

FINAL SCOPING REPORT

Lobos CO₂ Pipeline Environmental Impact Statement

Prepared For:



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1.0 INTRODUCTION

1.1 Overview and Purpose

This report outlines the public scoping process that has been implemented, as required by the National Environmental Policy Act (NEPA), to develop the Bureau of Land Management's (BLM's) Environmental Impact Statement (EIS) for Kinder Morgan CO₂ Company, L.P.'s (Kinder Morgan) proposed Lobos CO₂ Pipeline Project (proposed Project). The purpose of public scoping is to solicit input from the general public and interested local, tribal, state, and federal agencies on any potential issues, which will be addressed during the environmental review (40 Code of Federal Regulations [CFR] 1501.7). The process of public scoping assists lead agencies in determining the full scope and all significant issues associated with the proposed Project so that the EIS can address these areas of concern and/or interest.

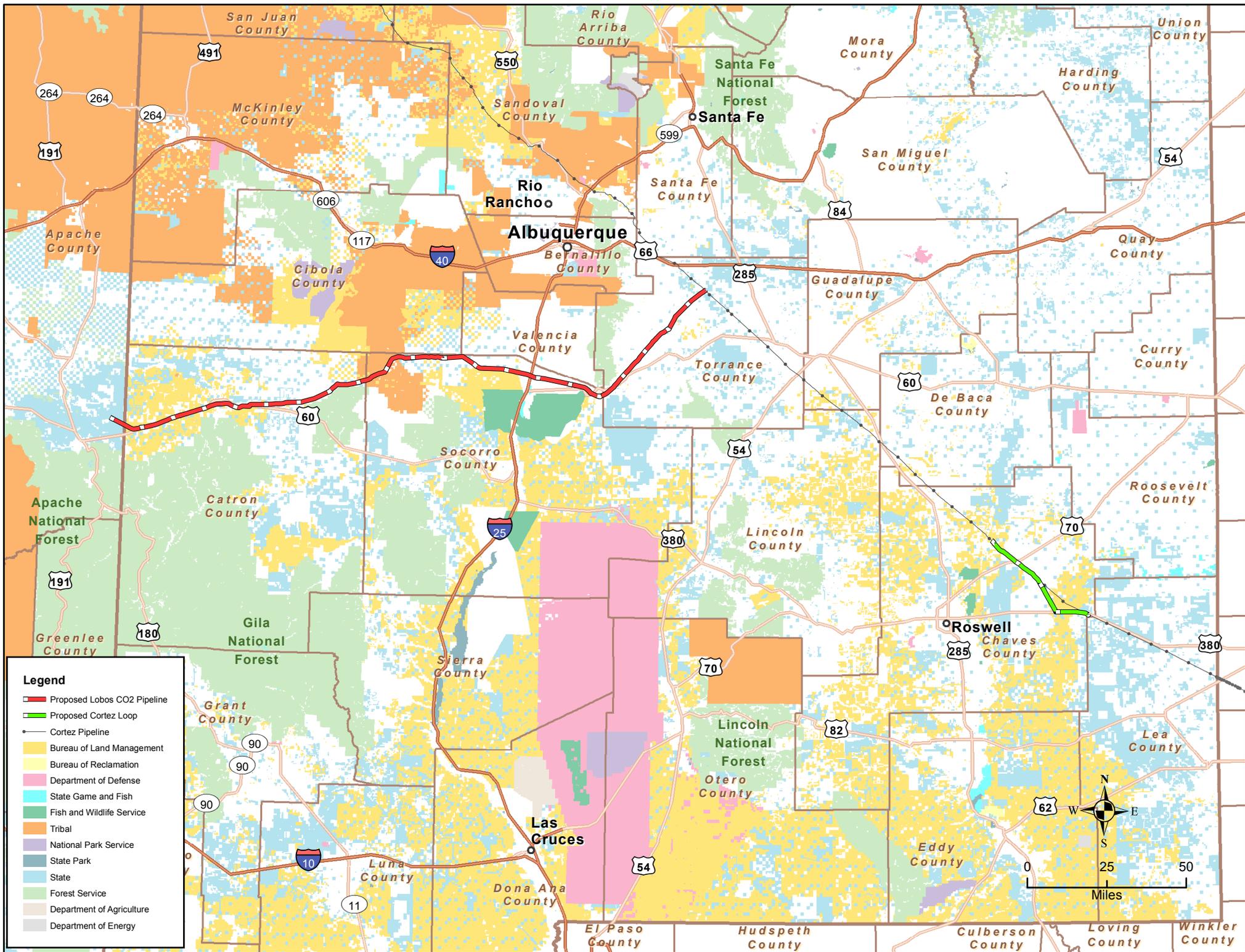
This scoping report summarizes all comments, feedback, and input received from the parties listed above that was received prior to, or during, the public scoping period (October 31, 2013 through January 29, 2014), as well as additional comments submitted through February 21, 2014. All comments received after February 21, 2014 will be reviewed and utilized for the purposes of the EIS; however, they are not all addressed within this report.

1.2 Project Description

Kinder Morgan has proposed the construction and operation of an approximately 214-mile-long pipeline, originating in the St. Johns carbon dioxide (CO₂) field of Apache County, Arizona, traversing Catron and Socorro Counties, then terminating at Main Line Valve (MLV) 160 of the existing Cortez Pipeline in Torrance County, New Mexico (Figure 1). This proposed pipeline would be 16 to 20 inches in diameter, contain interconnections at both the origin and terminus of the pipeline, and support an initial capacity of approximately 200 million standard cubic feet per day of CO₂. The proposed pipeline would also require three pump stations, which would be strategically placed along the pipeline route.

In addition, an approximately 40-mile-long pipeline loop would be constructed parallel to the existing Cortez Pipeline in Chavez County, New Mexico. This proposed pipeline would be 30 inches in diameter and would also include upgrades to the existing Caprock Pumping Station in Chaves County, New Mexico, to accommodate for the increased flow volume.

Further, this Project would include use of existing roads, and development of new temporary or permanent Project-related roads to allow access to associated aboveground facilities such as MLVs, pump stations, and pig launchers/receivers. This Project may also include construction-related facilities such as equipment storage and construction yards along the proposed route.



1.3 The Scoping Process

Scoping is a process required by NEPA during the early planning stages of EIS development. The objective of the scoping process is to identify the scope and significance of all issues associated with a proposed action as outlined in 40 CFR 1501.7. Identifying all significant issues associated with a proposed action during scoping allows for an accurate and efficient environmental analysis. The scoping period also encourages the participation and input of individuals living in and near the Project area as well as those with a general interest in the proposed action.

As seen on Figure 2 below, the scoping process occurs early in the overall Project timeline so the BLM can make a decision on the proposed action. The BLM's decision will be documented in a Record of Decision (ROD) that will be made available to the public.

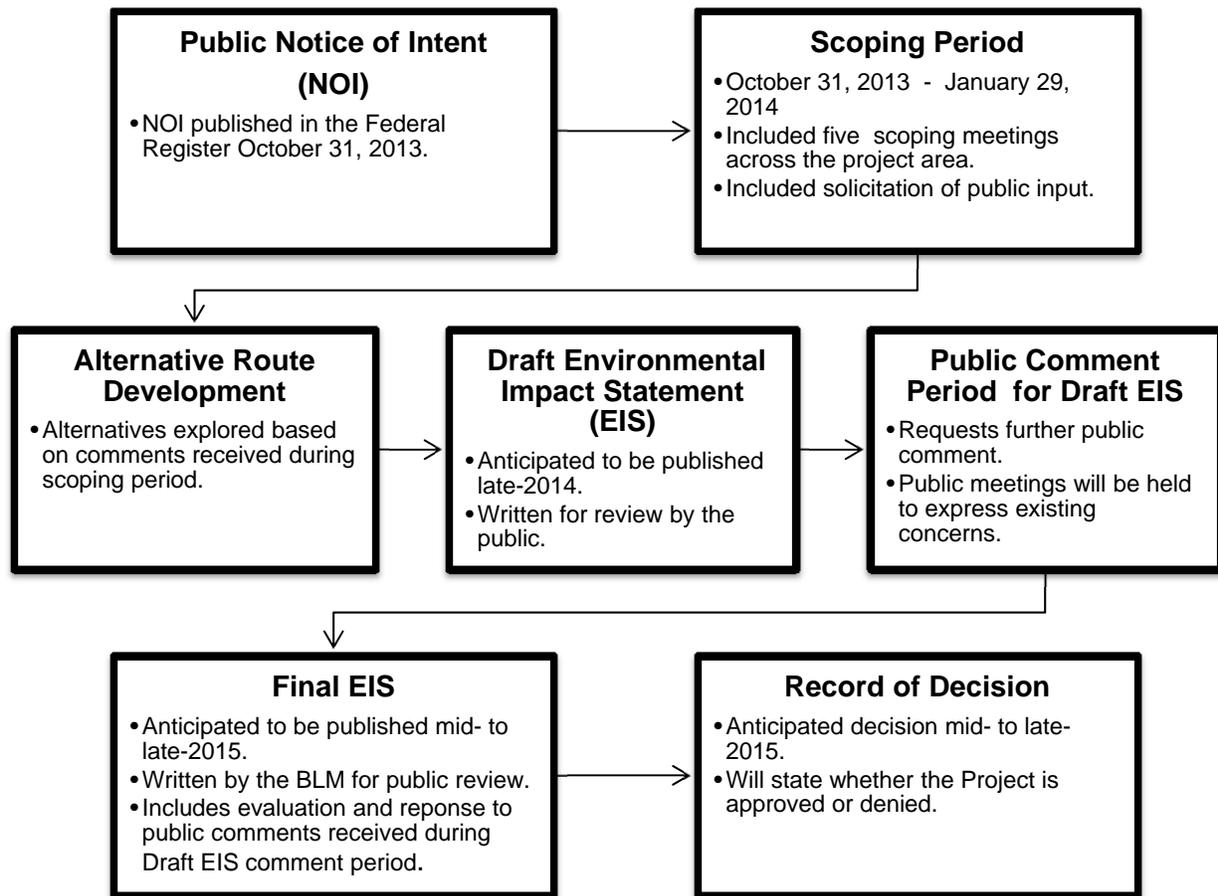


Figure 2. Proposed Kinder Morgan Lobos CO₂ Pipeline Planning Schedule

1.4 Notice of Intent

The *Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Lobos CO₂ Pipeline Project in Arizona and New Mexico and Amend the Rio Puerco, Roswell, and Socorro Resource Management Plans* (NOI) was published in the Federal Register on Thursday, October 31, 2013 (78 Federal Register 65354). The NOI included a Project description and contact information for BLM personnel. A copy of the NOI can be found in Appendix A.

Public scoping notices were also delivered to over 450 landowners as well as interested local, tribal, state, and federal agencies. These notices contained information about upcoming public scoping meeting times, dates, and locations. In addition, public notices about the scoping meetings and scoping comment period were placed in local newspapers and United States Post Offices (Tables 1 and 2).

| TABLE 1 | |
|--|---|
| Published Scoping Meeting Notices | |
| Newspaper | Date Published |
| Roswell Daily Record | November 21, 2014 and November 28, 2014 |
| Mountain View Telegraph | November 21, 2014 and November 28, 2014 |
| Valencia County News Bulletin | November 21, 2014 and November 28, 2014 |
| Socorro El Defensor Chieftain | November 21, 2014 and November 28, 2014 |

| TABLE 2 | | |
|---|---|---------------------------------------|
| Posted Post Office Scoping Meeting Notices | | |
| Post Office | Address | Dates Posted |
| Datil U.S. Post Office | 7739 U.S. Highway 60, Datil, NM 87821 | November 18, 2013 – December 6, 2013 |
| Magdalena U.S. Post Office | 100 E. 1 st Street, Magdalena, NM 87825 | November 18, 2013 – December 6, 2013 |
| Quemado U.S. Post Office | 376 W. Highway 60, Quemado, NM 87829 | November 18, 2013 – December 6, 2013 |
| Roswell U.S. Post Office | 415 N. Pennsylvania Avenue, Roswell, NM 88201 | November 18, 2013 – December 6, 2013 |
| Socorro U.S. Post Office | 124 Plaza Street, Socorro, NM 87801 | November 18, 2013 – December 6, 2013 |
| Belen U.S. Post Office | 400 N. Main Street, Belen, NM 87002 | November 18, 2013 – December 11, 2013 |
| Estancia U.S. Post Office | 107 Williams Avenue, Estancia, NM 87016 | November 18, 2013 – December 11, 2013 |
| Mountainair U.S. Post Office | 221 Broadway, Mountainair, NM 87036 | November 18, 2013 – December 11, 2013 |
| Willard U.S. Post Office | 712 N. Dunlavy Avenue Willard, NM 87063 | November 18, 2013 – December 11, 2013 |

An advance meeting with the Pueblo of Acoma’s Governor was also conducted on August 22, 2013, in order to brief him on the Project, obtain feedback, and inform him of the NEPA process associated with the Project. This meeting included representatives of the BLM, the BLM’s third-party environmental contractors, and the Pueblo of Acoma’s Governor.

1.5 Scoping Meetings

Scoping meetings were held during the first two weeks of December 2013, from 6:00 to 8:00 PM, at the locations listed in Table 3.

| Name of Venue | Day and Date | Address |
|-----------------------------------|------------------------------|---|
| Quemado High School | Tuesday, December 3, 2013 | 3484 U.S. 60, Quemado, NM 87829 |
| Socorro Public Library | Wednesday, December 4, 2013 | 401 Park Street, Socorro, NM 87801 |
| Roswell Convention & Civic Center | Thursday, December 5, 2013 | 912 N. Main Street, Roswell, NM 88202 |
| Mountainair High School | Tuesday, December 10, 2013 | 901 W. 3 rd Street, Mountainair, NM 87036 |
| Belen Community Center | Wednesday, December 11, 2013 | 305 Eagle Lane, Belen, NM 87002 |

Each attendee of the scoping meeting was provided with an informational packet outlining the Project (see Appendix B), and was asked to sign in and provide contact information (see Appendix C, contact information has been redacted to protect the attendee's privacy). Comment cards were also available to all attendees to provide written comments to the BLM. These cards were available for submission during and after the meeting, or via physical mail or email. All comments received by the BLM were logged, analyzed, and categorized, and will be addressed during the EIS process.

The scoping meetings included a formal presentation, a public comment forum, and a question and answer session. The formal meetings were followed by an informal open house to allow for exchange of information between attendees, the BLM, Kinder Morgan, and the BLM's third-party contractors. During this time, six display boards outlining various Project aspects were put on display to help facilitate discussions between the attendees and meeting personnel. In addition, Geographic Information Systems (GIS) personnel from the BLM and Kinder Morgan were available to answer any property-specific questions from meeting attendees.

Following the scoping meetings, a separate meeting was held with the Navajo Nation on January 14, 2014 to discuss the Project, obtain feedback, and inform members of the NEPA process.

1.6 Project Website

Information pertaining to the proposed Project and the associated NEPA process can be found on the BLM's public Project website (Figure 3) at the following location: <http://www.blm.gov/nm/LobosCO2>.

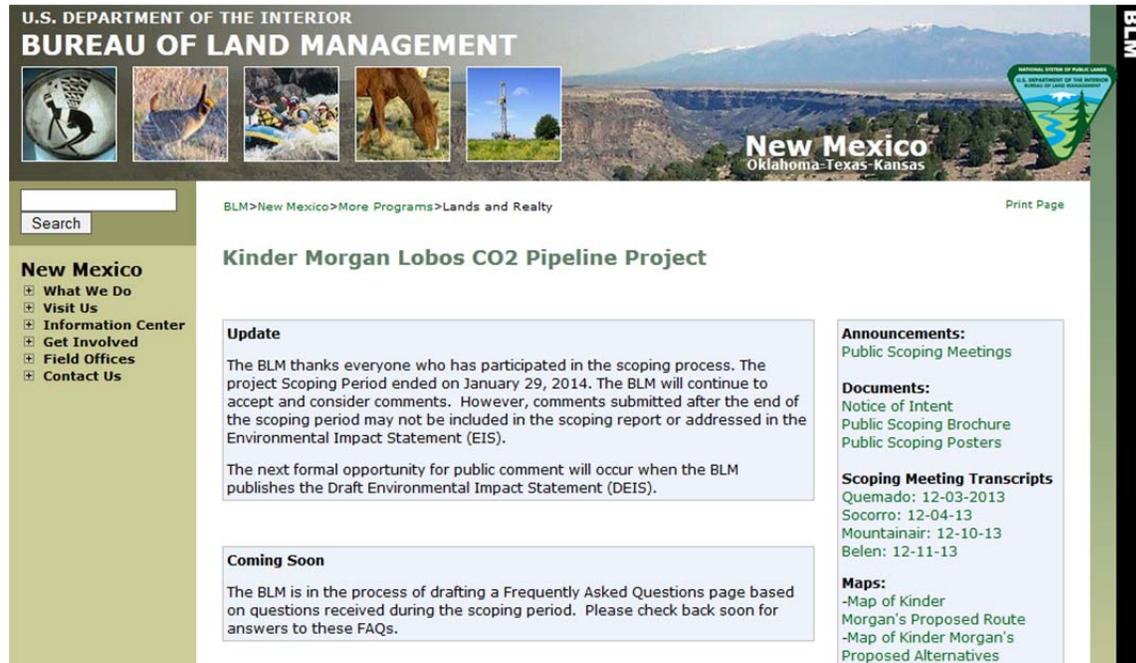


Figure 3. BLM Public Project Website for the Kinder Morgan Lobos CO2 Pipeline

In addition, the BLM has contacted several federal, state, and local agencies, requesting that they consider acting as a cooperating agency for the duration of the proposed Project. Once each contacted agency has responded to these requests, a full list of cooperating agencies will be made available on the Project website and will be noted in the EIS.

2.0 COMMENT PROCESSING

2.1 Method of Comment Collection and Processing

All comments received by the BLM (provided in person, either orally or by comment card, or sent via facsimile transmission, physical mail, or email) were copied and submitted to the BLM's third-party environmental contractors for processing and analysis. Original copies were maintained at the BLM Field Office in Socorro, New Mexico. All comment letters were processed by the BLM's third-party environmental contractors using the procedures outlined below.

2.2 Response Processing

Comment letters were received, designated a unique code, reviewed, and individual comments within each letter were categorized based on their respective issue category. This process was utilized as a mechanism to identify and address duplicate comments focusing on identical issues. In addition, names and addresses of commenters were entered into a mailing list database, which will be used to communicate further Project information to the interested parties. Comments received at the scoping meetings were transcribed by a court reporter and processed by BLM's third-party contractor in a similar manner as comment letters.

2.2.1 Coding

As they were received, individual comments were independently analyzed and coded to prevent any data gaps. The coding process consisted of identifying the comments, categorizing each comment based on the concern or issue, and assigning it a unique code based on these variables. Following categorization and code assignment, each comment was entered into the comment database.

2.2.2 Comment Analysis

Individual comments were organized by their respective category and county. The BLM's third-party environmental contractor analyzed all comments to identify specific public concerns and issues along the proposed Project route. In addition, to ensure all issues within each category were addressed, each comment was summarized and linked to their respective category. A full list of issues to be addressed in the EIS is discussed in Chapter 3.

2.3 Unique Comment Summary

The BLM received input from over 300 commenters during the scoping period. These individuals and groups provided comments via several methods; some provided multiple comments (e.g., they spoke during a scoping meeting and provided a letter). A summary of the method used to provide comments is found in Table 4.

| Code | Response Format | Number of Responses |
|------|-----------------|---------------------|
| CC | Comment Card | 2 |
| EM | E-mail | 62 |
| F | Fax | 1 |
| PM | Physical Mail | 185 |
| MC | Meeting Comment | 61 |

During the scoping period, the majority of comments received from the proposed project counties were received from Torrance County, New Mexico. A form letter was provided by over half of the commenters and several of these did not include an address or were unsigned; therefore, we were unable to determine where these comments originated from.

The majority of comments received were provided via physical mail. The remaining comments were provided by comment card, e-mail, fax, and spoken at meetings (see Table 4). These comments originated from various state, local, and federal organizations, and unaffiliated individuals of the general public. The commenters provided 900 specific comments, which were classified as shown in Table 5. The majority of specific comments provided were received from unaffiliated individuals and focused primarily on biological and wildlife issues, eminent domain issues, and land use planning issues.

| Code | Focus of Concern | Number of Responses |
|------|--|---------------------|
| ALA | Alternatives to the Proposed Action | 21 |
| AQI | Air Quality Issues | 8 |
| BWR | Biological and Wildlife Issues | 223 |
| CCG | Climate Change and Greenhouse Gas Issues | 10 |
| CNR | Cultural and Native American Resource Issues | 37 |
| CEI | Cumulative Effects Issues | 3 |
| EDO | Eminent Domain Issues | 190 |
| EAD | Engineering and Design Issues | 23 |
| ENJ | Environmental Justice Issues | 19 |
| GMR | Geology and Soil Resource Issues | 10 |
| GWQ | Groundwater and Water Quality Issues | 35 |
| HSW | Hazardous and Solid Waste Materials Issues | 4 |
| HSE | Health and Safety Issues | 41 |
| ISC | Invasive Species Issues | 8 |
| LUP | Land Use Planning Issues | 165 |
| LLA | Land Lease Agreement Issues | 16 |
| NPA | NEPA Process Issues | 3 |
| NPI | Noise Issues | 6 |
| PAN | Purpose and Need Issues | 18 |
| VEG | Re-Vegetation Issues | 11 |
| SEC | Socioeconomic Issues | 32 |
| SWP | Stormwater Pollution Prevention Plan Issues | 17 |

3.0 SUMMARY OF COMMENTS

Over 300 commenters submitted 900 specific issues to the BLM during the scoping period (all comments received or postmarked prior to February 21, 2014) from affiliated and nonaffiliated members of the public. As stated in Chapter 2, all comments were given a code based on their respective area of concern. A full transcript of the comments received during individual scoping meetings, can be found in Appendix D.

As discussed in Section 1.1, the objective of this report is to identify concerns associated with the proposed action from the general public and state, federal, local, and tribal entities. Some common questions received are discussed within the “Frequently Asked Questions” section (see Appendix E) of this report; however, other concerns identified during the scoping period will be addressed and discussed in detail within the EIS.

Several letters, not discussed herein, contain comments that do not focus on any particular area of concern or resource, such as those that support or oppose the proposed Project. Additional comments were provided that take issue with previous Kinder Morgan projects that do not relate to the proposed Project. Further, as seen in the scoping meeting transcripts, numerous requests for additional information were made; those requests will be addressed and available for public review in the forthcoming Draft EIS.

3.1 Alternatives to the Proposed Action

Many commenters requested that alternative routes for the proposed pipeline be explored. More specifically, many requested that the proposed pipeline follow United States Route 60 (U.S. Route 60) more closely, or be re-routed through other portions of the county and/or state. Multiple commenters also suggested that Kinder Morgan place the proposed pipeline within or adjacent to the existing easement for the El Paso Natural Gas Line instead of constructing a new right-of-way. In addition, it was suggested the pipeline route be placed in an existing industrial corridor (unspecified location). Representative comments suggesting these re-routes included the following:

- *Consider following the existing right-of-way for Highway 60.*
- *The U.S. Environmental Protection Agency (EPA) recommended that reasonable alternatives be explored for the proposed Project. In addition, it recommended the EIS describe the development of each alternative, how alternatives would address Project objectives, and how these alternatives would be implemented. Further, it recommended the EIS contain a detailed description of alternatives as well as rationale used to determine if impacts of said alternatives are significant.*
- *If the applicant owns the existing El Paso Natural Gas right-of-way, it should use the existing right-of-way for the pipeline.*
- *Consider moving this Project to an existing “brown” (previously developed) area.*

3.2 Air Quality Issues

Comments pertaining to air quality issues were primarily from the EPA. These comments included recommendations that the EIS contain a detailed description of existing ambient air conditions, quantified emissions resulting from the proposed Project, specification of emission sources, and a construction emissions mitigation plan complete with a fugitive dust control plan, mobile and stationary source

controls, and administrative controls. In addition, one comment inquired if emissions testing along the pipeline would be performed. Representative comments outlining these concerns included the following:

- *The EPA suggested that the EIS include a detailed discussion of ambient air conditions, National Ambient Air Quality Standards (NAAQS) and non-NAAQS pollutant, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed Project.*
- *The EPA suggested that the EIS describe and estimate air emissions from potential construction and maintenance activities, as well as proposed mitigation measures.*
- *Emissions testing at pump station locations should be discussed in the EIS.*

3.3 Biological and Wildlife Issues

Comments pertaining to biological and wildlife issues expressed concerns that the proposed pipeline would create a corridor through fragile desert ecosystems. Other comments included concerns for specific wildlife populations and their associated habitat, such as the lesser-prairie chicken, dune sagebrush lizard, big horn sheep, raptors, owls, waterfowl, and silvery minnow. In addition, regulators such as the EPA, New Mexico Game and Fish Department (NMGFD), and Arizona Game and Fish Department (AZGFD) submitted recommendations for detailed discussions that should be outlined within the EIS. These included minimization measures that should be taken to avoid impacts on threatened and endangered species and associated critical and non-critical habitat. Representative comments outlining these concerns and recommendations included the following:

- *The pipeline will disrupt a fragile desert ecosystem which will take years to recover, as well as disturb native vegetation.*
- *The proposed pipeline will affect open spaces as well as the big horn sheep population.*
- *The proposed pipeline will impact the active owl habitat and population on my private property.*
- *A leak in the pipeline along the Rio Grande could impact the silvery minnow habitat and population.*
- *The EPA recommended that the BLM coordinate across field offices with the U.S. Fish and Wildlife Service (USFWS), NMGFD, and AZGFD to ensure that current and consistent surveying, monitoring, and reporting protocols are applied in protection and mitigation efforts.*
- *NMGFD made general recommendations regarding pump station placement, the timing of construction to avoid impacts on raptors and other bird species, and the minimization of impacts on riparian vegetation.*
- *AZGFD recommended that wildlife/habitat surveys be conducted in the appropriate season to confirm the habitat type, as stated in the Environmental Field Survey Plan.*

3.4 Climate Change and Greenhouse Gas Issues

Comments pertaining to climate change and greenhouse gas issues expressed concerns that the installation of the proposed pipeline would increase concentrations of atmospheric carbon dioxide. Both federal agencies and non-profit organizations expressed concerns about increases in greenhouse gases and recommended that a detailed discussion of the Project's potential impacts on greenhouse gases and

climate change be included in the EIS. Representative comments outlining concerns associated with climate change and greenhouse gas emissions included the following:

- *The proposed pipeline would increase CO₂ concentrations within the atmosphere.*
- *The mining of greenhouse gases is environmentally irresponsible and should be discussed in detail within the EIS.*
- *The EPA recommended that the greenhouse gas emissions inventory include each proposed stationary and mobile source. In addition, the EPA recommended that the EIS establish reasonable spatial and temporal boundaries for the analysis, and quantify and disclose the predicted annual direct and indirect greenhouse gas emissions.*

3.5 Cultural and Native American Resource Issues

Comments pertaining to cultural and Native American issues expressed concerns regarding impacts on cultural, historic, and Native American resources and the encroachment on the legacy of private landowners. Other comments included recommendations that the EIS address the existence of cultural and historic resources located along the proposed pipeline route, as well as consultations between Native American governments and the BLM. In addition, comments from the Claunch-Pinto Soil and Water Conservation District (District) expressed concerns about cultural resource sites located along U.S. Route 60 as well as existing national monuments located within the Project area. Representative comments outlining concerns for cultural and Native American resources included the following:

- *Detrimental Effects to Ancestral Heritage: Families who have owned land in the area for generations could face encroachment on their cultural legacy.*
- *The EPA recommended that the EIS describe the process and outcome of government-to-government consultation between the BLM and each of the tribal governments within the Project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.*
- *The EPA recommended that the EIS address cultural and historic resources, including Indian sacred sites, and address compliance with Section 106 of the National Historic Preservation Act, and develop a Cultural Resource Management Plan. The EPA further recommended the EIS discuss how the applicant will avoid impacting the physical integrity, accessibility, or use of sacred sites.*
- *The District stated that the area contained numerous cultural sites, including petroglyphs and the Salinas Pueblo Missions National Monument, that date back to the 1600's or earlier. The District requested an analysis to determine how the Project would impact cultural resources and what the mitigation plan would be.*
- *The Project area is adjacent to ruins that are part of the National Park System.*
- *Vibrations from construction activity associated with the Project may destabilize historic and prehistoric pictographs along the proposed pipeline route.*

3.6 Cumulative Effects Issues

During the scoping period, comments pertaining to cumulative effects were received from the EPA, as outlined below:

- *The EPA recommended that the cumulative impacts associated with the proposed Project and other developmental projects in the area be analyzed. It was recommended that this analysis include all potential impacts on various air, water, wildlife, environmental justice, and Native American impacts.*

3.7 Eminent Domain Issues

Comments pertaining to eminent domain issues expressed a concern that the use of eminent domain is an infringement on individual rights to real and personal property. Representative comments outlining concerns associated with eminent domain included the following:

- *The EPA recommended that the EIS discuss the applicable eminent domain authority for the pipeline right-of way.*
- *Discuss eminent domain and how it may affect private property owners.*

3.8 Engineering and Design Issues

Comments pertaining to engineering and design issues questioned multiple facets of the structural integrity of the line as well as general engineering specifications of the proposed pipeline. Representative comments outlining issues associated with engineering and design of the pipeline included the following:

- *Discuss the depth of pipeline burial.*
- *Discuss the width of the pipeline easement following construction.*
- *Discuss the decommissioning plans.*
- *Discuss the use of cathodic protection in areas near electric transmission lines.*
- *Provide the design criteria to ensure that the structural integrity of the pipeline is protected from external factors such as the nearby missile testing and/or railroad tracks.*

3.9 Environmental Justice Issues

Comments pertaining to environmental justice issues expressed concerns that the proposed Project does not contribute to the vitality of community, causes a weakening of community values, and may encourage industrial corridors through the area. These comments also included concerns that the proposed Project impacts not only landowners within the proposed pipeline right-of-way, but surrounding communities as well. In addition, the EPA recommended that the EIS discuss environmental justice within the geographic scope of the Project, the potential for adverse impacts to low-income and minority populations, and outreach conducted for all communities that could be impacted by the proposed Project. Representative comments outlining these concerns included the following:

- *The pipeline does not contribute to the vitality and integrity of land and community.*

- *The construction and ongoing existence of a pipeline would violate the unique qualities of and the communities and surrounding area.*
- *The EPA recommended that the EIS include an evaluation of environmental justice populations within the geographic scope of the Project. If such populations exist, the EIS should address the potential for disproportionate adverse impacts to minority and low-income populations.*
- *The EPA recommended that the EIS describe outreach conducted for environmental justice populations, if any, as well as for all other communities that could be affected by the Project.*

3.10 Geology and Soils Issues

Comments pertaining to geology and soils issues expressed concerns with seismic activity along the pipeline and how such activity may affect the proposed pipeline. In addition, other comments expressed concerns with the disturbance of soils along the proposed Project, the length of time required for soils to recover, and indirect impacts caused by disturbed soils. Representative comments outlining these concerns included the following:

- *Describe the types of seismic studies that have been performed along the proposed pipeline route.*
- *Discuss the potential for seismic activity/earthquake impact on the pipeline.*
- *Construction disturbance of the topsoil, especially in the current drought conditions, could affect revegetation.*
- *Construction of the pipeline would disturb sensitive soil crust that is vital for a healthy environment.*

Additional comments included concerns with the end use of CO₂ (enhanced oil recovery in Texas and its potential to increase seismic activity).

3.11 Groundwater and Surface Water Quality Issues

Comments pertaining to groundwater and surface water quality included concerns with how the water table (including flow volume and water quality) would be affected by the proposed Project. Other comments included concerns about potential herbicide use and subsequent groundwater impacts. In addition, the EPA submitted comments recommending that Kinder Morgan consult with the U.S. Army Corps of Engineers (USACE) to determine if a Section 404 permit would be required for wetlands or jurisdictional waterbodies located along the pipeline. The EPA also recommended a list of impaired waters be developed and total maximum daily loads (TMDLs) be established. Representative comments of these concerns included the following:

- *The pipeline could have negative impacts on the water table as well as the water quality of wells.*
- *Pipeline construction could affect groundwater quality and flow/volume.*
- *Potential effects caused to surface and groundwater from potential herbicide use along the right-of-way.*
- *The EPA recommended that the EIS provide information on Clean Water Act (CWA) Section 303(d) impaired waters in the Project area, if any, and efforts to develop and revise TMDLs. It*

was also recommend the EIS describe existing restoration and enhancement efforts for those waters and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

- *The EPA also recommended that the BLM consult with the USACE to determine if there are jurisdictional Waters of the United States present at the Project site and recommended that the EIS include a final determination of the extent of Waters of the United States at the Project site and address any other relevant requirements, pursuant to the CWA.*

3.12 Hazardous and Solid Waste Materials Issues

Comments pertaining to hazardous and solid waste materials issues included comments from local fire departments, the EPA, and individuals concerned with the nature of emergency response procedures, emergency cleanup, and mitigation measures. In addition, the EPA recommended that the EIS address the applicability of state and federal hazardous waste requirements, mitigation measures, and the exploration of alternate industrial processes which would reduce the volume or toxicity of hazardous materials. Representative comments of these concerns included the following:

- *Local fire departments should be informed on how to respond to emergencies or emergency cleanup associated with the proposed pipeline.*
- *The full extent of hazards associated with cleanup of pipeline emergencies is not yet known.*

3.13 Health and Safety Issues

Comments pertaining to health and safety issues focused primarily on hazards posed to the general public and individuals near the pipeline in the event of a rupture. In addition, numerous comments were received expressing a concern for the accuracy of leak detection systems, which will be used to monitor the pipeline. Representative comments associated with health and safety issues included the following:

- *The hazards to human health, as well as to livestock, in the event of a rupture along the proposed pipeline should be discussed in the EIS. The protocol for pipeline leak monitoring should be discussed.*

3.14 Invasive Species Issues

Comments pertaining to invasive species issues expressed concerns for the prevention of invasive and noxious weeds along the proposed pipeline. In addition, the EPA submitted comments recommending the development and detailed description of an invasive plant management control plan including any pesticides and herbicides utilized as part of this plan. Representative comments associated with invasive species issues included the following:

- *A weed control plan should be created to prevent growth of noxious weeds along the pipeline route.*
- *Noxious weeds and invasive plant species have the potential to become established and migrate to surrounding areas. Poison hemlock and Russian knapweed have been identified within the Project corridor.*
- *The EPA recommended that the EIS describe the invasive plant management plan used to monitor and control noxious weeds, disclose the type and quantity of herbicides or pesticides used to*

manage vegetation, and identify potential methods that could be used to limit the introduction and spread of invasive species during and following construction.

- *Pesticides and herbicides have the potential to migrate off the ROW via air and water media which may affect organic livestock and produce businesses.*

3.15 Land Use Planning Issues

During the scoping period, one comment pertaining to land use planning was received from the EPA, as outlined below.

- *The EPA recommended that the EIS discuss how the proposed action would support or conflict with the objectives of federal, state, tribal, or local land use plans, policies, and controls in Project areas.*

3.16 Land Lease Agreement Issues

Comments pertaining to land lease agreement issues expressed concerns with land access/site security during and following construction, future installation of waterlines and agricultural canals, and future uses of private property along the pipeline right-of-way. Representative comments outlining land lease agreement concerns included the following:

- *Discuss any restrictions that may be placed on farmlands after construction.*
- *The integrity of existing utilities and agricultural water lines should be maintained.*
- *Livestock protection and provisions that would be used during construction to contain cattle within pasturelands should be developed.*

3.17 NEPA Process

During the scoping period, a few comments pertaining to the NEPA process were received. These comments questioned how the lead agency was determined and also included recommendations from the EPA to obtain the necessary permits for the Project. The representative comment outlining the NEPA process included the following:

- *Discuss the Pipeline and Hazardous Materials Safety Administration's role in the Project, given their oversight of construction, and why they were not chosen as the lead agency.*

3.18 Noise Issues

Comments pertaining to noise issues focused primarily on the pump stations along the proposed pipeline. Representative comments outlining concerns with noise issues included the following:

- *Quantify/qualify noise associated with the pump stations along the pipeline.*
- *Provide noise abatement measures associated with recreation and wildlife.*

3.19 Purpose and Need Issues

Comments pertaining to purpose and need issues included inquiries of whether the life of the St. Johns CO₂ Field in Arizona had been determined and why a CO₂ source closer to its terminus was not considered. In addition, the EPA submitted comments recommending the EIS outline the purpose and need for the proposed Project. Representative comments outlining concerns with purpose and need issues included the following:

- *Provide the projected lifespan of St. Johns Field in Arizona.*
- *The EPA recommended that the purpose and need be a clear, objective statement of the rationale for the proposed Project and that the EIS discuss the proposed Project in the context of the CO₂ gas supply and the need for additional transmission capabilities.*

3.20 Revegetation Issues

Comments pertaining to re-vegetation issues expressed concerns about difficulty in revegetating the Project area following construction due to existing drought conditions along the pipeline, and what the process would be if initial revegetation was unsuccessful. Representative comments outlining re-vegetation issues included the following:

- *Revegetation of desert habitats would be difficult to achieve.*
- *Plans for revegetation should include efforts as long as necessary to establish native vegetation in the Project footprint.*
- *Catron County Farm Bureau would prefer multiple re-seeding efforts along the pipeline corridor, given the lack of rainfall.*

3.21 Socioeconomic Issues

Comments pertaining to socioeconomic issues expressed concerns that the proposed Project may cause private property values to depreciate. Other comments expressed optimism that the proposed pipeline would stimulate a stagnating local economy and support local communities by creating more jobs. Representative comments included the following:

- *The depreciation of property values along the route is of concern.*
- *Multiple organizations believe that if union labor is utilized for pipeline activities, it will supplement the economy and provide training programs for local residents.*

3.22 Stormwater Pollution Prevention

Comments pertaining to stormwater pollution prevention and erosion expressed concerns for surface runoff, which may lead to erosion issues during the rainy season and other precipitation events throughout the year. In addition, the EPA submitted comments including recommendations to determine drainage patterns within the Project area and obtaining the appropriate stormwater permits (including a stormwater pollution prevention plan) to reduce erosion of sediments and migration of sediments off-site. Representative comments outlining stormwater pollution prevention concerns included the following:

- *Surface water runoff is of concern in cleared areas where soil is removed.*

- *Construction of the proposed pipeline could cause erosion problems.*
- *The EPA recommended that the EIS document the Project's consistency with applicable stormwater permitting requirements and discuss specific mitigation measures that may be necessary or beneficial in reducing impacts on water quality and aquatic resources.*

4.0 FUTURE PUBLIC INVOLVEMENT

4.1 Continuing Opportunities for Public Involvement

Following the release of the Draft EIS, a notice of availability (NOA) will be sent to individuals who provided comments or concerns during the public scoping period and/or individuals who requested updates for the status and progress of the proposed Project. The NOA will provide the dates for the comment period, during which time interested parties may review and comment on the Draft EIS, and the dates and locations for another set of public meetings, similar to those held during the scoping period.

4.2 Contact Information

Contact regarding the proposed action and issues related to the EIS should be made in one of the following methods:

Physical Mail:

Ms. Andi Knight
Bureau of Land Management
Socorro Field Office
901 South Highway 85
Socorro, NM 87801

Physical Visit:

Bureau of Land Management, Socorro Field Office,
901 S. Highway 85,
Socorro, NM 87801

Phone: (575) 835-0412

Email: blm_nm_sfo_comments@blm.gov

Appendix A

Notice of Intent Legal Notice

program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

B. Endangered Marine Mammals and Marine Mammals

Applicant: The Marine Mammal Center, Sausalito, CA; PRT-101713

On November 5, 2012 (77 FR 66476), we published a notice of receipt of this application regarding this applicant's request for a permit to take southern sea otters (*Enhydra lutris nereis*) of all ages and sexes for the purpose of enhancement of the survival of the species by rescue, rehabilitation, and release of stranded animals. We have received new information and are reopening the comment period. This notification covers activities to be conducted by the applicant over a 5-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2013-25796 Filed 10-30-13; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6683-G, AA-6683-A2; LLAk940000-L14100000-HY0000-P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Decision Approving Lands for Conveyance

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM) to Stuyahok, Limited. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The subsurface estate in these lands will be conveyed to Bristol Bay Native Corporation when the surface estate is conveyed to Stuyahok, Limited. The lands are in the vicinity of New Stuyahok, Alaska, and are located in:

Seward Meridian, Alaska

T. 7 S., R. 45 W.,
Sec. 5.

Containing 640 acres.

T. 7 S., R. 48 W.,

Sec. 30.

Containing 476.41 acres.

Aggregating 1,116.41 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Bristol Bay Times*.

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until December 2, 2013 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907-271-5960 or by email at blm_ak_akso_public_room@blm.gov. Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

Ralph L. Eluska, Sr.,

Land Transfer Resolution Specialist, Division of Lands and Cadastral.

[FR Doc. 2013-25932 Filed 10-30-13; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMA02000.L51010000.ER0000.LVRWG13G0940; NMNM-129147]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Lobos CO₂ Pipeline Project in Arizona and New Mexico and Amend the Rio Puerco, Roswell, and Socorro Resource Management Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM), Socorro Field Office, Socorro, New Mexico, intends to prepare an Environmental Impact Statement (EIS) in order to analyze the proposed Lobos carbon dioxide (CO₂) Pipeline Project and consider amendments to the Roswell Resource Management Plan (RMP) (1997), the Rio Puerco RMP (1986), and the Socorro RMP (2010). This notice announces the scoping process to solicit public comments and identifies issues.

DATES: This notice initiates the public scoping process for the RMP amendment with associated EIS. Comments on issues may be submitted in writing until January 29, 2014. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media and the BLM Web site at: <http://www.blm.gov/nm/LobosCO2>. In order to be included in the Draft EIS, all comments must be received prior to the close of the 90-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments by any of the following methods:

- *Email:* BLM_NM_SFO_Comments@blm.gov

- *Fax:* 575-835-0223, Attention: Andi Knight

- *Mail:* Bureau of Land Management, Socorro Field Office, Attention: Andi Knight, 901 S. Highway 85, Socorro, NM 87801-4168.

Documents pertinent to this proposal may be examined at the Socorro Field Office at the address above.

FOR FURTHER INFORMATION CONTACT: Gregory Helseth, Washington Office Project Manager, at 702-515-5173; or

email at ghelseth@blm.gov. Contact Mr. Helseth if you wish to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Kinder Morgan CO₂ Company, L.P. (Kinder Morgan) has filed a right-of-way (ROW) application with the BLM pursuant to Title V of FLPMA proposing to construct and operate the Lobos CO₂ Pipeline. This pipeline would consist of about 214 miles of 16-inch diameter pipeline, with an initial capacity of about 200 million standard cubic feet per day of CO₂. The pipeline would originate in the St. Johns CO₂ field in Apache County in eastern Arizona, cross central New Mexico south of Albuquerque, and terminate at the Main Line Valve 160 located along the existing Cortez Pipeline in Torrance County, New Mexico. It is anticipated that up to four pump stations would be strategically located along the proposed new pipeline route and interconnections would be made at the origin and terminus. A 40-mile-long, 30-inch-diameter loop would also be constructed parallel to the existing Cortez Pipeline in Chaves County, New Mexico. A new pump station would be added along the existing Cortez Pipeline at the existing location of Main Line Valve 170 in Torrance County, New Mexico, and upgrades in pumping capacity would be made to the existing Caprock Station on the Cortez Pipeline in Chaves County, New Mexico.

This document provides notice that the Socorro Field Office, Socorro, New Mexico, intends to prepare an EIS and a RMP Amendment for the Proposed Lobos CO₂ Pipeline Project in Arizona and New Mexico, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The planning area is located in Catron, Socorro, Torrance, and Chaves Counties, New Mexico; and Apache County, Arizona; and encompasses about 773 acres of BLM-managed public land that may result in a linear 58.96-mile right-of-way grant.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the plan

amendment area have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issues include: Loss of habitat and direct disturbance to plant and animal species (including special and sensitive status species); new visual intrusions on the landscape that would impact the scenic and visual quality of the area; impacts to cultural resources, lands that contain places of traditional cultural or religious importance, and historic sites; impacts to National Scenic or Historic Trails; and potential public health and safety impacts. Preliminary planning criteria include: The RMP Amendment and EIS will be completed in compliance with FLPMA, NEPA, and all other relevant Federal laws, executive orders, and management policies of the BLM; where existing planning decisions are still valid, those decisions may remain unchanged and be incorporated into the new RMP amendment; the RMP amendment will recognize valid existing rights; the RMP Amendment and EIS will be completed by coordination with cooperating agencies, government agencies, tribal entities, and all other interested parties.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 90-day scoping period or within 15 days after the last public meeting, whichever is later.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Native American tribes and pueblos on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested

by the BLM to participate in the development of the environmental analysis as a cooperating agency. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the plan amendment in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Rangeland management, minerals and geology, outdoor recreation, archaeology, paleontology, wildlife, lands and realty, hydrology, soils, sociology, and economics.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2

Jesse J. Juen,
State Director.

[FR Doc. 2013-25929 Filed 10-30-13; 8:45 am]

BILLING CODE 4310-FB-P

Appendix B

Public Scoping Information Distributed During Scoping Meetings

Kinder Morgan CO₂ Pipeline Project



W E L C O M E

TO THE

PUBLIC SCOPING MEETINGS

FOR THE

Kinder Morgan Lobos CO₂ Pipeline
Environmental Impact Statement



Photos Courtesy of BLM

2013

What is Scoping?

Scoping provides an opportunity for the public and agencies to:

- Learn more about the project
- Provide comments on the project
- Identify issues to be analyzed in the Environmental Impact Statement (EIS)

Everyone is encouraged to provide comments. Your comments will become part of the official public record and will be considered in the development of the EIS.



Photos Courtesy of BLM

Public Scoping Meetings

Tuesday
December 3, 2013
6:00 pm – 8:00 pm

Quemado High School
3484 US Hwy 60
Quemado, NM 87829

Tuesday
December 10, 2013
6:00 pm – 8:00 pm

Mountainair High School
901 W. 3rd Street
Mountainair, NM 87036

Wednesday
December 4, 2013
6:00 pm – 8:00 pm

Socorro Public Library
401 Park Street
Socorro, NM 87801

Wednesday
December 11, 2013
6:00 pm – 8:00 pm

Belen Community Center
305 Eagle Lane
Belen, NM 87002

Thursday
December 5, 2013
6:00 pm – 8:00 pm

Roswell Convention & Civic Center
912 N. Main Street
Roswell, NM 88202



Photo Courtesy of BLM

Each meeting will have an open house format. Comments received at the public meetings and during the public scoping period will help the BLM prepare a well-informed EIS.

How to Comment

You may provide comments in the following ways:

1. Attend a Public Scoping Meeting at any of the locations listed above.
2. Mail your comments to the BLM at:

Socorro Field Office
Bureau of Land Management
901 S. Highway 85
Socorro, NM 87801-4168

3. Fax the BLM Socorro Field Office at:

Telephone: (575) 835-0412
Fax: (575) 835-0223

4. Email the BLM Socorro Field Office at:

BLM_NM_SFO_Comments@blm.gov

Please reference the following BLM project ID number when contacting the Socorro Field Office:
NMNM129147

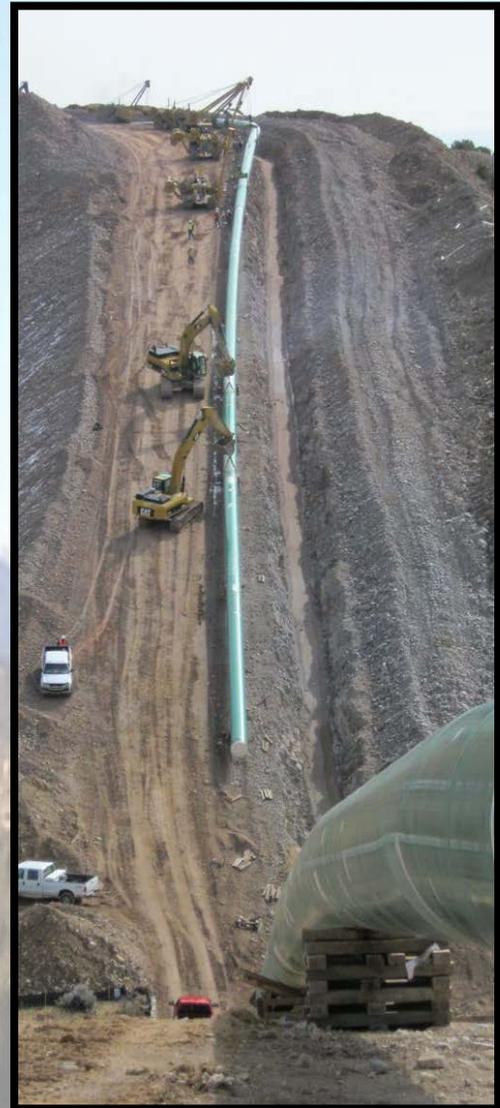


Photo Courtesy of Merjent, Inc.

Making Effective Comments

- State specific concerns instead of making broad statements.
- Focus your comments on specific issues and provide supporting details.
- Identify important environmental and community concerns.

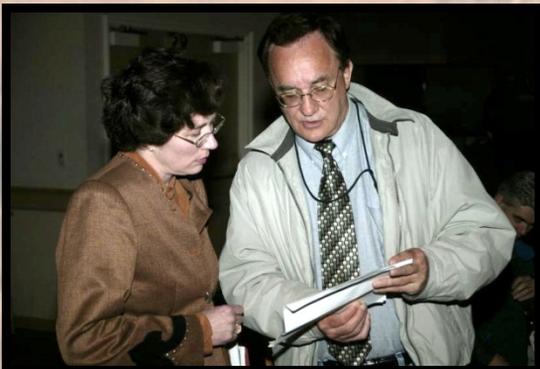


Photo Courtesy of BLM

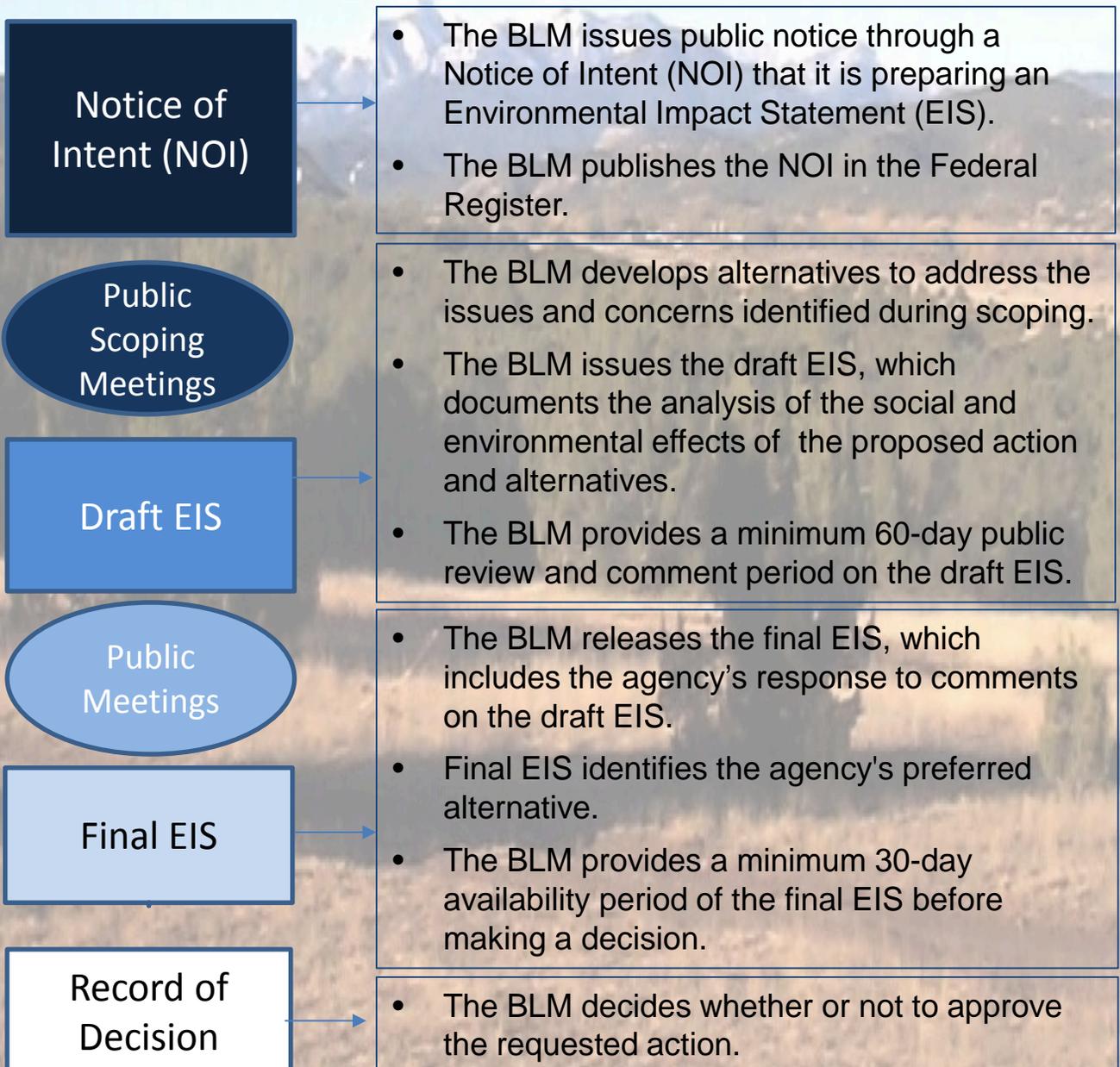
What is the National Environmental Policy Act?

The National Environmental Policy Act (NEPA) was one of the first laws that established the broad national framework for protecting our environment.

NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.

The NEPA environmental review process encourages citizen involvement in the scoping process so that federal agencies can make more thorough and better informed decisions.

The NEPA Process



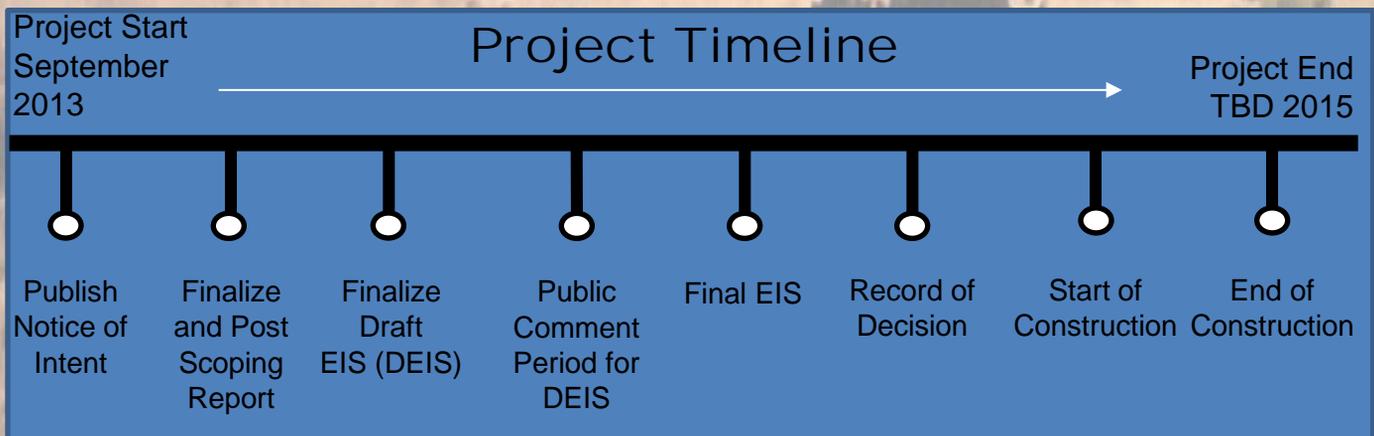


Photos Courtesy of Edge Engineering & Science

Project Description

Kinder Morgan CO₂ Company, L.P. (Kinder Morgan) plans to construct and operate the proposed Kinder Morgan Lobos CO₂ Pipeline.

- The proposed pipeline consists of approximately 254 miles of pipe and associated facilities that will transport liquid carbon dioxide (CO₂).
- The liquid CO₂ will be produced from underground reserves in the St. Johns Field in Apache County, Arizona. The CO₂ would be transported 214 miles across Catron, Socorro, and Torrance counties in New Mexico, where it would connect with the existing Cortez Pipeline.
- The project also includes construction of a 40-mile long pipeline loop parallel to the existing Cortez Pipeline in Chaves County, New Mexico.
- The proposed pipeline project will include up to four new pump stations, pigging facilities, and mainline block valves.
- Liquid CO₂ will be used for enhanced oil recovery in existing oil and gas fields.
- The proposed pipeline crosses lands managed by the Bureau of Land Management (BLM), which is the lead federal agency for the preparation of the Environmental Impact Statement.



Environmental Impacts

The affected environment is one of the primary considerations when planning a pipeline. Each natural resource will be studied and well understood in order to reduce and/or mitigate impacts of construction to the extent practicable.

The following list of natural resources will be analyzed for potential impacts by construction and operation of this pipeline project:

- Air Quality
- Geologic Hazards
- Mineral and Energy Resources
- Paleontological Resources
- Noise Levels
- Soils
- Water
- Vegetation
- Wildlife
- Protected Species
- Cultural Resources

Water

- Impacts on groundwater and surface water will be analyzed, including water use and rights.
- Measures will be implemented to avoid or minimize potential impact on ground water.
- Surface waterbodies crossed by the proposed pipeline include intermittent and perennial streams and two large rivers.
- Each waterbody will be evaluated for the best construction method.



Photo Courtesy of BLM

Air Quality

- Project-specific emissions inventory will be developed, including greenhouse gases.
- The project is not anticipated to directly generate any significant levels of “criteria” pollutants or greenhouse emissions during its operating lifetime.
- The project will evaluate potential air quality impact and mitigation measures.



Photo Courtesy of BLM

Cultural Resources

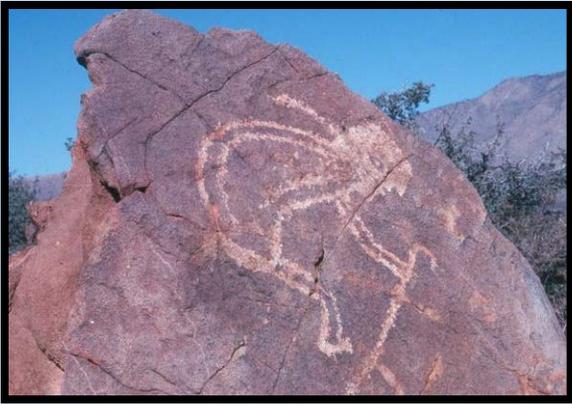


Photo Courtesy of BLM

- Past human occupation across the pipeline route varies dramatically.
- The proposed pipeline route will be surveyed and archeological and historic sites will be documented.
- Efforts will be made to avoid, minimize, or mitigate effects on cultural and historic properties.
- The proposed pipeline route crosses Acoma Pueblo land, as well as Navajo Fee Simple land, and may intersect areas of cultural significance to other tribes and pueblos.

Vegetation and Wildlife

- Field surveys will be performed to confirm vegetation cover type presence and identify critically sensitive areas.
- The collected data will be used to establish the baseline values for natural resources that may be affected by pipeline construction.

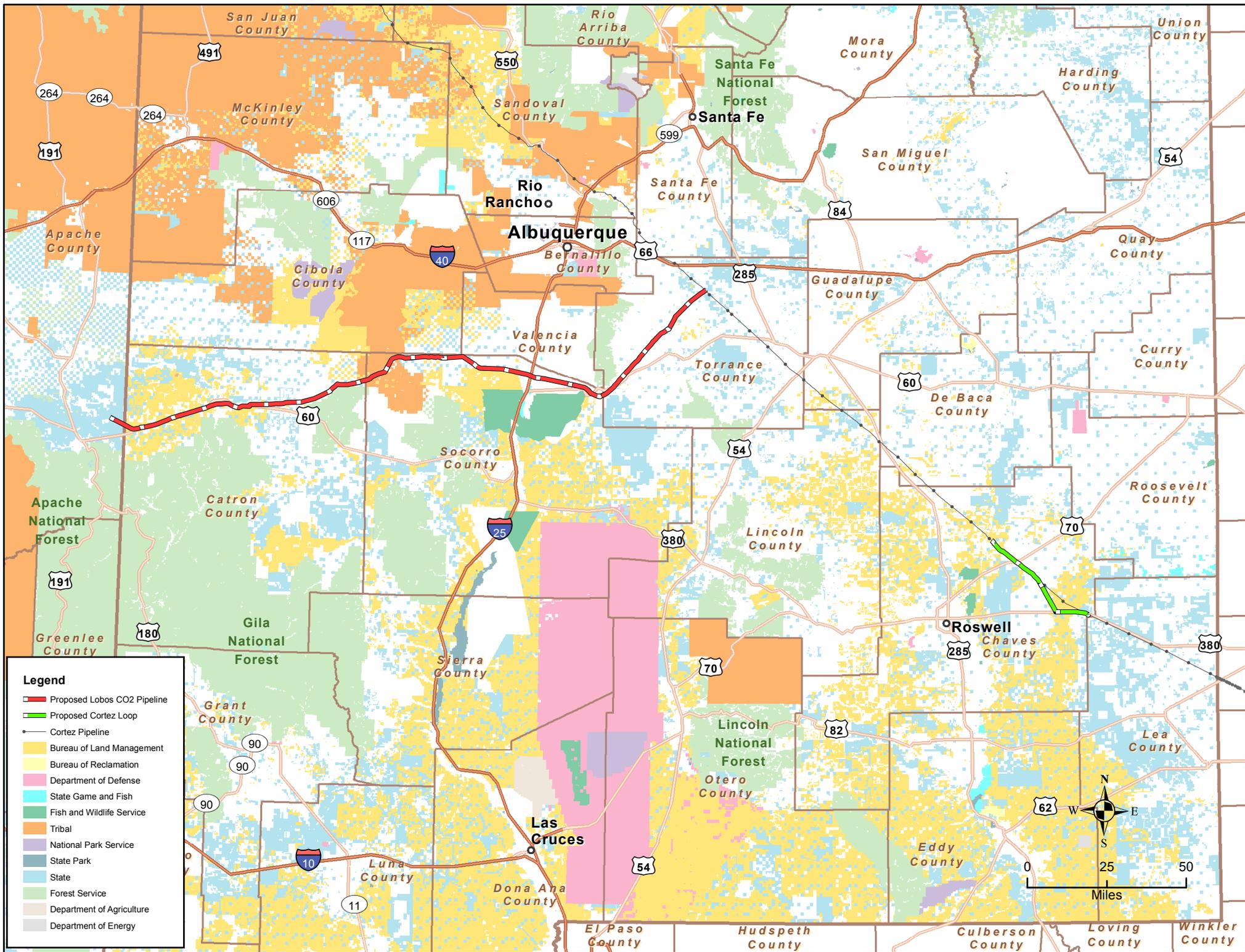


Photo Courtesy of BLM



Photo Courtesy of BLM

- Particular attention will be paid to sensitive plant and animal species, including Endangered Species Act listed and proposed species.
- Potential impacts from construction and operation of the pipeline on vegetation and wildlife primarily would consist of temporary alterations and loss of natural habitats.
- Impacts on both vegetation and wildlife resources are expected to be temporary, transient, and localized.





Notes



For more information contact:

Kinder Morgan Lobos CO₂ Pipeline Project
BLM Socorro Field Office
901 S. Highway 85
Socorro, New Mexico 87801
(575) 835-0412

Email: BLM_NM_SFO_Comments@blm.gov

Website: www.blm.gov/nm/LobosCO2

Public Scoping Period Ends January 29, 2014
Comments may be submitted at any time within the project
timeframe; however, comments received within the public
scoping period will be addressed within the draft EIS.



Appendix C

Scoping Meeting

Attendance/Sign-In Sheets



Lobos CO2 Pipeline Project
Scoping Meeting – ~~Bl~~en, New Mexico
Wednesday December 11, 2013

Attendance List

| NAME AND ADDRESS – Please Print Clearly | |
|---|------------|
| Carlos Madrid | [REDACTED] |
| KEVIN CARSON | [REDACTED] |
| Sophia James | [REDACTED] |
| Alejandro Torres | [REDACTED] |
| Jeremy Zimmerman | [REDACTED] |
| Bobby Harrison | [REDACTED] |
| DONALD HATHORN | [REDACTED] |
| DAVID L. CHAVEZ | [REDACTED] |
| John Duff | |
| Gerald Latham | [REDACTED] |
| Vincent Giangrossi | [REDACTED] |
| DR. J. D. Schmidt | [REDACTED] |
| David Rutledge | [REDACTED] |
| Thomas Goly | [REDACTED] |
| Jack & Pat Donner | [REDACTED] |
| Ramona M. Montoya | [REDACTED] |
| John Ke Murray | [REDACTED] |
| Connie Maestas | [REDACTED] |



**Lobos CO2 Pipeline Project
Scoping Meeting – Belen, New Mexico
Wednesday December 11, 2013**

Attendance List

| NAME AND ADDRESS – Please Print Clearly | |
|---|------------|
| Howard Snell | [REDACTED] |
| Bob + Mary Schund | [REDACTED] |
| JOHN BEST | [REDACTED] |
| Viola Gabaldon | [REDACTED] |
| Bethi Borel | [REDACTED] |
| Bob Poovey | [REDACTED] |
| Domino Orloje | [REDACTED] |
| James Smith | [REDACTED] |
| David R. Gardner | [REDACTED] |
| Lillian E. Ahoyta | [REDACTED] |
| Lorraine Nolan | [REDACTED] |
| Margaret McKelb | [REDACTED] |
| Heather Simpson | [REDACTED] |
| Deener | [REDACTED] |
| Jean Sawyer | [REDACTED] |
| | |
| | |



Lobos CO2 Pipeline Project
 Scopina Meeting – *Belen* ; New Mexico
wednesday , December 11, 2013

Attendance List

| NAME AND ADDRESS – Please Print Clearly | |
|---|------------------------------------|
| <i>MARK DIXON</i> | <i>PUEBLO OF ISLETA</i> [Redacted] |
| <i>David Griego</i> | [Redacted] |
| <i>Randell Major</i> | [Redacted] |
| <i>Pat & Tom Frotts</i> | [Redacted] |
| <i>John & Holly Woelber</i> | [Redacted] |
| <i>Patricia Z. Sanchez</i> | [Redacted] |
| <i>Jocelyn M. Torres</i> | [Redacted] |
| <i>Kim Ujara</i> | [Redacted] |
| <i>Emily Mechenbier</i> | [Redacted] |
| <i>Nathy Mechenbier</i> | [Redacted] |
| <i>MIKE MECHEMBIER</i> | [Redacted] |
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Lobos CO2 Pipeline Project
Scoping Meeting ~~Mountain~~ New Mexico
Tuesday, December 10, 2013

Attendance List

| NAME AND ADDRESS – Please Print Clearly | |
|---|------------|
| Denise Rubi | [REDACTED] |
| Jimmy & Gayle Ayers | [REDACTED] |
| John Benton | [REDACTED] |
| Theresa Grate | [REDACTED] |
| Anne Embry | [REDACTED] |
| A.M. RIFKIN | [REDACTED] |
| Susan Bunnell | [REDACTED] |
| George Anaya | [REDACTED] |
| George & Trudy Cusack | [REDACTED] |
| Jose A. MORA & Mary Wilson | [REDACTED] |
| John C. Adair | [REDACTED] |
| Thomas Gow | [REDACTED] |
| Nathan Combs | [REDACTED] |
| Deb Letzeman | [REDACTED] |
| LILBA FILIPPI | [REDACTED] |
| ANNE RAVENSTONE | [REDACTED] |
| MARY SCHULTZ | [REDACTED] |
| Don Grate | [REDACTED] |



Lobos CO2 Pipeline Project
 Scoping Meeting *Mountainair*, New Mexico
 Tuesday December 10, 2013

Attendance List

| NAME AND ADDRESS – Please Print Clearly | |
|---|------------|
| <i>CHRISTINE THOMPSON</i> | [Redacted] |
| <i>Mark Lewis</i> | [Redacted] |
| <i>Marilyn Curry</i> | [Redacted] |
| <i>Mary Anne Mitchell</i> | [Redacted] |
| <i>Richard J. OLSON</i> | [Redacted] |
| <i>Michael Reed</i> | [Redacted] |
| <i>Oliver Zamora</i> | [Redacted] |
| <i>Dora Patch Ford</i> | [Redacted] |
| <i>Molly Martinez</i> | [Redacted] |
| <i>Polly Martinez</i> | [Redacted] |
| <i>Edward V Padilla</i> | [Redacted] |
| <i>DEBORAH JONES</i> | [Redacted] |
| <i>Bill + Lisa Gardner</i> | [Redacted] |
| <i>Gary Kayser</i> | [Redacted] |
| <i>Fidel Ruiz</i> | [Redacted] |
| <i>Wm Stone</i> | [Redacted] |
| <i>Ed + Anna</i> | [Redacted] |
| <i>Macbui Truong</i> | [Redacted] |



Lobos CO₂ Pipeline Project
 Scoping Meeting – Quemado, New Mexico
 Tuesday, December 3, 2013

Attendance List

| NAME AND ADDRESS – Please Print Clearly | |
|---|------------|
| Se + Collette Campbell | [Redacted] |
| John + Bridget Caurza | [Redacted] |
| Bobby McKinley | [Redacted] |
| Phil McKinley | [Redacted] |
| Pamela L. Orona | [Redacted] |
| Robert R. Bruton | [Redacted] |
| Jerry Armstrong | [Redacted] |
| Dubrio L. Fowler | [Redacted] |
| Ricky T. Chavez | [Redacted] |
| BARBARA MCCRIMMON | [Redacted] |
| J. D. Bullington | [Redacted] |
| DOUG MARABLE | [Redacted] |
| Matthew D. Massey | [Redacted] |
| Dannette Weiss | [Redacted] |
| Charlotte Derrick | [Redacted] |
| Gene Beck | [Redacted] |
| FRANK BROOKS | [Redacted] |
| Jeremy Zimmerman | [Redacted] |



Lobos CO2 Pipeline Project
 Scoping Meeting – Socorro, New Mexico
 Wednesday, December 4, 2013

Attendance List

| NAME AND ADDRESS – Please Print Clearly | |
|---|------------|
| VIRGINIA Alguire | [Redacted] |
| Nathan Combs | [Redacted] |
| Don Keenan | [Redacted] |
| Mave Watkins | [Redacted] |
| Yisla S Gabaldon | [Redacted] |
| JANITA BURNS | [Redacted] |
| Carlos Madril | [Redacted] |
| ANARA Iselou | [Redacted] |
| KIM LEGANT | [Redacted] |
| JOHN LEZAR | [Redacted] |
| Johnny D. Chavez | [Redacted] |
| Dennis Garcia | [Redacted] |
| Mary Quiles | [Redacted] |
| Don Spill | [Redacted] |
| Car Herr | [Redacted] |
| Karen C Bailey-Bowman | [Redacted] |
| Barbara Romero III | [Redacted] |
| MICHAEL HANNIBAN | [Redacted] |

Appendix D

Scoping Meeting Transcripts

PUBLIC SCOPING MEETING
FOR THE
KINDER MORGAN LOBOS CO2 PIPELINE
ENVIRONMENTAL IMPACT STATEMENT

December 3, 2013
6:09 p.m.
Quemado High School
3484 U.S. Highway 60
Quemado, New Mexico 87829

REPORTED BY: KATHERINE L. GORDON, NM P-400
WILLIAMS & ASSOCIATES, LLC
1608 Fifth Street, Northwest
Albuquerque, New Mexico 87102
505-843-7789

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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

1 MR. LOVEDAY: Okay. So as Greg said, we'll
2 go ahead and start the meeting if everybody can take a
3 seat.

4 Thank you for attending tonight for the scoping
5 meeting for the Lobos Pipeline Project on behalf of the
6 Bureau of Land Management. My name is Trevor Loveday. I'm
7 an environmental consultant out of Houston. I am a
8 third-party consultant on this project, working with the
9 BLM in preparing the Environmental Impact Statement.

10 With me tonight are Ms. Rachel Blodgett in the
11 back, helping sign people in. And then part of our team is
12 Kim Jesson in the back with Merjent. So we're working
13 together, our companies are working together to prepare the
14 Environmental Impact Statement.

15 Some general housekeeping rules, in case you
16 don't know, the restrooms are just right here to the left
17 of the doors. If there's an emergency and we need to get
18 out, we can all go right out that door right there. And
19 cell phones -- and I'm going to do this myself -- if we can
20 please just put them on silent mode so as not to interfere
21 with the meeting.

22 And with that, I would like to introduce to you
23 Danita Burns, field manager from the Socorro field office.

24 MS. BURNS: Hi. Hello, everyone. Welcome.
25 I'm glad you're here. When we first talked about having

1 this meeting in Quemado, we said when the last time we had
2 a meeting, yeah, you know, a couple people showed. So I'm
3 glad you guys are here. I'm glad you're interested. And
4 we've got a lot to show you.

5 MR. LOVEDAY: Thanks, Danita. And I would
6 like to also point out to you, so there are several people
7 here from the Bureau of Land Management throughout the
8 room. And then there are also folks here from Kinder
9 Morgan, and they're sitting in this back corner here. And
10 so after the meeting -- and we have this space until eight
11 o'clock -- and so once we've gone through the formal
12 speaking part, we'll still be available to answer -- talk
13 to you, answer any questions you may have, have some
14 snacks, look at the posters. Feel free, we're here until
15 eight o'clock. And Kinder Morgan will be available, Bureau
16 of Land Management will be available, and we will be
17 available, as well.

18 So why are we here tonight? I want to just kind
19 of lay out this process. We're here for the public scoping
20 meetings. And this process is in compliance with the
21 National Environmental Policy Act -- you may hear that
22 referred to as NEPA, as the acronym -- and under compliance
23 with the Federal Land Policy and Management Act.

24 The purpose is to hear from the public about any
25 concerns you would have about this proposed application for

1 the Lobos and Cortez Loop Pipeline. Greg, I think, will go
2 over the project specifics after I kind of talk here.

3 A project Notice of Intent to prepare an
4 Environmental Impact Statement was published in the Federal
5 Register on October 31st, 2013. That opened a 90-day
6 scoping period that we are in now. And that period ends on
7 January 29th of 2014. What that means is that during this
8 time, the BLM, as the lead federal agency, they'll be
9 asking the public for comments on anything that you would
10 have concerns about or questions about that should be
11 analyzed in the Environmental Impact Statement. You'll
12 hear that being refereed to as an EIS.

13 Standard things that we will analyze in the
14 EIS -- and that document, the Environmental Impact
15 Statement document, will analyze several resources,
16 environmental resources, and including safety concerns.
17 And a lot of those resources include climate and air
18 quality, soils and geology. And included with that would
19 be mineral resources. We will look at water resources,
20 which would be groundwater, surface water. And then we
21 will look at wetlands, floodplains and riparian areas. We
22 will analyze vegetation, including noxious weeds, invasive
23 species, wildlife and aquatic resources. And that would
24 also include special status species, threatened and
25 endangered species and game species. We will analyze land

1 use, recreation and aesthetics, or visual resources. And
2 that would include range land management in that particular
3 section.

4 Then we look at cultural, archeological
5 resources, Native American concerns, paleontological.
6 We'll analyze those resources. And all these are being
7 analyzed as from impact from construction, as well as
8 operation of the proposed project. And then we would also
9 look at socioeconomic issues.

10 The current schedule of -- always subject to
11 change -- we're in the scoping period right now from
12 October 31st, as I said, through January 29th. And we
13 would prepare a draft Environmental Impact Statement. That
14 draft would, you know, right now be sometime in the summer
15 of 2014. We would have -- after that document is
16 published, we would have a draft Environmental Impact
17 Statement comment.

18 We would have public comment meetings on the
19 draft. So similar to tonight, we would again go out and
20 hear from the public on that document. We would take those
21 comments and we would put together a final Environmental
22 Impact Statement. That would be, as right now, scheduled
23 to be sometime summer -- late spring, summer of 2015. And
24 then a Record of Decision would be put in the BLM after
25 that.

1 The immediate steps right now that we're in,
2 after we go through scoping meetings this week and next
3 week -- we have five meetings in total -- we will compile
4 all the various comments and we will prepare a scoping
5 matrix of all the different comments that the public had.

6 We will formulate alternatives. We will look at
7 an alternatives analysis of the proposed project. And then
8 field studies will be completed. Kinder Morgan is already
9 working on their field studies, and they will be working to
10 complete those. And then we would begin starting the
11 preparation of the draft Environmental Impact Statement.

12 At this time I'd like to introduce Greg Helseth,
13 who is the BLM project manager.

14 MR. HELSETH: Thank you. Thank you very
15 much, Trevor. Good evening, everyone. My name is Greg.
16 I'm a project manager. My office is in Las Vegas, Nevada.
17 So I started this project, and my time ran out on it. I
18 was on what that called a detail. So the person who will
19 be taking over the project is Mark Mackiewicz. He's a
20 Washington office project manager, and he's located in
21 Price, Utah. Correct?

22 MR. MACKIEWICZ: Yes.

23 MR. HELSETH: Good, got that right.

24 So the project application originally was
25 submitted September 10th of 2012. That's when the BLM

1 received an application from Kinder Morgan that they wanted
2 to do a pipeline.

3 On May 20, 2013, they amended that application to
4 refine what they wanted to do with the pipeline. The
5 original pipeline went from pretty much Arizona to Texas.
6 The revision went from Arizona to -- with other little
7 stipulations -- to currently where they're looking at going
8 right now. And they're looking at ending the pipeline at
9 CV 170? Guys?

10 MR. CURBOW: Main line valve 160.

11 MR. HELSETH: Main line valve 160. Sorry.
12 I don't know what I did with that on my notes. I don't see
13 it. So really what they're doing is they're pulling CO2
14 from the ground in Arizona at St. Johns yard.

15 Really, you know, what is CO2? It's carbon
16 dioxide, so it's a -- you know, from the dictionary,
17 really, carbon dioxide is a heavy, colorless gas. It
18 doesn't support combustion, so it does not burn. It's
19 formed by plant or animal decay in the ground, and then
20 it's brought up. It's also used in carbonated beverages.
21 So this stuff is also used to carbonate your beverages.
22 The gas will be pressurized to approximately 2160 psi. Is
23 that correct?

24 MR. CURBOW: That's the maximum operating --

25 MR. HELSETH: That's the maximum operating

1 psi in the pipe for transportation. So we're talking about
2 214 miles, basically the St. Johns field in Arizona to the
3 main line valve at 160, which is --

4 MR. CURBOW: Torrance County.

5 MR. HELSETH: -- in Torrance County. Thank
6 you. I don't know what I did with that note. I don't know
7 why I don't have that. So we're looking at 214 miles. In
8 acres, that's approximately 773 on BLM, 345 on state, 2,146
9 on private, and 177 on Native American lands, in acres.
10 That's just for the construction.

11 Now, if the pipeline were to be built and
12 approved, then we're looking at a 50-foot right-of-way.
13 During construction it's 100 feet. So during operation,
14 it's 50 feet. It would be reclaimed back to 50 feet. And
15 the total acreage going then goes down on BLM land to 360
16 acres; state, 158; private 963, and Native American, 72.
17 So those extra acres that you heard first were for lay-down
18 yards, for extra width to get cranes in there to lift the
19 pipe in and stuff like that, if it is to be approved.

20 So the BLM is here tonight to listen to the
21 public, to hear what they have to say about the project so
22 we can add your concerns and comments into what we call our
23 Environmental Impact Statement. And then from there, we'll
24 do the analysis. And then when we come out with the draft,
25 that will be your second opportunity to tell us, yes, you

1 got it right, or no, you didn't get it right, you didn't
2 hear what I said. Please analyze this or please answer
3 this question in the document so that we can make sure that
4 we get your questions answered.

5 As the project manager, our phone numbers are
6 available. Mark's phone number is available. The BLM's
7 phone numbers are available on the comments cards. We have
8 Web site addresses that you can go to. We're in the public
9 comment period until January, so you have plenty of time.
10 So if you've forgotten something this evening, you can
11 write it or send it by e-mail. We will accept that. So
12 really what we're trying to do is hear from you about this
13 project.

14 And we have plenty of posters around the room
15 where you can see the project and look at the maps. And
16 then we even have an area back over here where you can dial
17 into a specific area if you have a question about that. So
18 with that said, I'm going to turn it back over to Trevor
19 and we're going to prepare for --

20 MR. MACKIEWICZ: Just one second.

21 MR. HELSETH: Mark would like to say
22 something. So here is Mark.

23 MR. MACKIEWICZ: One of the things that Greg
24 said, you know, we're trying to get some input from you,
25 but I'd like to just guide you a little more on what type

1 of questions or what type of comments you can give us. We
2 are looking that -- you know, this land you know better
3 than anybody. Most of you folks live out here.

4 We manage the land, we have a field office in
5 Socorro, we have a lot of great specialists here, but
6 probably nobody knows it better than you. So what we are
7 looking for is for you to come up with issues, issues that
8 you see right now, problems. Perhaps there's something
9 good you can see right now. Give us your feedback, what
10 your concerns are.

11 The other thing that we're looking for in
12 scoping, we've laid out -- or Kinder Morgan has laid out a
13 preliminary route right now. Nothing is sealed in
14 concrete. We're in the scoping phase right now, things are
15 subject to move, you know, barring problems, environmental
16 concerns, things that you may bring up today. So what we
17 are also looking for is for you to come up with what you
18 see as possible alternatives. We are always looking to
19 find ways to lessen impacts, and oftentimes we can lessen
20 impacts by making small little moves of a pipeline.

21 So we've worked on these. I've worked on many,
22 many pipelines across the country. And believe it or not,
23 in the projects I've worked on, we've been able to
24 basically resolve the vast majority, 98 to 99 percent of
25 the problems that individuals have and landowners have with

1 these pipeline projects. So keep that in mind. So if you
2 find ways that you think we could tweak this pipeline and
3 perhaps lessen impacts, please give us that type of input.

4 The other thing that you can do, if we are --
5 they are going to build this pipeline, well, perhaps
6 they're going to build this pipeline. We're not going to
7 say that anything is going to happen for sure. After we
8 complete this Environmental Impact Statement, Danita will
9 make a decision on this one way or another, whether to
10 approve the pipeline or not approve the pipeline. But,
11 again, your input is just imperative to the whole process.
12 And we will listen to you and listen intently on the
13 comments that you give us.

14 The other one I suggested a few minutes ago, or a
15 second ago, is come up with ways that you think that we
16 could -- Kinder Morgan could lessen the impacts as a result
17 of the construction of this project. Greg just mentioned a
18 second ago we'll have a permanent 50-foot right-of-way. So
19 in other words, for the most part -- land guys, are you
20 actually looking at 50 feet through private lands also?

21 MR. CURBOW: Yes.

22 MR. MACKIEWICZ: Okay. 50 feet through
23 private lands, that is a permanent easement through the
24 property. But to construct a pipeline like this, it's
25 going to take an additional, most likely, a total of 100

1 feet. 100 feet. That's 50 feet plus an additional 50 feet
2 to -- in order -- and you wonder why do you need so much
3 land to build a pipeline like this. I don't know if
4 they've got -- you've got some photos over here. We'll be
5 able to show you why. There's a lot of equipment that goes
6 down those -- next to those trenches over there, the --
7 and for the safety of our pipeline workers, that's why you
8 need such a wide area.

9 And where we can choke down, they will certainly
10 do that. From critical riparian areas and the like, they
11 will do their level best to reduce the impacts by choking
12 down as much as they can to safely construct the pipeline.
13 So that's the kind of input we're looking for.

14 Trevor's got a few more words to say over here.
15 And, again, we're here to listen. Trevor.

16 MR. LOVEDAY: Thanks, Mark. So now to the
17 part where we hear from you, the public. I don't believe
18 anyone signed up to speak when they came in. And I'll
19 still go over the ground rules of what to expect. You
20 know, whether you provide your comments here orally or you
21 provide them -- we provided a card tonight that you could
22 write your comment down, your concern, or you can go back
23 home and send it in via e-mail, that's fine. All comments
24 receive the same weight. There's no you're going to get
25 more preferential treatment if you spoke your comment here

1 tonight. We do want to hear from you, though.

2 And so -- and, again, as Mark and Greg both said,
3 we want to hear what your concerns are. It's your lands,
4 so what you have concerns with, we want to hear that
5 because we will take that back and we will address that in
6 the Environmental Impact Statement. So just know that.
7 You have many ways to provide us with your comments, and
8 your comment will be addressed, no matter how you provide
9 them.

10 Would anyone like to speak and provide us
11 comments?

12 MR. MARABLE: Momentarily.

13 MR. LOVEDAY: Momentarily, okay. What we
14 will do is a lot of folks haven't signed up. But typically
15 we have about a three-minute limit. We'll make it five, if
16 there's not a lot of people that are going to talk. We
17 want to make sure everyone has time to speak if they want
18 to speak, and so we want to make sure that everyone has
19 that time.

20 Whenever you're ready, sir, you can come up. And
21 when you do come up, Kim in the back will kind of keep the
22 time, in the very back, the lady standing there. And
23 she'll let you know kind of when your time is up. And,
24 again, that's -- if no one else wants to speak, you can
25 continue to speak. I don't think there's going to be a

1 problem with that. She'll let you know the time.

2 We have a transcription service here tonight. I
3 don't know if you noticed, but we have a court reporter
4 transcribing all the proceedings tonight, so that will be
5 part of the official record. So anything you say, she is
6 going to record that just as you write something and hand
7 it to us, it's all part of the record.

8 If you're going to come up to the podium,
9 please state your name, and please spell it for the court
10 reporter so we get your name correctly. We want to have
11 everything accurate. And then provide us with your
12 comment. If you're representing a particular agency or a
13 group, please state so. And if you use any acronyms, just
14 define them for us so that we know exactly what it is
15 you're speaking about.

16 And then I would just ask that if anyone is
17 talking, that everyone else just respect that and not cheer
18 or yell or anything or have any side conversations, but
19 just to respect that person and allow them to provide their
20 comment, and then we would recognize the next person that
21 would want to speak.

22 And like Mark and Greg both said, if no one wants
23 to speak, we're going to be here until 8:00. We will still
24 be able to talk and you can spend time and write a comment
25 if you'd like to do that, as well. Again, we want to try

1 to -- this may be very new to everyone. We understand
2 that, and so we want to explain this process and help as
3 much as we can.

4 So with that, would anyone like to speak?

5 MS. MCCRIMMON: Can we ask questions?

6 MR. LOVEDAY: You can ask questions.

7 MR. MARABLE: That's what we want to do.

8 MR. HELSETH: We're here to hear your --
9 sorry about that. It's better if I talk into the
10 microphone.

11 Yes, you can ask a question. But most likely
12 we'll thank you for your question and add it to the
13 document. We're not here to -- a lot of the questions that
14 you may have, we may not have answers to. So those
15 questions turn into comments for us to answer in the
16 document. I don't know what your question is. If it's a
17 simple question, we may be able to answer it on the spot.
18 But, yeah, go ahead and ask all you want. We're open to
19 any questions you want to throw at us. It's all game.

20 And then of course after the public scoping
21 period and when we're still here until 8:00, there are
22 representatives in the room, not only from BLM, but from
23 Kinder Morgan and from the EIS contractor and us, the BLM.
24 So you can come up to us after the meeting also and ask a
25 question or get it answered. So absolutely ask a question.

1 Why not?

2 So do you want to come up? Do you want to be the
3 first speaker.

4 MS. MCCRIMMON: I'm curious.

5 MR. HELSETH: Okay. Do you want a
6 microphone stand, or how do you want to do this?

7 MS. MCCRIMMON: Barbara McCrimmon,
8 M-c-C-r-i-m-m-o-n, from Quemado. Maybe I have a question
9 for Kinder Morgan. What is the expected life span of your
10 field? How long do you think the CO2 is going to be
11 productive there that it is worth it to pipe it?

12 MR. HELSETH: I don't have that answer.

13 MR. CURBOW: I don't think we have that
14 answer at this moment. But currently, right now,
15 economically and based on the fields, we're looking at
16 projections at a minimum of 25 years. But we're certainly
17 looking beyond that. We don't have anything in concrete at
18 this moment, but there is a necessity for it.

19 MR. HELSETH: That's a great question. So
20 we'll add that into our EIS and have that analyzed in our
21 EIS. And our right-of-way grant is for a typical amount of
22 years, and the projects will be granted for "X" amount of
23 years. And also, the grants that we issue are from
24 construction, operation, maintenance and decommissioning.
25 So should the facility in St. Johns tap out, I guess, then

1 there will be a decommissioning plan in the document also
2 that you would be able to see. So there would be some plan
3 in there for how they would terminate the pipe and
4 terminate it so it's not running anymore, should it be
5 granted.

6 MR. MACKIEWICZ: Let me say one thing. One
7 of the things that we have been talking about lately is,
8 the last 24 hours, about this project is the St. Johns
9 field over there in Arizona, we are going to -- that is
10 what we term a connected action. So this Environmental
11 Impact Statement, we'll be looking at that particular
12 field. There'll be a great discussion about that field in
13 there, all the details. It'll also tell you, you know, how
14 long they project that field will be producing gas.
15 They'll have a conceptual layout of how many wells will be
16 drilled over there, what the roads will look like, what the
17 pipe -- the various pipelines in the field itself to get it
18 to the main pipeline will be discussed.

19 We'll also be discussing the direct, indirect and
20 cumulative impacts as a result of that pipeline -- I mean,
21 above that gas field. Again, BL- -- that is all being done
22 on State of Arizona lands, but under the -- for us, the
23 federal government, the Bureau of Land Management, to meet
24 our responsibilities under the National Environmental
25 Policy Act, we have to look at that field and do the

1 analysis that I just indicated.

2 So the document will have a pretty good
3 discussion about what's going on in that St. Johns CO2
4 field. And most likely, we'll have a projection of the
5 length of time it'll take to get that gas out of there.

6 Any other questions?

7 MR. HELSETH: I'm the mic holder. I'm
8 "Mr. Mic." Do you want to come up, or do you want me to
9 come over to you? Plaid shirt. I can make it, I think.

10 MR. HELSETH: You can borrow my cane.

11 MR. MARABLE: I need crutches.

12 MR. HELSETH: Please state your name.

13 MR. MARABLE: Doug Marable, M-a-r-a-b-l-e.
14 I think this will all be for Kinder Morgan. The pipe, is
15 this going to be plastic or steel?

16 MR. CURBOW: It's steel pipe.

17 MR. MARABLE: From the pictures, it looks
18 like the top of it is like two and a half feet underground.
19 Is that really as deep as it's going?

20 MR. HELSETH: In the analysis in the
21 document, the pipe will be anywhere from 3 feet to 36, and
22 40 feet in some places underground where -- a directional
23 drill. But there will be -- it'll talk about each section
24 and how far underground. Does that -- do you want to add?

25 MR. CURBOW: I'm an engineer, so sometimes

1 when I'm asked a question, I might tell you how to build a
2 watch. But the -- we are building this pipeline based on
3 the CFR, which is the Code of Federal Regulations, DOT 195.
4 What that is is a set of regulations that mandates that we
5 build this pipeline safely so that we are good neighbors to
6 all that encounter the pipeline. And part of that has a
7 requirement that specifically states the minimum amount of
8 depths that are required for the pipeline. And the
9 standard requirement is 36 inches.

10 Now, in some areas, like a cultivated field
11 across the Rio Grande River -- and we're not crossing by
12 directional drilling in certain areas, we will be five foot
13 deep so that the people who are taking care of the land, we
14 are well enough deep so that we don't have to worry about
15 their tills or anything encountering it. So some areas, we
16 will be deeper. And in areas where Greg was saying will be
17 30 feet deep, those are in areas that we'll actually
18 directional drill so that the pipeline will not affect
19 certain environmental resources, so that we protect the
20 integrity of the resources.

21 And two locations specifically that we'll do
22 directional drills is the Rio Puerco River and Rio Grande
23 River. And that's, again, to protect the natural
24 resources.

25 MR. HELSETH: And that's from an engineer.

1 And I'm also an engineer, but I'm a reformed engineer. So
2 this will be 36 inches deep to really deep in other areas
3 just to make sure we protect the area, and all to code.

4 MR. MARABLE: Hopefully people won't dig
5 into it when they're putting in --

6 MR. HELSETH: No.

7 MR. MARABLE: And then on this 50 feet, is
8 it going to be fenced separately, or what is the access and
9 lack of access?

10 MR. CURBOW: We will not fence along the
11 right-of-way, no, sir.

12 MR. MARABLE: How will it be marked?

13 MR. CURBOW: I'm sorry?

14 MR. MARABLE: How will that position be
15 marked?

16 MR. HELSETH: There will be a 50-foot --
17 you'll see a 50-foot strip of -- in the desert, as you
18 know, any time you cut a road in the desert, you can see
19 it.

20 MR. MARABLE: Just for a few years.

21 MR. CURBOW: There's pipeline markers?

22 MR. HELSETH: There's pipeline markers, too.

23 MR. CURBOW: And again, per 195, per the
24 Code of Federal Regulations, we are mandated to put
25 pipeline markers so that we properly indicate where the

1 pipeline is located. And we'll have a Kinder Morgan sign,
2 and it'll have a "Call before you dig" number, and it
3 clearly will mark where we're at. And there will be
4 mileposts that will kind of give locations as to where the
5 pipeline is located.

6 But as far as parallel to the pipeline, there
7 will not be fences. Our goal is to not impact private
8 landowners as much as possible, and that way we leave it as
9 it was there before.

10 MR. MARABLE: Okay. Thank you.

11 MR. CURBOW: No problem.

12 MR. HELSETH: You're most welcome. Thank
13 you very much. Great comment.

14 Folks, anybody else that would like to come up
15 here? Hey. All right. Come on up. Do you want to hold
16 the mic or do you want me to hold it?

17 MR. ARMSTRONG: Sure, I'll hold it.

18 MR. HELSETH: All right.

19 MR. ARMSTRONG: My name is Jerry Armstrong.
20 I think you can spell that. I just have a couple of
21 questions for you guys. I'm the fire chief here in
22 Quemado, and I get to answer to my fire chief for the
23 county since she's not here tonight. But there are other
24 fire chiefs on the line through the pipeline. But we -- in
25 the event that something were to ever happen to the

1 pipeline or a pump station or whatever, will we be informed
2 on how we need to respond in and around those scenes?

3 Because we're probably going to be the first ones there.

4 They always call us. They think we know everything.

5 MR. HELSETH: Yeah. And my answer to that,
6 yes, because there's going to be a hazard plan, and there's
7 also going to be a fire plan. So should this pipeline get
8 approved, it goes into what's called a right-of-way grant.
9 And then that grant doesn't give them permission to start,
10 it just lists a bunch of stipulations to the grant, actions
11 they need to perform, like stormwater prevention, pollution
12 plans, weed management plans, traffic management plans,
13 fire plans. All these plans. So they have to work with
14 different areas in the counties and the local utilities and
15 stuff to make sure that should there be anything, that here
16 is the plan. This is how it's going to be done. And
17 you'll have a lot of input on that.

18 And then should -- once they get all those plans
19 completed and they're satisfactory, then they can get
20 what's called a Notice to Proceed. And the Notice to
21 Proceed is actually the golden ticket that says, yes, you
22 can go ahead and start.

23 MR. ARMSTRONG: I've got one other thing. I
24 also happen to be the water and sewer works association
25 president in town. They give guys too many hats sometimes

1 in this town. I have concerns about -- I heard somebody
2 say, well, it's heavy air, CO2 is.

3 MR. HELSETH: That was me.

4 MR. ARMSTRONG: It may have been you that
5 said it. No, you said that.

6 MR. HELSETH: It was me, it's heavier than
7 air.

8 MR. ARMSTRONG: Is there a reason for us
9 here in this valley to be concerned if there were to be a
10 leak? What happens to the CO2, the slurry, if it does come
11 to the surface or whatever? Does it dissipate then and
12 start collecting, or can it collect? I mean, we have low
13 spots in this valley and we have lots of public out there
14 and we want to make sure we're prepared for that.

15 MR. HELSETH: Well, the first indication for
16 them is going to be the pump station is not going to be
17 pumping correctly if they have a leak. So that's going to
18 be the first sign of trouble, so they'll shut off to find
19 the leak. And the second thing is that if it does
20 dissipate to the air, we'll make sure we put into the
21 document what's going to happen there. Maybe a bunch of
22 really healthy plants, because they breathe the stuff. So
23 you know, they make it an oasis out here somewhere.

24 So we'll make sure we answer the questions about
25 any potential of a leak or a crack in the pipe or -- you

1 know, this is all very pressurized stuff, and it goes from
2 pump station to pump station. So if they've lost pressure,
3 they're going -- it's an immediate red alert to them that
4 it's a problem --

5 MR. MACKIEWICZ: It shuts off automatically.

6 MR. HELSETH: And it shuts off
7 automatically.

8 MR. ARMSTRONG: I have one more question.

9 MR. HELSETH: Sure.

10 MR. ARMSTRONG: I just keep going on.

11 MR. HELSETH: Go for it.

12 MR. ARMSTRONG: We have the community wells
13 out here. Down the pipeline, there may be other people
14 like that. But the pressurized system in there, how
15 accurate is your leak detection? Do you know -- will you
16 know if you're leaking CO2 into the ground? Heaven forbid,
17 if it was out here near our wells, how much would leak
18 maybe before you could detect if you have leaks? How would
19 we know that?

20 MR. CURBOW: Would you mind if I take this?

21 MR. HELSETH: Yeah. You're the engineer on
22 this one.

23 MR. CURBOW: I'd like to kind of just back
24 up so that you understand.

25 MS. MCCRIMMON: We'd like for you to come up

1 to the front.

2 MR. CURBOW: Is that okay?

3 MR. HELSETH: I'll hand you the mic.

4 MR. CURBOW: Okay.

5 MR. HELSETH: I'll hold it. So first of
6 all, we'll have you introduce yourself.

7 MR. CURBOW: Hi, everybody. I'm Bobby
8 Curbow. I'm the project manager for Kinder Morgan on the
9 pipeline.

10 So to answer your question -- and I'm hoping I
11 don't get too nervous. It's a lot easier answering from
12 the back without everyone looking at me, so now I might
13 kind of start choking up a little bit.

14 With regards to leak detection, the ways we
15 monitor our pipeline -- this is the way Kinder Morgan
16 monitors all the pipelines -- we have a SCADA systems. And
17 with a SCADA systems, we have control rooms, which we have
18 one in Cortez, Colorado, and we have another -- we have a
19 backup control room in Midland, Texas.

20 And what these people do, they remotely monitor
21 the pipeline 24 hours a day. So in the event of a leak, we
22 instantaneously are alerted, and then our automatic systems
23 will start closing in, our pumps shut down. So we have
24 emergency procedures, it's called AOC, which is abnormal
25 operating conditions. And then we'll have operators

1 operating in the area, which we have to respond within a
2 certain amount of time. It evades me at this moment what
3 the amount of time is, but the DOT mandates the time. I
4 think it's -- I don't want to say the time, but it's a
5 very, very quick response time, which is why we'll have
6 local people monitoring the pipeline. They'll go out there
7 and respond and we'll shut it in and they'll fix the leak.

8 Now, it's very, very, very uncommon for this pipe
9 to rupture or leak. It's very, very high grade steel pipe,
10 it's carbon steel. It's -- we are designing it to 72
11 percent capacity, which means that there's another 28
12 percent available. We're not going to operate 100 percent
13 of the pipeline; we're only operating to 72 percent of it.
14 And in some areas we're actually operating lower.

15 So the pipeline will be very, very well-designed.
16 We're going to purchase very high grade steel. Actually,
17 we're taking a step further, which we're looking at HIC
18 process, which that is even a step further to make sure
19 that the pipe can properly handle the transportation of
20 CO2.

21 And so if, in the event of a leak, more than
22 likely, very low likelihood it would be on the main line.
23 It would be more in the stations. Very unlikely that it
24 would dissipate into the air. It's not crude oil. You
25 know, even though this is a liquid line, we're mandated by

1 hazardous liquids, which is 195, it is truly by name nature
2 a gas. But since we condense it with the pressure, with
3 the higher pressures it turns it into a liquid. But as
4 soon as it hits air, it turns into gas and it floats in the
5 air. It'll never leak in the ground. So even if it
6 ruptured three foot below, it would shoot straight up and
7 not make a big fuss.

8 MR. HELSETH: And what is the operating
9 temperature range?

10 MR. CURBOW: We have a -- Greg just asked
11 the operating temperature range. And we have a range of
12 temperature which is, on the lower end, of 65 and on the
13 higher end around 80 to 90. It's very uncommon to be any
14 higher than that. And we operate under another standard
15 which is ANSI. And that's a whole other standard for our
16 materials, which is ANSI 1500, which is just another
17 standard that we abide by.

18 I hope I answered your question. Like I said,
19 I'll build the watch, so I did the best I could.

20 MR. MACKIEWICZ: One thing you ought to also
21 mention is the vast majority of problems with pipelines is
22 -- like this is not as a result of an engineering flaw or
23 construction flaw, it's somebody with a backhoe hitting it.
24 That's the vast majority of big problems with pipelines
25 like this.

1 MR. ARMSTRONG: Are you getting your steel
2 from China?

3 MR. CURBOW: No, sir. I don't think so.

4 MS. MCCRIMMON: I just wanted to ask a
5 question for you.

6 MR. CURBOW: Yes, ma'am.

7 MS. MCCRIMMON: Are there any additives that
8 you put in with the CO2 for transportation or for odor
9 detection or anything like that?

10 MR. CURBOW: If you don't mind?

11 MR. HELSETH: Go for it.

12 MR. CURBOW: THE CO2 is going to be 99
13 percent pure CO2. This is not like natural gas. This is
14 not like crude. This is a very pure product. The nature
15 of CO2 is an inert gas. It does not burn. It's naturally
16 occurring under ground. And so to answer the question,
17 there are no additives. It comes out of the ground from
18 St. Johns as actually wet, and so we'll dehydrate it. And
19 then what we put into the pipeline is 99 percent pure, dry
20 CO2.

21 MS. MCCRIMMON: Is that like food grade?

22 MR. CURBOW: I know I'm not going to eat a
23 bowl of it anytime soon, but I'm not really sure.

24 MR. HELSETH: The types of products for CO2
25 are like dry ice or carbonated beverages. I was kind of

1 hoping for a Dr Pepper line. But, no, it's for -- the
2 purpose of the CO2 in this case is for enhanced oil
3 recovery in New Mexico and Texas. So the product comes out
4 of the ground in Arizona, goes across New Mexico, and it's
5 used in eastern New Mexico and in western Texas, in the
6 valley there, to enhance oil recovery. Because oil, as you
7 know, is pretty goopy and sticky, and the CO2 thins it out,
8 makes it better to --

9 MS. MCCRIMMON: So there's no additives?

10 MR. CURBOW: No, ma'am. It's 99 percent
11 pure.

12 MR. HELSETH: It's not like natural gas
13 where they put sulfur in it so you can smell it.

14 MR. CURBOW: No odor, no, ma'am.

15 MS. MCCRIMMON: Well, that was my question.

16 MR. CURBOW: Thank you.

17 MR. HELSETH: Anybody else? Come on. I
18 know there's somebody out there.

19 MR. MCKINLEY: I think they can hear me from
20 here.

21 MR. HELSETH: Sir, your name, please?

22 MR. MCKINLEY: Bobby McKinley. I've got
23 pipelines where I imagine they're going to come through,
24 water pipelines. Are they going to dig my water pipelines
25 up? Are they going to tear my fences down? Who is going

1 to watch them fences when they tear them down 100 feet?
2 They're not going to tear them down one day and put them
3 back up every night. Who is going to keep my cattle from
4 getting out or changing pastures?

5 MR. HELSETH: Great question. That's an
6 excellent question. So in the documents, we'll do the
7 analysis on that. That's part of one of those plans that I
8 talked about or stipulation of the grant where they're
9 going to have to put up temporary fencing when they come to
10 a location. We'll even request that they have monitors on
11 site, if need be, 24 hours a days to make sure that
12 cattle -- that no animals go stray.

13 MR. MCKINLEY: Yeah.

14 MR. HELSETH: Yeah, that's a very large
15 concern.

16 MR. MCKINLEY: What about if I need to put
17 another pipeline, water pipeline, across this CO2 pipeline?
18 I probably need to get permission, but can I?

19 MR. MACKIEWICZ: Let me just mention to you,
20 Kinder Morgan is going to come to you on your private land
21 and is going to request an easement. And they're going
22 to -- as part of the easement process, they're going to
23 work out what we call a landowner agreement with you. So
24 any of those issues involving like if your cows are going
25 to be out there grazing at a certain time, the fence, if

1 there's a cattle guard that needs to be removed or replaced
2 or whatever, they'll work with you on that.

3 And if you've got pipe -- you can write into the
4 discussions of the easement document and say: Look, I've
5 got -- I may need to put a water pipeline underneath yours.

6 And they'll say: Okay, we can work it into here.
7 Here is the requirement that -- a Kinder Morgan engineer
8 will come down and work with you on -- as you build that
9 pipeline under theirs.

10 MR. MCKINLEY: But it can be done?

11 MR. MACKIEWICZ: Can it be done, Bobby?

12 MR. CURBOW: Absolutely. Yes, sir, talk to
13 me.

14 MR. MACKIEWICZ: But again, for all the
15 private landowners here, you know, you'll have an
16 opportunity -- one of our lands -- who is the gentleman
17 that --

18 MR. CURBOW: Kevin Winner.

19 MR. MACKIEWICZ: He's the expert. If you
20 have any questions related to landowner agreements and
21 easements and so on, talk to him tonight and I'm sure he'll
22 be able to answer your questions.

23 MR. HELSETH: I'd just like the mic. Sir,
24 would you like a microphones?

25 MR. BROOKS: No, that's all right.

1 MR. HELSETH: Your name?

2 MR. BROOKS: Frank Brooks. The project
3 engineer, Bob, I think, mentioned a few moments ago that
4 the operating temperature on the pipe goes down to 65
5 degrees -- I assume Fahrenheit on that?

6 MR. HELSETH: 65 Fahrenheit to 85
7 Fahrenheit, somewhere in that range.

8 MR. BROOKS: -- down to 65 degrees. It's
9 minus 20 here in the wintertime and down in this valley,
10 and it's also highly erodable here. I have a ravine on my
11 place that washed out about 18 inches this past summer, one
12 storm. How in the world can you guarantee that that pipe
13 is not going to become exposed due to a storm? Because in
14 the monsoon season, it rains like crazy here. How are you
15 going to assure that that pipe is not going to become
16 exposed, somebody is going to miss it, it's going to hit
17 minus 20 degrees, that pipe will become brittle at 2500 psi
18 and not blow the heck out of it.

19 MR. HELSETH: And do you want to come up
20 and --

21 MR. CURBOW: We have an answer for that if
22 we can --

23 MR. HELSETH: Come on up. It's better you
24 than me.

25 MR. CURBOW: Sure.

1 MR. HELSETH: I'm just a mechanical guy.

2 MR. CURBOW: And I'm going to answer this to
3 the best of my ability. And so I'm going to rephrase the
4 question to make sure I fully understand it. You're
5 talking with regards to the pipeline is being buried at
6 that three-foot depth.

7 MR. BROOKS: Is that above -- center line or
8 above the pipe?

9 MR. CURBOW: That's above the pipe, so
10 you'll have three foot of dirt on top of the pipe, the pipe
11 is 16 inches, so you'll get that additional depth. So your
12 question is, over the highly eroded -- because I've been
13 here for a while now, so I know that the winds are highly
14 erosive. I know that the loose soils -- and then when it
15 does rain, you have erosion. So you're talking about the
16 erodibility of losing the topsoil and then you have exposed
17 pipe; is that correct?

18 MR. BROOKS: Right.

19 MR. CURBOW: So what we do -- and to answer
20 your question, we cannot guarantee that, that -- it's
21 impossible to guarantee what is going to be caused by
22 natural causes. But what we do do is we monitor the
23 pipeline and we do flyovers of the pipeline. We have a
24 routine. I don't know exactly what the routine maintenance
25 is. I know it's at least once a month, but it could be

1 more than that, it could be less. But we do, we fly over
2 the pipeline and then we identify locations that we call
3 washouts.

4 And along our Cortez pipeline, which we currently
5 have right now, every year we do this program. We fly it
6 right after the heavy monsoon season. And then there's
7 several washouts along the pipeline, and we come back in a
8 program we call a remediation program. And we hire people
9 such as Submar or we hire general contractors. A lot of
10 times Submar does a very, very good job on the erodibility
11 of the pipeline. But that's not always our go-to.
12 Especially if you don't want Submar mats on your pipeline,
13 we'll work with you any way we can.

14 But long story short, we come in and we just
15 cover it back up. And we do it very quickly because,
16 again, we're mandated by the Federal Code of Regulations
17 195, we cannot have exposed pipelines. We have to keep it
18 covered.

19 MR. BROOKS: While I have you there --

20 MR. HELSETH: Go ahead.

21 MR. BROOKS: On the ground inspections?

22 MR. HELSETH: Yes.

23 MR. BROOKS: Not flyovers, but --

24 MR. MACKIEWICZ: Let me -- let me talk about
25 that.

1 MR. HELSETH: Yeah. The BLM is --

2 MR. MACKIEWICZ: Aside from -- the safety
3 issues he's talking about right there, he's mandated to do
4 what he's talking about by the Department of
5 Transportation. What's your -- Pipeline Health Safety
6 Administration? I can't remember the acronym.

7 MR. CURBOW: PHMSA.

8 MR. MACKIEWICZ: PHMSA, all right. For the
9 first five years at a minimum there is -- there'll be a
10 monitoring plan in place. After construction, there'll be
11 a monitoring plan where every single year they will have to
12 be hiring contractors to go out and look at the
13 reclamation. Now, that's going to be probably the stage, a
14 time, or the period of time that would be most susceptible
15 to doing what you suggested. So for the first five years,
16 we will actually have a contractor that will be going out
17 there. They'll be paying for a contractor. They'll be
18 reporting to us on federal lands.

19 Private lands, you can mandate -- you can ask
20 that they do this also in your landowner agreement. But
21 they will be looking to see what the vegetation looks like,
22 you know, whether it meets our standards for success. We
23 have some pretty high standards for vegetation success.
24 They'll be required to go out there and reseed with a
25 mixture of grasses, forbes and shrubs native to the area of

1 all -- if at all possible. If it's farm -- if it's pasture
2 that you're going through or farmland, whatever, they'll be
3 required to put it back as you desire as a private
4 landowner.

5 But for those first -- as a minimum the first
6 five years, I think it'll take, even as nice as the
7 precipitation is out here and as good as the soil is out
8 here, it's going to take at least that long for monitoring
9 purposes.

10 So in that length of time, pretty much I think
11 we'll be assured that we'll get stabilization of the
12 pipeline. But as Bobby mentioned a minute ago, as you see
13 happens out here, you've got some big summer events that
14 can just run some big gully washers down here. And even as
15 hard -- as good as their engineers are, you're going to
16 have washouts of these pipelines, and they'll get in there
17 and they'll -- and sometimes they'll have to take pipeline
18 out even and redo it again. But that's infrequent when
19 they do that. But they'll be looking closely at it.

20 That pipeline, I don't want to tell you how many
21 millions and millions of dollars it costs and how much
22 they're investing in this. But they strive to build the
23 best pipeline they can possibly build. As they
24 suggested -- as Bobby said, they're using the best pipe
25 they can possibly buy for this pipeline.

1 Every single well over there is x-rayed by
2 topnotch pipeline people. So when they build a pipeline
3 like this, they do it for the long term. They're not
4 messing around with something like this. I guess I've
5 heard -- I've heard situations where people are, "Oh, my
6 God," you -- you know, especially with the natural gas
7 pipelines. This one is -- if there's a problem with this
8 pipeline, chances are there's not going to be any harm to
9 property or lives.

10 Natural pipelines, yes. I've worked with those
11 for years. And, again, most of these companies, 99.9
12 percent of them, strive to build the best pipeline they can
13 build.

14 That's not a commercial for the pipeline
15 industry, but --

16 MR. HELSETH: I thought it was an Army
17 commercial.

18 MR. MACKIEWICZ: Go ahead, sir.

19 MR. BRUTON: I'm good here.

20 MR. HELSETH: Okay.

21 MR. BRUTON: Robert Bruton.

22 MR. HELSETH: Could you spell your last name
23 for us, please.

24 MR. BRUTON: B-r-u-t-o-n. And I was just
25 wondering if anybody could explain to us what eminent

1 domain is, and also --

2 MR. MACKIEWICZ: In a nutshell -- I guess we
3 can do that. But I'll just -- I'll make it really, really
4 brief. Under state law, companies like Kinder Morgan have
5 what they call the right of eminent domain, which means
6 essentially that if -- that they can come across property,
7 private property, and if supposed negotiations fail, they
8 can get a federal court to, what they call, condemn the
9 property. Okay? What -- or I think condemn an easement
10 through the property, which means that then they -- if a
11 court signs that document that says it's over, they've --
12 the property is condemned, then essentially the next step
13 is is that they can build the pipeline through it.

14 And then you go to court with them and settle --
15 or they decide how much money will be paid, you know. It
16 can either be done by a judge or it can be done by a jury
17 of your peers. So that's the way it works.

18 Let me tell you one other thing. Most of these
19 companies -- Kinder Morgan, I've worked with on other
20 projects for years -- their goal is to work with private
21 landowners. They do -- this is -- this is something that
22 they do not like to do. Nobody likes to go into federal
23 court and to take a condemnation action. My last project
24 with Kinder Morgan was a 700-mile pipeline project from
25 Wyoming all the way to Oregon. Two condemnations occurred

1 on that -- over hundreds of property owners. Again, I
2 think this company -- well, you can go talk to the landsman
3 back here -- they're willing to work with private
4 landowners, I think -- to their level best, that they can
5 work with you, they'll work with you, and hopefully work
6 some sort of agreement out.

7 MR. HELSETH: And the BLM, as well.

8 MR. MACKIEWICZ: That's a good point. The
9 BLM is not involved in this process whatsoever. We manage
10 the federal lands, and that's it. And they're -- if I
11 didn't -- if Danita over here as our authorized officer
12 said, "Kinder Morgan, I don't think we want -- because of
13 the environmental issues and so on, we can't issue a
14 right-of-way across federal lands for your pipeline,"
15 Kinder Morgan can't go to federal court and condemn across
16 the federal lands. It's against the -- you can't do it,
17 so -- they can't do it across state lands either.

18 So anyway, any other questions on that one? Does
19 that answer it?

20 MR. BRUTON: Yes.

21 MR. HELSETH: And the folks are here to talk
22 to you, if you'd like.

23 MR. MACKIEWICZ: Yeah. Talk to Kinder
24 Morgan back here, to the landspeople. Again, they can --
25 they can talk more about it with you.

1 MR. HELSETH: Sorry, the cord is noisy.

2 Okay. Does anybody else have anything? Anything?

3 Anything? Anything? Well, nobody?

4 MR. MACKIEWICZ: If you're bashful,
5 afterwards come on over. We're going to be here for --

6 MR. HELSETH: Another hour.

7 MR. MACKIEWICZ: We rented the high school.
8 How many thousands of dollars did you give to the high
9 school for this?

10 MR. HELSETH: So we're here until 8:00. If
11 you'd like to give your comment directly to the court
12 reporter, grab a chair, pull up and talk to her. She's
13 real nice. If you'd like to talk to us about something off
14 to the side, talk to us, we're real nice. If you'd like to
15 talk to Kinder Morgan, go back here. If you'd like to come
16 over here and look at the computer that has -- you can zero
17 in and do exactly what you're trying to reference, because
18 we have a computer system set up back here of the
19 applicant.

20 MR. MACKIEWICZ: I'm glad you mentioned
21 that. We -- they've got maps over here and computers over
22 here. So if you're a private landowner, they're going to
23 be able to hone in on your property and tell you exactly
24 where the property lines are located, okay, across your
25 property. So that's -- I made them bring this stuff today.

1 MR. HELSETH: And so the comment period is
2 until the end of January, and then we go into what we call
3 the draft Environmental Impact Statement. And then we'll
4 be back. So we'll be back in eight months, nine months,
5 ten months, however long it takes us to get a draft
6 Environmental Impact Statement. And we always return to
7 where we went to for scoping.

8 And yes, there are planned amendments. Do you
9 want me to talk about that?

10 MR. MACKIEWICZ: We're going to put a draft
11 out. This thing is going to be out for 90 days. So if you
12 think we messed up or we did it wrong, you'll have an
13 opportunity to tell us what we -- where we can improve on
14 this document. It's going to be that big, you'll have 90
15 days to read it. Speed readers, if you want, you can read
16 it.

17 MR. CAMPBELL: Sam Campbell. And I'm just
18 curious about your pumping stations and -- you obviously
19 have to have four --

20 THE COURT REPORTER: I cannot hear you. Can
21 you please come up to the microphone? Thank you, sir.

22 MR. CAMPBELL: I'll start over again. My
23 name is Sam Campbell, and I'm curious about the PIG
24 cleaning stations and the pumping stations. There's going
25 to be four of them, so that's one every 50 miles. What is

1 the actual size of this type of station and the amount of
2 noise that will be associated with it, both day and night?
3 It's awful quiet out here in the desert at night, and I'd
4 hate, you know, ten miles away from it to hear this
5 thumping every hour or so.

6 MR. HELSETH: So a half mile -- or a half
7 acre on the station, according to the POD, is what it said.
8 So the pumping stations would be out about half an acre,
9 fenced.

10 MR. CURBOW: Do you want me to answer?

11 MR. HELSETH: Yeah. Would you like to come
12 up again? And then noise, there will be a study in the
13 Environmental Impact Statement. There always is about
14 noise. So we'll do noise comparisons, and -- the noise
15 from the pumping station and the surrounding noise. So
16 there will be actual maps that show like a pond, like
17 dropping a pebble in a pond, from top down you'll see the
18 noise as it goes out, what it will be at certain distances.

19 So like a cricket in Zion National Park is 35
20 decibels, so -- and I'm talking to you right now, I'm
21 speaking at about 50 decibels. A jet engine is 100 or so.
22 A refrigerator is like 80, or something like that. But we
23 will make sure we get that information in the document and
24 answer it for you so you can actually see from those
25 pumping stations how far any noise, in decibels, it would

1 stretch.

2 MR. CURBOW: Again, I'll answer to the best
3 of my ability. Greg touched on the noise, which my comment
4 to that is I don't know at this point what the noise study
5 is going to be. Because we will do a noise study that will
6 accommodate the BLM's requirement and not interrupt lives
7 as much as possible. And there are mitigation factors that
8 we will take in place to limit the decibels. You know,
9 such as we're putting stations in locations that are far
10 from where people are at.

11 And I believe we have one station that's close
12 to -- only one, I believe, is near people, and we're going
13 to work on mitigation measures on how to handle that. But
14 we're not there yet. We're early in the design game.

15 As far as the size of the stations, again, I
16 don't know the full footprint. And, again, we're working
17 on the design of what it is. I can tell you they are about
18 900 to 1000 horsepower apiece, if that gives you any kind
19 of idea of what the size of the pump station is.

20 Let's see. You had another question. Pigging
21 station.

22 MR. CAMPBELL: Well, the pigging --

23 MR. CURBOW: Oh, and the cleaning
24 facilities, those would be one of the most quietest. We
25 only have one pigging station at this stage of the game

1 that's just a true pigging station. And that's only during
2 the -- that's typically just day operations and it's not 24
3 hours a day like a pump station is. Every pump station
4 will have its own pigging station. We PIG based on the DOT
5 requirements, as well. And, again, I don't know how often
6 we have to actually PIG. But it's certainly not like
7 monthly. It's typically, I believe yearly, or something
8 like that.

9 MR. MACKIEWICZ: Gas or electric pumps?

10 MR. CURBOW: Pumps, electric at this moment,
11 and we're working with the local coops to help them to
12 bring power in and hopefully make that agreement with them.
13 But, again, I doubt we're going to have any gas because
14 it's --

15 MR. MACKIEWICZ: One other thing. You're
16 talking about PIGs. Most of us know PIGs as the little
17 things that go oink and so on and walk on the ground we
18 make bacon with. So what are the PIGs you're taking about?

19 MR. CURBOW: What a PIG is is part of the
20 maintenance of a pipeline. And, again, this is to adhere
21 to the CFR, Code of Regulations. And to insure that we
22 maintain a state operable pipeline, we run what you call a
23 smart tool. And it's a tool that runs through the line.

24 And what it will do, it will tell us everything
25 there is to know about the pipeline; if there's any sort of

1 defects, if there's any kind of -- it's for defects, is
2 what it is. And obviously we strive to have no defects,
3 but if there are, then we have a response time that's
4 typically within 30 to 60 days, depending on the defect,
5 and we fix it.

6 And Kinder Morgan is known for acquiring other
7 pipelines. And we acquired a pipeline that was built in
8 the fifties, and it's our Wink pipeline. It's a crude oil
9 pipeline. And since we took the pipeline, we have now
10 turned a pipeline that had no protection, and we just went
11 through and rehabbed it on a program, and now it's a very
12 well operated pipeline because of our program. So we're
13 very sophisticated on our pigging operations.

14 One other thing I wanted to touch on, it's not --
15 just for your knowledge, we didn't space the pumps every 50
16 miles. We didn't do that. Hydraulically based, because
17 you guys are very well aware of the terrain differences, so
18 there's hydraulics that come into play. And that's what
19 sets the locations of the pump stations. And a lot of
20 times I don't have any liberty as to where they're actually
21 at. I have engineers who are a lot smarter than I am who
22 have placed those where they're at.

23 So did I answer your question?

24 MR. CAMPBELL: Yes.

25 MR. HELSETH: And I believe you had a

1 question first. And then this gentleman in the black hat,
2 and then this gentleman right here in the tan sweater.

3 MS. WEISS: Hello. Dannette Weiss,
4 Arizona Game and Fish. With the noise question, especially
5 the compression plants, I know it's not associated with
6 this pipeline, but it is very noisy. I did tour the one in
7 Cortez. It's very loud. And I understand that it's not on
8 federal land, it is on state land. And we do have
9 recreationists out in these areas. They come out to hunt,
10 to hike, camping, bird watching. And that noise would
11 impact not only them, but also the wildlife and the
12 aesthetics in the area.

13 Is Kinder Morgan going to work with local
14 governments, states and cities, counties on abating noise
15 when there's such an issue like that, or -- because I know
16 you won't be able to require Kinder Morgan to do that.

17 MR. HELSETH: But we will require that
18 Kinder Morgan gets all state, local and federal permits.
19 So if they can't get a permit because it's a mitigation
20 issue with a pump station -- and I'm sure that I can't
21 speak for Kinder Morgan -- but there will be noise studies.
22 And in our document, there'll be the cumulative impacts.
23 So these, even though they'll be on state lands, we will be
24 looking at the noise of these stations and how far the
25 noise extends.

1 And any pump station that's on federal land,
2 we'll be mitigating or we'll be looking to mitigate if it's
3 too noisy. Even for what we call visual resource analysis,
4 we're going to be -- we'll require a specific color to the
5 station. It can't just be pink with purple polka dots,
6 it's got to be something that blends in that you're not
7 going to normally -- you know, that doesn't catch the eye.

8 So I do know that Kinder is working with Arizona
9 Fish and Game.

10 Do you want to say something?

11 MR. CURBOW: No. You've answered it, so --
12 because I don't have an answer.

13 MR. MACKIEWICZ: Let me say one thing. We
14 are -- please get on our list over here. We have not sent
15 out requests to become cooperating agencies yet. We will
16 send a letter to you to become a cooperating agency on this
17 project. And, of course, as a cooperating agency, you have
18 some special benefits in that regard.

19 Also, as Greg pointed out, we look at this
20 project under the NEPA process as a whole. We don't even
21 -- we don't differentiate whether it's on private, state,
22 federal or anybody's land. It's just as a whole. And we
23 will be recommending mitigation on all land, so whether it
24 be your -- state land or whatever, if there's problems,
25 issues with noise like that, we're going to address it as a

1 recommended mitigation measure.

2 Hopefully -- I don't think we've hit on this a
3 lot -- we have what we call a Plan of Development that
4 Kinder Morgan is working on right now, where they are going
5 to integrate into the plan so that we don't have to come up
6 at the end with what we call mitigation measures. They're
7 going to tell us right now or before we permit this project
8 how they're going to mitigate impacts like that.

9 And that's a great concern for companies like
10 this is the noise that comes out. There's things they can
11 do. They can lower them. Sometimes if they're quite noisy
12 in populated areas or where there's wildlife and so on,
13 they can put them in buildings also. So there's a lot of
14 ways that they can take care of the issue of noise.

15 MR. HELSETH: Lighting, too. We want
16 lighting shielded for dark sky initiatives stuff. So we've
17 already brought that stuff up, too, that will be analyzed
18 in the document. We don't want, you know, this bright UFO
19 -- well, that was in Roswell. We don't want this bright
20 light out in the middle of there that everybody is kind of
21 wondering about.

22 So, sir, can you state your name again?

23 MR. BRUTON: Robert Bruton. You don't know
24 where all the pump stations are going to go, but it is
25 possible that any of the stations could end up on the

1 private land easements?

2 MR. HELSETH: It's possible, but we're at
3 the very, very beginning of the process. They have what we
4 call an applicant preferred route, and we have a range of
5 alternatives that we're trying to collect. So we're
6 hearing from you, the public, that pump stations on private
7 land maybe isn't such a great idea.

8 So we'll work with the applicant. And when we
9 get to the draft Environmental Impact Statement, we'll have
10 what's called the BLM preferred alternative. It doesn't
11 mean that's our decision. It just means that this is a
12 preferred alternative. It kind of gives the public a sense
13 of which way the federal government is leaning, which route
14 they're going to take.

15 And then we'll have further discussions with you
16 about, well, you know, maybe this needs to be adjusted this
17 way or that way a little bit more because this interferes
18 with something.

19 So they -- we're at the very, very beginning
20 stages, and we just don't know where those are going to go
21 yet, or even if they've been engineered yet.

22 MR. BRUTON: No. That's good.

23 MR. HELSETH: No? All right.

24 MR. BROOKS: And it was mentioned --
25 mentioned the aesthetics here. And sometimes I think

1 that's all we have. I would ask that Kinder Morgan tread
2 lightly on this valley. It's a very pretty place, and
3 sometimes the only thing that makes it special.

4 MR. HELSETH: Yeah. We have a full analysis
5 on what we call visual resources management. So we have
6 the visual area in classes, and then we have -- so we have
7 inventory, and then we have the actual management, which
8 are two different categories. And we're very concerned
9 about that, too, so it's something very important to us.
10 Because like I said earlier, when you cut a road through
11 the desert, you can see it for miles. I'm coming from
12 Nevada, so we have a lot of them.

13 Sir, did you have anything else?

14 MR. BRUTON: No.

15 MR. HELSETH: I just wanted to make sure. I
16 didn't want to cut you off or anything.

17 Anybody else?

18 MR. MACKIEWICZ: Again, afterwards, anybody
19 who is shy, come on and talk to us. We've got 40 minutes.
20 Lots of cookies over there, and for people who like health
21 food, there's healthy food over there and water, too.

22 MR. HELSETH: Yeah.

23 MR. CURBOW: They didn't bring any beer or
24 anything out.

25 MR. HELSETH: Thank you very much,

1 everybody, and enjoy your evening.

2 (End of scoping meeting at 7:16 p.m.)

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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

REPORTED BY: KATHERINE L. GORDON, NM P-400
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P R E S E N T E R S

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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

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

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

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

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

25 And then we also have members from the Kinder

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

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

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

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

1 preparing the EIS.

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

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

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

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

1 action from Kinder Morgan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 So we received -- the BLM received a project

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

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

13 MR. LOVEDAY: Southeast.

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

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

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

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

14 The project is 214 miles from Arizona to that main
15 line -- or the main valve that I spoke of. In acres, that's
16 773 BLM, 345 on state, 2,146 on private, and 177 on Native
17 American. So that is construction acres. That would be 100
18 foot right-of-way or easement on private land or whatever it
19 may be to construct -- to run a trench or a directional
20 drill or whatever it may be so -- to put the pipe, should it
21 get approved.

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

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

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

17 Mark, would you like to --

18 MR. MACKIEWICZ: I'm fine.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Yes, sir.

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

25 MR. LOVEDAY: Could you spell your last name?

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

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

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

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

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

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

1 miles.

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

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

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

9 MR. MACKIEWICZ: No --

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

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

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

22 What's your name, please?

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

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

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

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

1 over and address any issues.

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

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

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

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

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

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

1 be how something like that would be addressed.

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

6 MR. LOVEDAY: Boring.

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

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

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

1 of the pipe.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 another document issued to approve it.

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

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

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

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

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

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

5 MR. MACKIEWICZ: Bobby, can you maybe answer
6 that? Under the federal -- what is it -- is it 49 CFR, part
7 195, is that the one?

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

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

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

1 SCADA operations, which means from remote locations, we have
2 24-hour surveillance on the pipeline all the times. So
3 that's how PHMSA comes into play with regard to the
4 pipeline.

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

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

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

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

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

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

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

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

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

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

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

16 And OSHA, I'm sure that --

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

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

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

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

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

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

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

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

14 MR. MACKIEWICZ: That's it, yeah.

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

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

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

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

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

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

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

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

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

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

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

25 MR. CURBOW: We talked a little bit about the

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

5 Greg had mentioned our pipe is designed to only 72
6 percent capacity, and that's -- it can obviously go up to
7 100 percent, but it's a safety factor that's in place per
8 the DOT codes. But under rivers and in these more sensitive
9 areas, it's actually 60 percent. So these will be thicker
10 pipes. So under all the roads, we'll be at 60 percent so
11 that the pipe -- some people would say it's oversized,
12 but I would rather be on a more conservative side as opposed
13 to the less conservative side.

14 MR. HELSETH: Thank you.

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

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

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

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

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

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

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

17 MR. CURBOW: The standard design range is --
18 it can be on the low end from the 60s to the high end of
19 85 --

20 MR. HELSETH: Fahrenheit.

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

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

3 MR. HELSETH: So any other questions?

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

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

8 MR. MACKIEWICZ: What do you think?

9 UNIDENTIFIED WOMAN: No.

10 MR. HELSETH: Have you gotten a cookie yet?

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

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

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

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

1 right-of-way manager.

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

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

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

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

1 that.

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

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

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

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

1 I'm sure it will be also.

2 Any other questions?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 MR. HELSETH: I meant the whole 100.

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

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

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

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

25 MR. MACKIEWICZ: And we mentioned five years.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 MR. MACKIEWICZ: Right. Any other questions?

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

4 MR. MACKIEWICZ: No, it has not been.

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

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

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

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

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

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

18 MR. HELSETH: January 29th for scoping
19 comments.

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

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

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

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

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

25 Any other questions? All right.

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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.)

1 REPORTER'S CERTIFICATE

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

9 I FURTHER CERTIFY that I am neither employed by
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4 Reporter, working under the direct supervision of
5 Debra L. Williams, New Mexico CCR License Number 92, hereby
6 certify that I reported the attached proceedings; that pages
7 numbered 1-54, inclusive, are a true and correct transcript
8 of my stenographic notes. On the date I reported these
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11 Dated at Albuquerque, New Mexico, this 23rd day of
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Roswell, New Mexico Public Scoping Meeting Transcript

December 5, 2013

No court reporter was available to capture comments during the Roswell scoping; therefore no transcript from this meeting is available.

PUBLIC SCOPING MEETING
FOR THE
KINDER MORGAN LOBOS CO2 PIPELINE
ENVIRONMENTAL IMPACT STATEMENT

December 10, 2013
6:31 p.m.
Mountainair High School
901 West Third Street
Mountainair, New Mexico 87036

REPORTED BY: KATHERINE L. GORDON, NM P-400
WILLIAMS & ASSOCIATES, LLC
1608 Fifth Street, Northwest
Albuquerque, New Mexico 87102
505-843-7789

P R E S E N T E R S

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H. Trevor Loveday, Edge Engineering & Science
Danita Burns, Bureau of Land Management
Mark Mackiewicz, Bureau of Land Management
Bobby Curbow III, Kinder Morgan

1 MR. LOVEDAY: We appreciate everyone coming
2 out to the scoping meeting for the proposed Kinder Morgan
3 Lobos carbon dioxide pipeline. This meeting is a meeting
4 put on by the Bureau of Land Management. Thank you for
5 coming out tonight. A little housekeeping, if anyone needs
6 or hasn't noticed, the restrooms are just out in the hall
7 here. And if we had to evacuate for an emergency, we have
8 this door right here that leads out to the parking lot, as
9 well. So that's the housekeeping stuff.

10 My name is Trevor Loveday. I do not work for the
11 BLM. I am a third-party contractor. So I work for a
12 company called Edge Engineering & Science based out of
13 Houston, and I'm out of Houston. A colleague of mine, Rachel
14 Blodgett, is here. She is at the sign-in table. She and I
15 work for Edge Engineering & Science.

16 Our company was hired to prepare the Environmental
17 Impact Statement for the project. And so we're a
18 third-party contractor working under the direction of the
19 BLM. So we'll work with them to prepare the Environmental
20 Impact Statement, or EIS, which is a requirement of the
21 National Environmental Policy Act, or NEPA is what you'll
22 hear us call that. So that's our role.

23 We partnered up with another company that also --
24 we have a lot of experience preparing these types of
25 documents for oil and gas projects, and specifically a lot

1 of pipelines. So we've teamed up with another company
2 called Merjent, and they're based out of Minneapolis. And
3 with us tonight from Merjent is Carrie Crouse. She's
4 actually going to be our lead archeologist or cultural
5 resources person for the documents. Last week the project
6 manager for Merjent was with us, Kim Jesson. So that's
7 Carrie, she's here from Merjent. So that's our two
8 companies, and that's our role.

9 The other players in this process, of course the
10 BLM is the lead federal agency, and there are several of
11 those folks here tonight throughout the room.

12 And then the proponent of the project, Kinder
13 Morgan, they're seated over here at this back table. And
14 with them is the project manager, Bobby Curbow. I'll
15 introduce him. And he's the engineer. He's the project
16 manager for Kinder Morgan. And then they have their lands
17 right-of-way guy, Kevin Winner. And then Ryan McCreery here
18 is with Kinder Morgan as well, public relations.

19 And then Helen Shumway, she is also a consultant,
20 an environment consultant. She works for AMEC. So she
21 leads up the consultants that are doing the surveys,
22 cultural and environmental surveys, that are needed for
23 projects such as this. She heads that team up. She works
24 -- her company works directly for Kinder Morgan, whereas my
25 company, again, is a third party. So we're working more in

1 relation with the BLM to prepare the document. So that's
2 kind of the players, and that's who is here tonight, and
3 that's kind of our roles.

4 I want to introduce to you Danita Burns. She
5 is from the Socorro office. She's the field manager there,
6 and she is the authorized officer for this project. Danita?

7 MS. BURNS: I wanted to thank everybody for
8 coming out. I know we have a lot of passionate people out
9 there because I see a lot of faces. I've had this meeting
10 in Quemado, which then had the most people coming, which I
11 thought was truly great that with a small town like Quemado
12 to have the most people. Now you guys have won the prize.
13 I'm glad you've come out to give me some information.

14 What I'm doing here and what I've asked everyone
15 to do for me is to give input. As Trevor has told you, I am
16 the authorized officer and I make the decision. Now, the
17 issue is, do I make that decision in a vacuum with no input,
18 or do I make it with your help? So I need you to tell me
19 what the issues are. I have my specialists around the room,
20 and they tell me what the issues are on public lands. Okay?

21 If you have something on public lands that you
22 want to let me know about, I would like to know, as well, as
23 well as on private lands. This does traverse private land
24 as well, state, and right now, public lands. But we're
25 still trying to take a look at where that line goes. I know

1 we see a line on a map, but that's what it is right now, a
2 line on a map. All right? It's a good place to start.
3 Okay?

4 So I'm going to sit down with you and we're going
5 to work this out together and we're going to get some input
6 from you, as well.

7 Trevor, I'm going to turn it back over to you.

8 MR. LOVEDAY. Thanks, Danita. So before I
9 kind of talk about what we're going to do tonight, I thought
10 I'd run over just some of the basics of the project, maybe.
11 It's a lot of information that you saw on the posters in the
12 back. If you had a chance to look at the posters back
13 there, a lot of that same information is in brochures that
14 you have as well.

15 But just generally for everyone, it's carbon
16 dioxide going through the pipe. So right now, because the
17 engineering is not finalized, it could be anywhere from a
18 16- to a 20-inch diameter pipeline mainly. So it's going to
19 originate in the St. Johns field over in Apache County,
20 Arizona. And it's got about seven miles before it then
21 crosses into New Mexico. And then for about another 207,
22 208 miles, that pipe traverses to where it interconnects
23 with an existing carbon dioxide pipeline southeast of
24 Albuquerque. Kinder Morgan has a line there called the
25 Cortez pipeline. So this line, 215 miles is going to

1 interconnect with the Cortez line with their main line at
2 valve site 170 just southeast of Albuquerque. So the
3 project, this main Lobos section, is crossing Catron County,
4 Socorro County, Torrance in this section of the state.

5 There's also a 40-mile, what we call a loop. In
6 pipeline jargon, there's a 40-mile -- it's going to be a
7 30-inch diameter pipeline loop over in Chaves County near
8 Roswell. And a loop is not -- it's not a circular pipe. A
9 loop is just because of this excess capacity that is now
10 coming into their existing line, they have to make room for
11 that. And so what they do is they parallel an existing
12 system, and so that's all a loop is. It's not a circular
13 pipe at all, it's just to add to allow them for this extra
14 capacity to be pushed through that line. So that's the two
15 main components of this project, the Lobos pipeline, which
16 was 215 miles, and then the loop along the Cortez pipeline.

17 It's going to operate under pressure. It will
18 have pumping stations, depending on -- and, again, there are
19 things that are not in stone, as Danita said. So this is a
20 route that they've laid out to this point based on a lot of
21 good desktop information. But it will, depending on final
22 engineering, final hydrologics, you know, you'll have
23 pumping stations that will move the carbon dioxide or CO2
24 along that system. It will also require modifications to
25 another pumping station on the Cortez loop.

1 It's a buried pipeline. There will be
2 above-ground facilities, and there will be pump stations and
3 valves would be above ground. But everything else would be
4 a buried pipeline. Those are the specifics -- generally
5 description of the project.

6 And if you have questions, like I said, Kinder
7 Morgan is here, and there's others here that can help answer
8 some of those questions -- and some of that may come up
9 through the course of evening, as well.

10 So why are we here, then? So, again, like I said,
11 this is what we call a scoping meeting. And scoping, again,
12 the Bureau of Land Management, they are the lead federal
13 agency. And as such and in compliance with NEPA, we're
14 having these scoping meetings tonight. And what that is is
15 that is an opportunity for the public to share with the BLM
16 their concerns about the project.

17 And so we're here to hear about your concerns
18 about the environment and how about this could potentially
19 affect the area. And since it is the area you live in, it
20 is your land, you know it the best. And so we seek the
21 public's input on that. So that's where we're at with the
22 scoping.

23 A Notice of Intent to prepare an Environmental
24 Impact Statement was published with the Federal Register on
25 October 31st, 2013, which opened a 90-day comment period.

1 And that 90 days officially ends January 29, 2014. That's
2 not a magic cutoff date. We will continue to receive -- you
3 know, if you send something the next day, we would still
4 take it and consider it.

5 But there's plenty of time, still, to provide
6 comments. And there are several ways to provide comments.
7 One of the ways is here tonight to speak and to give us your
8 thoughts and your comments. But you can also, if you're not
9 comfortable speaking in front of folks, you can write your
10 comments. And we have a card here that you can handwrite
11 your comments. You can give them to us tonight. You can
12 take them home and mail them in. Or there are other ways,
13 through the project Web site through the BLM, to submit
14 comments as well.

15 However you submit the comments, all comments will
16 be taken the same. Speaking here tonight does not give your
17 comment more weight than somebody who emailed us a comment
18 on January 28th. All comments will be reviewed. All
19 comments will be addressed. We will take what we receive
20 from the public through this period, and we will prepare a
21 matrix. We can categorize all the comments in the
22 categories, and we will then make sure those issues are
23 addressed in the Environmental Impact Statement. So, again,
24 that's why we're here tonight. We're here to hear your
25 comments.

1 So I'm mentioned the Environmental Impact
2 Statement a couple of times. And just to give you an idea
3 of the types of issues that we address in the Environmental
4 Impact Statement, we will address resource areas such as air
5 and noise quality. We will address soil and geology.
6 Mineral resources are considered within the geology section.
7 Seismic, earthquake type things, landslides, those are the
8 types of topics that we would address in those sections.
9 Erosion, say, with soils, as well.

10 We'll look at water resources, groundwater,
11 surface water. We'll look at wetlands, riparian areas,
12 floodplains. We will address potential impacts from
13 construction and operation of the project.

14 We will look at vegetation, including invasive
15 species, including noxious weeds. We'll look at wildlife
16 and aquatic resources, fisheries, special status species --
17 threatened and endangered species is another way to say
18 that -- and then game species. We'll look at land use,
19 recreation, visual or aesthetics. We will look at impacts
20 to those resources, as well. And that will include -- range
21 land management would fall under that category. And I know
22 a lot of ranchers in the area, so that's where we would
23 address those issues. And we will look -- obviously I
24 mentioned we have an archeologist on our team, so we'll look
25 at cultural, archeological resources, Native American

1 concerns. And then we also look at socioeconomics. We'll
2 look at those concerns.

3 So that, and then as well there's a rather large
4 section on purpose and need for the project and on
5 alternatives. So we'll look at alternatives. So, again,
6 you see a line. Nothing is in stone. They are
7 alternatives. Alternatives, variations will come up even in
8 the process of even doing surveys. So, again, that's a
9 place to start. So we will address several alternatives, as
10 well, in the document.

11 So kind of a current schedule that we're under,
12 right now, always subject to change, we're in the scoping
13 period, as I mentioned before. The next major milestone
14 would be to prepare a draft Environmental Impact Statement.
15 And at some point -- that would be around summer of 2014.

16 And then after we've issued this draft
17 Environmental Impact Statement, there will be another 90-day
18 comment period on the draft EIS. So you'd receive this
19 document. You have the opportunity to review it, and then
20 we'll go back out and we will have meetings similar to this,
21 but it's to hear your comments on the draft EIS, where you
22 think we got something wrong or -- you know, we'll take what
23 you think we did right, too. But we want to hear, again,
24 the public's input on the draft EIS so that we can take
25 those comments and address them in the final Environmental

1 Impact Statement.

2 So we have the comment period, and then we would
3 have the comment meetings during that period. And that
4 would probably be sometimes in the summer, fall of 2014
5 after the draft. And then we would prepare a final
6 Environmental Impact Statement, say, somewhere summer,
7 spring of 2015. And then after the final Environmental
8 Impact Statement is prepared, then the decision-makers take
9 that as a piece of the puzzle to make a final decision or
10 Record of Decision, as they call it, or ROD, you may have
11 referred to it as that. So the BLM will prepare a Record of
12 Decision. So those are some of the large-scale timelines
13 that we're kind of looking at over the course of this
14 projects.

15 Kind of the immediate time frame that we're
16 looking at right now is the close-term stuff. So right now
17 we're -- we had meetings last week across the state. We
18 have two more meetings this week. That will close our
19 scoping meetings. And then, as I said, the scoping period
20 still goes on until the end of January, basically. We'll
21 take all the comments, prepare the scoping matrix. We will
22 prepare a document of scoping, a summary of the scoping
23 period.

24 We will begin formulating our alternatives
25 analysis. And field studies are going on by the company,

1 and they'll start wrapping those up. And then we'll start
2 writing the draft Environmental Impact Statement. So that's
3 kind of the immediate future of what we're doing.

4 I think I've kind of covered the project, kind of
5 covered where we're at tonight. And I want to introduce to
6 you Mark Mackiewicz. He is the national project manager for
7 the BLM for this project.

8 MR. MACKIEWICZ: Thanks, Trevor. Welcome,
9 everybody, to our meeting tonight. First of all, I want to
10 make a statement. Kinder Morgan is a privately-owned
11 company. They are one of the largest pipeline companies in
12 America today. They came to us, and we're the lead federal
13 agency because there's federal lands involved in this
14 project. The vast majority of the lands that this pipeline
15 goes through are on private lands, state lands and tribal
16 lands. So I just want to let you know about that.

17 We don't control the private land. That's your
18 land. If Kinder Morgan comes to you for an easement, it's
19 up to you to work with their landspeople and come up with
20 some sort of a landowner agreement to see if you can work
21 things out for easements. So I just want to let you know
22 that part.

23 We, as a federal agency, again, are required
24 under the what we call the National Environmental Policy Act
25 to analyze all the environmental impacts, the impacts it

1 would have that would occur to your land, state lands,
2 private lands, all these lands. So that's the involvement
3 we have in this project today.

4 One of the -- again, we received an application
5 back in September of 2012. They amended it. And now we're
6 here today to, again, present this project to you and get
7 your feedback. What we want to hear from you tonight, as
8 was pointed out before, any concern you have, please let us
9 know. Okay?

10 As Danita Burns, our authorized officer and our
11 Socorro field manager said, nothing is set in stone, nothing
12 at all. In fact, it's sitting in sand right now on
13 alternatives. That's why we're here today. What you have
14 seen on these maps and what they presented on the computers
15 over here in showing you where the pipeline crosses your
16 land, if it somehow does not work, we hope to be able to
17 work with you.

18 I have worked with Kinder Morgan on one of the
19 largest pipelines built in America, the Ruby pipeline
20 projects from Wyoming all the way to Oregon. On that
21 particular project, I believe they were able to get through
22 and make agreements with every landowner, except for three.
23 I was in a meeting similar to this in Logan, Utah, about
24 three or four years ago. I had 400 people in that meeting,
25 landowners that were very concerned about the pipeline.

1 This was a 42-inch natural gas pipeline, not CO2.

2 We were able -- they were able to work out
3 agreements with the vast majority. 99 of the landowners,
4 agreement was reached. We hope today that -- and in the
5 future, that if there are concerns about the pipeline, that
6 they can be worked out with Kinder Morgan.

7 What is CO- -- first of all, there's another part
8 of this project that I want to let you know about. There's
9 a gas field that's a CO2 field that's in Arizona, the St.
10 Johns field. We're going to be looking at that field also.
11 We have to. It's a connected action. If it weren't -- if
12 that field was drilled and they didn't have this pipeline,
13 they wouldn't do it. So we're analyzing that aspect of the
14 field -- of the project also.

15 What's CO2? Everybody -- I mean, CO2 is the stuff
16 that goes in carbonated beverages. It's the stuff that goes
17 in dry ice. It's also a substance that they have discovered
18 has value in trying -- in extracting oil and gas. It's a --
19 I think in the future it will be perhaps a substitute for
20 some chemicals and waters and things that may have greater
21 impacts through the fracking process. So that's the reason
22 why Kinder Morgan is interested in this commodity.

23 Again, on scoping and what we want to hear from --
24 if you've got alternatives, we want to hear them. If you've
25 got some suggestions for making this better, what we call

1 mitigation, give those responses to us. We're going to have
2 an opportunity in a couple minutes here -- a court reporter
3 is going to be recording verbatim your comments, your
4 concerns. We're going to try to answer as many questions as
5 you have.

6 I've got Bobby Curbow over here. Bobby is the
7 project manager for Kinder Morgan. He's an engineer.
8 That's good, because he can probably answer most technical
9 questions you have. The gentleman in the blue shirt
10 again -- your name again?

11 MR. WINNER: Kevin Winner.

12 MR. MACKIEWICZ: Kevin Winner. Kevin is a
13 good guy, and hopefully you're going to get to know him real
14 well. Kevin is a landsman. He's the one that works out the
15 easements with the private landowners. And Kevin is pretty
16 successful at his job. Kinder Morgan hires some of the
17 best. So I think when you talk to Kevin, you're going to
18 find that's he's a good guy to work with.

19 The pipeline itself, across federal lands, is
20 going to have 100-foot right-of-way. Well, not
21 right-of-way. A 50-foot permanent right-of-way. I think
22 that's going to be the situation. They're going to go to
23 privates landowners and ask for 50 feet, probably the width
24 of this room, I would say, almost.

25 In addition to that 50 feet, they're going to need

1 additional -- they're going to need room to constrict the
2 pipeline. They're going to ask for an additional 50 feet of
3 temporary use areas. So those temporary use areas will be
4 used to put the trench in the ground, to store top soil, to
5 move machinery, the trucks up and down the right-of-ways so
6 they can build this pipeline.

7 That's, when it's all through, when it's all said
8 and done, the entire 100 feet will be reclaimed with
9 whatever you want. On your private land, if you have
10 pasture growing there, if you've got wheat, hay, whatever
11 you want there, it's your land, you tell Kinder Morgan, "I
12 want it to be put back like this." On private -- on federal
13 lands, we're going to have them put back native species back
14 there, grasses, forbes, shrubs. Typically on a pipeline
15 like this, if there's trees on it, they can't put trees
16 directly over the pipe. It causes problems.

17 That's the main -- so right now, what I want to
18 do, I guess, is that we want to open this up. Where is
19 Trevor?

20 MR. LOVEDAY: Here.

21 MR. MACKIEWICZ: We want to open this up to
22 your comments. I mean, first of all, I think we have four
23 people on the list over here, and we'll address those. I
24 think between Kinder Morgan and their landsman, Kevin, over
25 here, and myself, I hope we can answer the majority of your

1 questions. I've been working pipelines for a lot of years,
2 big, big pipelines throughout the country. With no hair and
3 gray, you can tell it's played a toll on me. So hopefully
4 we can answer your questions and when you leave here you're
5 going to be somewhat satisfied and happy. So with that,
6 Trevor.

7 MR. LOVEDAY: So we did have some folks sign
8 up to speak. And, again, you don't have to have your name
9 on here to speak, so we'll open it up once those folks have
10 spoken. I would ask, just for some ground rules, maybe
11 everybody make sure your phone is on silent or vibrate. We
12 want to give respect for whoever is up here speaking, so
13 let's try to minimize any kind of side conversations or any
14 remarks or anything like that. Let them say their piece and
15 be able to get -- accurately allow them to have what their
16 concerns are recorded by the court reporter.

17 And we're going to -- typically we limit, we'll
18 start with a three-minute time limit on comments, just to
19 make sure everybody can get their say in. If you've got a
20 lot and you need six minutes or you need more, we ask that
21 you do your first three minutes, we'll let the next person
22 go. And once everyone has spoken, then anyone that had
23 spoken and still needs more time, then we call you back up.
24 That way we just want to make sure that everyone gets their
25 chance to speak.

1 And I think Carrie will kind of keep the time. So
2 she'll let you know. When you're at that three-minute mark
3 she'll wave at you back in the back and let you know. And,
4 again, we'll call you back up to finish, so your time is not
5 done for good, rest assured.

6 And once we've gone through these folks that have
7 signed up, we'll ask if anyone else would like to talk.
8 When you do speak, please say your name clearly and loudly,
9 spell your last name for the court reporter. We want to
10 make sure that we accurately capture your name. And we have
11 a microphone unless you can project, well, then that's fine.
12 But we have the mic as well.

13 Again, the main thing is we're trying to make sure
14 that she can hear you and get your comments accurately
15 recorded. That is primarily what we're trying to get.
16 So I think that's it for general rules.

17 So first of all, I would like to ask if there were
18 any elected officials here tonight, and if they wanted to
19 speak, I would let them go first if there were any that
20 wanted to identify themselves as such.

21 Okay. So the first one is Don Grate. Did I say
22 that right, Grate?

23 MR. GRATE: Yeah. I hate public speaking. I
24 never do this.

25 MR. JOHNSON: Mr. Grate, how do you spell

1 your name?

2 MR. GRATE: I'm sorry. Don Grate, G-r-a-t-e.

3 MR. JOHNSON: Thank you, sir.

4 MR. GRATE: Torrance County, Loma Parada
5 subdivision. I've learned some new things here with the
6 map, so you could have done better on the maps that you guys
7 sent out, for sure. I'm a little off balance because I was
8 going to say something else, but a lot of it still applies.

9 I look at the map and I see this scar that's
10 already on the land going the direction you-all want it to
11 go throughout 60. That's all I got to say. Thank you.

12 MR. MACKIEWICZ: Thank you.

13 MR. LOVEDAY: There's another name, Loma --

14 MR. GRATE: No, that was me. I was putting
15 down where I live.

16 MR. LOVEDAY: Gloria Zamora.

17 MS. ZAMORA: I'm going to stand right here.

18 MR. LOVEDAY: Okay.

19 MS. ZAMORA: My name is Gloria Lovato Zamora.

20 And I have a family of four generations that have lived up
21 where you're trying to connect. I'm not sure if you're
22 going to go through there yet, but this is the last
23 generation right here that will be living in that area. We
24 have lived here in New Mexico for generations of 800 years.
25 Okay? And I wanted to ask a question. The proposal you

1 have already, do you have another one?

2 MR. LOVEDAY: Proposed route?

3 MS. ZAMORA: Yeah. Do you have one?

4 MR. LOVEDAY: We have what they've proposed
5 to this point --

6 MS. ZAMORA: But do you have another one?

7 MR. LOVEDAY: -- and then alternatives. Yes,
8 we have some alternatives.

9 MS. ZAMORA: But in the map, are those the
10 alternatives that you have?

11 MR. LOVEDAY: That map back there shows the
12 alternatives.

13 MS. ZAMORA: But do you have another one
14 besides where you're going to go through?

15 MR. LOVEDAY: We have several that they've
16 looked at.

17 MS. ZAMORA: How come we don't have them?

18 MR. LOVEDAY: I mean, we could --

19 MR. CURBOW: To answer your question, no,
20 this is -- as far as Kinder Morgan is concerned at this
21 point, this is our preferred route. We've done lots of
22 research and have evaluated several ways to get there.
23 We're trying to get from point A to point B in the least
24 impactful way possible, and this is what we came up with.
25 And there are several alternatives that have been identified

1 and provided by the BLM so that we can kind of look at other
2 approaches, and that's what you see on the map there.

3 MS. ZAMORA: I think most of us here -- well,
4 I'm speaking for my family -- we would like to see those
5 others, others, before. This is just one. And I think
6 that, you know, to me, doesn't cut it. One is -- when you
7 go to the doctor, you know, you want two or three before you
8 do anything. That's my opinion on that. Okay?

9 And I think your alternative would be good to just
10 continue on Highway 60. What's the problem there? And what
11 happens if we say no? Will you condemn our lands and force
12 us to do it whether we like it or not? Because you know
13 what? Tierra, in the year 2009, did that to us. This
14 little group of people right here, they condemned us. We
15 couldn't go to court because they're billions of dollar
16 companies, and they condemned our land. That's what they
17 did to us. So we had to fight it. No money to fight it.
18 How can you fight billions of dollars of companies? We
19 don't have it.

20 I want to know what happened to the three people
21 that didn't agree with you with those other 400 -- what
22 happened to them? What happened to them?

23 MR. LOVEDAY: I wasn't involved in that
24 project.

25 MS. ZAMORA: What happened to those three

1 people? Because I want to know because I want to call them.
2 You know what? I'm going to tell you one thing. Everybody
3 knows what abortion is, right? It's an innocent baby inside
4 a mother's womb that cannot speak for himself or herself and
5 they get killed. Well, I'm speaking for Mother Earth loud
6 and clear, no?

7 MR. MORA: Could you not put that map back up
8 in front and maybe roll it up where the people can look at
9 it.

10 MR. LOVEDAY: Sure. Next, Lenora Romero.

11 MR. ROMERO: (Speaking in Spanish.) --
12 R-o-m-e-r-o. (Speaking in Spanish.) I want to thank you
13 for coming here. Trevor, Danita, Mark and Kevin, I'm sure
14 you're nice guys. But you know what? I'm kind of nice,
15 too. But when it comes to my family and my land, you're
16 going to be dealing with me face to face. And I'm going to
17 be the one percent of that familia that says no. You know
18 what? I pick up cards from everybody because I'll be
19 calling everybody. You know what? I want to say, the
20 Lovato family, we will be one of the families that will say
21 we will not sign an agreement with the Morgan company. So
22 you better find another route, because we will not. We're
23 not going to fight you. We've been fighting wars for all of
24 our life, from the treaty of Hidalgo, and we will fight for
25 our land forever.

1 This land is homestead, given to us from our
2 grandparents. (Speaking in Spanish.) So find another
3 route. Give me 500 more routes. Thank you for coming. We
4 like to be courteous. We are humble people. But our land,
5 you know, means a lot to us. We protect our Mother Earth.

6 My family, please stand up. The next generation
7 is coming. Our project in our family and what we're passing
8 on to our family for years to come. And they're smart.
9 This land will not be sold. This stays in our --
10 generations, for generations to come. This land will not be
11 ran with pipes through there or gas lines through our land.
12 But you know what, let them put a lease on there, no
13 easements, no nothing. All I can say is no. No. No. No.
14 No pipeline. Not through our land.

15 MR. LOVEDAY: That's all I have on this
16 sheet. So now anyone else that would like to speak. Yes,
17 ma'am.

18 MS. CONWAY: My name is Marlin Conway, and
19 I'm from Loma Parda subdivision and community. And we know
20 in Loma Parda, we do not want signs all over our community
21 like this, ruining our property values. But the main fear I
22 have and I want to talk about is the worst case scenario is
23 a rupture, a leak in the pipeline, and nobody has discussed
24 that. And the past deputy administrator of PHMSA has
25 testified in front of the U.S. Congress that a large sudden

1 release of CO2 could have catastrophic consequences in a
2 populated area. Nobody has discussed what happens when you
3 get a leak, you get a puncture.

4 If machinery would puncture that pipeline, all us
5 in Loma Parda, we can all die. A big carbon dioxide cloud
6 can come over us. They can say that carbon dioxide is so
7 innocent, but it's not. And everyone in Loma Parda that
8 I've talked to and in the Abo community below Loma Parda
9 fears getting together. We're not going to meet with
10 anybody individually. We're going to meet all as a group
11 because we think this is a devaluation of our land.

12 I have chemical sensitivities. If there's a leak
13 on my property, I can die because I'm super sensitive to it.
14 And none of us are going to sign with you. You're going to
15 have to take us all eminent domain.

16 I'll send you the links that I'm quoting from,
17 because I got it off of the Internet. But I'll send you the
18 link. I also have links from, actually, the first
19 responders from Kinder Morgan talking about first responders
20 to the scene. And I'm curious about who would be our first
21 responders in Mountainair? The first responder, if there's
22 a leak, have to come with self-contained oxygen. And I'm
23 saying, like, wow, there's a lot to this. There's a lot of
24 information if you go online about the leaks in the
25 pipelines.

1 And the leaks in these pipelines are no different
2 than the leaks in regular oil, the ratio. They're saying
3 the leaks of CO2 pipelines are less than the other pipelines
4 because CO2 pipelines are only one percent of all the other
5 pipelines in the U.S.A. And most of them are in rural
6 areas.

7 And I'm really upset because we are surrounded by
8 a rural area, but you want to go through a subdivision that
9 can -- all of our health is at risk.

10 But I'll send you all the links I have if you'll
11 give me your e-mail before I leave.

12 MR. MACKIEWICZ: What I'd like to do, I think
13 we need to have a clarification about what CO2 is and isn't.
14 It is a colorless inert gas. It is not poisonous. I'd like
15 to talk -- have Bobby talk about how the pipe is constructed
16 and the safety provisions built in the pipeline, and we'll
17 talk about the pressure. We'll talk about that, too.

18 Go ahead, Bobby.

19 MR. CURBOW: Okay. Is that too loud, or
20 would you rather I just talked? Okay. Thank you. I want
21 to thank everyone for coming out. I represent Kinder
22 Morgan. And I guess before I answer your question, which I
23 will, I hope everyone knows this is -- you are as passionate
24 for your land as I am about these pipelines. I'm a fourth
25 generation pipeliner. My grandma, she one time told my dad

1 -- you know, told me, why am I in this business. I just
2 told her, "Grandma, I don't know no better." This is what I
3 do. We put -- my family has put pipelines in all across the
4 United States, and this is just -- I'm the first one to
5 actually be an engineer because my dad pushed me into it.
6 And everyone else is operators and things of that nature.

7 So I'm as passionate about this project as you are
8 about your land. And I want to do right by you, and Kinder
9 Morgan wants to do right by you. Part of why I joined
10 Kinder Morgan is because Kinder Morgan takes that extra step
11 forward, and we spend thousands and millions of dollars just
12 protecting our pipelines, protecting our landowners. As far
13 as we're concerned, you will be our neighbor.

14 And the first responders, we have people that --
15 they'll be local. You'll probably even know the people that
16 will work on the pipeline. We'll -- you know, as far as --
17 they'll have to basically be located locally so that they
18 can respond. And like I said, it could be your family
19 members that we end up hiring ultimately at the end of the
20 day. So with that being said, I know that won't sway you
21 one way or another. I just wanted you to see, at least from
22 my point of view.

23 Now, I'm an engineer. And basically this pipeline
24 will be designed based on CFR, Federal Code of Regulations,
25 DOT 195. DOT stands for Department of Transportation. We

1 will design it with high grade carbon steel. And this steel
2 will be -- the pipeline will be designed at on the 72
3 percent, meaning that some people can put more, possibly 100
4 percent, but we will design back to 72 percent. And that is
5 per the Federal Code of Regulations.

6 In some areas where we considered a high
7 consequence area based on the code regulations -- and feel
8 free to -- you know, if you want to do some research, feel
9 free to go on to the DOT Web site, look at the Code of
10 Regulations, Part 195, it will tell you everything on how we
11 are going to design this pipeline. We will follow it. It's
12 mandatory.

13 MS. GRATE: Can you clarify for me -- you
14 said you were going to design it for 72 percent. What do
15 you mean? What do you mean by that?

16 MR. CURBOW: We're going to design -- the
17 maximum operating pressure on the pipeline is going to be
18 2160. Okay? So the wall thickness of the pipeline will be
19 designed such that it could actually handle another 28
20 percent capacity. But by the nature, we're actually -- a
21 higher grade steel that will allow this 28 percent of a
22 factor of safety. So does that answer your question?

23 MS. GRATE: So, in effect, you're going to
24 run 70 percent of what you possibly could run through it?
25 Is that what you're saying?

1 MR. CURBOW. Yes, ma'am. That's correct.
2 And that's based on a pressure basis, which ultimately is
3 based on the load of pipeline. And then -- so that's on the
4 design factor.

5 And then also part of the design, we came out to
6 the landowners, the private landowners, and requested for
7 survey permission. And part of the reason for the survey
8 permission is that -- and if you ask the BLM, they have said
9 that this is kind of a rare occurrence. But as far as we
10 were concerned, we wanted to come out front and be very
11 early in the process so that we could start communicating
12 with the landowners and get your input.

13 And that way -- you know, some areas, we've never
14 seen it. It's just a line on a map. And sitting in
15 Houston, that doesn't mean anything. Not until we actually
16 walk the earth, walk with the people who know what's out
17 there, can we actually route this pipeline. And my goal is
18 to have your input and to route this pipeline as is best to
19 both parties because -- you know, so that's why we went out
20 and asked for the survey permissions. And on top of that,
21 we're also doing environmental suggestions.

22 MS. GRATE: Are you going to discuss the CO2?

23 MR. CURBOW: I can, yes. I ramble. I'm an
24 engineer.

25 MS. GRATE: My name is Theresa Grate, Theresa

1 with an "H."

2 MR. CURBOW: And you asked about the CO2?

3 MS. GRATE: Yes.

4 MR. CURBOW: I'm going to -- I'm not a
5 chemical engineer, so I'm going to answer just to the best
6 of my ability. CO2 is a colorless inert gas. So inert
7 means that it is not combustible.

8 MS. GRATE: So are you saying that a cloud of
9 CO2 released in a subdivision won't hurt people?

10 MR. CURBOW: I am not saying that. A release
11 of that magnitude, we would need to clear the area. And
12 that is the --

13 MS. GRATE: The pipeline at Cortez, how much
14 goes through that? Is that the same 72 percent?

15 MR. CURBOW: It is 72 percent design, from
16 the best of my knowledge. I didn't design it.

17 MS. GRATE: The stuff you are going to add to
18 it, how much is that going to raise it?

19 MR. CURBOW: The pipeline is not running at
20 capacity at this moment.

21 MS. GRATE: When you add the new stuff that
22 you're proposing to add, how much will it have?

23 MR. CURBOW: It still won't be at capacity.
24 I don't know that number, ma'am.

25 MS. GRATE: It will be more than 72?

1 MR. CURBOW: No, ma'am. No. Percentage of
2 design -- okay. It's 72 percent of the design of the steel.
3 We will never go beyond that because we can't because it's
4 federal regulation and we're federally mandated to uphold
5 that, which is why we are going to install that loop. And
6 what that does, the loop relieves the pressure on the line
7 and allows it to carry more pressure. We will never,
8 ever -- and I will go on record saying we will not exceed
9 the capacity of the design, or we could go -- I'll go to
10 jail. And I'm not going to jail for anybody.

11 MR. GRATE: The question is, who oversees
12 that you're only running it at 72 percent capacity every
13 day?

14 MR. CURBOW: Kinder Morgan operations.

15 MS. DRAKER: So you're regulating yourself?

16 MR. MACKIEWICZ: PHMSA does come monitor, at
17 times, the pipeline, correct?

18 MR. CURBOW: I'm sorry?

19 MR. MACKIEWICZ: PHMSA?

20 MR. CURBOW: Well, basically -- okay. To
21 answer that question -- I guess I misunderstood the
22 question. We have, across the pipeline, we have what you
23 call SCADA. It's S-C-A-D-A. I've asked what the acronym
24 means, no one can quite tell me what it means. Basically
25 what SCADA is is it's a 24-hour monitoring system. And it

1 goes to our control room at Cortez, and we have a secondary
2 control room in Midland.

3 And we have PHMSA regulators that they do routine
4 audits. I want to say it's a yearly audit. It could be
5 more or it could be less, but there's audits on the
6 pipelines. And basically what they do, we have what's
7 called a CRM plan, and that's control room management plan.
8 And per PHMSA, we have to remain within that criteria. If
9 we ever exceed it, they'll shut us down and they'll make
10 us -- we'll get massive fines.

11 And Kinder Morgan -- please research on Kinder
12 Morgan Web sites, and you can see that we do -- we want to
13 be considered a safe operator within the United States.

14 MS. GRATE: What about earthquakes breaking
15 the line? How are they rated in terms of severities of
16 earthquakes?

17 MR. CURBOW: We are going to do a study which
18 is called a seismic study, and that's part of the design of
19 the pipeline. We have not done it at this moment. We're
20 still very early in the stages. But basically a seismic --
21 and there's different ratings. And basically the different
22 ratings, there's factors of safety involved. And engineers
23 will go in there, engineers that are much smarter than I am,
24 and they'll do different things to the pipelines.
25 Sometimes you encase it in sand to allow the pipe to move,

1 and things like that.

2 MS. VETTERMAN: I'm a little confused. You
3 say it's a harmless gas, and yet you have to evacuate the
4 area.

5 MR. CURBOW: I never said it's a harmless
6 gas.

7 MS. VETTERMAN: He just said that, the guy in
8 the blue shirt.

9 MR. CURBOW: Okay. It's CO2, and there
10 isn't -- I mean, you wouldn't want to breathe it. I mean,
11 it's -- there would be an asphyxiation associated with it if
12 there's a cloud and you walked into it. It's also very
13 cold. But let me just say that --

14 MS. DRAKER: Can you give us a worst case
15 scenario so we can understand what CO2 is? Let's say
16 there's a rupture, what happens in Loma Park? Tell us what
17 would happen.

18 MR. CURBOW: I'm sorry. I don't have an
19 answer for that because I don't --

20 MS. DRAKER: Well, you should. I mean, this
21 is your business.

22 MR. CURBOW: I don't know -- I don't know.
23 And I understand that.

24 MS. DRAKER: I think this is very important
25 to us.

1 MR. MACKIEWICZ: I'll tell you what we're
2 going to do. We will provide that answer for you.

3 MS. DRAKER: You should be able to provide it
4 now. You know the answer. Tell us. This is your gas.

5 MR. MACKIEWICZ: Right now, we're not holding
6 back anything from you. We will provide you an answer. We
7 have experts. I'm not an expert on CO2. In small
8 quantities, it is harmless. In large quantities, I'm not an
9 expert at it. I cannot say.

10 MR. CURBOW: And our goal is --

11 MS. DRAKER: So why are you even attempting
12 to talk about something if you don't understand it? I don't
13 understand.

14 MR. MACKIEWICZ: We will provide the answers
15 for you.

16 MS. DRAKER: When?

17 MR. MACKIEWICZ: Part of the reason for
18 scoping is to get your questions. But we will respond with
19 an answer for you.

20 MS. DRAKER: We should have an answer now.
21 You guys know this. This is the huge company. You have
22 scientists at your beck and call.

23 MS. CONWAY: There's a federal regulation
24 that you have to walk or -- that CO2 pipeline 26 -- 24 times
25 a year. At least every two and a half weeks, someone has to

1 walk that pipeline or fly over that pipeline.

2 MR. CURBOW: And we do, ma'am.

3 MS. CONWAY: Why? Is it so -- it must be
4 dangerous.

5 MS. DRAKER: It must be very dangerous.

6 MR. CURBOW: It's not. And let me say this.

7 MS. DRAKER: Tell us what happens when it
8 gets trapped in a basement.

9 MR. CURBOW: I'm sorry?

10 MS. DRAKER: Tell us what happens when it
11 gets trapped in a basement.

12 MR. CURBOW: I guess I don't understand
13 what --

14 MS. DRAKER: It kills everything, doesn't it?

15 MR. GRATE: If there's a leak, it will spill
16 into the ground and then --

17 MR. CURBOW: It will dissipate up. And let
18 me say this --

19 MS. DRAKER: It's heavier than air, so it
20 will dissipate down. It's heavier than air, so it will go
21 down, not up.

22 MS. CONWAY: There are so many -- if you go
23 on the Internet, there is so much stuff on the Internet
24 There's a report to Congress, a report to the U.S. Congress
25 about the dangers. There's -- the UK government has all the

1 dangers. And you can be instantly asphyxiated if you
2 walk -- if a cloud came out on your property, you could die
3 in a minute. I think everyone should go on the Internet and
4 research this.

5 MR. MACKIEWICZ: Yes, you have a question?

6 MS. EMBRY: I'm looking for it again, but
7 they actually do have a death rate on the -- if it were to
8 burst on your property.

9 MR. BRENNA: We need names.

10 MR. LOVEDAY: Your name, ma'am?

11 MS. EMBRY: It's Anne, A-n-n-e, Embry,
12 E-m-b-r-y.

13 MR. CURBOW: Yes, sir. Your name, sir.

14 MR. GONZALES: I've got a three-part
15 question.

16 MR. CURBOW: Your name, first, please?

17 MR. GONZALES: Norm Speedy Gonzales. I've
18 been 34 years working for a natural gas company. So, I
19 mean, all I can say to your folks, once you understand how
20 pipelines work, trust me, it's worse driving through
21 Albuquerque or through a Walmart parking lot. That's all I
22 can say right now. And I'm just fortunate that I'm from the
23 area and I've been able to go to work for a natural gas
24 company, and that it's been my bread and butter for my
25 family. And after 34 years, I'm still here.

1 But my question is, what kind of horsepower will
2 you be proposing at these four booster stations?

3 MR. CURBOW: Right now we're still in the
4 process of design. It's between 900 and 1000 horsepower at
5 the pump station.

6 MR. GONZALES: Is this going to be electric
7 or natural gas?

8 MR. CURBOW: Electric.

9 MR. GONZALES: So that means no emission
10 testing, nothing like that. Probably not, because usually
11 with the electric we don't do emissions testing because
12 that's safer.

13 Are these going to be manned stations or unmanned?

14 MR. CURBOW: Currently at this point we're
15 considering manned stations. But that doesn't mean that
16 once we do further analysis that they'll be more automated.
17 We haven't made a decision at this moment whether or not
18 they'll be manned or unmanned.

19 MR. GONZALES: Where is your gas control
20 going to be responding from or to the station?

21 MR. CURBOW: The gas control is from our
22 control center in Cortez, Colorado. And our secondary
23 control room is in Midland, Texas.

24 MR. GONZALES: And these guys at these
25 stations, will they be on rotation call 24/7, or how will

1 that work?

2 MR. CURBOW: Typically our operators work
3 like 9:00 to 5:00 business hours. It's not a 24-hour
4 operation. Because it's monitored 24 hours, should
5 something -- an indicator go off and we have to have a
6 responder, the SCADA control room will respond and someone
7 will drive out and then respond to it at that time.

8 MR. GONZALES: One last question. Being that
9 you're running about 2100 pounds to square inch from the
10 line, something like that, right?

11 MR. CURBOW: Yes, sir.

12 MR. GONZALES: -- are you going to a line
13 break on your valve?

14 MR. CURBOW: Yes, sir. And the part of what
15 -- as far as, you know, with the rupture and stuff, I would
16 like to address that.

17 The pipeline will be designed such that we don't
18 anticipate any types of ruptures. We are going to hire very
19 qualified contractors to install this. We are going to
20 spend millions of dollars to have a large inspection team
21 that will be there watching all operations to insure that
22 it's properly installed. Okay?

23 Because a lot of times, you know, ruptures in
24 history is based on third-party damage. The pipelines are
25 very safe with regards to trucking -- more safe than

1 trucking. Even rails. This is a very, very safe way to
2 transport product.

3 Yes, ma'am. Your name, please?

4 MS. JONES: Deborah Jones. I just have a
5 question since you were talking about the pumps. What kind
6 of noise are these large pumps going to make, especially
7 since they're above ground?

8 MR. CURBOW: There is some noise associated
9 with it. And we're going to do what we call noise studies.
10 And we will study the sound of the pumps. And with the help
11 of the BLM, we'll make sure to get it down to a decibel
12 level that is acceptable within the area. And there's
13 mitigations that we could do, you know, sound barriers,
14 things of that nature. We just haven't gotten that far yet.
15 We're still very, very early in the process.

16 Yes, ma'am, in the back.

17 MS. BRADSHAW: My name is Diann Bradshaw.
18 And I'm sorry. I forgot your name.

19 MR. CURBOW: My name is Bobby Curbow.

20 MS. BRADSHAW: Curbow?

21 MR. CURBOW: Yes, ma'am.

22 MS. BRADSHAW: I'm glad you're passionate
23 about your job and the pipelines. But I have to ask you
24 this about where you live. Would you want this pipeline to
25 be in your subdivision where you're living at? Because a

1 lot of these people on this side over here live in
2 subdivisions, some of them in subdivisions that I created,
3 and I'm passionate about that. And I'm passionate about
4 protecting them.

5 These folks spent a lot of money to relocate here,
6 buy property and build their home because they wanted what
7 the city -- they no longer wanted what the city had to
8 offer, which was noise, intrusion by big business. They
9 wanted peace and quiet and solitude.

10 So maybe that's not important to you. As you got
11 older, it may become more important. And if like these
12 folks over here, it was your heritage, you might think a
13 little differently about it, too. And so we're going to
14 have to see here and get into the battle of passions,
15 because I think most of America would agree that people's
16 rights to live a peaceful life, especially when we have come
17 through a period that was not peaceful. Big business has
18 taken our money. You're not welcome here with your pipeline
19 if you're going to cut across people's property.

20 I understand eminent domain. I understand big
21 business. I understand your bottom line. I think the last
22 I saw, Kinder Morgan paid at 40 times earnings. So I
23 understand all of this. And I understand you're going to do
24 it anyway. And your threat of eminent domain and our threat
25 of fighting people who have deeper pockets than we do. But

1 we can raise a crowd and maybe get Good Morning America out
2 to see what business is doing to peoples' homes in rural
3 areas to get away from the city. We all came from the city.

4 I suggest what so many others have suggested,
5 knowing that you're going to do it anyway, take it down the
6 highway in the already existing public easements so you're
7 not cutting across private or public land either.

8 MS. MARTINEZ: Why haven't you addressed
9 that? Why haven't you addressed that? You haven't said why
10 you're not going to have -- I'm Polly Martinez.

11 MR. MACKIEWICZ: Polly, that's why we're here
12 today. Like we said a few minutes ago when we started this
13 meeting, these alternatives are not set. So an option like
14 yours to put it along the highway, we've got it on paper
15 today, and our environmental consultants here will be
16 looking at that issue.

17 MS. MARTINEZ: But on your map, you don't
18 have that as one of the options. It's not there.

19 MR. MACKIEWICZ: Okay. It's not there.
20 That's the reason -- part of the reasons we're here is to
21 get comments like yours for routes that we haven't thought
22 about yet. So that's one that our court reporter's got, so
23 we'll look at that.

24 MS. MARTINEZ: So for us in the public, it
25 looks like such an easy option to pick up Route 66 instead

1 of the three different alternatives you picked there. I
2 mean, I think most of us looked at the map and said why
3 don't they just continue through Route 66.

4 MS. DRAKER: I believe on your plan that you
5 actually stated that that was frozen because it's going to
6 save you 200 miles. I believe that alternative route was
7 like around 400 some-odd miles, and this alternative now
8 will be 200 some-odd miles. And you stated that on your
9 proposal that you wrote up.

10 MR. MACKIEWICZ: Why don't we get some folks
11 that haven't had a comment yet, and then we'll come back.
12 Yes, sir, back here.

13 MR. CUSACK: My name is George Cusack,
14 C-u-s-a-c-k. I just have a quick question. The brochure
15 mentioned pigging facilities as part of the project. When
16 this pipeline is in operation, do you anticipate using smart
17 PIGs for monitoring pipeline integrity, or just utility
18 based?

19 MR. CURBOW: Smart PIGs. We're going to use
20 smart PIGs technology. Once we install it, we'll --

21 MR. MACKIEWICZ: Bobby, these folks, just
22 like our last meeting, when we talk about PIGs, a lot of
23 these folks just think about the little animal that crawls
24 and they make bacon out of them. What's a PIG, tell them,
25 from a pipeline standpoint?

1 MR. CURBOW: A PIG is a term for what we call
2 a smart tool. It's about a 15- to 20-foot tool. And we use
3 the larger tools. What we'll do is once it's installed, we
4 will run this tool through there and it tells us everything
5 about the pipe. It tells this -- and we will do this before
6 we fill it with gas. It will tell us here at mile post such
7 and such there was some damage. So we'll go in there, we'll
8 cut it out, we'll fix it before we flow gas.

9 But ideally we want to be able to run the tool,
10 come back and say, hey, there's no issues. And then we'll
11 come back and we'll do what we call confirmation PIGS. And
12 we'll pick several locations across the line to confirm that
13 data that we receive.

14 And this tool will tell us everything about the
15 pipeline. And so to answer your question, yes, sir, part of
16 our operations plan -- I want to -- I think it's every five
17 years, but I have to -- I have to make sure of that. It's
18 at least that. And we'll have a program. Every one of our
19 stations -- which currently we're proposing three stations
20 -- has a pigging facility, and then we have one additional
21 stand-alone pigging facility to insure that we properly pig
22 the line.

23 MR. MACKIEWICZ: Let's have the lady in the
24 red back there first, please.

25 MS. FILIPPI: Linda Filippi, F-i-l-i-p-p-i.

1 I live near Loma Parda subdivision. I would like you to
2 please answer the question that one of my neighbors asked.
3 Why was the Highway 60 route let go?

4 MR. CURBOW: It was never looked at. I never
5 looked at -- this current route, I never looked at it going
6 across Highway 60. When we leave here today, we will.
7 That's why we're doing this. Again, sitting in Houston,
8 it's easy to connect point A to point B, but --

9 MS. FILIPPI: Right. It's easy.

10 MR. CURBOW: That's correct.

11 MS. FILIPPI: It's sure efficient for you
12 guys. But it goes across our land.

13 MR. CURBOW: I understand that.

14 MS. FILIPPI: It goes across family lands.
15 Did you guys hear that? 800 years. I've only been here 20
16 years. I'm an outsider. I walk very softly around here.
17 800 years. Then you have -- I don't care if it costs you
18 200 miles more. I don't want the pipeline at all, to be
19 honest. The pipeline and what it is used for is absolutely
20 antithetical to what I think we need to be moving towards in
21 terms of an energy policy in this country. But I know, I
22 know that you're going to do it. Okay? And so at least
23 have the decency and respect for the people that have lived
24 here 800 years and those of us who have come more recently
25 to take a route that doesn't go across our land. It's

1 wrong.

2 MR. MACKIEWICZ: Ma'am, go ahead.

3 MS. THOMPSON: My name is Christine Thompson,
4 T-h-o-m-p-s-o-n. Are we all going to get a copy of the
5 discussion that took place today and also a list of the
6 outstanding issues and when we're going to get resolution?
7 A specific date. This is meeting protocol. And I would
8 assume that this is a professional meeting. Can you tell
9 us?

10 MR. MACKIEWICZ: Most likely we won't have a
11 full transcript of the meeting, but we will have a scoping
12 report out and we will have these comments.

13 MS. THOMPSON: And when will that happen?

14 Mr. MACKIEWICZ. We don't have a date on that
15 right now.

16 MS. THOMPSON: Why not?

17 MR. MACKIEWICZ: We don't have a date right
18 now.

19 MS. THOMPSON: Why not?

20 MR. MACKIEWICZ: We don't have a date.

21 MS. THOMPSON: So in other words, you have a
22 project and you have project dates, and you have dates when
23 each step is going to take place, but you can't --

24 MR. MACKIEWICZ: We have not -- okay,
25 ma'am --

1 MS. THOMPSON: -- tell us when we're going to
2 have the notes from the meeting.

3 MR. MACKIEWICZ: -- we don't have a scoping
4 report date yet. Okay? That's the answer. I can't -- so
5 that's all I can answer on that one. Don't have one.

6 MS. THOMPSON: I have another question.

7 MR. MACKIEWICZ: I have a question over here.
8 Go ahead.

9 MS. THOMPSON: During the construction
10 process, and also after the pipeline is already in, what
11 precautions are you going to take to preserve the
12 groundwater flow? I don't want to wake up one morning and
13 find my water contaminated, no water in my well. And then
14 do I have recourse with Kinder Morgan if there is a
15 disruption in my water quality?

16 MR. CURBOW: I'm going to answer to the best
17 of my ability, and I don't think I'm going to be able to
18 fully answer your questions.

19 MS. THOMPSON: You don't have answers. Why
20 are we here?

21 MS. DRAKER: Where is your scientist?

22 MR. MACKIEWICZ: Okay. If I don't have an
23 answer or Bobby doesn't have an answer today, part of our
24 reasoning for being here, we did not come here expecting to
25 give you every answer to the questions you have, but we --

1 today, but we will answer your questions.

2 MS. DRAKER: But you're not answering.

3 MR. MACKIEWICZ: You provided a question,
4 we've got it recorded over here. We will get an answer for
5 you.

6 MS. THOMPSON: But within what time frame?

7 MS. DRAKER: This is respect for these folks.

8 MS. MARTINEZ: So will you be e-mailing us,
9 mailing us the answers --

10 MR. MACKIEWICZ: We will put --

11 MS. MARTINEZ: -- to our questions or the
12 information?

13 MR. MACKIEWICZ: We will have a scoping
14 report. I'll put it on our Web site. Okay? We'll give you
15 our Web site where we're going to have this scoping report.
16 Okay?

17 MS. THOMPSON: So what about a list of the
18 questions that we posed today --

19 MR. MACKIEWICZ: We didn't --

20 MS. THOMPSON: -- along with the answers?

21 MR. MACKIEWICZ: I will -- I will make sure
22 that we have a list of the questions you've asked today, and
23 we will get answers for you on that scoping report.

24 MS. THOMPSON: And when?

25 MR. MACKIEWICZ: I'll have it -- let me see

1 what we're -- make some sort of a guess on the date. So I
2 would say within 60 days.

3 MS. VETTERMAN: 60 days? That's after the
4 public comment period. So we won't have the answers before
5 the public comment is closed on the 29th?

6 MR. MACKIEWICZ: Okay. The public -- okay.

7 MS. VETTERMAN: That's after the public
8 comment time.

9 MR. MACKIEWICZ: That's correct. It will be
10 after the public comment time. We'll have a report -- after
11 all the public comments are submitted, okay, we will have --
12 we will complete a scoping report. And I said today that as
13 the project manager, I will have answers to every question
14 that was asked today, okay, within 60 days.

15 MS. DRAKER: How can we make informed
16 judgments without information?

17 MR. MACKIEWICZ: What's that?

18 MS. DRAKER: How can we make informed
19 judgments without information now? I thought that was what
20 we were here for.

21 MR. MACKIEWICZ: The purpose was to provide
22 us with information today.

23 MS. DRAKER: I thought you were supposed to
24 provide us with information. How can we make a decision
25 without information?

1 MR. MACKIEWICZ: See, the -- and the reason
2 for scoping, I think that Bobby pointed out, is for us to
3 get -- we present the basic information to you, you provided
4 us with information on your concerns for the pipeline,
5 alternatives for the pipeline, mitigation. That's the
6 purpose behind scoping.

7 And we will get the answers for you, okay. We're
8 going to write -- after we complete this scoping period,
9 Trevor and his firm are going to begin to write an
10 Environmental Impact Statement. We're going to come up with
11 a draft Environmental Impact Statement. You'll have 90 days
12 to comment on that document. 90 days to comment on it.

13 If we missed something, we got it wrong, then you
14 have another opportunity before we publish a final
15 Environmental Impact Statement to clarify and make the
16 corrections.

17 MS. DRAKER: You also stated -- I'm sorry --
18 but you do state in the scoping that your object was to
19 teach us to learn more about the project. We need data.

20 MR. MACKIEWICZ: Okay. You're going to get
21 that in the Environmental -- the draft Environmental Impact
22 Statement, and then you're going to have an opportunity to
23 digest that information and read that 800-page document, or
24 however large it is. This gentleman back here.

25 MR. BENTON: My name is John Benton, and you

1 said 2160 psi, right? At what temperature?

2 MR. CURBOW: It'll range from the low end
3 from about 60 degrees to a high end of around 80.

4 MR. BENTON: 60 to 80?

5 MR. CURBOW: Yes, sir, depending on the
6 ambient temperature.

7 MR. BENTON: And on the right-of way, will
8 that only be this pipeline, or can that be used in the
9 future for electric line or other pipelines?

10 MR. CURBOW: Currently Kinder Morgan is only
11 requesting single line rights, not multiple line rights.

12 MR. MACKIEWICZ: On the Bureau of Land
13 Management side, we are issuing -- if we issue a
14 right-of-way, if we approve this project, it will be for
15 that pipeline only. Note again, no decisions have been made
16 whatsoever on routes, whether we're going to do it, will not
17 do it.

18 As Danita pointed out, we're here to gather
19 information. Yes.

20 MS. WILSON: I want to make a comment. I'm
21 going to come up here so that I can be heard loud and
22 clearly by everyone, as well as the court reporter. My name
23 is Mary Wilson. I live at 148 Camino de Aragon. My
24 partner, Jose Mora, and I live on that land, and we are
25 right at where you have proposed crossing Route 60 and the

1 railroad. That's sections 30 and 31. We are immediately
2 affected. That land has been in Jose's family 400 years,
3 much like the people here. It is ancestral land. We do not
4 want a pipeline across it.

5 And let me just say that I have been a federal
6 employee. I've worked on NEPA projects, as a matter of
7 fact. And you are being deceptive to the members of the
8 public who are here today. You know very well that the plan
9 of development that you put together in May of 2013 showed a
10 variety of potential routes, and yet you have presented none
11 of those on which these people could even be aware of or
12 could comment on.

13 So how are we, common, ordinary people, supposed
14 to come up with proposed routes? And you have put together
15 a preferred route. You've called this red thing a preferred
16 route. And yet you've got these little alternatives. You
17 have a number of people who live right along that
18 alternative. But yet you've said nothing here to why that
19 alternative is good, bad or indifferent.

20 You have said absolutely nothing about how you are
21 going to formulate alternative routes. And we know that you
22 already have them. You are deceiving the members of the
23 public.

24 MR. MACKIEWICZ: Ma'am, question? Comment?

25 MS. ZAMORA: I think maybe you can answer one

1 of these questions. On the survey permit, you asked us to
2 sign "Permission Granted," "Permission Denied" or "Pending
3 Comments." What percent of the people in our area denied
4 with a big "X" and said, no, that are in here? If they
5 don't have the answer --

6 MR. GRATE: I didn't even grace them with an
7 answer.

8 MS. ROMERO: You just didn't give an answer?
9 Do you guys have a percent of the people that denied it that
10 you received your papers back? Did you receive this back?

11 MR. CURBOW: Kevin Winner, would you --

12 MS. ROMERO: Do we have a percentile, Kevin,
13 the nice guy in the blue shirt? I'll be nice.

14 MR. WINNER: Sure. So there's a couple of
15 different alternatives that we're talking about. So for the
16 red line on the map that's one of the alternatives, there's
17 about 7 percent that have denied survey permission.

18 MR. ROMERO: Out of how many applicants?

19 MR. WINNER: It's out of 450.

20 MS. ROMERO: How many did you receive that
21 signed -- how many total did you receive back?

22 MR. WINNER: So we started another
23 permission-to-survey response. That's the one that you guys
24 are getting on some of the other alternatives. And so we
25 just sent those out within the last couple of weeks.

1 MS. ROMERO: I mailed mine certified back on
2 December the 12th. I received it a week before then.

3 MR. CURBOW: We have a percent, but we have a
4 larger percentage that are actually for the project.

5 MS. ROMERO: So they're still coming in?

6 MR. CURBOW: Yes, ma'am.

7 MS. ROMERO: Thank you.

8 MR. WINNER: You know, for people that don't
9 respond, it makes it kind of hard for me to know whether you
10 want it or whether you are -- I kind of need that
11 information. So even if it's "Denied," I encourage you to
12 send it in. That's good feedback.

13 MS. ROMERO: Thank you.

14 MS. ZAMORA: Those 400 people are not from
15 this area, I know that, because we don't even have that
16 many. They're up in Arizona.

17 MR. MACKIEWICZ: Yes, ma'am. Name again,
18 please?

19 MS. BRADSHAW: Diann Bradshaw, D-i-a-n-n, no
20 "e." You know, you made the comment in the very beginning
21 that you chose -- that this is your preferred route because
22 it is the least amount of impact. Impact on what?

23 Because let me just say this for myself. You-all
24 came to see me. I talked to Kevin. Yes, he is the nice
25 guy. And he had a little friend who was nice, too. But

1 anyway, you proposed -- one of your alternatives is to
2 put -- you propose to cut across the corner of one of my
3 lots in my subdivision that I'm trying to sell. Now you're
4 telling me we wouldn't even know for two more years. Do you
5 think I'm supposed to wait on you? What do you think that
6 impact is on me?

7 I have nine lots to sell in Valentine Ranch. Are
8 you preventing me -- do I need to go have my attorney seek
9 compensation for what your impact on me, one person, is?
10 Not to mention everybody else's. And I have other issues
11 that are impacting.

12 Why can you not tell me when, like she wanted to
13 know, when are you going to tell us this and when are you
14 going to tell us that? What I hear is the bottom line, like
15 I know you're interested in. The bottom line. The bottom
16 line I heard is 2015. What am I supposed to do? Am I
17 supposed to wait for you while you-all decide? Because it's
18 just a minor matter for you on paper, sitting in Houston,
19 Texas. I know. I'm from Houston, Texas. I'd much rather
20 be here. Much rather be here.

21 So what do you have to say about that? Are you
22 going to get us a proposal sooner, where you're going to
23 select the routes you're going to take? Everyone here, and
24 it makes the most sense to me and the least impactful on
25 human lives, if you follow the existing easement down

1 Highway 60. I know you've done it in other places.

2 MR. MACKIEWICZ: First of all, I believe
3 that -- what's our date -- August 2014 for our draft.

4 MR. LOVEDAY: Yes. Summer, July, August,
5 somewhere in there.

6 MR. MACKIEWICZ: We will have what we term an
7 agency-preferred alternative out in our draft Environmental
8 Impact Statement that's coming out August 2014.

9 MS. BRADSHAW: You know what? That's a month
10 past my 76th birthday. How long do you want me to hang in
11 here, you and Mr. Obama? How long do you want me to hang
12 in? I'm hanging. I'm doing exercises. I'm eating right.
13 I'm doing everything so I can be here for the recovery.
14 Will I make it? I want to know if I'm going to make it, or
15 do I have to go talk to Diane Sawyer.

16 MR. MACKIEWICZ: Thank you for your comments.
17 All right. Are there any other comments, questions?

18 MS. DRAKER: I have a question on the
19 herbicides. I have a question on the herbicides. How does
20 that work? Do you have to spray to kill the -- for your --

21 MR. CURBOW: Okay. Part of the requirements
22 are that they come up with a weed control plan. Okay? Part
23 of that weed control plan, federal lands, means that they
24 have to come up with what they term a pesticide use plan.
25 So the pesticides that they would possibly, potentially use

1 would be allies, and then our -- I guess it's done in our
2 state office, we issue what we call a pesticide use plan.

3 MS. DRAKER: Do you mean pesticide or do you
4 mean herbicide? Are you trying to cover plants?

5 MR. MACKIEWICZ: We call it a pesticide use
6 plan, but it does include herbicides. Okay? So we would
7 allow them to use certain herbicides to eradicate the weeds
8 on the right-of-way.

9 MS. DRAKER: Chemicals.

10 MS. CONWAY: I have to say something about
11 pesticides because I was pesticide poisoned by the
12 Environment Department in the City of Albuquerque. Here I
13 am in the Tribune, "City Bug Spray Drives Woman From Home."
14 So now I'm extremely, extremely allergic to pesticides. It
15 closes my throat. I moved to Mountainair because there are
16 no pesticides. We are a pesticide-free subdivision in Abo
17 Community. And if I was exposed to pesticides, my throat
18 would close up, and I could not have it on my land. I know
19 it drifts, and it's dangerous.

20 MR. MACKIEWICZ: On the private lands, it's
21 up to you, if you decide to issue -- grant an easement to
22 Kinder Morgan, then we have what they call a landowner
23 agreement. And if you don't want to use pesticides to
24 eradicate the weeds that may grow on that right-of-way, then
25 that's your prerogative.

1 MS. THOMPSON: What I would like to see in
2 your follow-up, whenever we get it, is the alternatives that
3 were considered in detail so that we can understand what you
4 considered and the reason why certain alternatives were not
5 selected.

6 MR. MACKIEWICZ: We will analyze -- in that
7 document we'll have a list of all alternatives that were
8 discussed but not carried forward and the ones that have
9 carried forward and the reasons why.

10 MS. THOMPSON: And the reasons why.

11 MR. MACKIEWICZ: Yes. And the ones that are
12 carried forward, of course, will be analyzed as well.

13 MS. THOMPSON: And this will all be written
14 in language we can all understand?

15 MR. MACKIEWICZ: Yes, ma'am.

16 MS. ZAMORA: I think all of you are probably
17 nice people. I see a beautiful wedding band. You're young.
18 You have a nice wife, maybe children. I don't know. You
19 have selected these jobs because you're intelligent and
20 that's what you want to do. But you know what? We have
21 selected our jobs as farmers and ranchers because that's
22 what we want to do, and we don't want this, bottom line.

23 And my question that you have to answer me is what
24 did you do to those three people? Did you pay billions of
25 dollars? That's what I want to know.

1 MR. MACKIEWICZ: Thank you for your comments.

2 MS. ZAMORA: And it's not about you guys,
3 it's about the issue.

4 MR. CURBOW: I understand.

5 MR. MACKIEWICZ: Yes, sir. Your name,
6 please?

7 MR. MORA: My name is Jose Mora. I live in
8 Abo. Your one alternative is crossing right through my
9 property, as Mary already said, and I'm disappointed. Your
10 name is Mark, right? You told us how you worked and you
11 worked on pipelines and so forth. And I'm just wondering
12 why, with all that experience you have, do you come over
13 here and you're telling us, "We'll think about it. We'll
14 let you know later." It seems to me like by now you should
15 have the answer to a lot of these questions.

16 So are you covering up now or going to cover up
17 later? I mean, that's what comes to my mind. Look at this
18 map you have here. We have no details. We have no section
19 lines. People don't know precisely where these so-called --
20 this line is proposed to go. You should have already by now
21 have known about Highway 60. Why haven't -- why weren't you
22 prepared to be here and address the issue of why you're not
23 running it through the right-of-way already there? Have you
24 done that before in other situations? Does anybody have the
25 answer to that question?

1 MR. MACKIEWICZ: We have looked at
2 alternatives.

3 MR. LOVEDAY: Have we looked at the pipeline
4 route within the road right-of-way?

5 MR. MORA: Yes.

6 MR. MACKIEWICZ: Yes, we have.

7 MR. LOVEDAY: A lot of times that
8 right-of-way is controlled by the Highway Department, and
9 they don't usually allow pipelines in their rights-of-way.

10 MR. MORA: You have a space already where
11 land has been taken. It seems like that would be one
12 alternative to follow underneath it or beside that
13 transmission line instead of taking from other people to put
14 your pipeline in. Why hasn't that been considered and why
15 aren't you prepared to come tonight and tell us here? Why
16 are you saying, "We'll tell you later"? Are you afraid to
17 let the cat out of the bag because you know once it's done,
18 it's hard to put it back in? Is that what's happening here?

19 I'm really -- I'm flabbergasted, flabbergasted
20 with this lack of knowledge and lack of, I think,
21 credibility. And frankly, I do not believe that you folks
22 have not, somewhere along the line, thought about this and
23 considered it if you're coming over here and telling us,
24 "We'll tell you later."

25 Can you answer the question as to whether you're

1 going to have a more detailed map to present to us that --
2 specifically where the land goes by section line and
3 landowner?

4 MR. MACKIEWICZ: I don't know. Well, most of
5 the time the Environmental Impact Statement will not have
6 that detailed of a map. Right now, I can tell you that
7 we -- do we have our --

8 MR. WINNER: I'm right here.

9 MR. MACKIEWICZ: He's got -- he's got -- if
10 you're interested --

11 MR. WINNER: I have your land right here,
12 Jose.

13 MR. MACKIEWICZ: -- if you're interested
14 today where the land -- where the pipeline -- proposed line
15 may go through your land, Kevin's got it -- he's got it.

16 MR. MORA: Why isn't he up here making a
17 presentation --

18 MR. MACKIEWICZ: Okay. He's not -- there's
19 thousands of miles of -- I mean there's many maps in this.
20 There's a lot of GIS data in here.

21 MR. MORA: So?

22 MR. MACKIEWICZ: Sir, we made a decision not
23 to -- not to implement --

24 MR. MORA: That's what I'm afraid of --

25 MR. MACKIEWICZ: However, I did say that --

1 MR. MORA: -- the decision has been made.

2 MR. MACKIEWICZ: Sir, listen to me, please.
3 We did say that that information is there. If a landowner
4 would like to go over and see that right now, go over and
5 see and he'll show you where the line goes through your
6 private land.

7 MR. MORA: Okay.

8 MR. CURBOW: And Kinder Morgan can make those
9 maps for you to specifically show --

10 MR. MORA: Why doesn't Kinder Morgan come up
11 with this map for all the landowners affected here tonight
12 and say here? It seems, to me, pretty simple.

13 MR. CURBOW: If you request it, we will
14 provide it.

15 MR. MORA: I'm requesting it.

16 MR. CURBOW: Do you have Kevin Winner's
17 contact information?

18 MR. MORA: And for you to provide it to every
19 landowner here specifically.

20 MR. CURBOW: If you don't -- basically, when
21 Kevin -- and I know we have reached out to the landowners
22 and communication -- you know, based on open communication.
23 Just request it from the Kinder Morgan land agent, and he'll
24 provide whatever you need. We have the maps, very, very
25 detailed maps.

1 MR. MORA: I'm asking you --

2 MR. CURBOW: And they'll even go and -- but
3 we don't have the capabilities tonight to --

4 MR. MACKIEWICZ: Tonight if you would like to
5 leave your name and address with Kevin, we will send you
6 those maps.

7 MR. MORA: Excuse me. We want it on the
8 record that I'm making that request right now that that
9 information be provided to every landowner, every person
10 here.

11 MR. CURBOW: But we don't know who everyone
12 is, sir.

13 MR. MORA: We all signed in.

14 MR. CURBOW: But we need --

15 (Indiscernible conversations.)

16 MR. MACKIEWICZ: Back here in the red.

17 MS. FILIPPI: It's not just landowners that
18 are going to have the pipeline on their land. We're a
19 community. Adjacent lands are affected by this pipeline, as
20 well. You have a list of us. We have signed in, said we
21 were here. You can certainly give everybody in attendance
22 your maps, right?

23 MR. CURBOW: We can make that happen.

24 MR. MACKIEWICZ: Kevin, what can you --
25 Okay. What we're going to -- Kevin, what can you provide

1 the landowners?

2 MR. WINNER: I can give you an aerial view.
3 I can give you a topographic view. I can give you satellite
4 images.

5 MS. FILIPPI: The people in attendance --

6 MR. MORA: All of the above.

7 MR. MACKIEWICZ: I'm going to say right now,
8 any private landowner here today that wants maps, see Kevin
9 tonight and leave your address with him, and he will provide
10 those to you.

11 MS. ZAMORA: All we need is a Torrance County
12 map.

13 MR. CURBOW: And we will -- like I said, when
14 you're requesting it -- like I said, just help us out.
15 There's how many landowners, Kevin?

16 MR. WINNER: 450.

17 MR. CURBOW: -- 450, so we're doing our best
18 to communicate with everybody.

19 MS. ZAMORA: Starting from Arizona, right?

20 MR. CURBOW: Yes, ma'am.

21 MS. ZAMORA: So that doesn't count. It does
22 for you, it doesn't for us.

23 (Indiscernible communications.)

24 MR. GONZALES: Sir, one last comment. On
25 your behalf, I don't have to ask a lot of questions. I know

1 how pipelines work. But on behalf of everybody here, I hate
2 to say this about you guys, but you guys were kind of lame
3 with your information because if I had to get up there and
4 talk about pipelines in general, whether it was water,
5 natural gas, CO2, I could have answered about 90 percent of
6 the questions these people had.

7 And I see that you went to meetings on December
8 3rd, December 4th, December 5th. You should be at least 99
9 percent efficient here tonight because the same questions do
10 get asked. I attend these public awareness meetings
11 involving pipelines. And these people, in layman's terms,
12 they just wanted simple questions answered, and you didn't
13 give them the warm and fuzzys. And that I can say on behalf
14 of these people.

15 MR. MARTINEZ: One more question. I'm Alfred
16 Martinez. I wanted to see a proposal going on Route 60. I
17 want to see why it was turned down. I want that.

18 MR. MACKIEWICZ: Ma'am.

19 MS. THOMPSON: In the end, who is ultimately
20 responsible for anything that goes awry with this project,
21 and who can we sue if that happens? Who is responsible?

22 MR. CURBOW: The pipeline will belong to
23 Kinder Morgan.

24 MS. THOMPSON: Kinder Morgan? Not the
25 federal government?

1 MS. THOMPSON: It's our pipeline.

2 MR. CURBOW: Ma'am.

3 MS. EMBRY: Anne Embry. I have a question.
4 When you send us the proposal on what 60 was, can you show
5 what the statistical difference to Kinder Morgan will be
6 going through Route 60 or if it was going through our
7 property?

8 MR. CURBOW: We don't currently have a route
9 going on 60.

10 MS. EMBRY: They asked for -- the other guy
11 just asked for the routes that were around 60.

12 MS. DRAKER: Yeah. There is a map out there
13 from Kinder Morgan, an alternative routes map online.

14 MS. EMBRY: Okay.

15 MS. FILIPPI: So you do have a -- you do have
16 a route map?

17 MS. DRAKER: Where did you get the
18 alternative maps? Is that from the proposal, from their
19 proposal?

20 MR. MACKIEWICZ: I think unless there's --
21 okay. We'll entertain about two more comments, and then
22 close it down. Sir. Yes, sir. The gentleman in the hat.

23 MR. ADAY: Okay. My name is John Aday,
24 A-d-a-y. Where you've got the proposed line going through
25 my farm grounds and my neighbor's farm ground, if that line

1 goes in there and is completed, is that ground still going
2 to be farmed like it has been in the past?

3 MR. CURBOW: Yes, sir. Yes, sir. And
4 typically through farm areas we'll put our pipeline deeper.

5 MR. ADAY: So the installation time will be
6 the only time that things are --

7 MR. CURBOW: Yes, sir. And that's correct.
8 And we pay crop damages and thing of that nature. And we'll
9 negotiate with you on what the full impact is.

10 MR. ADAY: During the installation, when you
11 go through that farm country, that's buried wire, there's
12 buried pipe all through that area, and you're not going to
13 dig and work around those, are you?

14 MR. CURBOW: Well, the plan is --

15 MR. ADAY: You're just going to go through
16 them, aren't you?

17 MR. CURBOW: The plan is to minimize impact
18 as much as possible. And I know we're going through some of
19 your pivots and stuff, and so what I'd really like to do is
20 sit down with the owners and my construction manager and
21 talk about strategies on what is the best way through there
22 to limit the amount of impact. And whatever we take out,
23 we're going to put back in. And if we take out just one
24 little small part of your pivot, then that means we have to
25 cover -- you know, we have to cover your full crop land.

1 And like I said, it's very standard. We go through crop
2 lands and --

3 MR. ADAY: Well, I'd still -- I guess I'd
4 still be in favor of going Highway 60 and staying out of the
5 farm area.

6 MR. MACKIEWICZ: One final question.

7 MS. THOMPSON: If you're planning this
8 project as thoroughly as you're answering our questions, I
9 really am concerned. I really am. I know that your
10 business is not in the existing oil and gas fields that
11 you're serving, but as part of the information we're
12 getting, I would like to know what those companies are
13 because I don't support any of this from that point, on
14 back. I don't want more exploration of oil and gas fields.
15 We need alternative forms of energy, and we don't need to
16 keep supporting this with pipelines that are going to be
17 useless in ten years anyway.

18 MR. MACKIEWICZ: Thank you.

19 MS. ZAMORA: One more. What is the depth
20 that you're going?

21 MR. CURBOW: Standard depth would be three
22 foot.

23 MS. ZAMORA: That's it?

24 MR. CURBOW: Yes, ma'am. And that's per
25 the -- and that's per the Federal Code of Regulations. Now,

1 through farm areas, we'll go deeper. Typically five feet is
2 good enough, but in negotiations with the landowner, if we
3 need to go deeper, we can go deeper. And we would take it
4 on a case-by-case basis. But at a minimum, we're required
5 to go three foot.

6 MR. ADAY: In the farmland, you better go
7 deeper.

8 MR. MACKIEWICZ: Okay. Danita, do you have
9 any last comments?

10 MS. BURNS: Actually, yes, I do. I want to
11 thank everybody for coming out and giving me the
12 information. I want as much as you can give me. I know
13 that sounds perhaps passe, perhaps it's -- I hope it's not
14 condescending. I need that information to make a good
15 decision. Okay?

16 As he said, what the private landowners make a
17 decision or -- make a plan with Kinder Morgan is theirs, but
18 I need to know what you're doing and what you want.

19 MS. ROMERO: We already --

20 MS. BURNS: I think I've heard that, and I
21 appreciate that. So what I'm saying here is thank you for
22 the information that you've given me. If there's anything
23 else, please make sure you get it to me. Question?

24 MR. OLSON: Can I make a comment?

25 MS. BURNS: Yes.

1 MR. OLSON: Richard Olson, O-l-s-o-n. Two
2 comments. One is what is the plan if the pipeline is not in
3 use anymore? Will it be removed or just abandoned, or
4 what's the plan?

5 MR. CURBOW: Currently the current plan is a
6 minimum of 22 to 25 years, at a minimum. Now, we have
7 pipelines that have been in service for 30-plus years. But
8 the current plan, you know -- and this is part of what we
9 have to submit to the BLM, is an abandon in place. But we
10 want to keep it in operation as long as we can.

11 MR. MACKIEWICZ: So typically it's purged of
12 the gas that's in it and any surface facilities are removed.
13 The pipe is left in place. That's typically how it's done.

14 MR. OLSON: And the second comment, what is
15 the process -- you offered we talk with your construction
16 folks and -- for the farmers that's used for cropland. How
17 do we set up that meeting?

18 MR. CURBOW: Talk to Kevin Winner before you
19 leave and give us your contact information and we will set
20 it up as soon as you're ready to meet. We'd love to meet
21 with you. I've hired some very good construction people
22 that have been doing it for a very long time, and they would
23 love to meet with you.

24 MR. OLSON: Are they located in Albuquerque?

25 MR. CURBOW: Yes, sir, and out of our office.

1 MS. EMBRY: And livestock, they're on --

2 MR. BRENNAN: Folks, someone is still
3 speaking.

4 MR. LOVEDAY: She asked about livestock on
5 property and what would happen during construction with
6 livestock.

7 MR. CURBOW: And basically during
8 construction, we have construction methods in place to
9 handle the livestock. And if you're sectionalized, we will
10 work with you to maybe move them to the other side so when
11 we come through, they're not affected. During the actual
12 time frame, like in your case where they're not
13 sectionalized, we'll come up with other mitigating measures,
14 whether they be gates or fences. Or maybe sometimes we
15 cross over to cross the pipeline. We open up the ditch, we
16 bury it right back up, things of that nature.

17 But those are things that we have to talk with you
18 about because every location is individualized. And we're
19 more than willing to do whatever it takes. And we have
20 what's called a landowner -- a line list. And in the line
21 list it has restrictions and it's sectionalized. And we'll
22 abide by that. I hope that answers your question.

23 MR. MACKIEWICZ: With that, I think we'll
24 adjourn. We have lots of cookies left and water.

25 If you have any other questions, we'll be here.

1 MR. LOVEDAY: I'd like to just add, for some of
2 you that came in through the gym and parked out front, I
3 just ask that you walk on the edge of their floor. They
4 just had it refinished.

5 (End of scoping meeting at 8:08 p.m.)

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1 REPORTER'S CERTIFICATE

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3 I, KATHERINE GORDON, NM P-400, DO HEREBY CERTIFY
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7 herein, and the foregoing pages are a true and correct
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9 I FURTHER CERTIFY that I am neither employed by
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PUBLIC SCOPING MEETING
FOR THE
KINDER MORGAN LOBOS CO2 PIPELINE
ENVIRONMENTAL IMPACT STATEMENT

December 11, 2013
6:12
Belen Community Center
305 Eagle Lane
Belen, New Mexico 87002

REPORTED BY: KATHERINE L. GORDON, NM P-400
WILLIAMS & ASSOCIATES, LLC
1608 Fifth Street, Northwest
Albuquerque, New Mexico 87102
505-843-7789

P R E S E N T E R S

1
2
3 H. Trevor Loveday, Edge Engineering & Science

4 Danita Burns, Bureau of Land Management

5 Mark Mackiewicz, Bureau of Land Management

6 Bobby Curbow III, Kinder Morgan

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1 MR. LOVEDAY: Good evening, and thank you for
2 coming. We appreciate you coming out tonight, and welcome
3 to the Bureau of Land Management's public scoping meeting
4 for the proposed Kinder Morgan Lobos carbon dioxide
5 pipeline.

6 Some kind of preliminary housekeeping things to be
7 aware of. Restrooms are across the hall. Exits, we have
8 two up here at the front and at the back, or these two doors
9 here to exit the building if we should need to.

10 Tonight, like I said, this is the Bureau of Land
11 Management's meeting, the BLM's meeting for public scoping
12 that we've entered into for the National Environmental
13 Policy Act, NEPA. So tonight, we're really here to hear
14 from the public, to hear your concerns and to provide you
15 with as much information as we can here tonight.

16 We have the space until 8:00, and we're available
17 to you. And to let you know who is available to you
18 tonight, we have several members from the BLM here tonight.
19 The national project manager, Mark Mackiewicz, up here at
20 the front. And the authorized officer for the project,
21 Danita Burns, in the front. And then several other BLM
22 staff in the audience. If you all could raise your hand or
23 stand up so everyone sees who is here from the Bureau. So
24 those folks are here, as well, if you have questions for
25 them.

1 And then the proponent for the pipeline project,
2 Kinder Morgan, they have some folks here, as well. They're
3 sitting at the back table in the corner. So their staff,
4 they have three or four of them here. And in the back as
5 well, both Kinder Morgan and the BLM, they have their
6 computer systems with GIS that they can zero in on, say, a
7 particular piece of land. If you would like to see that,
8 then they can help you with that.

9 So everyone, we want to get as much answered for
10 you as we can tonight. As well, we want to hear from you.

11 My name is Trevor Loveday. I'm a contractor to
12 the BLM, I'm a third-party contractor. I work for Edge
13 Engineering & Science. I'm based in Houston. And part of
14 our team is here back at the sign-up table when you came in.
15 We're partnered with another firm called Merjent. They're
16 based out of Minneapolis. Our companies team together, and
17 our role in this is to prepare the Environmental Impact
18 Statement for this project. And I'll get into more of those
19 details a little later.

20 Those are our roles, so we're here as part of this
21 team because we're going to take the information, the
22 comments that you provide and other public provides in these
23 meetings and in e-mails or written comments, and we're going
24 to take that information and we're going to categorize them
25 by topic and we're going to make sure that they get

1 addressed in the Environmental Impact Statement.

2 So your input is important. We rely on it. We
3 need it. So that's what the purpose of the meeting is
4 tonight.

5 I think with that, I just want to turn it over to
6 Danita and let her say a few words.

7 MS. BURNS: Hello, everybody. Thank you for
8 coming out. I really appreciate that. As the authorized
9 officer, I just wanted to welcome you to this proposal.
10 What we're doing here is having a meeting, a scoping
11 meeting. And that information that you give to me helps me
12 make a decision. I can make a decision without any help;
13 however, I would prefer not to. I need your help to get the
14 information to make a sound decision.

15 So what I'd like to do, again, is thank you for
16 that. And please -- you know, we had a meeting yesterday,
17 and I just want everybody here to know, because I think
18 maybe they didn't get the entire picture, this is a
19 proposal. It is not set in stone. And you'll hear me say
20 that a couple of times during this entire process because I
21 want you to understand that.

22 These are lines drawn on a map. This is what
23 Kinder Morgan has come up with. Okay? It is not set in
24 stone. I need you to give me comments to help me take back
25 to my people who will then analyze and take a look at the

1 these routes, this route that's here, and look for something
2 else, perhaps. Or say, "Hey, we have some issues with
3 this." We're going over, and we'll tell you more about
4 this, we're going over public lands, we're going over
5 tribal, state and private. It's very important. I take my
6 job very seriously. And I'm glad you came out because I can
7 tell you're taking this seriously, as well.

8 So I'm going to sit down over here and I'm going
9 to listen to your comments. Please, any comment is okay.
10 I'm looking for anything and everything. Don't be afraid.
11 If you don't like to come up there, I totally understand. I
12 get it another way. But thank you for coming, and we'll
13 talk a little bit more during the process.

14 MR. LOVEDAY. Thanks, Danita. First, I'd
15 like to just kind of go over some of the general proponent's
16 proposal project, just kind of how they've laid it out.
17 Again, as Danita said, this is how Kinder Morgan has
18 proposed it to date. So some of the fact, and maybe you've
19 seen some of these in the brochure and up here, but right
20 now we're looking at what they provided is. A project that
21 would start in the St. Johns field in Apache County,
22 Arizona, approximately seven miles across the border. And
23 the pipe would traverse from there, in an eastward
24 direction, as you can see on the map, across Catron County
25 and Socorro County and Torrance County, for about the 207,

1 208 miles once it crosses into New Mexico, to where it
2 connects with an existing carbon dioxide pipeline that is
3 operated by Kinder Morgan, that's called the Cortez
4 pipeline.

5 So that connect with that pipeline southeast of
6 Albuquerque, as they propose now, it would be at one of
7 their main line valves. Because of this increased capacity
8 that would come across and join their existing pipeline,
9 that requires them to be able to handle that capacity at
10 that pressure, to build a 40-mile pipeline loop in Chaves
11 County near Roswell. And that would be the Cortez loop.

12 And a loop is not a circular pipe. It is
13 basically a parallel pipe, parallel to their existing
14 Cortez, and connects to it to allow them to have adequate
15 passage that they would be bringing across.

16 As proposed right now, they're looking at -- so
17 this would all be buried pipeline. The only above-ground
18 features would be pumping stations or any valves. Pumping
19 stations, right now I think there's three proposed for this.
20 And then modifications on the existing Cortez -- pumping
21 station on the existing Cortez line. Pumping stations, as
22 they proposed them right now, they have locations. However,
23 pumping stations are a factor of distance and topography.
24 So since the route is not in stone, those locations will not
25 in stone, as well. So right now they have some proposed

1 locations for pumping stations based on the route that they
2 proposed at this point. So those would be the only
3 above-ground features for the pipeline.

4 Typically -- and this has come up every night, so
5 I'll bring it up now -- the pipe, they have to meet and
6 follow standards from the Department of Transportation for
7 the certain operation of the pipeline. So minimum depth for
8 the pipe would be three feet to the top of the pipe. So
9 that's a minimum. And then in places such as road crossings
10 or agriculture fields, those would be deeper. So minimum is
11 three feet to the top of the pipe.

12 It is operated under pressure. I don't want to
13 say the incorrect pressure off the top of my head, but it is
14 pressurized. So the carbon dioxide running through the
15 pipe, it will not be in a gas state, but it's more in a
16 liquid slurry state, and it is pressurized.

17 So those are the general basics of what they've
18 proposed. And if you have questions later tonight, they
19 have folks. Their project manager is an engineer, he is
20 here, and perhaps he can help with some of those questions.

21 So, again, we're here. This is public scoping to
22 hear from you. The BLM, the Bureau of Land Management, is
23 the lead federal agency. As Danita said, the project, as
24 proposed, crosses federal lands, so BLM lands, and so they
25 are designated as the lead federal agency on this action.

1 So on October 31st, it was entered into the
2 Federal Register, a notice of intent to prepare an
3 Environmental Impact Statement. That opened a 90-day public
4 comment period, which we are in the middle of right now,
5 that ends on January 29th, 2014. So during that time, we've
6 gone to these meetings the last couple of weeks to hear from
7 the public to provide us comments. But that's not the only
8 way to provide your comment.

9 You can actually get comment cards in the back.
10 When you came in, you should have received them. You can
11 write out a comment and hand it to us tonight before you
12 leave, or you can take it home, think about it and mail it
13 in. There's ways through the project Web site, on the BLM's
14 Web site, to submit comments through e-mail. So there are
15 many ways to submit your comments. No way is weighted more
16 than another. However you provide that comment, it's
17 analyzed and reviewed by us equally.

18 And so that's what we're here to do, to hear from
19 you. Because as I said, my job is to prepare the
20 Environmental Impact Statement. So that document is a piece
21 of the puzzle that Danita needs in order to make a decision,
22 an informed decision. So that document we will prepare, we
23 will look at impacts from the project, both from
24 construction of that project and from operations. And we
25 will look at how it impacts various resource areas of the

1 environment.

2 So examples would be the areas of thing --
3 resource areas that we will analyze for impacts from
4 construction and operation would be air and noise quality,
5 soils and geology. So soils, we would look at erosion
6 potential in particular areas and how those can be mitigated
7 or minimized. We'll look at water resources, including
8 groundwater, surface water, we had wetlands, floodplains,
9 riparian habitat. Again, same thing, on all these resource
10 areas, we're looking at how these impacts can be avoided,
11 minimized or mitigated for.

12 And we'll look at vegetation. That will include
13 noxious weeds and invasive species. We will look at
14 wildlife and aquatics resources, fisheries, threatened and
15 endangered species, special status species, wildlife. Land
16 use, recreation and visual or aesthetics. So we'll look
17 into -- range land management would come into play under a
18 land use section, and we'll address those issues there.

19 Any recreational areas that could potentially be
20 crossed, we would look at the impact to those areas, as
21 well. And then just the visual or aesthetic. Most of it
22 is, of course, buried, but there are some above-ground areas
23 that we would look at those impacts to the surrounding
24 environment.

25 And a large one here in this area, cultural,

1 archeological resources, Native American concerns. And then
2 we would also look at socioeconomic impacts. Those are the
3 environmental parts of the Environmental Impact Statement.
4 We also will address the purpose and need for the project,
5 and we will have an exhaustive discussion on alternatives.

6 And so, as Danita said, nothing is in stone. What
7 you see up right there is their proposed project and some
8 alternatives. We will analyze those, but we will also take
9 alternatives and route variations that we receive during
10 scoping, and we'll look at that, as well. So nothing is in
11 stone. Alternatives are obviously a large part of the
12 document. So that's kind of the document.

13 Currently, a timeline, kind of broad timeline, you
14 have it in your handout and on the poster here, but I'll go
15 over it. We don't have hard and fast dates on a lot of
16 this. Things are subject to change. But I'll just give you
17 kind of a general time frame of what we think we're looking
18 at right now for something typical of a project such as
19 this.

20 So right now, as I said, we are in the scoping
21 period, and that ends January 29th, 2014. Following that,
22 the next large milestone would be to issue the draft
23 Environmental Impact Statement. So we would prepare,
24 starting the first of the year, we will start preparing this
25 document. And we will issue that draft sometime, probably,

1 say, summer 2014. And at that time we will issue it. That
2 will open a 90-day public comment period on the draft EIS.
3 So the public has an opportunity to review that document and
4 let us know what you still -- what you don't like about it.
5 Let us know what you like about it. Again, it's to hear
6 from the public, what are your concerns at that stage of the
7 process.

8 Again, this is for us, for the BLM, this is a NEPA
9 process that we're following. We're not proponents for the
10 project. We're the ones who go through this process.

11 So we'll have a comment period on the draft, and
12 that will be sometime summer, fall of 2014.

13 Then we would have those meetings, and we would
14 take that information, and then we would revise that
15 document into a final Environmental Impact Statement. And
16 that would be maybe summer of 2015. And then that document,
17 that final document, would then be used by Danita in her
18 decision-making as to whether or not to grant the
19 right-of-way. And then they would -- BLM would issue a
20 Record of Decision, or you may have heard of that referred
21 to as a ROD. So those are kind of the major milestones for
22 the process. And we're at that very first point in this
23 whole process, very early on.

24 Immediately, kind of the near-term future schedule
25 of what we're looking at right now, we're going through this

1 process. Scoping will end at the end of January. We will
2 take all that, all the scoping comments, and we will prepare
3 a scoping matrix. We'll break down all the comments by
4 topic. We will then prepare a scoping report that will be
5 available to be reviewed.

6 And then we'll start on an alternative -- our
7 formulation of alternatives and doing some alternatives
8 analysis. And we will start preparing the draft
9 Environmental Impact Statement. That's what we're doing.

10 To that, at the same time, Kinder Morgan is out
11 conducting field surveys to collect data on environmental
12 topics, cultural resources to provide to us so that we can
13 look at what they're seeing in the field. So we will take
14 that information along with the other sources of information
15 to start the draft Environmental Impact Statement.

16 So I think with that, that's a brief overview of
17 our process, where we're at in the processes, very early,
18 critical part to hear from the public to hear what your
19 concerns are. It's your land. You know it better than
20 anyone else. So that's what we want to hear. That's the
21 type of information we want to hear. So that's why we're
22 here tonight.

23 So I'll turn it over to Mark Mackiewicz. He is
24 the project -- the national project manager for the BLM.

25 MR. MACKIEWICZ: Thanks, Trevor. Again, we

1 welcome everybody tonight. Again, my name is Mark
2 Mackiewicz. I'm a national project manager with BLM's
3 Washington offices. However, I don't live in Washington
4 D.C., I live in Utah.

5 Anyways, we do welcome you today. What I want to
6 point out and reiterate at this point, Kinder Morgan is a
7 privately owned company. They came to us with an
8 application. They requested the use of federal lands to
9 build their pipeline. So we, in response to that, have to
10 write this Environmental Impact Statement under the National
11 Environmental Policy Act. But you guys get some good out of
12 this, too. They're also analyzing all the lands for all the
13 resources that were just discussed.

14 Another point, I know it's been brought up by some
15 folks that it's not -- these alternatives on this map, once
16 more, are Kinder Morgan's idea. We don't -- we haven't said
17 anything whether those are good, bad or indifferent. They
18 came to us with those ideas. They've come up with some
19 alternatives right over here, some small alternatives that
20 preliminary resource studies have proven that there's some
21 -- maybe some issues over there that need -- that provide a
22 reason for us to look at other alternatives. So that's why
23 some of those alternatives are there.

24 Again, we need your input. If -- I was talking to
25 this gentleman up in front over here a second ago. He has

1 some property over here. He indicated that he doesn't like
2 where it comes through his property. There are ways that if
3 you -- perhaps, if you want to, you can work and make things
4 work. We are not, again, an advocate for Kinder Morgan's
5 pipeline. We are under the federal law required to analyze
6 it. We're an advocate of the process, and that's the
7 process we're going through right here today.

8 All right. We have received an application
9 right-of-way application, just to take you back, about
10 September of 2012. Along with that application, some folks
11 have seen a document that's called a plan of development
12 they gave us. It's a very, very large, large document. It
13 would probably be several thousand pages long.

14 Kinder Morgan is required to submit that plan of
15 development to us, and they tell us in minute detail how
16 they're going to build this project. Everything from how
17 much topsoil they're going to remove, to the amount of -- to
18 the vegetation that they're going to plant, to weed control
19 plans, to -- you name it, it will have to be in that plan.

20 It's a work in progress. We're going to use a lot
21 of the information out of that plan of development to write
22 the Environmental Impact Statement that we are starting to
23 work on right now.

24 Again, the purpose, they're transporting a
25 product, carbon dioxide, from a field in eastern Arizona.

1 This particular field in eastern Arizona is being developed
2 at this time. It's what we call a connected action. So we
3 are having to analyze direct and indirect cumulative impacts
4 from that field over there in eastern Arizona.

5 One other thing, we mentioned it's 214 miles long.
6 Can everybody hear me back there? I'm pretty loud.

7 The right-of-way that we are -- we may grant, if
8 this project is approved, will be 50 feet wide. It's a
9 50-foot permanent right-of-way. In addition, it will
10 require space to construct the pipelines. So if we approve
11 the project, there'll be a total of 100 feet that will be
12 utilized. They need the additional space because of the
13 material that's going through there, the trenching. They
14 have large trucks. They have welding machines, you name it.
15 So it takes a minimum of that amount of space.

16 In areas -- there'll be some tougher areas,
17 riparian areas and others that they're going to say to
18 Kinder Morgan, perhaps, neck that thing down as narrow as
19 you can put it. It may cost you extra money, whatever, but
20 we have resources to protect. And that may happen on parts
21 of the project.

22 With that, again, Danita had mentioned about what
23 we're looking for. Any concern at all you may have. Don't
24 be bashful. Looking back at the crowd we had in Mountainair
25 last night, they were not bashful.

1 Anyway, any other concerns you have, and, again, I
2 must say, alternatives, and then one other one. If you have
3 suggestions of how we could lessen the impacts of this
4 pipeline, we want to hear about that. How can you give
5 those comments? Tonight, you can talk to us. We have a
6 court reporter here. I've got a facilitator here. Shannon
7 Driscoll is going to come up and help us run this show
8 smoothly tonight. We're going to have a Web site. A Web
9 site will go up. You can submit comments on the entire
10 process.

11 Now, Trevor mentioned that our comment period is
12 closing the 29th. If, for some reason, after the 29th you
13 have a question or concern, whatever, give us a call, put it
14 on the Web site. All right? Or if something happens and
15 you have to run to Hawaii or Tahiti or something for
16 vacation and you missed the 29th, come on and send us a note
17 anyway. Okay? So mail, 48 cents or whatever it costs to
18 mail, you can do that, you can do it on the Web site, or
19 tonight during the presentation period over here.

20 If you're bashful, don't want to talk into the
21 mic, after the meeting is over with, come on and sit down
22 with us and we'll talk. Okay? We'll hear your comments.
23 With that, we're really happy to hear your comment and we'll
24 get this show on the road. So who's -- Trevor.

25 MR. LOVEDAY: So as Mark said, now we are at

1 the time when we want to hear from you. And we have, it
2 looks like, five or so people signed up already to speak.
3 So what we'll do, typically I'll call these folks, they'll
4 be called up. And when you come up to speak, please state
5 your name and spell it for the record. Again, we have a
6 court reporter here, so we want to make sure that your name
7 is exactly correct for the transcript.

8 We will limit comments to -- we'll start off, say,
9 five minutes, limit it to five minutes, so that everyone has
10 a chance to speak. And then once everyone on the list has
11 spoken, if you have more that you wanted to say and five
12 minutes wasn't enough, you'll have an opportunity to come
13 back and finish your comment. If you didn't sign up and you
14 still would like to speak, that's fine, too. Once these
15 folks have all spoken and provided us with their comments,
16 then we'll open it up for anyone else that would like to
17 speak, as well.

18 So, I think, Dovey, are you going to handle the
19 rest of the instructions?

20 MS. DRISCOLL: Yes. Okay. Hi. My name is
21 Shannon or my name is Dovey, either one is fine. I just
22 want to say a couple sentences real quick about my role. As
23 Mark mentioned, I will be facilitating, so I am just here to
24 try to make sure that we can really understand your comments
25 so that we are getting the best comments we can. So I might

1 have a follow-up question or two, and I'm also just going to
2 try to paraphrase what I'm hearing so that we can really
3 make sure we're understanding what you're saying. So that's
4 going to be my role.

5 If you have a lot to say, I might just jot down
6 some notes just so that I can keep track of it, but that's
7 all I'm doing. And then the last thing I want to do is just
8 very quickly take a look at the ground rules. We have them
9 posted over here. Really, the biggest one is that it's very
10 important to us to hear what everyone has to say, so we
11 really ask that only one person speaks at a time. We are
12 going to do our best to make sure everybody who wants to
13 come up and say something in the time we have is able to do
14 that. So if you can please limit conversations amongst
15 yourselves when someone is up here, and if you have a
16 comment or a question or whatever, you can raise your hand
17 and we can come get to you next.

18 So I don't know if anyone said this, if you can
19 all please silence your cell phones, if you haven't done
20 that already, we would very much appreciate it.

21 And we're just going to go through the list, and
22 then if anybody else realizes they have something to say
23 that didn't sign up for the list, we'll just take volunteers
24 at that point. And I apologize if I pronounce your names
25 wrong. The first person is Howard Snell.

1 MR. SNELL: I didn't realize I was going to
2 be first.

3 MS. DRISCOLL: And if you could just, when
4 you come up, restate your name and spell your last name for
5 the court reporter.

6 MR. SNELL: My name is Howard Snell,
7 S-n-e-l-l. I'm here as a member of the board of the Tierra
8 Grande Improvement Association, which is an organization of
9 several thousand property owners on the west side of the
10 Manzano Mountains. And most important for this discussion
11 tonight is that we administer an 14,000-acre open space,
12 which many of our colleagues who, I think, are here tonight,
13 predominantly belong to the Tierra Grande because of that
14 14,000-acre open space. So I want to address that in a
15 little bit.

16 The first thing I'd like to say is that I'm happy
17 to hear that this is not a done decision. The reason I say
18 that is that when I look at your timeline in the document,
19 it, of course, has a Record of Decision and then start of
20 construction a week after that, so it doesn't really look
21 like there's any chance to say no.

22 So I'm curious, is there a chance to say no?

23 MS. BURNS: There is a chance to say no.

24 MR. SNELL: And what would it take to say no?

25 MS. BURNS: Why? Are you --

1 MR. SNELL: I'm just curious.

2 MS. BURNS: -- asking for?

3

4 MR. SNELL: I'm just curious.

5 MS. BURNS: What will it take to say no? If
6 I see something that I cannot mitigate and it is a fatal
7 occurrence, then I would have to say no.

8 MR. SNELL: Okay. To start, then, I'd like
9 to mention that the expectation, I think, of many people
10 about right-of-way on public land is that if it happens, it
11 ought to be for the general public good. And that would
12 include the entire public, and not just shareholders of a
13 particular organization.

14 At the very outside of this -- you mentioned
15 cumulative effects -- at the very outside of this project is
16 somewhat flawed in that we're taking sequestered CO2 out of
17 the ground, moving it, and putting it into the ground again.
18 Now, if we wanted to do this for the public good, we would
19 want to reduce atmospheric CO2, which we could do by getting
20 CO2 out of the atmosphere and using that as a way to enhance
21 the removal of petrolatum, which is proposed, and there's
22 technologies to do that. It's much more expensive. There's
23 no question about it. But it's much better for the public
24 good. So I'd like you to consider that, of course.

25 And then specifically, for the Tierra Grande

1 Improvement Association and Abo Arroyo area, which has been
2 heavily impacted -- there's at least two gas pipelines
3 through there now. I think there's actually more, but I'm
4 not sure, so I'll say two. I know there's at least two.
5 The SunZia power line plans to go through there. The
6 railroad recently double-tracked and went through there.
7 And I know that some of our colleagues were against that, I
8 was, because of the impacts on the bighorn sheep population.

9 And because of the impacts on the bighorn sheep
10 population, we now have to do predator control on mountain
11 lions, which are also in low numbers there. Because, of
12 course, with fewer bighorn sheep, they can take fewer
13 predation by mountain lions. And while these projects are
14 underground, they severely alter the ground cover. Not in
15 terms of grasses, but in terms of large juniper trees and
16 plants that take 50 to 60, 70 to 100 years to grow and
17 mature, and cannot be replanted. So there's no way to
18 mitigate the removal of some of this ground cover that will
19 happen in this project.

20 Finally -- actually, not finally, but next, one of
21 the recent maps that we got from Kinder Morgan, which is not
22 demonstrated anywhere here, illustrates a proposed
23 alternative that would go through the mountains, actually
24 right smack dab in the middle of our 14,000-acre open space,
25 and cross a place called Sand Canyon, which is where the

1 Department of Game and Fish right now has repatriated the
2 bighorn sheep population, which they're requiring us to
3 allow them to trap our mountain lions so that they can't eat
4 their sheep.

5 So consequently, going right through -- you know,
6 if you know anything about bighorn sheep, you know they
7 simply don't take construction, don't take human activity
8 well at all. So consequently, that is an absurd proposal.
9 I'll be frank.

10 Secondly, Kinder Morgan, as I understand it, owns
11 Santa Fe -- El Paso Natural Gas Company. El Paso Natural
12 Gas is one of the easements that we already have through
13 this area here. So if, in fact, it's unavoidable that this
14 pipeline has to go through the Abo Arroyo, we would
15 certainly propose that Kinder Morgan simply use their
16 existing right-of-way with the El Paso Natural Gas line. I
17 realize that would cause construction issues because, of
18 course, you don't want to put one pipeline -- don't want to
19 drive bulldozers on one pipeline while you're inspecting
20 another -- but it can be done.

21 And consequently, it would reduce the impact of
22 the pipeline through the Abo Arroyo area simply because you
23 wouldn't be destroying those junipers and those trees and
24 plants and whatnot.

25 The final thing I'd like you to consider is that

1 among the thousands of people that own property out there
2 and are a part of the Tierra Grande, many of them are very
3 upset that they don't understand how they can say no as
4 private individuals. You know, they're being asked to allow
5 Kinder Morgan to survey on their property. They want to say
6 no. They say no, but then Kinder Morgan, you know, uses
7 adjacent properties.

8 I'm not trying to plant Kinder Morgan as the bad
9 person here, but the point is, the private landowner needs
10 to say no. It's his land. If he doesn't want -- or her
11 land. If she doesn't want it to be used for this, we would
12 hope that this would certainly be respected. And that's it.
13 Thank you.

14 MS. DRISCOLL: Thank you, sir. Can I just
15 actually ask you to stay there for a second. I want to
16 summarize what I have heard you say and make sure we're
17 getting it.

18 MR. SNELL: Okay.

19 MS. DRISCOLL: So the first thing that you
20 brought up is the idea that the public good should include
21 all of the public, and not just --

22 MR. SNELL: It should be the public.

23 MS. DRISCOLL: Right. It should not just be,
24 you know, portions of the public that make the CO2
25 pipelines. The alternative you proposed was atmospheric CO2

1 instead of a pipeline to --

2 MR. SNELL: Yes. Because if you remove
3 sequestered CO2 -- in other words, CO2 is a greenhouse gas,
4 which adds to the problem with global warming, whether you
5 believe in global warming or not. And consequently, if you
6 remove CO2 from the atmosphere and sequester it underground,
7 you're doing a positive thing. You're reducing the amount
8 of atmospheric CO2. If you take sequestered CO2 out of the
9 ground and simply then pipe it 200 miles and put it back in
10 the ground, you're having no net positive effect. And maybe
11 no negative effect, probably, because there's going to be
12 some leakage.

13 But anyway, if you take that CO2 out of the
14 atmosphere, pump it into the ground to help you recover your
15 oil, then, in fact, you're having a positive effect and
16 you're removing CO2s from the atmosphere.

17 MS. DRISCOLL: Okay. So kind of like killing
18 two birds with one stone, we get the CO2 and it does
19 something good?

20 MR. SNELL: Yes.

21 MS. DRISCOLL: And then I also heard a
22 serious concern about the bighorn sheep population, that
23 construction will have an impact on them and that will also
24 have an impact on the mountain lion population, as well.

25 MR. SNELL: Yes. Because as soon as that

1 bighorn sheep population goes down, the Game and Fish
2 Department, I can guarantee you, will be at our next board
3 meeting saying we need to trap more mountain lions because
4 we need to protect these sheep. And we need to protect them
5 because some of them fell in the hole that was being dug, et
6 cetera, et cetera.

7 I didn't mention, also, that there are endangered
8 species there that the surveys will not show. There are
9 golden eagles that nest in Sand Canyon. But you see them
10 extremely rarely. And so consequently, you won't find them
11 on a survey. You simply won't see them.

12 MS. DRISCOLL: Okay.

13 MR. SNELL: But they do occur.

14 MS. DRISCOLL: You've seen them and you know
15 they're there --

16 MR. SNELL: Oh, yeah.

17 MS. DRISCOLL: -- even if they're not on the
18 surveys.

19 MR. SNELL: Because we've seen them nesting.

20 MS. DRISCOLL: And the construction would
21 also have an impact on the golden eagle?

22 MR. SNELL: Oh, you can do your own research
23 on impacts of construction activities on nesting and bald
24 eagles.

25 MS. DRISCOLL: But your concern would be that

1 it might have an impact, at least.

2 MR. SNELL: It will have an impact.

3 MS. DRISCOLL: It will have an impact. Okay.

4 And then the final thing I heard, that people in the area
5 who are private landowners want to understand how they can
6 have a determination of what happens to the pipeline. How
7 do they say --

8 MR. SNELL: Especially on their property,
9 their private land.

10 MS. DRISCOLL: And how do we say no if we
11 want to say no, and how do we --

12 MR. SNELL: If they don't want the pipeline
13 across their land, will Kinder Morgan respect their wishes
14 and simply not do it and not pressure them to do it. Number
15 one, be respectful -- or number two, I guess, will Kinder
16 Morgan be respectful.

17 MS. DRISCOLL: And I don't know if anybody --
18 I think that some of that really was a question. I don't
19 know if anybody wants to address that now.

20 MS. BURNS: Actually, what I'd like to do is
21 hear all the other comments so I can --

22 MR. SNELL: Thank you.

23 MS. DRISCOLL: Thank you. And the next
24 person I have on the list is James Smith.

25 MR. SMITH: James Smith. I have Number 5 Torino

1 Loop. And just east of me is the government land, BLM land,
2 and that's for -- my driveway is on BLM land. My land is
3 fenced and gated, and I have received requests for
4 surveying. I don't want anybody on my land without me being
5 there. Now, how do I arrange that, for one thing?

6 The other thing is, if I choose not to have
7 anybody on my land, again, how do I arrange that? There's
8 five arroyos going through my land, and I've accounted for
9 that with my fences. I'm not sure I'm receptive to messing
10 all of this stuff up. So that's my question.

11 Also, in the event that I do give permission for
12 surveying, I want to make sure people contact me so that I
13 can open the gates. I don't want them going through my
14 fence, I want them going through the gates.

15 And you say it takes 100 feet. Well, if it takes
16 100 feet to put the line in, do you still retain the 100
17 feet?

18 MR. MACKIEWICZ: No. On federal lands --
19 and, again, that's what we'd be doing is 50 feet. And I
20 understand from Kinder Morgan they would request a 50-foot
21 permanent easement from you at this point. And any
22 questions that you have regarding issues like asking for
23 permission and that you want to be there, we have a
24 gentleman back there, Kevin Winner, and he'll be able to
25 answer those questions for you. He can give you his card,

1 also.

2 MR. SMITH: I have another question. If they
3 take 100 feet, does that mean I permanently lose it?

4 MR. MACKIEWICZ: No. What I'm saying,
5 typically they'll issue -- they'll request a 50-foot, and
6 then they'll ask for a temporary use just for the --

7 MR. SMITH: Machines. I understand that.
8 But when it's all said and done and just the line is there,
9 will my fences be put back up and will my property line be
10 the same?

11 MR. MACKIEWICZ: Okay. With federal lands,
12 we typically will require everything to be put back exactly
13 as it was. And on private land, you are able to work what
14 we call a landowner agreement that's attached to your -- an
15 easement, if you should grant it. And then you can dictate
16 and negotiate with Kinder Morgan whatever you want that you
17 both are agreeable to.

18 MR. SMITH: I'm pretty possessive, so I'm not
19 sure how that will work. Okay. I was paying attention to
20 your dating. So if I give permission for survey, I sent it
21 to the -- and I talked to the guy in Albuquerque, and so I
22 can send that permission with, I guess, notes about calling
23 me to open the gates and I guess I'll have to make
24 arrangements with him as to when.

25 MR. MACKIEWICZ: Right.

1 MR. SMITH: And if he gives me a date and I'm
2 there and there's a no-show, I want some kind of a recourse.

3 Okay. Thank you.

4 MR. MACKIEWICZ: Thank you. I appreciate it.

5 MS. DRISCOLL: So I just want to sum up real
6 quick. My understanding is that your biggest concern is
7 having people on your land, even for surveys, when you're
8 not there. And then also all the fencing and everything
9 else that might be disrupted by the pipeline itself and what
10 happens with that.

11 So I also just want to quickly summarize what Mark
12 has said, which is that the best thing for private
13 landowners to do with those questions is to discuss them
14 with Kinder Morgan, and Kinder Morgan will be -- you know,
15 the BLM will do that with the public land to say this is
16 what you're going to have to do to put things back or
17 whatever to use this land, so the private landowners would
18 do the same thing.

19 MR. SMITH: So the arroyos would also be
20 included with that.

21 MS. DRISCOLL: Right.

22 MR. SMITH: Because I'm sure BLM is going to
23 raise hell with that because they don't want to change the
24 water flow.

25 MR. MACKIEWICZ: We will.

1 MS. DRISCOLL: The next person on the list is
2 Pat Fritz.

3 MS. FRITZ: I signed the wrong list. I have
4 no comment. I thought I was signing in.

5 MS. DRISCOLL: The next person is Heather
6 Simpson.

7 MS. SIMPSON: Thank you. Heather Simpson,
8 S-i-m-p-s-o-n. And thank you, everyone, for coming, and
9 welcome all of you who are out of town. I know a lot of
10 Kinder Morgan people are from out of state, so welcome to
11 our state.

12 I have more questions than comments. Is that
13 okay?

14 MR. MACKIEWICZ: That's fine. Yes.

15 MS. SIMPSON: As for -- Ms. Burns? Is that
16 correct?

17 MS. BURNS: Yes, that's correct.

18 MS. SIMPSON: What is the BLM's mission
19 statement? What is your general purpose?

20 MS. BURNS: My general purpose is to enhance
21 the productivity and enhance recreation purposes for future
22 generations for now, yes.

23 MS. SIMPSON: And how does this pipeline fit
24 in with that mission?

25 MR. MACKIEWICZ: One of her other mandates is

1 to manage land on a multiple use basis. That's another one
2 of -- under the Federal Land Policy Management Act, that is
3 our guiding document, it's to manage lands for those
4 purposes for multiple use.

5 MS. BURNS: Multiple uses are mandated.

6 MS. SIMPSON: How many times has the BLM
7 rejected a pipeline overall, like completely? Or have you
8 always just found the best possible route?

9 MS. BURNS: You know, I can't talk about
10 every pipeline because I've only worked on this one, and
11 I've been -- yeah, this is my first pipeline. I've worked
12 with another one in Albuquerque, but this is the first one
13 I've actually looked at from start to finish, so I can't
14 really give you that answer.

15 MS. SIMPSON: Thank you. And as far as what
16 I heard from Mark, you collect most of your data from the
17 surveys that Kinder Morgan -- the data they give you, or do
18 you have outside --

19 MR. MACKIEWICZ: The process -- okay. The
20 process is, Kinder Morgan has hired a firm, AMEC, to collect
21 this recent data. All of this data comes into our field
22 offices and we independently verify that this data meets our
23 standards and is good. So we have -- we don't just take
24 this data and say, okay, throw it -- and then we get it
25 analyzed. Our specialists will be looking at all that data

1 that comes in.

2 MS. SIMPSON: Okay. So you verify that --

3 MR. MACKIEWICZ: We verify. Independent
4 verification of all of that data.

5 MS. SIMPSON: Okay. Do you accept
6 landowners, if they get their own surveys conducted on their
7 own land, will you accept that information also from outside
8 groups?

9 MR. MACKIEWICZ: Typically we do not. And I
10 would suspect most landowners would not want to pay all the
11 money involved because it's very, very expensive to gather
12 all this resource data. If landowners have information that
13 we can utilize to assess the impacts, we'll certainly take
14 that data and use it.

15 And let me just back up. If they've got some data
16 that we can independently verify, we'll look at it and
17 perhaps utilize it.

18 MS. SIMPSON: And as I heard you say earlier,
19 they're asking for a permanent right-of-way or a permanent
20 easement?

21 MR. MACKIEWICZ: On private lands, it would
22 be an easement. On public lands, it would be considered a
23 right-of-way.

24 MS. SIMPSON: And the word "permanent"
25 meaning how long is this well supposed to last? What is the

1 life span of this CO2 well?

2 MR. MACKIEWICZ: We -- I guess I'd have to
3 ask Kinder Morgan on this. I would imagine it's at least 30
4 years. Our right-of-way would be issued for a term -- if we
5 issue it, would be for 30 years with the right of renewal.

6 MS. SIMPSON: So will the private landowners
7 have that same option?

8 MR. MACKIEWICZ: I have to defer that to
9 Kinder Morgan.

10 MS. SIMPSON: Kinder Morgan, can you answer
11 that?

12 MR. CURBOW: That would be part of the
13 landowner agreement that you negotiate with Kinder Morgan.

14 MS. SIMPSON: Thank you. And for BLM, I know
15 this is the critical issue of if this is for the public
16 good. And so since it is a publicly held company, they are
17 making tremendous profits from this pipeline. Tremendous.
18 I believe the CEO is the second highest paid CEO, and his
19 net worth is somewhere around \$10 billion. How is this for
20 the public good?

21 MS. BURNS: That's what we have to find out.
22 We have to take a look at it. I'm looking at this process
23 all the way through, from beginning to end. As we said,
24 this is just the beginning. We're going to take a look at
25 it and see does it meet all of those criteria? Does it meet

1 the public good? But I can't just say I don't like this
2 project so we can't do anything.

3 MS. SIMPSON: Right.

4 MS. BURNS: They've obviously come forward
5 with a good project, a good application, and we'll take a
6 look at it.

7 MS. SIMPSON: And see if it is for the public
8 good?

9 MS. BURNS: That is right.

10 MS. SIMPSON: Mark, do you have any comments
11 on that?

12 MR. MACKIEWICZ: No, I don't.

13 MS. SIMPSON: No? And so with the
14 Environmental Impact Study, how is it scaled? How is it
15 proportioned? What weights more than the other? Basically,
16 I'm a teacher. What's your rubric? How do you scale the
17 different impacts? How do you decide -- because obviously
18 construction is going to cause an impact on the environment.
19 I mean, obviously. So how do you scale it? When does it
20 pass where it's too much of a risk to the environment or for
21 the public good?

22 MS. BURNS: Let's see. Actually, I don't
23 have a scale for you. I have specialists who take a look at
24 certain areas and, as I say, if it is a fatal flaw, if we
25 cannot mitigate something, I cannot, in good conscious, have

1 it go forward. We have to look for mitigation or we have to
2 say this is denied.

3 MS. SIMPSON: And your decision is -- are you
4 the sole decider once you get all the information?

5 MS. BURNS: I am the authorized officer, that
6 is correct. I will sign the Record of Decision. Correct.
7 I don't make that in a vacuum. I want you to know that. So
8 it's not, "What do I feel like today." It's getting all the
9 information from all of my specialists, and I also go from
10 the outside. I talk to the state office, as well, and all
11 of the programs.

12 MS. SIMPSON: And have there been any studies
13 on CO2 that might leak into aquifers and the impacts on the
14 quality of our water?

15 MS. BURNS: None that I know of right now,
16 but we need to take a look at that. Kinder, do you have any
17 studies that you are looking for in that area?

18 MR. CURBOW. We are not doing any specific
19 studies with regard to that. The CO2 -- the nature of CO2,
20 it's not like your crudes, although we're transporting it in
21 the liquid. As soon as it's released, in the unlikely event
22 it's released out of the pipeline, it turns into a gaseous
23 state and it doesn't travel very far.

24 I actually talked to my operator in regard to this
25 question, and what -- the nature of what it does, it

1 actually will just start freezing the ground around it and
2 it'll stay in that area, and it wants to go up.

3 MS. SIMPSON: Is it pure CO2, or do you have
4 additives to allow it to flow more quickly and not corrode
5 your pipes? Are you adding any other chemicals to this?

6 MR. CURBOW: No, ma'am. This is 99 percent
7 pure CO2. There are no additives.

8 MS. SIMPSON: What's the .1 percent.

9 MR. CURBOW: It's methane and nitrogen. And
10 it's just naturally occurring. It's from the earth, and so
11 we just can't extract every single particle from it. But
12 nitrogen and methane are standard gasses.

13 MS. SIMPSON: Would the BLM or other agencies
14 be willing to conduct studies on what it could possibly do
15 to our vulnerable water system, especially people who are on
16 their own personal wells?

17 MR. MACKIEWICZ: We are going to be looking
18 at -- you know, we've got our contractors that will be
19 looking at all issues. And I'm glad you bring this up. We
20 have it recorded. We will be looking at that. And if it
21 warrants additional studies, certainly we will study it.

22 MS. SIMPSON: Then with the reseeding, we
23 have ranch properties, so we have graze lands. I know with
24 our New Mexico drought situation, our soil is fragile. Our
25 grasses are fragile. Tearing them up, they're extremely

1 difficult to reestablish. We've been trying to do it on our
2 property just to keep habitats and things nice, and it's
3 extremely difficult, extremely expensive, and we rely on
4 rain, and that's a problem here. So how is that going to be
5 addressed?

6 MR. MACKIEWICZ: We will require that, for
7 the most part, they reclaim it with Native vegetation,
8 grasses, forbes and shrubs native to the area. We haven't
9 gone through all the detail yet. Our goal many times is to
10 collect seeds as close to where the impact occurs to allow
11 better success.

12 They'll be required to save -- salvage topsoil and
13 not mix subsoil with topsoil. They'll be required to seed,
14 again, with Native vegetation to the extent we can. To
15 insure that the public land is brought back, we have
16 long-term monitoring requirements, a minimum of five years,
17 perhaps longer, to insure that Kinder Morgan doesn't go to
18 Korea or someplace and leave us in the -- without anything.

19 We'll require a bond, a compliance bond. And that
20 bond will be in place until we're satisfied that the
21 reclamation meets our standards. And we have some pretty
22 high standards when it comes to reclamation.

23 MS. SIMPSON: Thank you. I'll just end with
24 a comment. One thing that you asked us to do is to offer
25 suggestions on how it might lessen the impact, and my

1 suggestion is that you deny the proposed pipeline, please.

2 MR. MACKIEWICZ: Thank you.

3 MS. KNIGHT: I just wanted to add a comment.

4 One of the things that you were asking, with the public
5 good, one of the things we do do is we actually charge them
6 rent on public lands. And so we actually do take in rents
7 for every acre that they cover across public lands. And so
8 that money comes into our office and into the BLM, and we
9 turn that money back around and we enrich public lands, we
10 put it towards monuments, that helps to do other things on
11 public lands. So that is part of the benefit. So that is
12 part of the public good any time we issue rights-of-way for
13 on public lands. So it's not -- it may not be --

14 MS. SIMPSON: Is it on top of my BLM leases
15 that I currently have?

16 MS. KNIGHT: I'm sorry?

17 MS. SIMPSON: Is it on top of the money I pay
18 for my BLM leases?

19 MR. MACKIEWICZ: Yes, it is. It is.

20 MS. SIMPSON: It is? So it's on top of that?

21 MR. MACKIEWICZ: Yes.

22 MS. SIMPSON: Thank you.

23 MS. KNIGHT: So just so you know, there's a
24 little bit. But it may not be exactly what you want to
25 hear, but a little bit.

1 MS. SIMPSON: Thank you.

2 MS. DRISCOLL: Ms. Simpson, you had several
3 questions, so I'm going to -- and it sounds like you got
4 answers for most of them, but I just want to try to
5 summarize a couple points that seemed like very good
6 comments and what we're looking for. So, obviously, that
7 this really be in the public good was one of your concerns.

8 That the -- it sounds like the idea that the BLM
9 and Danita are careful while making sure that they verify
10 the data that they have and that they really are looking at
11 all of the experts and all of the data that they collect to
12 make that decision. Specifically that the water in this
13 area, and presumably all along the pipeline, that we really
14 understand what the potential impacts are to the groundwater
15 before doing anything.

16 And then the idea that reseeding is potentially a
17 very difficult thing here. Because of the lack of rain, it
18 can be expensive, it can just be difficult to get native
19 plants to grow. So that's something else that should also
20 be taken into consideration.

21 The next person on the list is Joslyn Torres.

22 MS. TORRES: I'm Joslyn Torres, and I'm here
23 on behalf of myself and my parents, Florentino and Sophie
24 Torres. They own ranch land. They grow alfalfa. They pay
25 very, very high conservancy taxes.

1 I'm an attorney. The reason I became an attorney
2 was because somebody tried to close our road to the land. I
3 had never read a case in my life. I thought I could do
4 better standing still than those people going full blast.
5 Since I've been an attorney for 32 years, I've represented
6 my parents with every aspect of that land. My dad is 82.
7 My mom is going on 80. This has been their livelihood.
8 This is their legacy, not only for themselves, of what they
9 have built in their lifetime on this land, but for their
10 children.

11 On June 6th, there was a letter from Kinder Morgan
12 to my parents telling them that they wanted permission to
13 survey the land. I assisted my parent with the response.
14 We sent it by certified mail, and we said no. No, you do
15 not have permission. If you'd like to make it part of the
16 record, I've got a copy here. I would like to make it part
17 of the record. In my opinion, no means no. Okay?

18 And then, October 7th, another certified letter.
19 Not just the letter, but a threat in that letter, "Should a
20 landowner fail to allow access for surveyors and other
21 necessary consultants in connection with this pipeline or
22 fail to come to terms concerning acquisition of
23 right-of-way, and should your property be in a finalized
24 pipeline route, Kinder Morgan may choose to exercise its
25 eminent domain authority under New Mexico law."

1 Does that sound like a threat to anybody here? It
2 sounds to me, as an attorney for 32 years, it sounds to me
3 like a threat. And I would like to make this part of the
4 record.

5 And then my question here tonight, is it in the
6 public interest to devastate this land where they have grown
7 alfalfa since at least the 1930s continuously, until now,
8 where they have maintained the water rights by paying these
9 conservancy taxes all these years throughout my dad's
10 lifetime and beyond, his father before him. Is it in the
11 public interest to devastate, like the prior speaker said,
12 the water in the area where there's always a drought, and
13 potentially devastate that water. Is Kinder Morgan going to
14 replant alfalfa and find us new cattle to graze on that
15 alfalfa? Is that what they plan to do?

16 My mom has prepared a statement, which I would
17 like to read. There was a flood in 1941. It was very
18 difficult to produce on the land after that. Mr. A.G.
19 Torres, which was my grandfather, my dad's dad, spent a lot
20 of time and money trying to get crops to produce. He had
21 very little luck. Florentino Torres, who is my father, also
22 has been working the land topsoil, and last year we had a
23 very good crop of alfalfa, our very best. Actually, just as
24 a side note, the year before that, I had to represent my
25 parents because the Conservancy flooded our land, and they

1 did not replenish the land. Okay? That land had to stay
2 foul. We had to just allow grass to grow on that land.

3 This company should not be putting this pipeline
4 on our land. A prior speaker said there's an existing
5 easement. There's an existing pipeline. You know, this \$10
6 million CEO can put their pipeline there. But why are you
7 going to devastate the livelihood of the people that have
8 lived on the land over 100 years and are still cultivating
9 that land, still raising cattle? Why devastate the land?
10 That is not in the public interest of New Mexico citizens.
11 That's what I have to say. Thank you.

12 MS. DRISCOLL: Ms. Torres, I just have a
13 follow-up question, if that's okay.

14 MS. TORRES: Sure.

15 MS. DRISCOLL: I'm wondering if you could
16 give some more detail. I know you've said this is really
17 going to be destructive to alfalfa and cattle and would
18 endanger the livelihood of your parents. Can you talk a
19 little bit more about the specifics of that? Just because I
20 don't know anything about alfalfa growing. But just so that
21 we really have a good understanding of what kind of impact
22 that's going to have. Is there anything specific with the
23 construction?

24 MS. TORRES: Their entire livelihood. My dad
25 is retired from the City of Albuquerque since about 1986.

1 Since then, he's been a rancher full time. He grows the
2 alfalfa, he grazes the cattle 24/7, 365 days a year. He has
3 done that his entire life, but full-time since at least
4 1986.

5 My parents have made plans for their children to
6 inherit the land when they pass away. Their plan is that we
7 will not sell it. We will not devastate it ourselves. We
8 will not tear it up. We will not do anything with the land
9 but cultivate it and raise the cattle the way that my
10 parents and grandparents have done.

11 The income is minimal. From agriculture, there's
12 not much income to be found, but it's a livelihood. It's a
13 way of life for these people. We almost got blocked on the
14 south when I was about, I think, in 5th grade, something
15 like that, 8th grade, by another lawsuit. My grandfather
16 won that lawsuit. My dad paid the legal bills.

17 Like I said, when I was 19, then we almost got
18 blocked from the north, we have had battles with Conservancy
19 throughout. The whole 32 years that I've been a lawyer, I
20 have represented my parents in one battle or the other with
21 the Conservancy, and they pay very steep taxes to maintain
22 those water rights that they've got. Okay?

23 It would devastate everything. Every aspect of
24 their lives. Their livelihood and their legacy would be
25 devastated. This is not just a 50-foot easement, and let's

1 just put it wherever we want. This is taking away a
2 livelihood and a lifetime dream of people that have worked
3 very hard to achieve that dream, and it should not be done.

4 MS. DRISCOLL: So I just want to summarize
5 and make sure I got that. So any construction through this
6 land for the pipeline is going to have such an impact that
7 it will --

8 MS. TORRES: Stop the operation.

9 MS. DRISCOLL: -- stop -- it will stop the
10 operation of the land completely?

11 MS. TORRES: It will stop the operation
12 completely.

13 MS. DRISCOLL: And I wanted to just pull out,
14 very quickly, a couple of other things that you said.

15 MS. TORRES: Sure. Okay.

16 MS. DRISCOLL: You offered, again, the
17 suggestion of putting it where there's an existing pipeline
18 as a possible alternative.

19 MS. TORRES: They already have a pipeline
20 established, and they've gone through whatever it took to
21 get that one established with that one. Why not?

22 MS. DRISCOLL: And you also mentioned the
23 importance of the public good, of making sure that water is
24 protected here. And you specifically mentioned alfalfa and
25 cattle, which I'm going to assume is probably an issue for

1 more people than just you, but certainly specifically with
2 your parents' land.

3 And then the final thing, the letters that you
4 gave us were of some concern to you because of the manner in
5 which they stated what they stated.

6 MS. TORRES: It looks like a threat to me.
7 If a person has already said no and they sent you that
8 letter by certified mail to make sure you got it, and then
9 you come back and you say, "Well, we're going to take your
10 land anyway. We're going to claim eminent domain." It
11 looks like a threat to me. It looked like a threat to my
12 parents and to a lot of the neighbors that they have been
13 talking to.

14 MS. DRISCOLL: So that is also a concern to
15 you with this project?

16 MS. TORRES: That's a huge concern to me.
17 Huge. What is this company doing? Are they strong-arming
18 their way to make the people that don't have a daughter as
19 an attorney think that they can claim eminent domain and
20 take their land so go ahead and sign it over? That's what
21 I'm wondering.

22 MS. DRISCOLL: So it's something that's a
23 concern for you on behalf of your parents, but also just in
24 general, any of the private landowners along the pipeline?

25 MS. TORRES: Public policy, yes. Eminent

1 domain.

2 MS. DRISCOLL: But it affects more people
3 than just that.

4 MS. TORRES: The public policy of New Mexico,
5 that's what I'm worried about. Because we're all from New
6 Mexico. You know, what is the state turning into? More
7 money for Kinder Morgan and El Paso Natural Gas? Where will
8 we ever see the benefit as a state?

9 They'll never reclaim the alfalfa, though; is that
10 correct?

11 MS. DRISCOLL: I'm sorry. Can you say that
12 again?

13 MS. TORRES: I think the other prior speaker
14 had asked the question, will Kinder Morgan reclaim the
15 natural soil or whatever, then natural seeds. Would they
16 reclaim the cows and the alfalfa? I'd like to know that
17 part.

18 MR. MACKIEWICZ: Yes. It would be a
19 landowner agreement between you -- if you were to grant them
20 an easement, it would be a landowner agreement where you
21 would say, yes, Kinder Morgan, in order for me to grant you
22 an easement, would be for you to plant this alfalfa back
23 exactly as it is. And in between times, they would most
24 likely pay you, if that's the agreement that you worked out,
25 for the loss of that alfalfa during the years it took to get

1 back, to grow back.

2 MS. TORRES: And then how well does
3 reclamation work? I mean, I have my master's in public
4 administration and energy management. My thesis was on
5 coal. Okay? And the theory, in 1978, a long time ago, was
6 that they were going to strip mine and they were going to
7 reclaim the land. And my understanding, most of that land
8 was never reclaimed.

9 MR. MACKIEWICZ: Okay. We have had generally
10 some good success with reclamation. And it's been pointed
11 out today by the first speaker, it does take a long time.
12 It really does take a long time.

13 MS. TORRES: Are there any failures with
14 reclamation?

15 MR. MACKIEWICZ: We have had failures.
16 However, we've required the companies that have put projects
17 on federal lands to come back and redo it. And we've had
18 them redo it two or three times, until they get it right.

19 Now, standards that they have to meet -- and,
20 again, the private landowners agreed -- grants easements or
21 whatever, they can put standards like that also.

22 Oftentimes private landowners like to use our
23 standards because we have got quite a group of resource
24 specialists that lay out these requirements and standards
25 and review them. And so private landowners will oftentimes

1 say, whatever you did on the federal lands, do it on our
2 private lands also, all the requirements.

3 MS. TORRES: So my response is it's my
4 understanding that a lot of times people have had high hopes
5 for reclamation, and all of those efforts have failed. And
6 that's historical in the United States.

7 MR. MACKIEWICZ: Exactly. Yes, that's true.

8 MS. TORRES: Okay. Thank you.

9 MS. DRISCOLL: So just to summarize those up,
10 real quick. Another concern and comment for the record is
11 that even if we put reclamation into the plan, if it goes
12 forward, that it's important that that actually is able to
13 happen and that the decision-makers recognize that it has
14 some chance of not working out.

15 MS. TORRES: Pretty good chance of not
16 working out, right. Thank you.

17 MR. MACKIEWICZ: We appreciate it. Thank
18 you.

19 MS. DRISCOLL: So that's all of the people on
20 the list. I know that, ma'am, you had your hand raised,
21 actually, earlier. Did you want to comment?

22 MS. SAWYER-ROSAS: Oh, I would love to
23 comment, yes. Absolutely. We, too, have received -- and I
24 see the rest of you with hands raised --

25 MS. DRISCOLL: Could you just state your name

1 for the court reporter?

2 MS. SAWYER-ROSAS: Jean Sawyer-Rosas.

3 S-a-w-y-e-r R-o-s-a-s. We own a ranch. We own land in
4 Tierra Grande. We also own a ranch up on Highway 60 after
5 you go through the pass, 7,000 acres, roughly. Ten square
6 miles for those of you who don't understand acreage.

7 We have the pleasure of having El Paso Pipeline
8 through our ranch. We have another, Transwestern Pipeline,
9 through our ranch. I can tell you that the construction
10 that you're concerned about and that you're speaking about
11 tonight is only the beginning. It opens the door for the
12 rest of the nightmare that comes along with having an
13 easement on your land.

14 As an attorney, me to -- as an attorney, since
15 1993 owning this ranch, I spend an awful lot of my time
16 working on easements, as we have other easements on the
17 property, as well. I think what you all need to understand
18 is you, as BLM, have a lot of power. You, as BLM, have the
19 authority to say this and that for what will be your
20 requirements for someone to use public land. You also get
21 paid for it over and over again in the form of a lease, from
22 what I understood you to say -- or someone else over here
23 said.

24 You don't live on the land. You don't live near
25 the land. You come from faraway places and live in Utah or

1 Washington D.C. or wherever. We live on our ranch, as these
2 folks live on their properties. I think some of the things
3 that none of you are -- or had an opportunity to think
4 through yet is the fact that the servicing and care of a
5 pipeline is like taking care of a baby in diapers. It goes
6 on and on and on.

7 You wake up in the morning and realize somebody is
8 in my pasture on the far side of the ranch. You have to
9 stop what you're doing and you have to go over there to find
10 out what's going on. You then find that you have a crew of
11 people in there working, or they're going to be doing
12 something or they've sent somebody out to check on
13 something. And now they may stay on your dirt road, but
14 they may decide it's easier to drive across country. And as
15 they mentioned, the land is fragile, so now you have a new
16 road. Even one time passing with a vehicle can cause a new
17 road to stay there.

18 For years, you see those tracks. And someone else
19 sees them, and they use them. And now you have a road for
20 sure. In addition, if they pull off of your single-lane
21 dirt road, which we all use to cross our properties, you've
22 got a hot engine. Now, you have a grass fire. Another
23 issue to consider, because we are the firemen out here. All
24 of us are. No fireman will come when you call. We have had
25 the problems in the past where we've called for fire help,

1 and the volunteers take two or three hours to show up.

2 Well, by that time, it's either burned down or you've put it
3 out yourself.

4 The constant entries into the land that are
5 required for the servicing or maintenance of the pipeline,
6 it's everything from now we have to dig it up -- they give
7 you notice ahead of time, but it's not always easy for us as
8 ranchers or landowners to go out there and shepherd over
9 what they're doing, being sure that they're not peeing and
10 pooping in your bushes, in addition to leaving their trash
11 or not, or their cigarette butts, which we have had to deal
12 with in the past. We run cattle. That's not so great for
13 cows to eat.

14 You have problems with a crew that goes in to do
15 work. It's going to be a week long, but then it's going to
16 take a little longer. So you have to be present. You have
17 to have your ranch hand continually check. We have to
18 continually go and check.

19 Once that is done, then you have the revegetation
20 issues all over again, which never work. They have to block
21 your cows out of certain areas while they do the work. They
22 have to go in repeatedly as they continue to go in and out.
23 Pretty soon, they're leaving your gates unlocked because
24 they're going to come back after lunch or they're going to
25 come back tomorrow when it's more convenient. Or they send

1 someone out who doesn't have the keys, so the next thing you
2 know, they cut your lock. They cut your fence in order to
3 access.

4 I'm amazed at the things that have happened over
5 the 20 years that we have had easements on our land. We,
6 too, met with Kinder Morgan once. We, too, have received
7 the threatening letter saying -- first they say you don't
8 have to agree to have this survey done because we can go
9 around you. Then you get a letter in the mail that says --
10 the threatening letter that was read. It is disconcerting
11 to receive. And pretty soon it becomes very clear that
12 although you, as BLM, have power and authority here, we, as
13 individual landowners, end up with nothing.

14 How can you negotiate at a table with a company
15 who has eminent domain in their pockets and they can slam it
16 down on the table and go, "We don't like what you're saying.
17 We don't like how you're trying to negotiate. We don't like
18 your silly little lists or requests. So, boom, your land is
19 condemned. Boom, you've got nothing more to say. Take it
20 and eat it."

21 That's pretty much what has happened to us in the
22 past in some other situations. And I'd like to go on record
23 saying I don't want to go through that again.

24 So we would like for you very heavily to consider
25 the fact that you are the ones that hold all the cards here.

1 And those of us who are private landowners, as much as you
2 freely tell us we can negotiate these things in, we can tell
3 them that we only want a 30-year deal or we only want this
4 or we only want that or we will only permit this, you're
5 laughing up your sleeve at us because in reality, those
6 things are no longer available to us. Once they have sent
7 out the letter of threatening condemnation to us, we have no
8 way to further negotiate. There is no opportunity to
9 negotiate.

10 Then they tell you, in addition, how little they
11 plan to pay you because they don't want to set a precedent.
12 They don't want to pay to enter for the survey. And they
13 sure as heck don't want to pay more than a buck a rod or ten
14 bucks a rod for any crossing of your land.

15 And then when they come back in again, they don't
16 want -- it's very difficult to get them to pay you for
17 damages or time and consideration on your part. My husband
18 has to stop what he's doing and shepherd over them when they
19 come to do work and to repair.

20 So these are things that you are not speaking
21 of that are really alarming us, because we spend more than
22 half our year, every year, servicing people who don't pay us
23 a dime. And as private landowners, as someone mentioned,
24 we're trying to go eke out a living here, and running cattle
25 ain't a way to get rich.

1 MS. DRISCOLL: So, again, I just want to make
2 sure I've got all that. So based on your experience with
3 this kind of easement, your concern is not only the
4 construction itself, but what happens after the construction
5 and the servicing of the pipeline afterwards.

6 MS. SAWYER-ROSAS: Precisely. Construction
7 opens the gate, and then comes the tsunami every year after.
8 Any time they need work, any time they need in, they just
9 expect you're going let them in and open the door and give
10 them a key or whatever else.

11 MS. DRISCOLL: So specifically, some of the
12 particular concerns with that is having people on your land
13 without your permission. And giving a for instance, a fire
14 or hazard with having people out on the land with vehicles
15 where there's not a road. Having -- not being able to
16 supervise any work if they need to come in and do repairs.
17 And so the difficulty of having someone who lives on the
18 land actually there to kind of make sure that things are
19 okay while the crew is there.

20 And then the difficulty of -- sorry, I lost the
21 word I wanted to -- replenishing the vegetation if they need
22 to do any kind of repair work. And then, obviously, moving
23 cattle or whatever, the impacts that it would have outside
24 of just the repair.

25 MS. SAWYER-ROSAS: Yes. I mean, it's great.

1 to wake up at two o'clock in the morning when the ranch hand
2 calls from his place and says, "I can see headlights in the
3 pasture." And I go over there, and it's because some work
4 crew has left the gate unlocked. Someone has gotten in.
5 They don't want to drive all the way back, how they got in,
6 so now they just take out their pliers and they drop it on
7 the ground and you've got cattle on the road in the middle
8 of the night.

9 Or my husband has to get up and drives around and
10 finds out who in the heck is out there in the pasture
11 because no one is supposed to be there.

12 So it becomes a nightmare 24/7. And it's just --
13 I'm alarmed at how easy it is for everybody to simply say,
14 "Well, gee, it's public good because we get paid a little
15 money for this."

16 So we're going to have -- we pay grazing leases,
17 as do these other folks here, to the BLM. So we are your
18 clients, and we would like some extra heavy consideration on
19 this because, as a private landowner, we have nothing. We
20 have no way to negotiate with these guys. Only you have
21 power. We have no power because of that eminent domain
22 letter that we all received.

23 It's very clear what will happen. And I can tell
24 you all from past experience, I tried to fight one of the
25 these situations before. They come up your driveway and

1 they hand it to you out the window of a truck, meet you in
2 court. It's swell. We don't want to go there. Please,
3 don't do this.

4 MS. DRISCOLL: So then just to quickly
5 summarize that final point, that you would like the BLM to
6 consider the fact that the BLM is in a better position to
7 negotiate that than any individual landowners.

8 MS. SAWYER-ROSAS: You are the only ones that
9 have any nuts to negotiate with. They just cut all of ours
10 off.

11 MS. DRISCOLL: And the eminent domain,
12 obviously, is of great concern as well.

13 MS. SAWYER-ROSAS: That's what I'm talking
14 about. I can negotiate with a regular company that comes in
15 and sits down and wants to do business with me. I can
16 negotiate with them. But in this situation with an eminent
17 domain or condemnation scenario, there's no way we can --
18 there is no way to negotiate this. So it's easy for people
19 to say you can put this in your agreement and this in your
20 agreement because as a landowner you can negotiate these
21 things. And I'm telling you, you're not going to be able
22 to. That's the big concern here.

23 Because many of us have BLM land, and we pay
24 grazing leases to you all. We really are a client of yours,
25 and I think we have a special standing with you that perhaps

1 the world at large does not have because we have contracts
2 with you. So we have to honor our contract and live up to
3 our side, so we would like you to honor the contract and
4 live up to your side to perhaps protect the land so that we
5 might continue to use it for what we have been leasing it
6 for. And I know a lot of you are on leases in here. So I
7 would like you to consider that. Thank you.

8 MS. BURNS: I appreciate that.

9 MS. DRISCOLL: This gentleman right here.
10 And then I saw a hand back there and over there. We will
11 get to you next. Please state your name.

12 MR. DONNER: My name is Jack Donner, and I
13 live in Tierra Grande.

14 MS. DRISCOLL: Spell your last name, please.

15 MR. DONNER: And I have a little different
16 attitude than what I've been hearing here.

17 MS. BURNS: I'm sorry, sir, your last name?

18 MR. DONNER: Donner, D-o-n-n-e-r. I started
19 my career -- I'm 75 years old -- when I was 15 up in
20 Farmington, the Four Corners area, around a lot of
21 pipelines. I go up there now, and I can't even see where
22 they were because it all grew over. I hear a lot of smoke
23 blowing around here and in the Cuba area. And I had a
24 plumbing company, dug a lot of ditches everywhere across the
25 mesas and stuff there. Of course, eventually the housing

1 came over.

2 But the private landowner thing, I have nothing.
3 But being a taxpayer since I was 15 years old and BLM land,
4 I feel like I own some of it, too. Because just I don't
5 have a bunch of cows running around on it. And the jobs
6 that something like this brings to a depressed area like
7 we've got -- and don't think we don't have a depressed area
8 in this state.

9 When they put the Cortez line in, the railroad
10 unloaded them pipes down there in Albuquerque, thousands of
11 people went to work. Thousands -- a thousand, maybe. And
12 they trucked in three joints at a time all the way to
13 Cortez, and it came down. The welders and the diggers and
14 the equipment and the jobs that that produced was
15 unbelievable, and the impact is great.

16 And the CO2 they take from Cortez and take it down
17 there by Midland, and it brings that oil back up cheaper.
18 You can't beat it. I'm tired of \$4 diesel, 3.85 right now.
19 And I had to quit my motor home vacation or retirement
20 because it started out at 98 cents a gallon in '95, and when
21 we sold it a few years ago, it was -- well, you all know, it
22 was near \$4 a gallon.

23 And I'm for producing this stuff cheaper so we
24 don't have to pay as much. And the jobs that this stuff
25 brings in is unbelievable. But that's my attitude. And I'm

1 all for it, and I think a whole lot of other people are,
2 too.

3 And these pipelines, the guys I'm meeting them up
4 there at the restaurant at Mountainair all the time, they're
5 not out there deliberately -- that maintain that line for
6 Transwestern and stuff, they're not out there deliberately
7 trying to destroy fences and stuff like that. They're very,
8 very careful. Very -- so I just want you to know my
9 attitude on it. Thank you.

10 MS. DRISCOLL: So in your experience, then,
11 the pipelines that -- where you've seen pipelines go in,
12 there has been regrowth over them so you can't tell, just
13 looking, where they were. But the Cortez pipeline brought
14 in jobs and economically was good for the area.

15 MR. DONNER: Oh, man, it was -- for a year
16 there, it was great. And through the Pipefitters Union
17 there in Albuquerque, the welders that were hired out, it
18 was unbelievable. And then the restaurants and motels and
19 -- because a lot of these guys are boomers that come
20 through, and the economic impact is great.

21 They aren't like the movie studios that come into
22 Belen and bring their own lunch wagon with them, and they
23 don't go into a restaurant hardly. These guys support the
24 community when they're working in the area.

25 MS. DRISCOLL: And then I think you also

1 mentioned that your experience has been that these crews are
2 also trying to protect the land and are not intentionally --

3 MR. DONNER: Yeah. They were born and raised
4 on ranches up there. They're personal friends of mine. And
5 they're not out to destroy somebody or make things hard for
6 people and things like that. It might happen, don't get me
7 wrong, but they're not doing stuff like that with the
8 attitude that I've been hearing around here.

9 MS. DRISCOLL: So the gentleman in the back
10 with the hat, come up and tell us your name and spell it for
11 our court reporter.

12 MR. MECHENBRIER: Good evening. My name is
13 Mike Mechenbrier, M-e-c-h-e-n-b-r-i-e-r. Myself and my
14 family own Four Daughters Ranch west of Belen here, a rather
15 large ranch, and we own this pecan grove just south of Belen
16 here. And I'm met with Kinder Morgan originally to go over
17 the survey, one thing and another. And we actually went to
18 the ranch and looked around.

19 Once we did, I asked him to stop the survey until
20 after the first of the year because we have a benefit elk
21 hunt at the ranch that supports an orphanage, and I didn't
22 want a bunch of people running around while we were trying
23 to raise \$20,000 for this orphanage. And they were very
24 polite; they agreed to do that.

25 ~~After I met with them, I've started doing a little~~

1 bit of research, trying to understand what this means.
2 They're going to come through our ranch to avoid Indian
3 lands because it's much more troublesome. So I kind of
4 understood that, but I didn't understand that they had the
5 eminent domain rights. So I got to studying on that, and
6 found out it's pretty damn tough to stop them.

7 In the meantime, on both the Four Daughters Ranch
8 and Ms. McKinley's, sitting here, who recently purchased the
9 Lovelace Romero, there's two pipelines. It's El Paso
10 Natural Gas and Transwestern. There's two pipelines
11 transverse across there and then come down across the pecan
12 farm down here. And just a couple of examples of what it
13 will cost you, we had some very horrible rains back in --
14 and both these lines were well maintained, you know, a few
15 years back.

16 Unbeknownst to me, in 2012, Kinder Morgan bought
17 El Paso gas line. With the unseasonable and heavy rains
18 that we had in September, it turned both these right-of-ways
19 and easements into nothing but arroyos, not only washing and
20 exposing the pipelines, but washing out the roads.

21 I went down one of the roads one morning, and the
22 water -- I ended up -- the entire easement for El Paso
23 Natural Gas had turned into an arroyo, and my pickup rolled
24 off, and I end up walking out about six miles. The next day
25 we came and got the pickup out.

1 I contacted both Transwestern and Kinder Morgan,
2 and Kinder Morgan employees showed up out there, said, "We'd
3 like to do something about it. Our maintenance costs have
4 been cut so much, we used to take good care, but we don't
5 think we can do anything."

6 I contacted Transwestern, and they're out there
7 -- they've been out there maintaining, putting in checks,
8 trying to keep it from being just an erosion.

9 Over here at the Byrd's farm, we have pecans,
10 we're trying to put in some water conservation
11 microsprinklers. And we are in the process right now of
12 running one of them lines. And it comes across one of your
13 easements. Everybody says you're real friendly to
14 agriculture and you won't have a problem. It's like an act
15 of God to get that line across there, which you'll probably
16 do -- put on us today. Your line is 14 foot deep. They
17 want us to bring in a vac truck to vacuum all the way down
18 to the top of that line, when there only needs to be two
19 feet of separation between your line and this PVC line.

20 And I totally understand the safety in these
21 easements. We're a mechanical and utility contractor in
22 Albuquerque and work around these gas lines and everything.
23 But to require -- not allow us to dig four foot deep to make
24 sure your gas line is there, when it's been located and it's
25 14 feet deep, and the cost, the expense of a \$280-an-hour

1 vac truck come in is ridiculous. So it is going to affect
2 agriculture.

3 I saw Tom Gow walk in. I've worked with Tom 25
4 years. He's the head of the BLM up in Albuquerque. We've
5 had a great relationship. And I understand being a steward
6 of the BLM land leases, but I think Tom could verify that we
7 take impeccable care of the BLM lands. We respect them, the
8 public lands. We don't overgraze them. It's been hell for
9 ten years of drought.

10 But I haven't seen the same respect out of these
11 gas lines coming across there at all. When I started
12 digging through, trying to learn as much as I could what
13 type of freight train we're facing, I came across an
14 article. And it's put out -- and I'd encourage any of you
15 guys that are in a position to get this -- it's Kevin
16 Kaiser, he's a senior analyst for a hedge fund. And they
17 financially dissected Kinder Morgan. The returns on their
18 stocks are 22 percent a year. And it's not from pumping gas
19 and CO2 all the time.

20 This article goes on, and they're specific
21 examples of it, the first asset Kinder Morgan bought -- let
22 me get to it here. I believe Kinder Morgan was established
23 in '97. And they bought the first pipeline out of
24 California, if I'm not mistaken, with -- was it Santa Fe
25 Pacific? Is there any Kinder Morgan expert here?

1 MS. BURNS: Yes, there is.

2 MR. MECHEMBRIER: They bought that and the
3 company was established in '97. They closed on Santa Fe
4 Pacific pipeline, partners in early '98. They went on, and
5 the first year Kinder Morgan operated them, they cut the
6 maintenance costs by 56 percent. By 2002, it was almost 100
7 percent. That tells you what kind of stewards they are.

8 The other thing that's very striking in this
9 article was the mishaps that had happened and the findings
10 -- and the fatalities on that gas line over the next four or
11 five years. There was five fatalities. And I really
12 encourage everybody to do the research and find out.

13 We're living a nightmare with these easements
14 already on. And to allow them to come in and put in over 12
15 miles of pipeline across the ranch that has topography
16 differentials in there -- it's one thing to run it straight
17 across on a piece of property on a level property when you
18 don't have the erosion factors. We have Chicken Mountain on
19 our ranch, and it's going to come right over the top. And
20 if they can't maintain it on a practically flat surface,
21 what type of scar is it going to put?

22 And at the end of the day, I hope this isn't just
23 lip service, asking us in here to give our comments and then
24 have eminent domain shoved down our throat. Give us the
25 same deal that you're going to give the enemies going across

1 their lands. Those are limited in time to where Kinder
2 Morgan isn't going to want to say and do what they want to
3 do, but there's remedies. I mean, just treat us the same as
4 the Indian reservations and the sovereign nations, or give
5 us a fair thing.

6 But to come in here and say, oh, we take care of
7 everything, we revegetate, we do all that, excuse my
8 language, that's bullshit. We've living it. And come to
9 either of those farms. I invite everybody there to come and
10 see the scars and the maintenance and even their own
11 employees saying our maintenance fund has been stripped, and
12 there's nothing that we can do.

13 I was very cooperative at the very beginning of
14 this thing until I started doing my homework. And I didn't
15 come in here to speak blind. So that's where we're at.

16 MS. DRISCOLL: So if I can just summarize.
17 The very initial experience you had with Kinder Morgan when
18 you asked them to hold off on the surveys was positive and
19 they were respectful. And since then, you've done research
20 and --

21 MR. MECHENBRIER: Right. I couldn't -- and I
22 know in this type of processes, they're not going to come
23 out and be disrespectful.

24 MS. DRISCOLL: So the specific things that
25 you mentioned that you're concerned about was of some other

1 pipelines in the area that had washed out --

2 MR. MECHENBRIER: No. El Paso Gas line, El
3 Paso pipeline is one that they own, and there is no
4 maintenance, other than when it's an imminent danger. It's
5 been washed out. It's exposed. So they come throw some
6 dirt on it. The road has turned into an arroyo, and is not
7 maintained, nor is the right-of-way with the gas line
8 maintained.

9 MS. DRISCOLL: So that primarily comes back
10 to you're concerned that there's not enough funding put into
11 the maintenance.

12 MR. MECHENBRIER: There's no maintenance.

13 MS. DRISCOLL: And that is leading to these
14 kinds of problems?

15 MR. MECHENBRIER: Or restoration.

16 MS. DRISCOLL: So restoration. So maybe some
17 of the pipeline and the land around it and then also
18 restoring it. I think you mentioned that there are scars on
19 the land, so you can see clearly where it is. Can you tell
20 me what you mean by that specifically?

21 MR. MECHENBRIER: You know what an arroyo
22 looks like?

23 MS. DRISCOLL: Uh-huh.

24 MR. MECHENBRIER: It's become a arroyo.

25 MS. DRISCOLL: Okay. So it's actually

1 changed the topography of the land.

2 MR. MECHENBRIER: Yes. And washed out all
3 the vegetation and topsoil.

4 MS. DRISCOLL: I think the final thing that I
5 have on here that I noted is that your understanding is that
6 they are potentially trying to go through private land to
7 avoid having to deal with tribal land --

8 MR. MECHENBRIER: Yes.

9 MS. DRISCOLL: -- and that you would want to
10 have the same protection that the tribe would have if tribal
11 land was used.

12 MR. MECHENBRIER: If it's going to be shoved
13 down our throat, we should be treated equally with the
14 tribal lands.

15 MS. DRISCOLL: So you would want to be able
16 to have recourse if something -- if it goes through and you
17 need to have maintenance or you need to have reclamation or
18 whatever.

19 MR. MECHENBRIER: With time limits on it.

20 MS. DRISCOLL: I'm sorry.

21 MR. MECHENBRIER: With time limits on it to
22 where we don't have to live with the nightmare for eternity.

23 MS. DRISCOLL: So time limits, as well.

24 MR. MECHENBRIER: Yes, ma'am.

25 MS. DRISCOLL: Okay. Did that cover it?

1 MR. MECHENBRIER? That's it.

2 MS. DRISCOLL: There's a hand up back there.

3 Come on up.

4 MR. SCOTT: I'll come up there if Mr. Kinder
5 Morgan will come up there and answer some questions. Or are
6 you just going to sit back. Okay, that's fine. I'll just
7 stand right here, then, since he doesn't have the courage to
8 actually face us.

9 MR. MACKIEWICZ: Why don't you come up here
10 and then --

11 MR. SCOTT: Can you hear me, sir?

12 MR. MACKIEWICZ: No. Just if you -- if we --

13 MR. SCOTT: Is this a procedural thing of
14 some kind that I have to be by the microphone, or --

15 MS. DRISCOLL: Actually, if I can, before
16 anything else happens, ask you to state your name and spell
17 it for the court reporter.

18 MR. SCOTT: Well, I'll state that if you
19 allow me to stay here. Is that okay?

20 MS. DRISCOLL: I think as long as -- can you
21 hear him from there?

22 THE COURT REPORTER: I can only hear him when
23 other people stop talking.

24 MS. DRISCOLL: So if I can ask just -- it's
25 perfectly fine if you want to speak from there. I just want

1 to make sure everybody can hear. So if everyone else can
2 please not have any side conversations going on.

3 MR. SCOTT: This is like a dog and pony show,
4 sir, and I hate to play the part. So I'm playing the dog
5 and pony part. I'm sorry. I don't have my school clothes
6 on. I didn't realize this was a --

7 My name is Mike Scott, two "T's." I didn't
8 realize this was an official thing.

9 My questions to you, sir, are what is the pH of
10 that CO2 going through the pipeline? What is the CO2 p.H?

11 MR. CURBOW: The pH on the CO2?

12 MS. SCOTT: Yes, sir. Simple question. A
13 simple answer, if you know it.

14 MR. CURBOW: I don't know the answer to that.

15 MR. SCOTT: And what is your capacity in the
16 company? Is there an expert here of some kind, or --

17 MR. CURBOW: No. I'm the project manager for
18 the project.

19 MR. SCOTT: You're the project manager, but
20 you can't answer a simple spec question.

21 MS. DRISCOLL: I don't know the pH level, no.

22 MR. SCOTT: Can you tell me what the pressure
23 is, sir, per square inch on that pipe?

24 MR. CURBOW: 2160 is the maximum operating
25 pressure.

1 MR. SCOTT: 2160 per cubic inch? Is that
2 correct, sir?

3 MR. CURBOW: No. Pounds per square inch,
4 2160 pounds per square inch.

5 Mr. SCOTT: Pounds per square inch. Okay.
6 Now, when you were in front of the board at the board
7 meeting at Tierra Grande Improvement Association, your
8 company, somehow it was mentioned, there was this,
9 quote/unquote -- that's for you -- highly acidic CO2 gas
10 going through this pipeline, and you can't tell us what the
11 pH is. But somehow it inadvertently slipped out in this
12 board meeting, and has never been mentioned since then.

13 MS. DRISCOLL: So can I -- I just want to
14 make sure that --

15 MR. SCOTT: I'm just saying, I mean, he can't
16 answer the tech questions.

17 MS. DRISCOLL: So your concern is that at
18 some point someone said that the CO2 itself is highly
19 acidic?

20 MR. SCOTT: Did you want to summarize when
21 I'm finished like everybody else, or do you want to
22 interrupt me?

23 MS. DRISCOLL: I actually wanted to make sure
24 that I understand the -- I'm trying to help Bobby answer the
25 question, actually. I want to --

1 MR. SCOTT: Because I'm not quite sure of
2 your capacity here in this meeting. You don't seem quite
3 fair and balanced in your responses. That's just my
4 opinion. So go ahead and ask me my qualification questions
5 here.

6 MS. DRISCOLL: I don't need to if --

7 MR. SCOTT: You're qualifying my answers or
8 my questions. Go ahead.

9 MS. DRISCOLL: That was my question. That
10 was the only one, that your concern is that it's acidic,
11 that the CO2 is acidic?

12 MR. SCOTT: That's just the beginning.

13 MS. DRISCOLL: Okay.

14 MR. SCOTT: And I can't get an answer to a
15 very simple, you know, one, two, three, four, five, seven,
16 eight, nine, ten, twelve. That's pathetic. All right.

17 MR. CURBOW: Can I answer the question before
18 he moves on? Is that okay? Because CO2 is not acidic.
19 It's an inert gas. It's a naturally occurring inert gas.

20 MR. SCOTT: It's not acidic, but you don't
21 know the pH?

22 MR. CURBOW: I don't. I don't know the pH.

23 MR. SCOTT: That's a non sequitur, sir.
24 You're saying two things out of the same mouth.

25 MR. CURBOW: No. I don't have that answer.

1 sir. I don't know the --

2 MR. SCOTT: Then how you can say it's not
3 acidic if you don't know the pH, sir?

4 MR. CURBOW: Because CO2 is nonacidic. And
5 the CO2 that's going through the pipeline --

6 MR. SCOTT: So what you're saying is -- 7.0,
7 is that what you're telling me here?

8 MR. CURBOW: I'm not going to answer that
9 because I do not have --

10 MR. SCOTT: That would unusual for you, sir.

11 MR. CURBOW: I understand that, but I do not
12 have that answer and I don't want to -- I do not want to
13 provide the public an answer that I do not have. That is
14 why we are here. We take that question and I can do some
15 research and find out. But I can tell you that CO2 is a
16 nonacidic, inert gas, the product that flows through the
17 line.

18 MR. SCOTT: With this methane and a little
19 nitrogen in there that you can't somehow magically take out
20 because we're in the 21st century and it's impossible to
21 parse out gas.

22 MR. CURBOW: Do I have to entertain him
23 anymore?

24 MR. SCOTT: I actually have another specific
25 question here for you, sir. I'd like to know why -- how

1 many of these eminent domain letters you've sent out to
2 people? Is that not a fair question, ma'am?

3 MS. DRISCOLL: I'm not going to force anybody
4 to speak. It sounds to me like Bobby is not comfortable
5 answering questions. I --

6 MR. SCOTT: Well, Mr. Curbow III, I met him
7 out at Tierra Grande, and he was extremely arrogant -- this
8 is my opinions, okay, just an opinion. He would not answer
9 my questions as to who he was or what they were doing there.
10 Until finally I think he realized I wasn't going anywhere
11 until I got my answers. Then suddenly out comes the
12 business card.

13 And, sir, I think your attitude with me that day
14 is right on -- pardon the pun -- right down the pipeline, as
15 how you've treated this whole thing. And Mr. Mechenbrier, I
16 think, is parroting what I'm saying.

17 I'd like to know, sir, how much are you
18 compensating these folks over here for your pipeline?

19 MS. DRISCOLL: Are you asking for --

20 MR. SCOTT: I was asking Mr. Kinder Morgan,
21 Mr. Bobby Curbow III, but maybe he doesn't have that
22 information either since he's the company representative.

23 MS. DRISCOLL: Are you asking like what rent
24 they would be paying?

25 MR. SCOTT: What is the compensation?

1 MR. MACKIEWICZ: Compensation for what?

2 Okay. Kinder Morgan --

3 MR. SCOTT: Let's start out with point A.
4 What's the compensation for rent on the each the acreages?

5 MR. MACKIEWICZ: We don't have that figure.

6 MR. SCOTT: You don't have that figure?

7 MR. MACKIEWICZ: No.

8 MR. SCOTT: That's pretty good for a scoping
9 meeting, sir.

10 MR. MACKIEWICZ: But we will --

11 MR. SCOTT: Any other -- any other
12 compensation --

13 MR. MACKIEWICZ: -- get that -- we will get
14 that information and we will provide it in the scoping
15 report for you. Every question that we don't have an answer
16 for tonight, we'll get an answer later for you.

17 MR. SCOTT: How are you going to separate
18 that topsoil from the subsoil, sir, when you're pulling it
19 apart with a backhoe? I'd like to know that. That would be
20 interesting.

21 MR. MACKIEWICZ: Typically we don't use a
22 backhoe to do it. It's typically used -- a scraper is used
23 to remove the topsoil. We have -- we go out there and we
24 will have a soil specialist determine what the depth of that
25 topsoil is. We have very proficient operators of this

1 machinery. They will scrape the two inches, three inches,
2 whatever it is, segregate it and then put the subsoil --
3 subsoil below it -- I mean, next to it. They'll be required
4 to put two separate piles so they don't migrate together.

5 MR. SCOTT: So those piles are just little
6 independent nice neat piles on either side of the ditch, is
7 what you're saying?

8 MR. MACKIEWICZ: Most of the time on the same
9 side of the ditch.

10 MR. SCOTT: Okay. All right. I'll believe
11 that when I see it. And you're going to reseed this thing
12 when you're done, correct?

13 MR. MACKIEWICZ: That's right.

14 MR. SCOTT: Now, are you going to put any
15 mycorrhizal fungi on that seed, sir, when you're done?

16 MR. MACKIEWICZ: That could be a possibility,
17 that we would require the mycorrhizals to come in to help
18 fix the nitrogen so we get better success.

19 MR. SCOTT: Well, sir, in my simple
20 experience with an underground power line put in eight years
21 ago, one simple backhoe digging that thing up, not a
22 100-foot-wide swath, sir, but one backhoe digging a trench
23 for that four-and-a-half-foot trench for that power line,
24 eight years later has yet to even come close to reclaiming
25 itself.

1 As a comment. I would highly suggest that you do,
2 in fact, put mycorrhizal fungi. In fact, it is now the
3 state highway requirement for reseeded, sir. I'd like you
4 to include that in your reclamation process.

5 Also, sir, this performance bond you were talking
6 about, I'd like to see that performance bond continued
7 throughout the 30-year period, or whatever this period would
8 be, and I would like it to be limited.

9 Also, I'd like to see that, as you're going
10 through Tierra Grande, I'd like to see an additional, let's
11 say, \$1 million a mile as a bond that's kept in there the
12 entire time that pipeline is crossed for any accidents,
13 because -- and this is just a comment, at large. I don't
14 know how many people have been watching this DP thing since
15 it happened. And typically what a large billion-dollar
16 company does is they just buy off the pertinent people in
17 the judicial process, and then they pass the old -- or the
18 laws on to the customers, i.e., the price of gas in the last
19 five, six years or so.

20 And, sir, being a corporation, there will be no
21 ramifications to you as an individual for what you do to my
22 groundwater. I think your attitude speaks for itself, sir.
23 I think there are no long-term studies on this fracking
24 process, which you have yet to answer.

25 This is just the freeway going from Arizona to

1 Torrance County, sir. Are you planning on fracking our
2 valley with this pipeline, yes or no?

3 Once again, a very disingenuous open scoping
4 meeting here. I think I've made my point. You're pathetic,
5 sir, in both your performance, the way you've approached us,
6 and the way you're sending these threatening letters when
7 you don't get your billion-dollar way.

8 MS. DRISCOLL: I'd like to rephrase what I've
9 heard you say. So the two questions that were not answered
10 that I know at the beginning you had asked, for the pH level
11 of the CO2, and what is the -- what would Kinder Morgan be
12 paying the BLM for the right-of-way lease.

13 MR. SCOTT: I meant all the compensation. I
14 want to know every dime, where it's coming from and where
15 it's going.

16 MS. DRISCOLL: Okay. So everything that
17 Kinder Morgan is paying the BLM including, but not limited
18 to, right?

19 MR. SCOTT: For purposes of this meeting,
20 which is a BLM meeting, yes, your end of it over there.
21 Yes, I'd like to know. I'd like a full transparent -- as if
22 that word is ever properly used anymore -- accounting of
23 what's going on with the money.

24 MS. DRISCOLL: And then the specific concerns
25 about the pipeline project, I heard you mention that you

1 would recommend that mycorrhizals are used.

2 MR. SCOTT: Mycorrhizal fungi.

3 MS. DRISCOLL: Thank you. I didn't catch
4 that word. So you would request that.

5 MR. SCOTT: It's a state requirement now on
6 the highways. I don't see why it can't be extended. It
7 really is the one wing in a prayer that you have to not just
8 grow tumbleweeds.

9 MR. MACKIEWICZ: We typically have been
10 requiring that, sir.

11 MR. SCOTT: Well, then -- okay.

12 MS. DRISCOLL: So you would recommend that
13 because it will help grow things other than tumbleweeds.

14 MR. SCOTT: I would make it adamantly
15 required.

16 MS. DRISCOLL: And then also you mentioned
17 that you would recommend that the BLM require monitoring of
18 the reclamation. Is that -- I might have misunderstood what
19 you were saying -- monitoring throughout the entire --

20 MR. SCOTT: What I was suggesting is that
21 this performance bond is maybe -- is that what you're
22 referring to? I'd like this performance bond to be in
23 place, not just to the point, sir, where you indicated
24 earlier, when we feel it's right with this company to let it
25 go, or something to that effect. I don't want that money

1 ever going. And the entire time that pipeline is being used
2 by any company or its heirs or successors or any other shell
3 company, that bond stays in place. And personally, in the
4 Tierra Grande area, I'd like to see an additional bond put
5 in place for that area specifically.

6 I just finished putting in a \$20,000 well. I have
7 dirt under my fingernails. You know how long it's going to
8 take me to pay that off? And you guys just want to come in
9 there and eminent domain me out.

10 Do you need to parse that out? I think you're
11 getting the sentiment here quite thick. I don't lie.

12 MS. DRISCOLL: So I'm definitely getting that
13 you are very unhappy with your experience with Kinder Morgan
14 themselves, and I believe the pipeline itself as --

15 MR. SCOTT: They can't even answer if they're
16 going to frack after it's in there. Don't you understand
17 the importance of that question? That should be the only
18 question asked here today.

19 MS. DRISCOLL: Can you elaborate on that?
20 What is your concern if there is fracking?

21 MR. SCOTT: There are no studies. Now, 100
22 years ago, old-timers used to take a stick of dynamite and a
23 nonfunctioning water well and throw a stick of dynamite in
24 there. And you're going to pretend, sir, that that's some
25 type of long-term study? Because that's what's going on.

1 And when we asked you about studies, land studies
2 were asked of you earlier, you're like, well, you know,
3 we'll kind of look into those studies. Your study was
4 looking at a couple of linemen. They're experts in the
5 field of environmental damage, sir.

6 Again, the presentation here, the level of
7 expertise and professionalism is severely lacking.

8 MS. DRISCOLL: So your concern with the
9 fracking is that we don't have enough study to understand
10 the possible ramifications?

11 MR. SCOTT: We don't have long-term studies.
12 It hasn't been done long enough in this type of capacity.
13 Unless you can correct me back here, here is the time to
14 just pile on me. Give me some positive feedback on this
15 fracking process and what a wonderful thing this stuff is,
16 this CO2.

17 Show me how we never had an environmental problem
18 with it, or fracking in general. Tell me about people whose
19 anecdotes talk about gas bubbling up in their groundwater.
20 I haven't heard that talked about here today. It's all
21 about money. And I'll just finish one statement here.
22 Short-term greed, Mr. Curbow, equals long-term stupidity.

23 MS. DRISCOLL: So we're going to take just
24 one or two more comments, then we will wrap it up. This
25 gentleman.

1 MR. FRITTS: My name is Tom Fritts,
2 F-r-i-t-t-s. I retired from the U.S. Geological Survey a
3 few years ago. I started out my career with the Fish and
4 Wildlife Service as a wildlife research biologist. I worked
5 later with the National Biological Survey, and then later
6 USGS. All of my career with the government, and it was
7 about 27 years, was working on environment effects of oil
8 and gas or endangered species impacts from other types of
9 development, and so on.

10 The last 15 years of my career was working on an
11 introduced species. So my basic looking at this project is
12 one of a concern of can we recover the environmental
13 impacts. It's not a matter of are they neutral. There's no
14 such thing as a neutral environmental impact from the
15 statement -- or a project like this. It's a matter of how
16 bad are they.

17 You have heard that pipelines can be revegetated
18 and disappear. I can stand out on 47, pretty close to the
19 railroad tracks, and can see the pipeline going clear over
20 the Manzaono Mountains. It's been there a long time. It's
21 not disappearing.

22 I hear about erosion along the pipeline. Any time
23 you disturb that subsoil, if you don't pack it in exactly
24 the way Mother Nature put it there originally, it's going to
25 erode back out.

1 Anybody that goes out into Tierra Grande, many of
2 those roads in Tierra Grande were bulldozed 50 years ago.
3 One pass with the bulldozer, they're still there. And as
4 was pointed out, they're not 100 feet wide, they're just 12
5 feet wide. Yeah. There's occasionally a hunter's truck
6 going down that road. Helps maintain it. Squashes out a
7 yucca plant once in a while. But that's mostly introduced
8 species. Do you want to see where the snakeweed is, it's
9 right along that road.

10 So my point is is basically one of I think you've
11 got to look at the severity of the impact, and especially in
12 areas -- the Manzano Mountains are a very, very steep
13 topography, volcanically active -- or not volcanically
14 active, but geologically active. It's an area of subsidence
15 and uplift. The precambrian rocks on one side and tertiary
16 deposits on the other. There's a lot of stuff going on
17 there. So I want to keep it brief, but just sort of say
18 that many of the points that have been made today are real,
19 they're not just blowing smoke. Okay? Thank you.

20 MS. DRISCOLL: So just to sum up really
21 quickly, you want to reiterate that the comments that have
22 been made about the difficulty of revegetating, the problems
23 with erosion along pipeline, and especially in areas where
24 it's very steep, the vegetation --

25 MS. FRITTS: That's only an example. The

1 real crucial one I'd like to communicate is there's no such
2 thing as a neutral project like this. And, in fact, the
3 severity of this is much greater than -- we can stand here
4 and say we're going to look at the riparian questions.
5 Where's the riparian situation along this project? There
6 isn't any. So why -- let's don't feel good about looking at
7 the riparian situation.

8 Many of the other factors are -- we really need to
9 find out what the real, real negative impacts are and say
10 how important are they, are we willing to live with them,
11 and are we willing to live with them for decades, if not
12 centuries in the future.

13 MS. DRISCOLL: So the real focus should be,
14 in your recommendation, that we understand that there is
15 going to be an impact and we need to really understand what
16 the level of that impact will be.

17 MS. FRITTS: Absolutely. Thank you.

18 MR. MACKIEWICZ: Thank you. Well, I think
19 we're at the end of our meeting. We're a little bit over.
20 We do appreciate everybody coming tonight and the great
21 comments, feedback. I want to just reiterate that we will
22 have the Web site open and we will have it so that you can
23 post comments on there. If you have additional comments
24 tonight, let us know. Mail comments to us.

25 Ma'am, do you have one question?

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MS. SAWYER: Yes. I have one question. I want to say what part of no does this pipeline not understand. The people here are here because they say no to this line. And I know that everybody agrees with me.

(End of scoping meeting at 8:10 p.m.)

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Appendix E

Frequently Asked Questions

Lobos CO₂ Pipeline – Frequently Asked Questions

What is NEPA?

The National Environmental Policy Act (NEPA) is an environmental law enacted in 1969. The law requires federal agencies to consider the environmental impacts of proposed projects or actions prior to taking any significant action. The NEPA process is intended to help public officials to make decisions that are based on understanding of the environmental consequences and to take actions that protect, restore, and enhance the environment.

NEPA requires that all Federal agencies involve interested publics in their decision-making, consider reasonable alternatives to proposed actions, develop measures to mitigate environmental impacts, and prepare environmental documents which disclose the impacts of proposed actions and alternatives.

You can read more detailed information about NEPA and the Environmental Impact Statement (EIS) process by following the links below:

- [About NEPA](#)
- [The NEPA Process](#)
- [NEPA Frequently Asked Questions](#)
- [A Citizen's Guide to the NEPA: Having Your Voice Heard](#)
- [NEPA Citizen's Guide \(Video by the Federal Transit Administration\)](#)

What is an EIS?

NEPA requires that agencies must consider the environmental impacts of proposed projects or actions prior to taking any significant action. An EIS is prepared when the proposed action may significantly affect the quality of the human environment. The first section is an introduction including a statement of the purpose and need of the proposed action. Second a description of the affected environment is given. Third a range of alternatives to the proposed action are stated followed lastly by an analysis of the environmental impacts of each of the possible alternatives.

The EIS must highlight reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the environment. An EIS is used to inform decisions – not to justify already-made decisions.

The public has an opportunity to participate in the development of an EIS during the initial scoping process and by commenting on the Draft EIS. The Final EIS also incorporates comments and information from regulatory agencies, Native American Tribes, landowners, and other affected parties. Moreover, the Final EIS will include recommended environmental conditions and mitigation measure that must be met if the project is to be approved by the Federal agency.

What is Scoping?

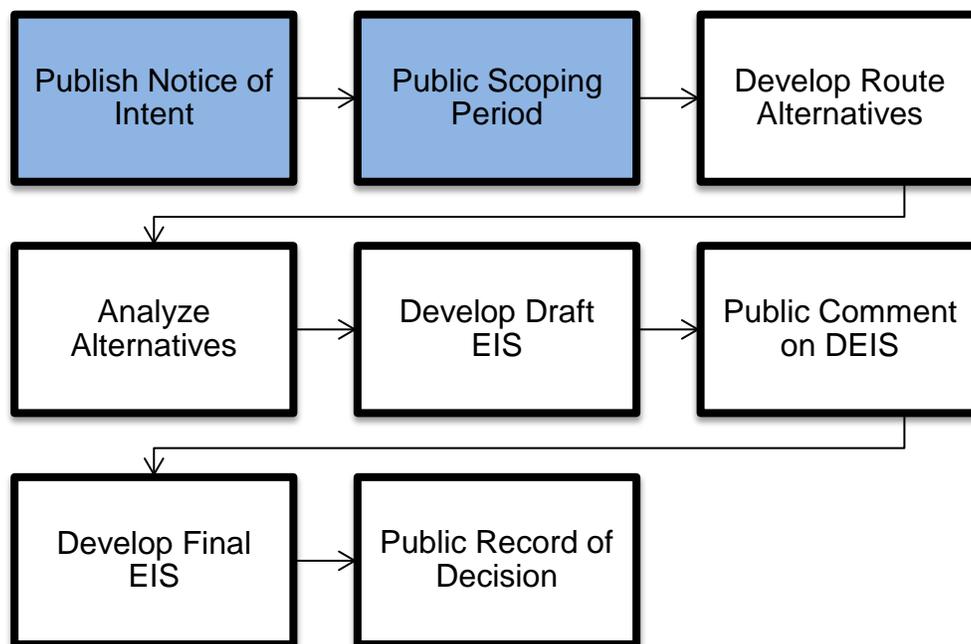
Scoping is the process to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. A Notice of Intent to Prepare an EIS and Notice of Public Scoping Meetings for the proposed project was published in the Federal Register on October 31, 2013, indicating the start of the 90-day scoping period. The scoping period closed on January 29, 2014. During that period, the public was encouraged to provide their thoughts on the potential effects of the proposed route as well as any potential alternatives to the proposed route.

Comments could be submitted via U.S. Postal Service, using the BLM Project email, or at one of the five public scoping meetings.

The BLM held the following public scoping meetings:

- Quemado, New Mexico on December 3, 2013;
- Socorro, New Mexico on December 4, 2013;
- Roswell, New Mexico on December 5, 2013;
- Mountainair, New Mexico on December 10, 2013; and
- Belen, New Mexico on December 11, 2013

As you can see from the figure below, scoping occurs early in the EIS development process to help in determining the areas of concern related to the proposed project. This process also allows for a more accurate and efficient analysis of all issues related to the proposed project.



How will my scoping comments be reviewed and/or used?

The BLM reads all scoping comments and will consider scoping comments when developing and analyzing alternatives in the EIS. The EIS will address all issues and alternatives identified during scoping. The BLM also will develop a Scoping Report that provides the details of the scoping process and a summary of the comments received.

Are scoping comments available to the public?

Yes. The BLM will produce a Scoping Report, which will provide a summary of all of the comments that the BLM received during the scoping period. The Scoping Report will be available on the project website (www.blm.gov/nm/lobosco2) and through your local BLM Field Office.

I did not submit a comment during the scoping period. Can I still provide a comment?

The BLM will continue to accept comments after the scoping period has ended.

The 90-day public scoping period was initiated on October 31, 2013 and ended on January 29, 2014. Providing information on or around the end of scoping will ensure that your concerns are incorporated into the Draft EIS. However, the BLM welcomes any information that you can provide throughout the process and will do our best to incorporate information received after the end of scoping into the Draft EIS.

While the BLM will consider scoping comments submitted after the end of the scoping period, these comments may not be included in the scoping report or addressed in the Draft EIS. Based on the complexity of the information provided and the amount of time that has passed after the end of the scoping period, you may not see your comment fully addressed until the Final EIS.

In addition, the public will have further opportunity to provide comments on the project when the Draft EIS is available for public review.

What routes is the BLM considering in the analysis?

The BLM will analyze Kinder Morgan's proposed route, as well as a range of reasonable alternatives, in the EIS. The BLM alternatives will include alternatives identified during the scoping process, as well as a "no action" option (i.e., an alternative in which the BLM does not grant a right-of-way across public land). The BLM will base its preliminary Preferred Alternative on this analysis and the preliminary Preferred Alternative will be included in the Draft EIS. While the BLM will consider Kinder Morgan's proposed route and alternatives, alternatives brought forward in the DEIS may not necessarily be the same as Kinder Morgan's alternatives.

The public will have the opportunity to comment on the Draft EIS and then the BLM will incorporate those comments into a Final EIS. The BLM will use the Final EIS to make a decision whether to approve the right-of-way request across Federal lands, not approve the right-of-way, or approve the right-of-way request with modifications. If the decision to approve is made, the decision would include terms and conditions that Kinder Morgan must meet. The decision will be documented in a Record of Decision that will be available to the public.

How does the BLM select a range of alternatives to consider?

The BLM will consider public scoping comments, as well as input from Native American tribes and Cooperating Agencies in the development of a range of alternatives. Moreover, specialists with expertise in the following disciplines will be involved in the alternative development process: rangeland management, minerals and geology, outdoor recreation, archaeology, paleontology, wildlife, lands and realty, hydrology, soils, sociology, and economics. The EIS will include a description of all the alternatives considered and the rationale behind a decision to not carry an alternative forward for additional analysis in the DEIS. See the following link to the Council of Environmental Quality's 40 Most Asked Questions regarding alternatives: [CEQ 40 Question 1-10](#).

How does the BLM select alternatives for analysis?

The BLM must consider multiple factors when analyzing alternatives. These factors include, among others, scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values, as well as recreation, fish and wildlife habitat, human occupancy and use, and the need for domestic sources of natural resources. The "agency's preferred alternative" is the alternative

which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors.

The BLM will document its preliminary agency Preferred Alternative, and the reasoning behind that preference, in the DEIS.

Does the BLM have jurisdiction over private land? Does the BLM consider the impact on private land?

The BLM only has authority over public land. Although the BLM only has jurisdiction over public lands and can only approve action on public lands, the EIS will analyze potential effects of the pipeline across all jurisdictions. The BLM will analyze the potential impacts from construction of the pipeline on all lands crossed by the pipeline.

Will surveys be conducted on public or private land?

Surveys will be conducted on both public and private land. These surveys will provide baseline information for the EIS analysis.

What would be the width of the easement or right-of-way?

If BLM approves the right-of-way, the right-of-way width would be 50 feet. In addition to the 50 feet right-of-way, Kinder Morgan has requested the use of an additional 50 feet for construction purposes. If approved, a 50 foot wide temporary right-of-way would be issued. Proposed pump stations would occupy approximately five acres each, with an additional half acre for electrical substations

What would the proposed pipeline transport?

The proposed pipeline would transport CO₂ in a dense phase/liquid state.

For what would the CO₂ be used?

The CO₂ would be used for enhanced oil recovery in existing oil fields in eastern New Mexico and western Texas.

I have questions or concerns about how the pipeline would be constructed and how it would affect my land. Where can I get answers?

Although the BLM welcomes comments about impacts to all lands, the BLM does not have authority over private land. *Landowners with questions and concerns should discuss them directly with Kinder Morgan.* Kevin Winner, of Steele Land Services, is Kinder Morgan's Right-of-Way Manager for this project. For more information about Kinder Morgan's proposed project, including routing efforts and locations, or to discuss concerns about private land, you may contact Mr. Winner, at 505-239-6505 or kevin.winner@steeleland.com.

In addition, Kinder Morgan currently is preparing a Draft Plan of Development (POD), which will provide details about the proposed construction, post-construction monitoring, and reclamation methods and activities. The Draft POD will be available for public review along with the Draft EIS.

How do I get on the BLM mailing list to receive project updates?

Please submit your contact information to BLM_NM_SFO_Comments@blm.gov and ask to be placed on the Lobos CO₂ Pipeline mailing list. Project updates also will be placed on the BLM project website at www.blm.gov/nm/LobosCO2.

I have a question that is not listed on the FAQs.

If you have a question that this FAQ does not address, feel free to send your question to BLM_NM_SFO_Comments@blm.gov. The BLM will update this FAQ throughout the project.

You also may contact the BLM Project Manager Mark Mackiewicz at (435) 636-3616 with additional questions.

It is possible that the BLM does not have enough information at this time to answer your question. The BLM will provide many more details about the potential impacts of the proposed project in the Draft EIS.