

1 A P P E A R A N C E S:

2 On behalf of the Federal Energy Regulatory
3 Commission staff:

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5 Mr. Robert Kopka, Soil Conservationist,
6 Environmental Gas Branch I
7 888 First Street, NoE., PJ-11.1
8 Washington, DC 20426

9 On behalf of the State of Wisconsin
10 Department of Natural Resources:

11

12 Mr. Steven M. Ugoretz
13 101 South Webster Street
14 Madison, Wisconsin 53707

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16 On behalf of Northern Border
17 Partners, L.P.:

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19 Mr. Patrick L. Vaughan
20 Mr. Mark E. Belmont
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1 TRANSCRIPT OF PROCEEDINGS

2 MR. KOPKA: Good evening, everyone. Thank
3 you all for coming tonight. My name is Bob Kopka and
4 I am the environmental project manager for the
5 Federal Energy Regulatory Commission or "FERC" for
6 the Guardian Pipeline Expansion/Extension Project.
7 Let the record show that the Scoping Meeting began at
8 7:14 p.m.

9 Seated with me here tonight is Steven
10 Ugoretz of the Wisconsin Department of Natural
11 Resources. Also present is the FERC environmental
12 contractor, Tetra Tech, represented by George Willant
13 and Jennifer Ghiloni, who are at the back table.

14 The purpose of tonight's meeting is to
15 provide each of you with the opportunity to give us
16 your comments on the environmental and safety issues
17 associated with the Guardian Pipeline
18 Expansion/Extension Project that you think we should
19 address in our respective analysis of the project in
20 our Environmental Impact Statement or EIS.

21 Before we describe our review process,
22 I have asked Pat Vaughan of Guardian Pipeline, L.L.C.
23 to provide a brief overview of the project and
24 Mr. Vaughan has agreed to do that for us tonight.
25 Pat.

1 MR. VAUGHAN: I think we're wired for
2 sound. Thanks, Bob. What I want to do is -- first
3 of all, I'm Pat Vaughan. I'm the Guardian Pipeline
4 project manager for this project. And what I want to
5 do is give you kind of an overview of the project,
6 where we've been, where we are and open it up so that
7 we can get some of the outreach efforts underway.

8 Tonight I want to talk about the
9 background on the existing Guardian system, provide a
10 little bit of an overview on the proposed Guardian
11 project, Guardian II. Talk a little about the time
12 line of the project. And then a little of detail on
13 the Guardian II facilities and the route. It
14 comprises main line pipe, two compressor stations,
15 the meter stations.

16 And then how we arrive at the route
17 that you've all had a chance to look at. Then spend
18 a little bit of time talking about our outreach
19 efforts and how important it is to us to have some
20 effective communication with you.

21 Now, the existing Guardian pipeline
22 was built as a result of a request from the local
23 distribution companies to have some additional gas
24 capacity from the gases available in the Chicago area
25 around Joliet. So there was about 142 miles of

1 36-inch diameter pipeline built from Joliet up to
2 Ixonia, Wisconsin. It went in service in December of
3 2002. And there is one compressor station at the
4 beginning of the pipeline at Joliet.

5 The expansion project, called Guardian
6 II for short, is again at the request of the
7 Wisconsin gas distribution companies for some
8 additional capacity, transportation capacity into
9 their market areas. And our target in-service date
10 is November 1st of 2008. That pipeline -- the key
11 facilities are 106 miles of pipe, two compressor
12 stations that are to be built on an existing portion
13 of the City system and six meter stations.

14 What this will provide is incremental
15 or additional capacity of about 537 million cubic
16 feet of gas per day. 100 million of that will be
17 delivered at existing stations to expand their
18 capacity; and the balance, 437 million, will be to
19 the six commuter stations.

20 Here is our time line. In fall of
21 2005 Guardian Pipeline made a proposal, along with
22 other companies, to the local distribution companies,
23 "Here, we'll build this pipeline for you." The
24 Guardian proposal was accepted and all of the
25 contracts were signed and in place. The project was

1 kicked off in February of this year.

2 We filed with FERC or we requested
3 that we do a pre-filing process involving -- I'll
4 explain that in a little more detail. We started
5 that in April of this year and at the same time
6 started with some open houses where a lot of you saw
7 the first set of maps, the preliminary route and that
8 kind of information. Since those open houses, about
9 a month-and-a-half, we've been working on proposed
10 route variations trying to evaluate them to see what
11 their impact was, get into some kind of a position so
12 we can decide whether or not they're good or not.

13 June through August what we're hoping
14 to do is perform some surveys of the proposed route
15 to look at the impact on cultural resources, the fish
16 and wild -- not fish and wildlife, but the threatened
17 and endangered species. And also in June we're
18 participating in these scoping meetings. This is the
19 last of the three for this week.

20 By October of 2006 we hope to have all
21 the information pulled together so that we can send
22 our application in to FERC. In January of 2007 we're
23 hoping to be able to begin acquisition of
24 right-of-way. And then in October of next year
25 that's when we hope to receive the certificate from

1 FERC to go ahead and build. In order to achieve that
2 November 1 in-service date we have to start building
3 compressor stations roughly in March of 2008 and get
4 the pipeline construction started in May of 2008.
5 It's a pretty aggressive schedule for this much work.

6 I went too far, didn't I. Okay. The
7 first part of the pipeline is about 79 miles of
8 30-inch diameter steel pipeline from the end of the
9 existing pipeline at Ixonia up to the proposed Fox
10 Valley meter station on the east side of the Fox
11 River. The pipeline will have a launcher and
12 receiver, launcher on one end, a receiver on the
13 other so we can run intelligence tools or inland
14 inspection tools of the four main line valves in
15 order to isolate portions of the pipeline. And then
16 the four meter stations.

17 We -- from the end of the 30-inch on
18 up to the West Green Bay meter station is 27 miles
19 approximately of 20-inch diameter steel pipeline.
20 Again another set of launchers and receivers, one
21 main line valve somewhere in the middle of it and two
22 additional meter stations. The meter stations are
23 where the gas is delivered from our pipeline to the
24 local distribution companies.

25 The two compressor stations on the

1 existing pipeline are located at Sycamore, Illinois
2 and near LaGrange, Wisconsin. They're both -- one
3 compressor has a 39,000 horsepower electric motor.
4 It require gas coolers to cool the gas so that the
5 discharge temperature isn't too high and they will
6 require that electrical power lines be built to those
7 locations.

8 Six planned meter stations are at
9 these locations. The Mile Post location is on the
10 new portion of the pipeline. West Bend is 14 miles
11 from the beginning of pipeline. The size indicates
12 the size of the meter. It will be an 8-inch diameter
13 meter and the station will be capable of delivering
14 74.5 cubic feet of gas per day at its peak rate.

15 All right. The route. A larger
16 version of this map is -- you can see it in the
17 Guardian Pipeline open house room. But it's a
18 composite topographical map showing the route that
19 was developed over a fairly long period of time for
20 the proposal and then have been further refined based
21 on the ground reviews.

22 What I want to do is skip forward
23 to -- the route has -- the major features of the
24 route are major river crossings, Rock River and Fox
25 River. There is one major wetland associated with

1 the Rock River, about 1400 feet across. We were able
2 to avoid villages and cities. We didn't go through
3 any state parks and we didn't go through any platted
4 or publicly known residential or commercial
5 developments. Since that time we've learned of
6 several that are in one stage or another of planning.
7 And the last 12.6 miles of the pipeline is on the
8 Oneida Nation reservation. About 88 percent of the
9 pipeline on the reservation is adjacent to power
10 lines and existing pipelines.

11 Okay. To develop the route our
12 overall philosophy when we started out was to first
13 of all avoid any major wetland areas where feasible.
14 We want to minimize the impact on residential and
15 commercial development. We wanted to locate adjacent
16 to existing facilities where it make sense and was
17 feasible. We tried to minimize impact on sensitive
18 areas. We wanted to minimize landowner inconvenience
19 during construction and afterwards. And of course,
20 the shortest route between two points lessens the
21 impact.

22 Now, to prepare this route we -- it
23 kind of went in a couple of phases. The first phase
24 is using USDA maps, aerial photography, whatever we
25 can get ahold of that was publicly available to lay

1 the pipeline out from one point to another where we
2 needed to start and where we needed to make
3 interconnection with the local distribution
4 companies. That was a table top review done in
5 offices.

6 And once that was done, we developed a
7 route booklet and then we took it out to the field
8 and drove the route from one end to the other, every
9 place we could see it from a public road. We even
10 did a helicopter flyover to look at as much of this
11 as we could to make sure that the route we had on
12 paper was close. Then we went back and made some
13 additional changes. Once we got all of that stuff in
14 place, then the map that you saw or the map that was
15 initially shown at the open houses was the result of
16 that work.

17 Now the important thing to do is
18 gather input from people that are intimately familiar
19 with the pipeline or where we want to put the
20 pipeline. So what we're doing is going to what we
21 call stakeholders, the town and county officials hold
22 some open house meetings. We've sent letters to
23 landowners, had meetings with landowners, people we
24 could identify as being affected by the pipeline.

25 We've had ongoing discussions with the

1 Oneida Nation and with -- we've had contact with most
2 of the major agencies, kind of an alphabet soup of
3 acronyms. Of course the Department of Natural
4 Resources, the Ag. Department, Corps of Engineers,
5 Fish and Wildlife. Cultural resources and then the
6 Air and Water folks.

7 We've already talked about the major
8 features. Along the right-of-way based on our maps
9 and what we were able to gain of ownership records,
10 this is the count of the landowners. It's an
11 approximate count. It kind of goes up and down as we
12 move the pipeline from one spot to another to respond
13 to requests for changes and as we learn more about
14 the pipeline.

15 Okay. Now, one of the things that the
16 pipeline -- the company is very committed to the
17 participation of the public in the development of the
18 route and making sure that it's a workable route that
19 we can all live with from now into the foreseeable
20 future and then beyond. I'm not going to try to read
21 these things to you, but we are committed to working
22 cooperatively. It's got a lot of impact on people.
23 We want the public to participate in every way that
24 you can and of course we listen and respect what you
25 say to us. We are in the process of reviewing every

1 route recommendation and request that's been made.
2 It's a little hard to get them done. There is a
3 bunch of them and it takes time and effort to do it
4 right.

5 If you have any questions of Guardian
6 Pipeline, get online and go to this website. There
7 is some frequently asked questions and some
8 responses. If you're a landowner and you need some
9 information, use the first toll free number, the 866
10 number. If you have some general questions, use the
11 general project information. We'll try to answer
12 your question on the spot or at least give it to
13 somebody who can answer it for you. So I guess
14 that's it for what I've got to say.

15 MR. KOPKA: Thank you, Pat. Now I'll
16 briefly describe the FERC -- the FERC process and
17 then Steven Ugoretz will describe the State of
18 Wisconsin's process. FERC reviews applications for
19 natural gas pipeline transmission projects and
20 Guardian is in the process of preparing an
21 application to submit to FERC. Once the application
22 is submitted, our obligation is to review that
23 application and prepare an analysis of the
24 environmental impacts.

25 The FERC staff's environmental and

1 safety analysis will result in the generation of an
2 EIS as required by the National Environmental Policy
3 Act. FERC is the lead federal agency tasked with
4 preparing the EIS. We request that your comments
5 tonight focus on the potential effects of the
6 project. Specifically, we are here to ask your help
7 in identifying potential impacts to both the human
8 and natural environment.

9 In our Notice of Intent issued on
10 May 19th, 2006, we requested your comments and
11 assigned a formal comment period ending on June 23rd.
12 We will take comments throughout our review of the
13 project. However, we ask that you provide comments
14 as soon as possible in order to give us time to
15 analyze and research the issues.

16 A speaker's list is located at the
17 back table and we will use that list to identify
18 individuals wishing to provide verbal comments on the
19 Guardian project. In addition to verbal comments
20 provided tonight, we will also accept your written
21 comments. Several people have already submitted
22 written comments to the FERC docket. If you have
23 comments but don't wish to speak tonight, you may
24 provide written comments on the comment forms at the
25 back table or write a letter. You may drop these off

1 with us or mail them at a later date. Be sure to
2 include the project docket number, PF06-21.

3 The Guardian Pipeline
4 Expansion/Extension project is currently in our
5 Pre-filing Process. A formal application has not yet
6 been filed with FERC. We consider the Pre-filing
7 process to be, amongst other things, an extension of
8 our scoping process, which is a learning process. It
9 is where we educate ourselves about the project and
10 potential issues.

11 During the scoping process we are
12 gathering information and we are using a number of
13 different sources for that information. The four
14 general sources that we are using include information
15 provided by the applicant, input from other agencies,
16 our own research on various issues and information
17 from the public.

18 Once we gather the information during
19 the scoping process, we will analyze it and we will
20 prepare a Draft Environmental Impact Statement,
21 (Draft EIS), that will be distributed for comment.
22 If you would like a copy of the draft EIS, please
23 make sure you are on our mailing list. Also, if you
24 would prefer a hard copy, rather than a copy on CD,
25 also let us know. And to do that, return the mailer

1 that was in our Notice of Intent. If you did not
2 receive our Notice and would like to be on the
3 mailing list, do make sure you give us your mailing
4 address at the sign-in table.

5 After the draft EIS is issued, there
6 is a 45-day comment period. During that period, we
7 normally will hold another public meeting similar in
8 format to this one asking for comments on the draft
9 EIS. We will incorporate those comments into the
10 final EIS.

11 Once we have issued the final EIS, our
12 Commissioners at the Federal Energy Regulatory
13 Commission will use that document, as well as other
14 information, to make a determination on whether or
15 not to grant an authorization for this project.

16 At this time, Steven Ugoretz will
17 describe the states process. Following Steve's
18 presentation, we will begin listening to your
19 comments. Steve.

20 MR. UGORETZ: Thank you. Let's see if I
21 can get this adjusted. Here we go. Thanks for
22 coming. And as you just heard, the State Department
23 of Natural Resources is another permitting agency
24 involved in this project. Our role is more
25 restricted to permits for wetland waterway crossings

1 for taking water from the waters of the state,
2 whether it's ground water or surface waters to use
3 for hydrostatic testing of the pipeline to make sure
4 it will hold the product, and then for the discharge
5 of that water back into either the ground or to a
6 surface water body. And for storm water management
7 in the construction project, which I believe actually
8 the Department of Commerce deals with those parts
9 too. So that's another State agency that has a piece
10 of this -- of the regulatory part of this project.

11 The DNR of course also has
12 responsibility for managing the fish and wildlife and
13 forest resources of the state. And therefore, we
14 have an interest both in the effects on fish in the
15 streams and other water bodies that might be crossed
16 by the pipeline and in the wildlife that might be
17 within forested areas, grasslands that could be
18 affected by the construction of the pipeline also.

19 We also are -- have a similar role in
20 dealing with the lateral connections that are
21 proposed by two Wisconsin utilities. And so
22 basically we look at the same sort of things that I
23 mentioned in terms of the main line, do they cross
24 water bodies, do they affect state lands such as the
25 Kettle Moraine State Forest, which one of the lines

1 would pass through on the way to serve the City of
2 Sheboygan area for example.

3 So we are working with the Federal
4 Energy Regulatory Commission to help in preparing the
5 environmental review, making sure it meets the
6 requirements of the State's Environmental Policy Act
7 or WEPA, Wisconsin Environmental Policy Act, which is
8 pretty much similar to the National Environmental
9 Policy Act and follows its practices and requirements
10 and procedures fairly closely.

11 It allows us to act with another
12 agency, whether it's a Federal agency like the FERC,
13 or State agency, like the Public Service Commission.
14 And the Public Service Commission is the primary
15 State regulator for those lateral line projects. And
16 so we'll be working with both the Federal and State
17 energy regulatory bodies in getting those documents
18 put together and responding to comments and so on and
19 in the formal review of the various permit
20 applications that I mentioned.

21 And those are basically the primary
22 roles the department has. And we'll be looking at
23 the comments that are submitted to the FERC on the
24 EIS for the areas in which we have interest and
25 responsibility and anything that comes in in relation

1 to the Public Service Commission's responsibility on
2 those lateral lines. So we kind of cross between the
3 Federal process and the State Commission process and
4 look at the various natural resources and wildlife
5 issues that I mentioned.

6 MR. KOPKA: Thank you, Steve. All of your
7 comments tonight will be transcribed and put into the
8 public record for the project, as we have a court
9 reporter present. The public record is available on
10 our website, which is www.ferc.gov. From that page
11 select the "eLibrary" link and input the docket
12 number, PF06-21. You can use eLibrary to access
13 everything that the Commission does with this
14 project, as well as all of the filings and
15 information submitted by Guardian.

16 Our court reporter is contracted
17 through ACE-Federal Reports, Incorporated, who is
18 transcribing this meeting, so we can have an accurate
19 record of tonight's comments. If you would like a
20 copy of the transcript, you may make arrangements
21 with the court reporter after the meeting to get a
22 copy directly from ACE. The transcript will be
23 available to the public at FERC's public records room
24 and as part of the record on the FERC website under
25 the project docket number.

1 In your comments, I ask that you try
2 to be as specific as possible with your environmental
3 or safety concerns. Please hold all procedural
4 questions until after the formal part of the meeting
5 concludes. The purpose of tonight's meeting is to
6 hear your comments and concerns. Also,
7 representatives of Guardian will be present here and
8 in their open house down the hall.

9 Now we'll begin taking comments. As
10 your name is read, I would like you to come up to the
11 podium and state your name for the record and spell
12 it for the court reporter.

13 Let us call the first speaker tonight,
14 who is Terry Dabb.

15 MR. DABB: Good evening. Terry Dabb,
16 D-A-B-B. I'm representing the International Union of
17 Operating Engineers, Local 139, which is in total
18 support of the projected Guardian pipeline. I would
19 like to begin with mentioning that the growth of this
20 great state depends upon the expansion of such
21 infrastructure, not only this pipeline, but also
22 transmission lines and our highway system.

23 With this, jobs are created not only
24 from the construction of this pipeline, but also from
25 construction relating to land developments and

1 industry which is supported by this. In addition, by
2 utilizing heavy wall pipe, there has been a land
3 development safely built over an existing pipeline in
4 the Village of Jackson south of Highway P right here
5 in Wisconsin.

6 By working together with landowners,
7 Guardian and labor through forums such as this, we
8 can educate, understand and cooperate for the
9 betterment of everybody. Thank you.

10 MR. KOPKA: Thank you. Our next speaker is
11 Jeff Neu.

12 MR. NEU: Good evening. Jeff Neu. Last
13 name is spelled N-E-U. A quote from Jefferson County
14 had mentioned to me that Guardian Pipeline will tell
15 whoever they will that they will follow the rules,
16 but then violate all of them and just pay the fines
17 and leave an unsafe installation in the wake. Such
18 comments usually are made to raise concerns and it
19 certainly does.

20 What I would like to see is that the
21 Commission review any past violations in the
22 construction phase of the Guardian pipelines,
23 especially pertaining to Jefferson County. Review
24 any past violations, review their seriousness and
25 make notes of any post-install issues as a result of

1 any improper installation. We wish to ensure that
2 the construction of such a pipeline is done in a safe
3 and environmentally friendly way. Thank you.

4 MR. KOPKA: Thank you. Our last speaker
5 that has signed up is Harold Pemble.

6 MR. PEMBLE: My name is Harold Pemble,
7 P-E-M-B-L-E. My main concern is safety and I'm
8 concerned that Guardian is able to go close to
9 residential houses and farmsteads. As near as I can
10 tell, there isn't any Federal regulation regulating
11 the distance that they have to stay away from a
12 building or a residence.

13 MR. KOPKA: The D.O.T. regulates that.
14 There are regulations on that.

15 THE WITNESS: What is the regulation, can
16 you answer that?

17 MR. KOPKA: One foot.

18 THE WITNESS: One foot. Like I said, there
19 is no regulation limiting how close they can go to my
20 house. And my concern is safety. And I'm not
21 real -- real crazy about having them cross my land,
22 but I'm willing to put up with that, but I hope that
23 they will work with me. They said they will, but
24 right now, you know, all I have is a promise.

25 Well, I have a threat and a promise.

1 I have a threat that if I don't work with them,
2 they'll use Eminent Domain and put it where they want
3 to. So I have a threat and a promise. But I guess
4 that's all I have to say, is that I think there
5 should be a regulation about how close they can come.
6 And one foot is not a regulation. Thank you.

7 MR. KOPKA: Thank you. That was the last
8 speaker who had signed up. Is there anybody else, if
9 anyone else would like to speak? No one? That's the
10 end of our -- sir, yes. Please state your name and
11 spell your last name.

12 MR. BRIDGHAM: My name is David Bridgham,
13 B-R-I-D-G-H-A-M. I'm surprised you only had three
14 people from Dodge County, where there is 131, the
15 largest number that -- largest number of landowners.
16 Hopefully I can speak for everybody when I say that
17 it -- you know, it comes as a shock that -- I mean,
18 when I first saw the land that they're going through,
19 they're cutting right through the middle of my
20 property. I don't have the biggest piece of land,
21 but they're cutting right through the middle of it.

22 Everybody has a different idea of what
23 their land is worth or what their land is worth to
24 them. I'm not talking monetary, I'm just talking a
25 piece of property. They happen to be going through

1 some -- from my understanding, I'm not farmer, but
2 the farmer that runs my land that works my land,
3 going through some of the best agricultural land in
4 Dodge County and not necessarily trying to stay in
5 the least -- the least -- not the worst land, they
6 come right through the middle of the best land.

7 And that's what I've heard from a lot
8 of people, a lot of landowners that I've talked to.
9 The landowners in our area, we've had meetings and
10 we've talked about these concerns. We've talked
11 about things that -- you know, as far as agricultural
12 effects, waterways.

13 We have drumlands that run right
14 through Lebanon. They're cutting right through the
15 middle of something that a glacier created a long,
16 long time ago. Who knows what's underneath there. I
17 don't know that with the digging that they do that
18 they'll ever stop and find out what's there.

19 But just to tear up -- I understand
20 it's for the betterment -- this is what I'm being
21 told, it's for the betterment of Wisconsin. You
22 know, it will put money in someone who is digging the
23 hole's pocket, but it's not putting any money in my
24 pocket. The only thing it does is affect my future.

25 My piece of property when I bought

1 it -- I've owned it for ten years. My plan was to
2 retire there, to put up basically a forest. I've
3 been planting trees since I've started. They've
4 taken away that option. They've taken away an option
5 if I ever wanted to build a house for my kid on the
6 best piece of property, the highest ground, I can't
7 do it anymore. And so I guess it's a personal
8 effect, but it's also a long term effect. It's a
9 lifetime.

10 I was told at the last meeting it's
11 like it doesn't reduce the value of my property.
12 They tell me that it would be like somebody buying my
13 house that didn't like a tree on my lot and he may
14 not buy that because of that tree. The only
15 difference is I can't move the pipeline. I could cut
16 the tree down.

17 So it affects my life. It affects my
18 lifetime and I think it affects everybody's here.
19 And I just -- I don't like it. I understand that if
20 it's -- if it's approved, it's coming. And the
21 Eminent Domain, it's coming. But I just -- there is
22 a personal aspect to all of this and I hope that this
23 Commission sees that and looks at it and looks at all
24 131. Maybe they're not here tonight, but you know
25 what, they're all affected in some personal way. So

1 thanks.

2 MR. KOPKA: Thank you. Yes, sir.

3 MR. CLAAS: Jim Claas, C-L-A-A-S. I guess
4 one thing that I have heard nothing on is the effect
5 on the ground water in terms of our wells and things
6 along those lines. I know my well is shakey. It's
7 200-some feet deep and as the rain changes and the
8 run-off changes, I can tell the effects on my water.
9 It's a significantly deep well.

10 What are we going to do about testing
11 on those kind of -- the deep ground water and the
12 run-offs and all that sort of stuff that are affected
13 by that. And the heavy machinery that goes through,
14 maybe the blasting, if there is significant rock,
15 which I believe we do have in Lebanon, I would like
16 to know what the effects are going to be on that and
17 if they can be predicted. Thanks.

18 MR. KOPKA: Those are all issues we'll be
19 looking at in the Environmental Impact Statement.
20 Anyone else that would like to speak?

21 Okay. Without any more speakers, the
22 formal part of this meeting will conclude. On behalf
23 of the Federal Energy Regulatory Commission, I would
24 like to thank you all for coming tonight. Let the
25 record show that the scoping meeting concluded at

1 7:51 p.m. Good night.
2 (Hearing concluded at 7:51 p.m.)
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