

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Docket Number
MIDCONTINENT EXPRESS PIPELINE PROJECT: CP08-6-000
:
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Delhi Civic Center
232 Denver Street
Delhi, LA

Thursday, March 27, 2008

The above-entitled matter came on for scoping meeting,
pursuant to notice, at 7:00 p.m.

BEFORE:

Shannon Jones - FERC Moderator

P R O C E E D I N G S

(7:00 p.m.)

MS. JONES: Good evening. My name is Shannon Jones and I'm an Environmental Scientist at the Federal Energy Regulatory Commission, also referred to as the FERC.

And this is a public comment meeting on the Draft Environmental Impact Statement that we've prepared for the Midcontinent Express Pipeline Project.

Tonight, I'm assisting the FERC's Environmental Project Manager, Charlie Brown, who's running a similar series of meetings in Western Louisiana and Texas this week.

Wayne Kickleiter (ph.) is here with me tonight. He is from Entrex (ph.). It's an environmental consulting firm that's been assisting the FERC in our analysis of this project, and Kara Harris is at the back. She's with FERC Staff, and she has the sign-in list for speakers tonight, and we ask that you sign up with her, if you want to speak. She also has some very helpful pamphlets.

There are also a number of folks here from Midcontinent, and I'm going to have them introduce themselves, so we all know who's here tonight.

MS. RASMUSSEN (ph.): Hi, my name is Julie Rasmussen, and I am in charge of the right-of-way system.

PARTICIPANT: Could they come up to the microphone, so we can hear them?

1 MS. JONES: Yes. Please go to the microphone.

2 PARTICIPANT: And you can just introduce
3 everyone, then.

4 MS. RASMUSSEN: My name is Julie Rasmussen, and I
5 am in charge of the right-of-way efforts for the project.

6 MR. WAMPLER (ph.): My name is Butch Wampler, and
7 I'm on the construction team, on the part coming through
8 Louisiana.

9 MR. HAGER (ph.): My name is Dennis Hager, and
10 I'm the Construction Manager for Midcontinent.

11 MR. ORTEGA: My name is Herman Ortega. I'm the
12 Project Manager for Midcontinent Express.

13 MR. JOHNSON: I'm Frank Johnson, construction,
14 Midcontinent Express.

15 MR. SELLERS: I'm Rick Sellers. I'm with the
16 right-of-way group for Louisiana, with Midcontinent Express.

17 MR. ROBERTSON: I'm Rob Robertson, a right-of-way
18 agent, Madison Parish.

19 MR. KNOX: I'm Mike Knox. I'm right-of-way agent
20 for the State of Louisiana.

21 MS. ADAM: Hi, I'm Ginger Adam. I'm with the
22 Governmental Relations Group in Louisiana for Midcontinent
23 Express.

24 MS. JONES: Okay, thank you. I wanted to start
25 giving a little background on the FERC, if anyone wasn't

1 familiar with who we are.

2 The FERC is an independent federal agency. We
3 regulate the interstate transmission of electricity, natural
4 gas, and oil.

5 We're located in Washington, D.C., headed by five
6 Presidentially-appointed Commissioners, and about 1200
7 staff.

8 Our job is to review proposals and authorize
9 construction of interstate natural gas pipelines, storage
10 facilities, and liquefied natural gas terminals.

11 We also have jurisdiction over the licensing and
12 inspection of hydroelectric projects, and some electric
13 transmission corridors. The FERC's primary purpose is to
14 protect the public and energy customers, ensuring that
15 regulated energy companies are acting within the law.

16 So, the FERC is the lead federal agency that's
17 ultimately responsible for approving or denying this
18 project.

19 Midcontinent proposes to build approximately 504
20 miles of 30-, 36-, and 42-inch diameter pipeline, extending
21 from Oklahoma to Alabama.

22 The project also includes one booster and four
23 compressor stations, 13 meter and regulating stations, a
24 four-mile pipeline in Louisiana, and other pertinent
25 facilities necessary to safely operate a pipeline.

1 That includes things like main line valves and
2 pig launchers and receiver stations. But before the FERC
3 decides whether to authorize any pipeline project, the Staff
4 first conducts an extensive environmental review, and that's
5 to comply with the National Environmental Policy Act.

6 That's what we've been doing over about the past
7 year; we've been compiling and analyzing data, comments, and
8 concerns from the Applicant, from the public, and other
9 resource agencies on the local, state, and federal level.

10 We've worked in formal cooperation with the Fish
11 and Wildlife Service, the National Park Service, Natural
12 Resources Conservation Service, the Corps of Engineers,
13 Louisiana Department of Environmental Quality, Texas Parks
14 and Wildlife Department, and the Alabama Department of
15 Conservation and Natural Resources.

16 Those agencies have provided input into our
17 analysis and have been reviewing our work.

18 We're now at a point in our review, where we
19 summarized all of our findings and our analysis and
20 recommendations in this report called a Draft Environmental
21 Impact Statement.

22 And this report was issued on February 8th and
23 mailed to everyone on our mailing list. So if you received
24 a copy of that, you're on our mailing list, and you will
25 automatically get a copy of our revision, which is a Final

1 Environmental Impact Statement.

2 If you didn't get a copy of it and you want to be
3 added to our mailing list, Kara has a list at the table
4 there to sign up, so just provide her with your name and
5 address, and we'll get you on that list.

6 So, when this was issued, it had a formal 45-day
7 comment period, and that comment period is going to end next
8 Monday on March 31st, so there are a couple of ways that we
9 can take your comments on our work and our analysis.

10 The first way is to provide verbal comments here
11 tonight, so if you've signed up to speak, we'll have you
12 come to the center here between -- near this microphone, and
13 provide your comments.

14 The mike -- you won't hear any audio from the
15 mike, but it is for the video transcriber. If you don't
16 wish to speak, you can also provide written comments. You
17 can do either, and both hold equal weight.

18 Written comments can be mailed to us. We also
19 have some comment forms at the table, that you can just
20 hand-write in and give those to us, or you can send comments
21 electronically.

22 There are instructions on the first couple pages
23 of this report, on how to send us in comments, and Kara has
24 a pamphlet that describes that, as well.

25 So, if you're going to mail us comments, because

1 the comment period is ending soon, we ask that you try to
2 get those in as quickly as possible, as close to March 31st
3 as possible.

4 All of the comments that we receive, either
5 written or verbally, are placed in to the public record and
6 will addressed in a revised version of this document. There
7 will be a section in the back of it, where we list all of
8 the comments we received, and provide specific responses.

9 It's important to note that the document that the
10 FERC Staff produces, the EIS, it's not a decision document.
11 The project won't be approved or denied, based solely on
12 this. It's prepared to advise our Commissioners and to
13 disclose to the public, the environmental impact of
14 constructing and operating the project.

15 Once we complete our analysis and the Final EIS
16 is completed, the document is published, it's mailed to
17 those on our mailing list, and it's forwarded to our
18 Commissioners.

19 Our Commissioners will consider the
20 environmental information that's contained in this
21 document, along with other non-environmental issues such as
22 engineering, markets, and rates, in determining whether to
23 authorize the project.

24 If the project is approved, Midcontinent will be
25 issued a Certificate of Public Convenience and Necessity,

1 which is essentially a permit from the FERC, authorizing the
2 project.

3 That Certificate will require that Midcontinent
4 meet certain conditions to limit environmental impacts, and
5 our recommendations for what those conditions should be, are
6 contained in the back of this document. There's 49 numbered
7 recommendations that Staff believes will limit the
8 environmental impact of the project.

9 If the project is constructed, FERC
10 environmental inspectors will monitor the project through
11 construction and restoration and perform daily on-site
12 inspections to ensure compliance with the conditions of the
13 Certificate.

14 So we're now at the point where we'll take
15 anybody who would like to speak. We do have some speakers
16 signed up.

17 I want to point out that Midcontinent did bring
18 alignment sheets here tonight, so if you have specific
19 questions about the location of the pipeline and you want to
20 look at mapping details, we could do that after the formal
21 portion of the meeting. We will all stay here and be happy
22 to discuss with you and review the maps that Midcontinent
23 brought, that are on the back table here tonight.

24 Let's see, when I call your name, just come to
25 this microphone here, and if you could state your name and

1 spell it for the transcriber. We have the transcriber -- or
2 the video Court Reporter here, rather, tonight, so that we
3 can get an accurate record of all of your comments, since
4 we do address each and every comment that we receive, either
5 written or verbally.

6 So when you provide your comments, if you are a
7 landowner along the pipeline, it would be helpful if you
8 could identify a mile post, if you know that; if you don't
9 know that, just your general location would be fine.

10 And if you have questions that we can readily
11 answer, we'll try to do that now. If it's specific mapping
12 details that you want to review, we can do that after the
13 meeting, as well.

14 And I think that's it, so we'll get started here
15 with David Fowler.

16 MR. FOWLER: Can you hear?

17 PARTICIPANT: Yeah, you don't have to get too
18 close to it. Just stand about there, that's right.

19 MR. FOWLER: I'm a chicken farmer from north
20 central Lincoln Parish, Section 1, Township 20, North Range,
21 3 West, I believe, is where I am.

22 And the original route of the pipeline did not
23 impact me that much, but the route of the line to get by my
24 chicken houses, is going to impact me tremendously, and I am
25 not happy over that.

1 On that particular farm, I've got six houses on
2 it, and to replace that farm, is about a million dollars,
3 plus.

4 The only way -- I'm against, close to my south
5 line. I cannot expand south. The only way I can expand, is
6 north.

7 The line was originally planned going to the
8 south side. Well, there's about 80 feet between my broiler
9 house and the old United Gas line, which was so-called
10 parallel.

11 And the first guy that came out there, I said, I
12 am not happy with going on the north side. That eliminates
13 me being able to expand.

14 And if history is any indication of what's going
15 to happen in the future, one has to get bigger, as time goes
16 on. There was one time when a one-horse farm could make a
17 living. Can't do it anymore.

18 There was one time -- I've been growing birds for
19 38 years. There was one time when with three chicken
20 houses, I could make a living with three chicken houses.
21 Can't do it anymore.

22 I'm running ten now, and if history is any
23 indication of what's going to happen in the future, I'm
24 going to expand again, and the north side is where I have to
25 expand.

1 I bought a bigger generator when I built that
2 farm, so I would have enough power. We have to have standby
3 power; we have to have standby water.

4 I've got my water well drilled there, got my
5 generator there, big enough to carry two more houses. They
6 want to go 200 feet down the north side of -- well, three
7 houses are end-to-end. They want to go 200 feet down the
8 north side of two houses on the farm.

9 That eliminates me ever expanding on that side.

10 The first guy that came out, I told him; I said,
11 I don't want you coming over here. You stay over there
12 where you intended to stay to begin with, and we'll talk.

13 But, I said, I'm not in favor of talking about
14 coming over here. Well, he called me back in about three or
15 four days, and he had talked to the powers in the ivory
16 tower, somewhere, wherever they are; I'm not sure.

17 His quote was, due to the fact that it's so close
18 on the south side, we're going to go on the north side. And
19 that kind of aggravated me tremendously.

20 I said, don't tell me you have to go on the north
21 side. I know for a fact that you can go anywhere you want
22 to go, if you want to go there. It can be put in there.

23 I said, what you're trying to do, is eliminate a
24 little bit of inconvenience on your part, and not give, and
25 to put it politely, one hoot about what it does to me on my

1 part.

2 And I said, I'm not for it. I said, I believe I
3 can convince a judge to see it my way.

4 And if they continue to insist on coming on the
5 north side, a judge will decide what's right and what's
6 wrong.

7 My family has been on that farm since the 1870s.
8 We have lived there and we have -- my great granddad made a
9 living, bought the place; my granddad made a living there
10 and my dad made a living there, and I have made a living
11 there all my life.

12 And this pipeline is trying to eliminate me being
13 able to keep up with the times, because of a little more
14 expense or a little inconvenience on their part.

15 Now, I know -- like I said, I know for a fact,
16 they can put that line in there, if they want to do it, and,
17 actually, the line would be shorter, if they stayed on the
18 original plan. Like I said, if it comes down to it, a judge
19 is going to have to decide, because until a judge says
20 you've got to let them go over there, they're not going over
21 there. That's the bottom line. Thank you.

22 MS. JONES: Ray Linder?

23 MR. LINDER: Let's see, I have already submitted
24 -- my wife and I have submitted comments to Secretary Bose.
25 Is that how she pronounces her name?

1 MS. JONES: Yes, sir.

2 MR. LINDER: And I've got a copy of those, but I
3 would like to give you a brief summary of our concerns,
4 concerning a variation route that has occurred from the
5 originally-proposed route.

6 It's the same one that impacts David here.
7 Basically, it's a 40-acre tract that's owned by a Margaret
8 Susan Roach and my wife, Mary Catherine Linder, and it
9 enters the southern one-third of this tract, the newly-
10 proposed route does.

11 And it's at Milepost Louisiana 79.8, where it
12 enters the property and it exits it at Milepost Louisiana
13 80.1. Now, that's my approximation, based on the large
14 scale maps that are provided in the Appendix. That could be
15 off by a tenth of a mile or so, because they are such large
16 scale maps, okay?

17 And with the rest of the comments here, I'm going
18 to refer to this land as "the Roach property," to try to
19 explain some of the comments.

20 Okay, first of all, we're specifically asking
21 that FERC and MEP return to their original right-of-way
22 route, rather than follow the variation route, which,
23 basically, this variation route, is from Milepost Louisiana
24 79.1 to Milepost Louisiana 80.5, as shown in Appendix J-2 of
25 the EIS. That's the variation route that we're talking

1 about.

2 The original route followed a straight line and
3 did not impact the property in question.

4 The reason given in the EIS for the variation, is
5 to avoid a residence and farm structures, and from what
6 little we've been able to find out about specifics of the
7 residence and farm structure, the farm structure is a
8 chicken house that David was mentioning to you. David is
9 our up-pipeline neighbor here.

10 And the original route continued along an
11 adjacent existing pipeline, and we don't understand why, if
12 the right-of-way is limited at David's chicken houses, then
13 why you can't use the HDD method there. I mean, if you can
14 go into the Mississippi River with an HDD method, it doesn't
15 seem like dealing with a chicken house would be that big of
16 an ordeal.

17 There are two mobile homes and a pasture area
18 along the original route, and there is a house adjacent to
19 Louisiana State Highway 152. The house, as well as the
20 mobile homes, were built or placed in very close proximity
21 to an existing pipeline that MEP is following, so they
22 apparently don't have much concern about building close to a
23 pipeline.

24 We believe that a short-length southern
25 variation in the MEP pipeline, original pipeline route, at

1 the location around the structures, would keep the pipeline
2 in pastureland, which, according to the EIS, you say that
3 the pastureland will be returned to pasture, that you're
4 basically going to make sure the soil is not compacted,
5 topsoil will be placed back, the line will fertilize it, and
6 off the folks go.

7 So there's not really an impact in terms of the
8 environment, in pasture. So, by keeping it up there, you
9 would be keeping it within pasture.

10 Okay, now, one thing we noticed that's a concern
11 to us, is that it talks in the Environmental Impact
12 Statement about high-consequence areas crossed by the
13 pipeline, and it did not identify an HCA from the milepost
14 on the Roach property, from the milepost that I mentioned
15 earlier.

16 There was no HCA mentioned, okay? Now,
17 according to our interpretation of the EIS, that would be
18 called an identified site, because you have -- their mother
19 lives in a house there within -- it's approximately between
20 125 and 150 yards from the middle point of the permanent
21 right-of-way.

22 Okay, it's that close to her, and so we feel like
23 that the HCAs need to be extended through at least -- at
24 least through the Roach property.

25 There's also one to at least one other severely

1 disabled person that's within 150 yards to the south, not on
2 our property, but to the south of us there, that would be --
3 that's physically impaired, and that would be a problem to
4 basically evacuate these people.

5 I think Susan Roach is going to talk a little bit
6 more about her concerns about her mom, but I wanted to
7 mention the HCAs there. They need to be extended.

8 Okay, we also contend that the original route
9 will be less environmentally damaging than the subject
10 variation route, for several reasons: Okay, first of all,
11 the EIS fails to identify a small wetland area that's
12 located on the Roach property. It's basically a hydric
13 inclusion of a -- it's a hydric inclusion of a non-hydric
14 soil, which is fairly common in the north Louisiana area,
15 but it's a small wetland area and it's historically wet.

16 It's been that way. Water Oak is the
17 predominant species on there, and, based on my training in
18 wetlands, it is a wetland area.

19 Also, the EIS does not mention a riparian area
20 that would be on the southwest portion of the Roach
21 property, along -- it's actually on the Roach property, but
22 the pipeline does follow a small upland stream there, for
23 several yards there, and basically will do away with the
24 riparian area habitat along that route.

25 Okay, the EIS fails to identify potential impacts

1 to a spring on the Roach property. Based on your spring
2 inventory, there is a spring on the Roach property that's
3 not included in your inventory.

4 It says that MEP is willing to mitigate, if
5 necessary. We don't understand how you can mitigate. If
6 you come in and put a pipeline in and you basically either
7 impact the yield or the water quality of that spring, then
8 how in the world are you going to mitigate it? We don't
9 understand how you can mitigate, unless you through money at
10 us, which we're not interested in that; we want the spring
11 to remain intact.

12 We do like the fact that FERC is requiring MEP to
13 do the water well and spring testing, and we are encouraging
14 that that be extended to anyone, regardless of the present
15 use of the water, so that MEP would be required to look at
16 the yield and water quality before and after their
17 construction there on the land.

18 We still say that this service will -- the spring
19 testing program will only identify damage, and not repair
20 it.

21 And, basically, if you move the right-of-way back
22 to its original location, both the -- I mean, the impacts to
23 the wetland, riparian areas, as well as to the spring, would
24 be avoided, because none of that stuff exists up on top of
25 the hill there, where it was originally planned.

1 Okay, the EIS talks about water body crossings.
2 If you left the original route there and did not follow the
3 variation route, then you could reduce the number of water
4 crossing by at least 50 percent and possibly 75 percent, by
5 taking the old route.

6 The EIS talks about extensive forested tracts,
7 which are -- well, the Roach property, in its entirety, is
8 located within one of these tracts, and it's basically
9 because of our management that we've done on the property.
10 We've tried to maintain large, mature trees, and not all of
11 the area is large, mature trees, but at least half of that
12 right-of-way would be.

13 The route will basically destroy the most mature
14 forest that's on the Roach property.

15 The original route was in pasture, and,
16 therefore, there would be no impacts to extensive forested
17 tracts. Also, by moving it up there, it would avoid impacts
18 to extensive forested tracts on our neighbor to the west,
19 which is Harry Dean Napper.

20 Okay, there -- I'm going to let Susan talk about
21 the Roach family 1880s home and its uniqueness, and also
22 about the concern about the health of her 91-year old mother
23 that lives there, and is physically impaired.

24 Okay, there are some additional comments of a
25 general nature. There is some confusion in the EIS about

1 where topsoil and compaction issues will be addressed.

2 In some places, it says that they will be used
3 within cropland and pastureland, but we basically contend
4 that anywhere that a landowner wants the topsoil, basically
5 set aside, to go back on the top when they get through, as
6 well as testing for compaction and dealing with the
7 compaction issues, that that be done, and it doesn't matter
8 what land use, whether it's forest, pasture, or cropland.

9 There's also fertilization and liming, which the
10 EIS mentions, which may be necessary, and if you're going to
11 -- and I would think that MEP would be interested in this,
12 because I'm sure they want their right-of-way of there to
13 re-vegetate within the shortest period of time.

14 Okay, there's some mention in the EIS about
15 access barriers. We feel that the EIS should clarify that
16 MEP is responsible for constructing, operating, and
17 maintaining all access barriers requested by landowners, and
18 that access would be provided to the landowners.

19 Our concern here is that you're going to open up
20 property there that anybody on a four-wheeler, four-wheel
21 drive, could drive on and go up and down through there,
22 tearing stuff up, and we just don't care for that, and we
23 feel like that's an impact that will occur to us, that will
24 require access barriers.

25 Okay, the EIS would make someone believe that MEP

1 is providing completely, timely, and thorough information to
2 local landowners, and that they are truly committed to
3 minimizing environmental impacts. We have not found this to
4 be true, and I'm going to let either Susan or my wife,
5 Kathy, talk a little bit about our communication or non-
6 communication with MEP.

7 That would let them talk just a little bit more
8 about this, but what I would like to add in at this point,
9 is that we have a concern that the EIS process is supposed
10 to be used to identify environmental issues, social issues,
11 human issues, and to try to deal with those and minimize
12 them during the environmental impact process. Is that not a
13 major objective of the whole NEPA process?

14 MS. JONES: That's correct.

15 MR. LINDER: Okay. At the same time, we see MEP
16 out buying land rights from adjacent landowners, which could
17 lock us in. We know for a fact that the people to the east,
18 they have already obtained rights-of-way from them, okay?

19 We would hate to think by them going ahead and
20 doing that, that our comments and request for
21 reconsideration, won't even be considered, because they've
22 already made that financial commitment. That seems directly
23 opposed to the EIS process and everything that I know about.

24 (Pause.)

25 Okay, because of our experience with MEP -- the

1 EIS talks about having environmental investigators that are
2 hire by MEP.

3 With the experience that we've had with MEP, non-
4 communication with them, we don't feel like a MEP-hired
5 environmental investigator, is going to be adequate
6 protection on our land, and feel like that we're probably
7 going to have to hire some additional oversight to make sure
8 that MEP, as they build the pipeline, adheres to everything
9 it says that you're going to do in the EIS.

10 There's lots of stuff in there, fellahs, that
11 y'all are going to have to do. And we want it all done on
12 our land, if y'all do come through us. We'd prefer you go
13 somewhere else.

14 So I just don't think a MEP-hired environmental
15 investigator -- and that would be a question for you, that I
16 would like to have addressed, is, what kind of oversight
17 does FERC, itself, to provide to MEP during the construction
18 process?

19 I know a federal agency that I retired from, we
20 did federal contracts on our construction work. It wasn't
21 private, but we always had a construction inspector onsite,
22 that basically made sure that stuff was put in the way it
23 was supposed to be put in.

24 And I just don't see that close supervision by
25 FERC in this process, but would you address that for me when

1 I get through, please?

2 MS. JONES: Certainly.

3 MR. LINDER: Okay. Throughout the EIS,
4 resources and impacts are discussed with a final conclusion
5 of no significant impact.

6 We realize that this no significant impact is
7 related to comparing these impacts to a national scale, a
8 regional scale, and so we don't necessarily disagree with
9 that, when you compare all the extensive forested tracts in
10 the U.S. to what is going to happen to us.

11 But we feel like the EIS ought to at least
12 recognize the fact that what you do to us, is significant to
13 us. Okay, it may not be significant on a national scale,
14 but it is significant locally to the people that own that
15 land.

16 And we appreciate the opportunity to comment on
17 the Draft EIS, and would hope that FERC and MEP would
18 seriously consider our comments, by moving the subject
19 variation route to its original location.

20 I have one other question of you, and that is,
21 FERC -- okay, FERC oversees the EIS, basically prepares the
22 EIS for these types of projects, okay?

23 If I'm not mistaken, NEPA is regulated by EPA.
24 Are they not give oversight in terms of making sure that
25 other agencies adhere to NEPA, and private individuals,

1 okay?

2 My question would be, who determines the
3 adequacy of your Environmental Impact Statement? Do you?
4 Or will EPA come in here at some point and say that your
5 Environmental Impact Statement is adequate or inadequate,
6 and if EPA doesn't have that right, then the question would
7 be, is the only that that can be done, would be for there to
8 be a federal lawsuit filed that basically contends that the
9 EIS is inadequate?

10 MS. JONES: Well, NEPA applies to every federal
11 agency that performs an action or issues a permit that then
12 results in an action that could result in significant
13 effects on the environment.

14 As far as -- your question pertains to oversight
15 of federal agencies implementing NEPA, and that's more of a
16 legal question. I don't know if Wayne, you might be able to
17 help me with that.

18 I'm not sure if it's EPA or Council on
19 Environmental Quality or -- I don't know that answer right
20 off.

21 MR. LINDER: Does EPA basically have to bless
22 this EIS at any point, for y'all to move forward with it, to
23 your knowledge?

24 MS. JONES: Not that I'm aware of, no.

25 MR. LINDER: Okay. And so then the only way that

1 either an individual or a group would have to challenge the
2 EIS, would be for them to file a federal lawsuit, is that
3 correct?

4 MS. JONES: You know, I couldn't say that for
5 sure. It's a legal question that's not in my expertise.

6 MR. LINDER: Right, but that is one way. I've
7 seen it happen numerous times.

8 MS. JONES: You have, okay. Yeah, it's not
9 something I'm familiar with.

10 MR. LINDER: Okay, and what about your oversight
11 that I asked you about. Could you address that, please?

12 MS. JONES: Certainly.

13 MR. LINDER: The oversight actually during
14 construction.

15 MS. JONES: Midcontinent itself will -- is
16 required to hire its own environmental inspectors, and for
17 this project and others similar to it, that are larger in
18 scale, the FERC requires third-party monitoring.

19 And under that scenario, there are inspectors
20 that report directly to the FERC. They are instructed by
21 the FERC, and they are independent of the Company. They are
22 financed through the Company, but it is a third-party
23 program where they report strictly to the FERC.

24 It's a program that we've had in place, and have
25 found to be extremely effective for many years. And those

1 FERC environmental inspectors will be onsite daily,
2 providing daily and weekly reports to FERC Staff, and if
3 there is any noncompliance or serious violations, we will
4 hear about that immediately, and, if necessary, the FERC can
5 stop work.

6 And you did have a number of other concerns, and
7 I appreciate you for bringing those to our attention, and
8 we'll be looking at that routing issue, and we'll also be
9 available to discuss it further after the meeting, if you
10 are able to stay a little longer.

11 Kathy Linder?

12 MS. LINDER: I'm Mary Catherine Roach Linder, and
13 I'm going to speaking about the same area that my husband,
14 Ray was just speaking about.

15 I think that one of our main concerns, to begin
16 with, is the lack of communication and the lack of any
17 specific information that we've been given about this
18 project.

19 Our first letter was January 26th of 2007, and it
20 came jointly to my sister, Margaret Susan Roach and I, at my
21 mother's house in Louisiana.

22 I live in Arkansas, and so, you know, I
23 eventually learned of this information. Well, this was very
24 general. It said, you know, we may be coming near your
25 properties, something like that.

1 Well, then about a year later, I think my sister
2 heard something from someone that wanted to survey some
3 land, and she said, well, give me at least 24 to 48 hours
4 notice, because our mother's up there and she is very
5 anxious about strangers on the property and such like.

6 And there was, you know, no more communication to
7 that. Well, then this Summer -- I mean, just a couple of
8 months ago, my sister and I discovered that MEP has gone
9 through our property and surveyed and they've cut trees,
10 they've flagged all this stuff, and still no one has
11 contacted me, personally.

12 As far as I know, you know, there's still no
13 intention to cross our property, but it's very obvious, when
14 you look at the land, that it's been flagged, it's been
15 surveyed, and trees have been cut and stuff out of the way.

16 My sister talked to, I think it was, Amanda
17 Sloan, and explained my frustration over no one contacting
18 me. Well, about two or three days later, I received a
19 letter dated October 2007, and it was still a general letter
20 that we may be wanting to come near your property.

21 That's all I've been told, and so I'm very
22 frustrated over the lack of information.

23 Then trying to look at the maps on the Internet,
24 which is all I had, initially, because my sister had --
25 well, we had received, jointly, a copy of the Draft EIS, and

1 that was frustrating, trying to read it on the Internet.

2 And so then my husband called and we did get a
3 copy of that in the mail, but trying to look at the maps and
4 figure out where our land is associated with the mile
5 markers, is very difficult to tell. It's a big map here,
6 and there's a line here with no markers, you know, no
7 mileage listed.

8 So then you try looking at the high-consequence
9 areas or the different areas in the EIS, and can't really
10 tell, you know, if our area is really explained in there or
11 not, so that was another frustration.

12 The EIS, I think, said that there were some maps
13 you could reach from the E-Library side of the FERC site.
14 We tried to get to those, and it said that that page wasn't
15 available, so, you know, you can't really see the specific
16 things, either, so we have some frustrations on that.

17 I'd like to add a couple of comments, too, about
18 what Ray said about the spring on our property. That was
19 used for our sole water source for many years when I still
20 lived at home, and my mother used it for several years,
21 until, actually, there was a Hyco (ph.) water system put in,
22 and so that -- she hasn't used it for her personal drinking
23 water, but it's still there available and the lines are
24 still there from the spring to the house, to provide water,
25 in case there's any problem or if she just wants to

1 supplement the Hyco water system.

2 The water was wonderful. I mean, you didn't have
3 to have filters. It was like the good stuff that you buy
4 from the springs, you know, but it was natural, so we would
5 really hate to see that destroyed.

6 Another thing is the timber that's grown there
7 for so many years. I mean, it will be removed for the
8 permanent right-of-way, and, of course, the temporary right-
9 of-way, you say, well, it will be brought back to its
10 original state, well, there's no way you can bring back 60-
11 year old trees to an original state.

12 And I don't know how the compensation is for
13 timber and things that are permanently removed. You know,
14 how can you compensate for your future growth of your timber
15 that, you know, you may cut something for pulpwood now, that
16 you wouldn't have thought about cutting for the next 20
17 years or something. I don't know how that could possibly be
18 compensated for, for the future.

19 But, anyway, let's see. I think my sister is
20 going to bring more comments about our mother and her mental
21 and physical state and the problems that bringing this
22 pipeline that close to her, will bring.

23 And, let's see. I think that's all I want to
24 mention right now, but I thank you for your time.

25 MS. JONES: Thank you. Susan Roach?

1 MS. ROACH: I'm Susan Roach, if you haven't
2 already heard my name too many times.

3 I, too, would very much like for this thing to be
4 moved off of our property. I have some very, very deep
5 personal issues with this, as well as some professional
6 issues.

7 I'm an academically trained folklorist, and I am
8 very concerned about how this is going to impact a historic
9 farmstead. If I can give you just a little bit of history
10 about the farmstead, it was bought by my grandfather in
11 1915, from family called the Driggers.

12 The Driggers had been there in the -- before the
13 1880s, I think, 1870s. They had a house there, dated about
14 1880.

15 That house is a dogtrot house. It's a very
16 important cultural feature. I know this pipeline is not
17 going through the house or by the house, but it's coming
18 within a hundred yards or 150 yards. I don't know; I can't
19 tell, because I can't measure on these maps. It's very
20 upsetting, not to know the specifics of all this.

21 But be that as it may, it is going to come very,
22 very close to where we enter the driveway to go to that
23 house, which is set considerably off the road.

24 It's a very private place; it's got a lot of
25 trees in front of it, there's a lot of highway noise, so

1 when you cut those trees and they can't grow back in that
2 easement, in that main part, they will never be replaced,
3 the highway noise is going to be deafening.

4 I think it will become a much less attractive
5 place to live. That concerns me, because it's my rural
6 retreat.

7 I'm intending it as a retirement home. My mother
8 lives there, the noise bothers her at times. With the trees
9 gone, there's going to be much more pollution.

10 She is very allergic, as I am. Everybody's got
11 sinusitis and all this trouble, so we don't need the added
12 problem of trees, you know, not being there to help protect
13 the air.

14 I'm also concerned, because she cannot stay there
15 while construction is going on. First of all, there will be
16 all kinds of strangers running around and that will make her
17 very nervous.

18 I don't feel like she will be secure with people
19 we don't know, up there on the property. It will just be a
20 small little jump over to her house, and I think that will
21 be a big, major problem for her, as well as for me.

22 I would be worried sick about it. I live about
23 20 miles away, and I'm up there all the time, anyway, back
24 and forth between where I live, so I've very concerned about
25 that.

1 I'm also concerned that in the event of an
2 accident, a fire, perhaps set accidentally, perhaps by one
3 of the workers, since we are so surrounded by woods, or if,
4 god forbid, there were a pipeline incident, terrorism,
5 perhaps -- who knows -- or just a glitch in the system, that
6 there would be no exit for her, because of the way our
7 driveway curves around and goes into the property.

8 I'm also concerned, along the same lines, with
9 the fact that this route is planned to go behind Ms. Willie
10 Mae Dyson's house, my dear neighbor, and before -- well,
11 actually, her son, who lives next door to her, and her son
12 is now physically impaired. He's had another stroke, and
13 he cannot leave the house without his motorized scooter.

14 And he cannot walk, he keeps falling down, so
15 when he's there alone, he can't -- he has no way to get out,
16 without help. This will be right up in back of his house,
17 this will come on down in back of Ms. Willie Mae Dyson's
18 house, and she is in her 80s, and she has several health
19 issues, and she can only walk with a cane, as mother can
20 only walk with a cane.

21 So, I think that there are three very much
22 impaired individuals living in this area, and, you know,
23 there are people that check on them and do things for them
24 and are with them some of the time, but not all the time.

25 And this makes me very, very nervous for them.

1 It also makes me very miserable to think that I have to give
2 up my retirement home, my rural retreat, because it's not
3 going to be -- it's going to be so noisy, it's going to have
4 this wretched bare expanse going through what was a
5 beautiful little woodland area, by a little -- a natural
6 pond.

7 There are so few natural ponds left around,
8 nobody knows about them. But we have a little natural pond
9 as you come into the property. It's a pond that's been
10 there, I guess, for a long, long time.

11 It's by the spring that they mentioned, and it's
12 a pond where our father was baptized, where the churches
13 used to hold baptisms, so, culturally, it's a very
14 significant area.

15 And this pipeline comes in right by that. It's
16 going to come in across our property on the other side.

17 We have two or three acres across the road, big
18 old trees. It's still a little -- that's where the
19 headwaters of this little creek come in, and the creek flows
20 through, and they're going to go down the creek, cross the
21 creek, as it curves around, and it's just going to ruin that
22 property, as far as any aesthetic appeal, or as far as the
23 actual historical appeal of the property.

24 That was land that my grandfather had used. He
25 had a little pasture down there around the pond, not much,

1 and then it went on into the woods, and some of the cows
2 would go in the woods, you know, and hang out, and then just
3 go back into the barn and be fed.

4 The outbuildings that were on the farm, are
5 pretty much -- the big ones are still there. We're trying
6 to maintain them, because, as I said, I'm a folklorist and
7 I'm very interested in maintaining our folk architectural
8 heritage of north Louisiana.

9 I've been working on that in various capacities,
10 for a long time, preserving the oldest dogtrot house in
11 Lincoln Parish, which is four miles down the road. Our
12 house and our place, our farm, is the only place that I know
13 of left on that road, besides the Autrey house, that has
14 original house that was there, you know, from the 1800s.

15 But, in addition, our house has some of the
16 outbuildings left. We have a barn, a blacksmith shop that
17 was actually moved in from downtown Hyco. We have, let's
18 see, a smokehouse, and a well shed, and a couple of other
19 buildings that are not going to make it, because I can't
20 maintain everything quite, but, at any rate, we are
21 maintaining as much of the farmstead as we can, and we
22 really hate to see that threatened.

23 I feel like this is very much of a threatening
24 situation for it, because we have the original 40 acres that
25 my grandfather first purchased to make that farm. He added

1 on another 80 in the back, and that was -- when we divided
2 up the land, after my sister and I and my father and mother
3 had moved up there, the other heirs got the back 40 and we
4 got the front 40 that was the original farm.

5 And we've tried to maintain it. Our mother has
6 insisted on staying there, in spite of, you know,
7 everything. She was widowed in '69, and she stayed on
8 there.

9 I went off to college and my sister went off to
10 college and got married, and, so, you know, we left the
11 place there with mother to stay there, and now she wants to
12 stay. She doesn't want to move, and I feel like if we have
13 to move her, initially for this construction, I don't know
14 if I'm going to feel comfortable with her living there with
15 this pipeline running through it all the time, with the
16 other potential things that can go wrong there.

17 I would like to add that this is a significant
18 historical property, because it's one of the Duback (ph.)
19 area dogtrots. It's one of the few left on that road.
20 Duback, for you that don't know, is the dogtrot capital of
21 the world, as declared by the Louisiana Legislature in 1990,
22 and it's a house type that is very important to the upland
23 south tradition.

24 It's very much an 1800s house type, and is found
25 pretty much among yeoman farmers, so, in that way, our farm

1 is very typical of a yeoman, starting in the 1800s and going
2 on through the turn of the century.

3 And I feel like that that's another very
4 important reason for not interfering with the integrity and
5 the context of that piece of land. I feel very strongly
6 that we really need to maintain that.

7 I have also spoken a little bit about last -- on
8 Tuesday in Minden, about the problems that we had with
9 Midcontinent Express Pipeline and the communication. I
10 might need to reiterate a little bit about that.

11 I was contacted by a Amanda Sloan in February 08,
12 February 5th, and that was the first time we knew that they
13 wanted to go on, that they wanted to put the pipeline on our
14 land. I had been contacted earlier, I think, in February of
15 07 -- I'm not quite sure about that -- by Clint Walker, who
16 wanted to maybe come on and do some surveying.

17 I said, we're not interested in any pipeline, we
18 don't want any pipeline on this land; it doesn't matter,
19 we're just not interested. He said, well, we just want to
20 survey some adjacent things, you know.

21 It wasn't -- it was just like they were going to
22 site something on somebody else's property. And so I said,
23 well, we don't really want anybody coming up there when we
24 don't know it. I want to know when you're coming. I'll
25 probably need to be up there with my mother, because she

1 gets alarmed when there are people on the property, and we
2 didn't know.

3 So, we were very alarmed when we found out they
4 were -- where they said they were going to put it, and then,
5 low and behold, when we went up there, they had already been
6 all over it.

7 As Kathy said, they had cut trees, they had also
8 done an archeological dig, so I found out, or some digging.
9 I don't know, but I think they did some shoveling around
10 various places, because I was concerned, too, that there was
11 a Native American presence on that land, because I know a
12 lot of points had been found when people were farming up on
13 the higher ground, not necessarily in the place where
14 they're running this.

15 So, I guess they did the archeology survey
16 without telling us that, either.

17 But we feel like that because, especially, we
18 asked to be notified ahead of time, if they were going to do
19 anything, survey-wise, that we should have been contacted
20 and we were not.

21 I am very concerned about these issues and the
22 fact that this is evidently going to happen, whether or not
23 we were contacted or not.

24 So, I'm concerned, too, that a lot of our
25 neighbors feel like that they don't really have any

1 recourse, that if they don't want this on their land, they
2 really don't have, you know, any say-so, that what they say,
3 will not matter, and that's a really important thing to me,
4 because I think we all need to have a voice in our
5 experiences in this country.

6 And, anyway, I really hope that FERC and the
7 Midcontinent Express will see their way fit to find some way
8 to avoid our property, if possible, and maybe go back to the
9 original route.

10 I would like some clarification of the chart --
11 and I've got it written down. I'm not sure if I can find
12 that piece of paper -- a table, I beg your pardon.

13 (Pause.)

14 Well, maybe I don't have it on that page.
15 Anyway, the table where it says that there was a residence
16 and a farm structures, that were the reason that the route
17 was changed. When you look in the EIS and see the changed
18 route back in the Appendix in J, whatever, then it says --
19 I wonder what -- and then when I talked with some of the
20 MEP, Mr. Sellers, on Tuesday night, he told me it was just a
21 chicken house, and that was all it was.

22 So I wonder if there is some error in there, of
23 if I've misread it, or the mile thing is wrong, or
24 something. Thank you.

25 MS. JONES: Thank you.

1 (Apparent short gap in tape.)

2 MS. JONES: -- and state your name.

3 MS. KLINE-CLARK: Hi, my name is Janet Kline-
4 Clark, and I'm from the Madison Parish area. It's obvious
5 that the persons here have been going at this for a long
6 time. It's obvious that this process has been going on
7 since last year.

8 So I think my family is kind of new to
9 everything that's going on. We're here tonight, because our
10 family property that's in Madison Parish, that's on Highway
11 602 -- we got a communication in reference to that, and
12 we're interested as to how it's going to affect us, so I
13 think, after the meeting tonight, we need to see the maps,
14 we need to actually see, because we're talking about 55
15 acres of farmland that's being farmed, and our relatives,
16 it's their property now, all of the original children have
17 all died, and we're trying to kind of get a grip on what's
18 actually supposed to happen.

19 We have farmland, we have woodland, and then
20 across the bayou, the land that's -- across the highway,
21 it's bayou property and it belongs to us, too, and all of
22 the persons that live down that 602 area.

23 We really need to know, actually how that's going
24 to affect us, because our land is being farmed, too, and we
25 really need to know whether or not it's going to affect the

1 farm property.

2 And like these individuals were saying, our
3 parents, our grandparents purchased that property. The
4 original house is still there, and with us going through or
5 getting ready to go through the succession process, we
6 really, really need to know, see maps, diagrams.

7 The person that contacted my cousin, because my
8 cousin's name is the original name of my grandfather, they
9 have been in contact, but then my cousin and my aunt that
10 live on the property, because they're not at home all the
11 time, we don't know if they've been in contact or they're
12 out surveying or what they are doing out there.

13 And we really, really are concerned, and
14 especially if it's going to affect us like it's affecting
15 the people here.

16 It's going -- you know, I think it's going to be
17 hard on my family, because, knowing that my aunt, who just
18 recently died, and my grandmother and my father and uncles,
19 all wanted the property to stay intact, and knowing that the
20 government, regardless to what we say, if it's something
21 that's going to benefit the public, then you at some point,
22 as I was reading in your document, you're going to do
23 eminent domain, once the documents are signed, if you don't
24 reach an agreement with the family, and then it would be
25 decided on by the courts, as to what the financial

1 settlement will be.

2 So, I just wanted to know how long has this been
3 going on in Madison Parish? Are you all just coming, just
4 starting in Madison Parish, since it's been going on in the
5 Lincoln area, at least for over a year?

6 PARTICIPANT: Well, we are just starting our
7 acquisition strategies --

8 PARTICIPANT: You have to go to the microphone.

9 PARTICIPANT: Okay. We're just starting our
10 acquisition program in Madison Parish, so we haven't been
11 contacting a lot of people yet.

12 MS. KLINE-CLARK: Okay, okay, all right, thank
13 you. We'll wait until after the end, so we can see maps and
14 everything.

15 MS. JONES: Okay.

16 MS. KLINE-CLARK: We do appreciate your time,
17 okay?

18 MS. JONES: Absolutely. Okay, thank you. Is
19 there anybody else who would like to provide comments for
20 the record?

21 (No response.)

22 MS. JONES: No? Okay.

23 PARTICIPANT: I would like to say one more thing.

24 MS. JONES: Okay, yes, sir.

25 MR. FOWLER: Some of you will probably say, well,

he's anti-pipeline. Well, that's not true.

A pipeline has been across the place since 1928, and as a matter of fact, we have already settled with this company up in Clayton Parish, my wife and I, Carol S. Fowler. You can look on the record.

We've already settled with them. That didn't impact our ability to make a living.

Down in Lincoln Parish, it's going to impact our ability to make a living, and that is the problem. Thank you.

MS. JONES: Okay, thank you very much. I think that at this point, we'll conclude the formal portion of the meeting, and we'll all remain for further discussions, as you would like. Thank you.

(Whereupon, the scoping meeting was concluded.)