miles, especially if you're up in the air. So we're very, very serious about visual resource impacts, dark sky initiatives, color contrast on pump stations that could be on federal land, reclamation of land, should they be approved, to make sure it doesn't -- it's not something that the eye naturally catches, is what our goal is.

MR. MACKIEWICZ: And we mentioned five years.

I mean to say, we will have what we call, in a document called a Plan of Development, there'll be a monitoring plan in there. And there'll be standards of how -- on federal lands -- and, again, as private landowners, you can put the standards you want on what reclamation success looks like, but we'll be monitoring -- require monitoring for a minimum of five years. If, in five years, my range people here in Socorro say, "No, this doesn't meet 70 or 80 percent of the surrounding vegetation," we will have additional monitoring go on until we get it back to that.

One other thing, that on federal lands, to let you know, Kinder Morgan, of course, is one of the largest pipeline companies in America and they have lots of money, and so on. But we've seen issues where companies haven't. And there'll be -- there'll be a compliance bond also on federal land so that if something happened, there will be funds available to take care of it. Yes, ma'am.

MS. WILSON: What about on the private land, if they do not meet the concept of reclamation, is there a regulatory entity --

MR. MACKIEWICZ: It's between the private landowners and Kinder Morgan. They'll have -- you know, if they feel the need -- how do you typically treat that?

MR. CURBOW: I'd like to answer that. We have relationships with our landowners on all our pipelines.

And the folks who will actually operate the pipeline will be your neighbors and you-all -- you know, they will protect the integrity of your pipeline. So you'll have a person at Kinder Morgan that you can pick up the phone at any time and call should there be a problem. And that's a very standard process because, you know, we consider our private landowners neighbors. That's on the back end after we're in operation and we're operating.

On the front end in the negotiations for right-of-way, we will talk reclamation and seeding plans. And a lot of times we'll ask the landowner what seed mix would you prefer, what is growing good on your land. And we've already kind of talked to some farmers, and they've said this is what we like. Our cows really enjoy this type of -- I'll misstate what it is. But my construction manager, he could tell you directly.

But those are the kind of things that we need feedback from landowners on, so that we insure we reseed with a proper mix. Because the last thing I want to do is just go out and put some rye grass and just walk away and say we did a good job. That's not the intention of this. We will be here for a very long time, and we will be neighbors. And we want to nurture a good relationship, just like we do on all our pipelines.

Cortez, we've been there since the eighties, and

we have relationships with landowners. At the point now we're -- you know, we call and say, "We're coming," and they say, "Sure, come on in, and make sure you lock the gate." And we have very good relationships and very good respectable people that work for us that actually operate the line. I hope I answered your questions.

MR. MACKIEWICZ: One other thing that I've observed through the years on these projects is that BLM has an incredible staff of specialists, and we also have great consultants working for us. And we put together some pretty detailed plans for covering federal lands. And oftentimes, the private landowners, and even state lands folks, will just say, "Look, we want Kinder Morgan to follow the same standards as are being applied on federal lands." And, again, private landowners will say the same thing, "Just apply those ones there."

And farm land is on -- a little bit different, where they have specific crops or whatever they're growing down there, or pasture that needs to be put back like that. But, again, we've got some -- we take a real hard look at it. We've got some of the best people in the country working for us, and I think pretty good plans as we approve these pipelines.

MR. CURBOW: And our intention is, at a minimum, to apply the BLM plan.

MR. MACKIEWICZ: Right. Any other questions?

MS. IRELAND: Tammy Ireland. Has this line all been surveyed already?

MR. MACKIEWICZ: No, it has not been.

MR. HELSETH: No, ma'am. And what we're doing tonight is we're collecting information. What the BLM will do is form up a range of alternatives. So what you have before you in these brochures is the applicant preferred alternative. That's the applicant's alternative. And we will use that as one of our alternatives. But from there, we'll have our own alternatives based on conflicts with resources or things that we find out as we go along through the NEPA process.

So it's a little -- sometimes it's unusual to see the company go out and have surveys being done before this stage in the game, but that's at their risk and they understand that, and based on their timelines and for giving us that information. And then we will not be predecisional. We will go through the process to the very end and then Danita will make a decision based on factual information.

MR. CURBOW: With regards to the surveys, it's Kinder Morgan's -- our pursuit of being very proactive to provide the best and detailed information that we can to the BLM so that they can make an informed decision. And it may be, as Greg had said, at normal. But we -- one of the

great things I enjoy about working for Kinder Morgan is Kinder Morgan is very known for taking the extra steps to do things outside the norm, to be the most compliant operator that we can. And that's the reason for these front surveys. And we know, at very high risk to us financially, that this can change at any time. And we understand that, but we are willing to take that risk so we can help the BLM to make an informed decision with regards to the pipeline route.

MR. HELSETH: And we try to get as much information out there as possible. To contact us in the future, there will be a Web site.

MR. MACKIEWICZ: Let me let you know, we've mentioned -- I think Trevor mentioned how you can come back -- how we've got the information that you were given at the door over here. We're going to have a Web site available for you to submit comments on. And, again, what was the last day, January 29th?

MR. HELSETH: January 29th for scoping comments.

MR. MACKIEWICZ: So you can do it by mail. You can do it through our Web site. If need be, come into our offices and talk to us. My telephone number, I'm sure, is on one of those over there, you can call me. There's several ways to do it. And, you know, even after the 29th closed, if the 30th came around or February 7th or something

and you submit a comment, we're going to take it and run with it.

And, again, once we're through with scoping over here, we're going to take all this information, we're going to digest it, we're going to put a scoping report together. We are going to -- all the substantive comments, we're going to respond to those in our draft document. Then we're going to put a draft document out, and there'll be 90 days to read that document and comment on it, and then again provide comments back to us.

MR. HELSETH: We'll have public meetings again.

MR. MACKIEWICZ: We'll look at those comments closely. And oftentimes, again, things change. Nothing at all is cast in concrete. It's all in sand right now about alternatives. So a lot of opportunity for input. It's an pretty interactive process right now, and then comes to an end when we issue a final Environmental Impact Statement. Then Danita takes all the information she has, and we write what we call a Record of Decision. Signs this document that says we will issue a right-of-way, or perhaps we won't issue a right-of-way to authorize Kinder Morgan to build this pipeline. That's the process, and it works rather well, most of the time.

Any other questions? All right.

MR. HELSETH: Enjoy some of the refreshments. And if you have any questions for us, we'll be here until eight o'clock.

MR. MACKIEWICZ: Thank you for coming.

(End of scoping meeting at 7:30 p.m.)

REPORTER'S CERTIFICATE

I, KATHERINE GORDON, NM P-400, DO HEREBY CERTIFY that on December 4, 2013, the Proceedings in the above-captioned matter were taken before me, that I did report in stenographic shorthand the Proceedings set forth herein, and the foregoing pages are a true and correct transcription to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this case, and that I have no interest whatsoever in the final disposition of this case in any court.

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