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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

ROCKIES EXPRESS PIPELINE
EASTERN PHASE PROJECT

- - -
PUBLIC HEARING
- - -

The above public hearing was held on
Friday, September 15, 2006, at 7:00 to 8:00 p.m., at
the Zanesville High School Auditorium, 1701 Blue
Avenue, Zanesville, Ohio 43701, before Terence M.
Holmes, professional court reporter, and Notary
Public within and for the State of Ohio.

1 APPEARANCES:

2

3

MODERATOR: Alisa M. Lykens

4

Environmental Biologist

5

Environmental Gas Branch I

6

888 First Street, NE

7

Washington, D.C. 20426

8

ALSO: Donald T. Hammer, Principal

9

ICF International

10

9300 Lee Highway

11

Fairfax, Virginia 22031

12

13

ALSO: Harold Winnie, Engineer

14

U.S. Department of

15

Transportation

16

Office of Pipeline Safety

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1 P R O C E E D I N G S

2 MS. LYKENS: Good evening and welcome.
3 I personally want to thank you for coming out
4 tonight. My name is Alisa Lykens and I work for the
5 Federal Energy Regulatory Commission. I am the
6 Commission's Environmental Project Manager for the
7 Rockies Express Pipeline Eastern Phase Project.

8 As you are aware, Rockies Express
9 Pipeline LLC is proposing to build as its eastern
10 phase about 622 miles of 42 inch diameter pipeline,
11 five new compressor stations, and other apertinent
12 facilities, in the states of Missouri, Illinois,
13 Indiana and Ohio.

14 The Rockies Express Eastern Project is
15 currently in the preliminary stages of design, and at
16 this time a formal application has not been filed at
17 the Commission.

18 For this proposal the Commission is
19 initiating its National Environmental Policy Act
20 Review prior to receiving the application. This
21 allows interested stakeholders to become involved
22 early in the project planning, and to identify and
23 attempt to resolve issues before an application is
24 filed with the Commission.

25 The National Environmental Policy Act

1 requires that the Commission take into account the
2 environmental impacts that could result from an
3 action whenever it considers the issuance of a
4 certificate of public convenience and necessity under
5 Section 7 of the National Gas Act. The act also
6 requires us to identify and address concerns the
7 public would have about the proposal.

8 An environmental document, and in this
9 case, an environmental impact statement for EIS will
10 be prepared to disclose what the environmental
11 impacts would be if the project is approved and
12 ultimately constructed and operated.

13 That being said, the purpose of
14 tonight's meeting is to hear from you. We would like
15 to know now what the environmental issues are now so
16 we can address it now rather than later after the
17 application is filed.

18 Now I'd like to discuss the agenda for
19 this evening. After my introductory remarks I will
20 have Rockies Express present a short description of
21 their project since there may be several attendees
22 who are here tonight who did not get a chance to
23 attend one of Rockies Express' open houses which were
24 held in June. Then I will go over how the Commission
25 will take your comments on the record, and from there

1 we'll open the record up to you.

2 Now I'd like to introduce a few staff
3 members who are with me on this environmental review
4 team, Ellen St. Onge, a staff archeologist, she was
5 out at the front table with me as you signed in.
6 Also, from ICF International I'd like to introduce
7 Don Hammer, who's to my right, and also from ICF at
8 the sign-in tables Jennifer Thomas and Alexis
9 Castrovinci.

10 ICF staff is our third-party
11 contractor and they will be assisting me and the
12 other agencies with the preparation of the
13 Environmental Impact Statement.

14 At this time I would like to introduce
15 to you Harold Winnie from the U.S. Department of
16 Transportation, Office of Pipeline Safety. Harold is
17 with the Pipeline and Hazardous Materials Safety
18 Administration. Also tonight is Jerry Bowman, he's
19 sitting in the right -- just wave. At this time I
20 would like to invite Harold to speak to you about his
21 agency's role regarding the project.

22 MR. WINNIE: Good evening. My name is
23 Harold Winnie. I am an Engineer with the Office of
24 Pipeline Safety, which is a branch of the US
25 Department of Transportation, Pipeline and Hazardous

1 Materials Safety Administration, (PHMSA) Pipeline
2 Safety Program also pipeline safety. I would like to
3 thank Alisa Lykens for inviting me to this scoping
4 session.

5 Given the concerns of the public with
6 respect to pipeline safety, my purpose at this
7 meeting is to assure you that if the pipeline
8 receives a favorable review from FERC, the Pipeline
9 and Hazardous Materials Safety Administration,
10 through its partnership with the Public Utilities
11 Commission of Ohio, PUCO, will maintain a continual
12 regulatory watch over the pipeline from its
13 construction to its testing and for the entire
14 operational life of the pipeline.

15 This regulatory oversight will consist
16 of measuring the operator's performance to ensure
17 that the pipeline is constructed of suitable
18 materials; that it is welded in accordance with
19 industry standards; that the welders themselves are
20 qualified to join the pipeline; that the pipeline is
21 installed to the proper depth; that it is coated to
22 assure effective cathodic protection from corrosion;
23 that the backfill is suitable and that it is properly
24 tested upon completion to ensure that it can hold up
25 to the pressures that the operator requires to

1 transport this product.

2 Beyond the construction process, the
3 PHMSA Pipeline Safety Program conducts inspections
4 periodically over all aspects of the operations and
5 maintenance of the pipeline. The operator must have
6 a written plan in place to instruct his personnel and
7 to relate to federal inspectors and state inspectors
8 exactly what testing or monitoring is done and the
9 frequency. In addition, if testing or monitoring
10 prompts a response or a corrective action, the
11 operator must detail his process to address problems.
12 Examples of the checks that an operator must have in
13 place are: The adequacy of the cathodic protection.
14 Monitoring the surface of the pipelines exposed to
15 the atmosphere, annual testing of the pipeline
16 valves, and inspection of pressure regulation and
17 relief devices to assure that the pipeline does not
18 exceed its maximum allowable operating pressure.
19 Periodic patrolling and leakage survey of the
20 pipeline. Following allowed procedures for pipeline
21 repair.

22 Beyond the routine functions that have
23 for decades been the baseline for operations and
24 maintenance, PHMSA has in the past few years
25 implemented new initiatives to ensure pipeline

1 safety.

2 At the forefront is the Integrity
3 Management Program. This program was published in
4 the Federal Register December 15, 2003. It requires
5 operators to identify high consequence areas (class 3
6 or class 4 areas or other areas with specified
7 population density concentrations or buildings of
8 assembly or buildings housing confined or impaired
9 persons.

10 IMF mandates that operators rely not
11 on spot checks, but on a comprehensive understanding
12 of its pipelines using established risk-assessment
13 methods combined with emerging technology. The
14 attempt is to find critical defects and repair them
15 before a failure occurs. The plan is continual,
16 implementing up-to-date mapping techniques,
17 hydrostatic testing, in-line inspection (ILI) of the
18 pipeline, verification of the ILI, and additional
19 steps to assure that the pipeline has a real time
20 file with any anomalies documented and tracked. To
21 measure the effectiveness of its integrity management
22 plan, operators are required to measure performance
23 through a variety of measurements including test
24 excavations.

25 In addition to the physical pipeline

1 itself, Congress has mandated that operator personnel
2 who perform operating, maintenance or emergency
3 response, be qualified in the performance of those
4 functions. The aim of this initiative is to minimize
5 operator error as the cause of any pipeline failure.
6 Beginning in 2001, operators were required to develop
7 a written plan to qualify every individual performing
8 a covered task. This has been expensive, not only to
9 perform the testing, but it has also launched more
10 intensive training programs for employees and
11 contractors who operate and maintain the pipeline.

12 The OQ regulation was stacked on top
13 of the 1988 requirements for operators to perform
14 mandatory drug and alcohol testing for all employees
15 who perform operations, maintenance, and emergency
16 response functions. This was not precipitated by
17 substance abuse in the pipeline industry, but as a
18 USDOT initiative on operators of transportation
19 systems. Drug and alcohol abuse had been discovered
20 in post-incident investigations in other sectors of
21 the transportation industry. Presently an operator
22 must conduct random drug testing of 25 percent of its
23 employees annually performing covered tasks, as well
24 as pre-employment testing and post-incident testing.

25 Another initiative, relevant to this

1 meeting is Public Awareness. Recently a standard was
2 adopted as regulation (API RP 1162.) This standard
3 requires operators: To identify persons along the
4 right-of-way affected by the pipeline; to inform the
5 public about recognizing leaks and taking appropriate
6 action, and to evaluate the effectiveness of the
7 program. RP 1162 establishes lines of communication
8 and information sharing with the public, excavators,
9 emergency responders, and local officials. Operators
10 have prepared their written plans to comply with the
11 standard due June 20, 2006, and are required to
12 submit their plans to PHMSA by October 8, 2006, for
13 review.

14 The initiatives that I have described
15 above are a sampling of what PHMSA's Pipeline Safety
16 Program does. As I said earlier, PUCO inspects the
17 interstate natural gas pipeline operators in Ohio.
18 If an operator's procedures are found inadequate or
19 if an operator is not following its procedures or if
20 the appropriate regulatory requirements, PHMSA is
21 authorized to seek punitive action in the form of
22 remedial action, civil penalties (which is a frequent
23 practice,) and even criminal action. The authority
24 is granted by Congress, and the agency is responsible
25 to Congress for the execution of its mandates.

1 The other issue that is important to
2 understand is Damage Prevention. The State of Ohio
3 has legislation that requires anyone performing
4 excavating activities to call the one call center in
5 advance of the work and have all underground
6 utilities located with paint and/or flags. Since,
7 third-party damage is one of the major causes of
8 damage to pipelines, it is important for each of us
9 to utilize the one-call system prior to doing any
10 excavations, and to make sure that others digging in
11 our neighborhoods have had the underground utilities
12 located prior to excavating by looking for the paint
13 and/or flags marking those facilities around
14 construction sites.

15 Should you need additional information
16 you can visit the PHMSA website at www.phmsa.dot.gov
17 or you can contact either Karen Butler or myself at
18 our Kansas City, Missouri Regional Office at
19 816-329-3800.

20 I hope that the preceding has been
21 informative. PHMSA's Pipeline Safety Program's
22 mission is safety, and we want to assure the public
23 that its interests' are not ignored in this area.

24 If there are any questions, I will be
25 around for a short while at the conclusion of the

1 meeting.

2 MS. LYKENS: Thank you. We expect the
3 federal and state agencies, such as the U.S Army Corp
4 of Engineer will cooperate with us in producing the
5 Environmental Impact Statement to meet the National
6 Environmental Policy Act requirements from various
7 agencies. We also will be including information
8 obtained from state agencies from Missouri, Illinois,
9 Indiana and Ohio for the EIS.

10 At this time I would like to call
11 Rockies Express to come forward to present their
12 project, and the presentation will be done by Alice
13 Weekley.

14 ALICE WEEKLEY: Good evening. My name
15 is Alice Weekley, I'm the Project Manager for the
16 Rockies Express Pipeline Project. Thank you for
17 coming out tonight, especially on a Friday evening.

18 The Rockies Express Pipeline Project
19 is a major domestic energy infrastructure for the
20 United States. The purpose of the project is to
21 transport natural gas supplies from the Rocky
22 Mountains, to markets here in the central United
23 States.

24 One of the benefits of the project is
25 to provide the State of Ohio with a significant

1 domestic source of clean burning fuel.

2 The Rockies Express Pipeline Project
3 is being developed by Rockies Express LLC, which is
4 an agreement between Kinder Morgan Sempra and Conoco
5 Phillips.

6 The Rockies Express Pipeline System is
7 comprised of three distinct projects. The REX
8 Entrega is a pipeline in Colorado and is currently
9 under construction. Rockies Express West is a
10 proposed 713 mile pipeline running from Weld County,
11 Colorado to Audrain County, Missouri.

12 The project I want to talk to you
13 tonight about though is a project known as the
14 Rockies Express East Pipeline Project, but we call it
15 Rex East for short. It is a 42 inch proposed
16 pipeline running from Audrain County, Missouri to
17 Monroe County, Ohio.

18 The length of the pipeline is
19 approximately 622 miles. In addition to the
20 pipeline, there will be 20 meter stations, and 12 of
21 those delivery sites will be here in the State of
22 Ohio.

23 Compressor stations will also be built
24 in conjunction with the Rex East Project. These
25 compressors will act as pumps to move up 2 billion

1 cubic feet of natural gas through the system.

2 The pipeline will be buried, and
3 generally speaking, will have 3 feet of cover from
4 top of pipe. The pipeline will be made of high-grade
5 steel and will be approximately half an inch thick.

6 In June of this year Rockies Express
7 East submitted its pre-filing to FERC. As part of
8 our community outreach program we held 18 open houses
9 in June for landowners and other interested
10 stakeholders. In July of this year we started our
11 civil survey, and just last week, we started our
12 environmental surveys.

13 We hope to have the majority of the
14 civil surveys completed this fall, but we will
15 continue to have people out in the field to complete
16 the other studies necessary for the project, such as
17 the wetlands, threatened and endangered species
18 surveys, cultural resources, water crossings, and
19 other necessary studies.

20 In early Spring of 2007 we plan to
21 file for our FERC certificate. We'd hope to receive
22 our FERC certificate first quarter 2008 and begin
23 construction in the second quarter of 2008.

24 Our plan is to have the pipeline
25 constructed by the end of the year December of 2008,

1 as well as the meter stations and some of the
2 compressor stations. We will commission the
3 remaining three compressor stations by June of 2009.

4 For further information we do have a
5 website and the name of the website is
6 Rexpipeline.com. That's R-e-xpipeline.com. And I do
7 encourage you to visit the website, because we have a
8 frequently asked question sections, and I hope that
9 this will give you a lot of general information about
10 the project and for you as a landowner.

11 We also have a toll free number, and
12 that toll free phone number is 1-866-566-0066. That
13 number again is 1-866-566-0066.

14 After the close of the meeting we will
15 have representatives from the project available to
16 answer your individual questions. We have
17 representatives from an environmental team, a
18 construction management team, as well as the
19 right-of-way agents.

20 Thank you again for coming out this
21 evening.

22 MS. LYKENS: Thank you. Now I'd like
23 to briefly talk or speak about the Commission's
24 pre-filing process. In June 2006 the Commission
25 staff began the pre-filing process for this proposal.

1 Many of you have received the notice of intent, which
2 is why you are here tonight. This project is still
3 in design state. Specific details have not yet been
4 identified. A formal application has not yet been
5 filed with the Commission. The goal of this
6 pre-filing process is to help facilitate the
7 interaction with federal, state, local agencies, and
8 the affected property owners, and other interested
9 stakeholders by preparing a more complete application
10 for the filing of the Rockies Express Application.

11 The notified stakeholders include all
12 of you who are here tonight. I also want to state
13 that the Commission is not a proponent for Rockies
14 Express Project, but an advocate for the process
15 involved in reviewing the project.

16 We are still very early in the process
17 in product development, and there will be several
18 opportunities to comment on the project as
19 information is made available.

20 More information will be made
21 available on the Commission's E-Library System as
22 Rockies Express files updates of its project.

23 Documents that are filed under the
24 project's docket number will be posted on the
25 Commission website, including any written comments

1 that are filed by you.

2 Instructions on how to access the
3 Commission's website are addressed in the Notice of
4 Intent that most of you received. The notice also
5 contains instructions on how to file written
6 comments, if you prefer to file in that manner.

7 The notice also discusses how to
8 submit electronic filings by using our website.
9 Please note the notice states the comment period
10 expires on September 29th, 2006. We close the
11 initial comment period to gauge what the preliminary
12 issues are. However, we are still in pre-filing
13 process, and we will take comments all through this
14 process, and there will be other opportunities for
15 your participation, if and when Rockies Express files
16 its application at the Commission.

17 Now let me discuss the Environmental
18 Impact Statement process so you understand it a
19 little bit better.

20 Rockies Express is conducting
21 environmental studies on its preferred route, and per
22 the Commission's regulations and National
23 Environmental Policy Act, is also studying several
24 route variations and alternatives.

25 When Rockies files its application it

1 will file several environmental resource reports for
2 its preferred route based on its survey results. The
3 resource reports cover: Geology, soils, vegetation
4 wild life, including federal invested species, land
5 use, recreation, cultural resources, reliability and
6 safety, air and noise quality, and alternatives.

7 When Rockies files its application it
8 will include finalized resource reports it is
9 currently preparing based on its survey results. The
10 resource reports will be used to develop a draft in
11 the Environmental Impact Statement. To comply with
12 Commission's requirements, Rockies Express is seeking
13 survey permission of property owners to conduct
14 environmental and engineering surveys. The surveys
15 will help the Commission identify sensitive resources
16 and habitats and features, including cultural
17 resources and federal listed species. These surveys
18 are critical to assist the Commission in assessing
19 the Rockies Express Project.

20 FERC staff will consider Rockies
21 Express application, together with the information
22 that is filed by you and the stakeholders in its
23 Environmental Impact Statement.

24 The Draft Environmental Impact
25 Statement is our independent analysis, based on what

1 is filed in the environmental proceedings for this
2 proposal. Commission staff also consults with
3 appropriate resource agencies to verify information
4 before making any recommendations with the state and
5 federal agencies.

6 The Draft Environmental Impact
7 Statement will include any mitigation or
8 recommendations needed to reduce or avoid impacts as
9 appropriate. Once the Draft Environmental Impact
10 Statement is issued for public comment, the public
11 will have 45 days to provide written comments. We
12 will also come back here and have public comment
13 meeting to hear your comments on the Draft EIS in a
14 meeting similar to this one.

15 Comments received on the Draft
16 Environmental Impact Statement will be incorporated
17 into a final Environmental Impact Statement. Comments
18 will also be taken on the final Environmental Impact
19 Statement, which will be incorporated into the
20 proceeding brought before the five Commissioners of
21 the Federal Energy Regulatory Commission.

22 Commission staff will also look at
23 economic issues, the need for the project, the
24 markets, and rates, cost of service, and other
25 issues.

1 The Commission will use the
2 information gathered in the proceeding, both in the
3 environment and the non-environmental aspects and
4 will vote to approve or deny the project.

5 We are just about ready to hear from
6 you. If you do not feel comfortable speaking
7 tonight, please understand that written comments are
8 considered equally by the Commission. So I encourage
9 you to write to the secretary of the Commission.

10 Now for those of you who are on my
11 speakers list, please come to the microphone when I
12 call your name and bear with me on pronunciation.
13 Please say your name slowly and spell your last name
14 for the court reporter. Remember the more specific
15 your comments about the environment or your property
16 the more useful they'll be for us.

17 You may have noticed that we have a
18 court reporter recording the meeting. A record is
19 being made of everything that is said tonight during
20 this official scoping meeting. If you would like to
21 purchase a copy of the transcript, please see the
22 court reporter after the meeting.

23 Again, I am specifically looking for
24 comments on the record. I am not entertaining
25 questions on the record this evening, so please limit

1 your remarks or concerns to issues that may relate to
2 your property or the environment.

3 The Commission staff and the other
4 agencies present are willing to answer any individual
5 questions you may have following tonight's meeting.

6 All right. Our first speaker is Bill
7 Bates. And we only have the one microphone tonight,
8 so Mr. Hammer is gonna run between -- you might run
9 between.

10 BILL BATES: My name is Bill Bates,
11 B-i-l-l B-a-t-e-s. I'm here from -- property. Back,
12 starting back in June when they had the meeting the
13 contacted people off to the south and that's where
14 the line was going and we didn't go to the meeting
15 and some people went and said it's going right
16 through our farm.

17 There's probably a dozen houses 200
18 feet or less right in the line, it's going through
19 our -- water is kind of scare, going through
20 sprinkler belt. There's other alternatives, maybe
21 two holes over.

22 And then another thing there was
23 supposed to give us 24 hour notice, and when one day
24 there they was coming out to field survey and never
25 called, so that's about all. All the neighbors right

1 around their with the houses, they won't give you an
2 answer how close they can to the house.

3 MS. LYKENS: Thank you.

4 MR. HAMMER: Dave Noll.

5 DAVE NOLL: I want to thank you for
6 giving me, Dave Noll, N-o-l-l. I want to thank you
7 for giving me the opportunity to speak tonight.

8 Okay. Dave Noll, Family Farm is 260
9 acre, third generation family farm. It was started
10 my grandfather in 1903. This farm is located in
11 Section 24 of Reading Township in Perry County, Ohio.
12 Environmental protection and conservation practices
13 have always been a primary concern for my family and
14 I as we manage our farm. We have strived to take
15 great measures, with responsible farming, in order to
16 preserve the soil, the water, and the land for our
17 future generations. None-renewable resources are
18 critical assets that must be preserved, not only for
19 this generation, but also for future generations to
20 come.

21 In order to inform others about
22 conservation practices that contribute to the
23 prolonged benefit of our environment, over the years
24 I have been involved in numerous groups,
25 organizations, agencies, committees, and boards to

1 strive to protect our environment as a whole. For
2 example, this year I was the recipient of the
3 Environmental Stewardship Award for the State of Ohio
4 and was the representative who educated individuals
5 across the State of Ohio preserving our environment.
6 I am also a member of the Board of Supervisors for
7 the Perry County Soil and Water Conservation District
8 where I oversee conservation practices in our county.
9 In addition, I am heavily involved in the
10 preservation of the Rush Creek Water Shed. Other
11 organizations that I am actively involved in who
12 strive to protect our natural resources include: The
13 Farm Bureau, National Cattlemen's Association, The
14 Perry County Cattlemen's Association, Ohio
15 Cattlemen's Association, and the National Farmers
16 Organization.

17 This pipeline, with its 42 inch size,
18 will have a detrimental impact, not only on my
19 farm, but on the neighboring environment, as well.
20 This will impact my farming operation in copious
21 ways. For example, it will destroy my drainage
22 systems that run through my entire farm by
23 demolishing the numerous tile lines that run across
24 my farm to help drain excess water off my fields.
25 And this in turn will lower my crop yields, further

1 cause soil compacting, and on my crop and pasture
2 fields. Another concern that arises from this loss
3 of production that results from the actual line. For
4 example, when Texas Eastern Pipeline came across the
5 farm in the 1940's and again in 1989, crop land and
6 pasture experienced huge losses in productivity.
7 Since the 1940's, the area over this existing
8 pipeline has proven to consistently show a huge
9 reduction in yields. For example, the corn that is
10 planted in this field over the pipeline, which grows
11 up, but just ahead of harvest that particular corn
12 will collapse and result in a loss in production over
13 the pipeline area. The corn on the pipeline or
14 within the right of way also bears corn that is of
15 very poor quality. This is due to the compacting of
16 the soil within a particular area. Attached you will
17 see -- you can't see that now, but I have attached
18 pictures of the farm and you can see the -- you can
19 follow the lines right down where the pipeline is.
20 I'll skip that part.

21 We still have slopes of land that
22 recede lower than the rest of the field where the
23 pipeline right of way exist. We also have the
24 nuisance of hundreds of rocks in our farming fields.
25 Big Flint rocks are constantly found along the right

1 of way of Texas Eastern Pipeline. I am still
2 battling the burden of every year picking up buckets
3 full of rock before I can plant the fields after we
4 harvest or before the planting. Thus furthermore
5 results in erosion of topsoil, which has taken
6 hundreds to thousands of years to build up. Soil is
7 one of our most precious and valuable resources, and
8 once the soil structure is damaged or disturbed it
9 will take thousands of years to restore.

10 This family farm is our livelihood,
11 and if FEX disturbs our farm it will shut down our
12 entire cattle operation or our operation. Our
13 operation consists of 300 head of cattle, 120 brood
14 cows, four bulls, and 176 stocker calves. This
15 operation is carefully managed to the highest
16 potential. This is true in the aspect that we are
17 controlling, controlled grazing system on the farm.
18 Cattle are continuously moved from paddock to paddock
19 in order to best utilize the land, but this leads to
20 greater problems for our operation if REX comes
21 through the farm. Our paddocks have water lines
22 running across them buried three foot in depth, and
23 in many instances this is the only source of water
24 for our cattle. For example, one of our large fields
25 has 1300 foot pipeline with four hydrants spaced

1 throughout the field every 300 to 400 feet. These
2 cattle are moved every three days from paddock to
3 paddock to the next and require the use of the
4 watering system to survive.

5 Not only will this pipeline have
6 detrimental affects on the crop land and pasture, but
7 it will also have destructive effects on the forests,
8 fish, wildlife habitat, and endangered threatened
9 species that exist. This farm land has a specific
10 artifacts that have been found over the last hundred
11 years from the Indian groups we have developed, that
12 the Indian groups who have dwelled on this exact
13 location several thousand years ago. For example, I
14 have a particular artifact that dates back 8000-12000
15 years BC that was found on this farm from the Paleo
16 Period. Archeologist have said that this is a very
17 rare to find an artifact from that long ago, and in
18 this great of condition, considering this to be one
19 of the oldest prehistoric periods.

20 Other concerns that arise from REX are
21 the safety of the pipeline. The question of safety
22 concerns me from the standpoint of my family, the
23 animals, and the environment and the ecosystem. The
24 farm has a main perrineal stream that runs through it
25 and also several feeder streams. Center branch Creek

1 in the Rush Creek Water Shed feeds water to St. Joe's
2 Lake, Clouse Lake, and eventually pumps to the
3 Somerset Reservoir for the City of Summerset's
4 drinking water. We also have five wood lot forests
5 that are the habitat of many creatures. In addition,
6 we all get a great deal of our water from our four
7 spring developments and several undeveloped springs,
8 and the four ponds located on our farm, and three
9 drilled wells that not only get water to the
10 livestock, but also to us. As you can see this, this
11 is a huge concern for us, due to the importance of
12 the clean water for all. This is of definite
13 concern, because the possibility of pollutants and
14 could eventually end up in our water, and in turn
15 harm the family, the animals, the wildlife, and the
16 environment.

17 In conclusion, REX is not welcome on
18 our farm with open arms. We not only feel that it
19 may produce harmful and detrimental effects on the
20 farming operation as a whole, but it will also harm
21 the environment, water, soil and our livestock,
22 wildlife, ecosystem and mainly our family. Our
23 environment is one of most precious resources we
24 have, and once it's disturbed it will never be the
25 same. If you will not acknowledge our request to

1 abolish the route of the pipeline through our farm,
2 we request that you follow the ODNR Pipeline Standard
3 for Agriculture and abide by any conditions requested
4 under the ODNR. Furthermore, we ask that you please
5 act on our request and preserve this 100 year old
6 family farm.

7 If we don't start to take care of our
8 environment, what will our children and grandchildren
9 have left? Are we doing this in the name of process
10 or for the money. For the sake of the environment if
11 this generation doesn't take stand and do the right
12 thing for our children and grandchildren we will all
13 suffer. Thank you.

14 MR. HAMMER: Berry Orndorff.

15 BERRY ORNDORFF: Good evening.
16 Appreciate the opportunity to speak briefly this
17 evening. My name is Berry Orndorff. Last name is
18 O-r-n-d-o-r-f-f. I serve as a district manager for
19 the Fairfield Soil and Water Conservation District,
20 which is located or headquartered in Lancaster, Ohio.

21 My comment tonight regarding the
22 pipeline, concerning the portion of it that passed
23 through the northern third of Fairfield County. This
24 area also happens to contain some of the most
25 productive soils considered by the farm land by the

1 State of Ohio in that northern portion of the county.

2 My primary concern include impact
3 subservice drainage systems and tiles to compaction
4 of soils as mentioned by one of your speaker, erosion
5 and sediment control on active restored pipeline
6 construction sites and alteration conservation
7 practices. Again with, some which were mentioned
8 previously, such as water waste, conservation reserve
9 fields, things that have been put in many years by
10 soil conservation districts that are designed to
11 improve water quality, reduce sediment erosion
12 including wildlife benefit.

13 I think an excellent oversight
14 document that I would encourage FREC to use is
15 entitled Agricultural Impact Mitigation Agreement.
16 It's developed by ODNR's division of soil and water
17 conservation and the Ohio Federation of Soil and
18 Water Conservation Districts. Many of the items that
19 I mentioned above and perhaps were mentioned earlier
20 are included in this document.

21 I would also urge Rockies Express to
22 hire an independent qualified agricultural inspector
23 for each phase of the project. Many of the facets
24 that the pipeline project would impact in terms of
25 the environment are spelled out in other documents.

1 I think the mitigation document I just mentioned
2 might be a good supplement, particularly in
3 agricultural areas for which a lot of the pipeline on
4 its route through Ohio will impact the possible
5 starting point our source for some of these
6 agricultural independent inspectors might be a list
7 of certified soil scientists, through the Ohio
8 Biologist Group that might be able to serve as
9 on-site inspectors for the areas that are impacted.
10 Thank you for the opportunity to speak.

11 MR. HAMMER: That was the last speaker
12 who had signed up prior to coming in. Are there any
13 other speakers that would like to come down and be on
14 the record tonight? Please come down, one at a time.
15 Say your first name and spell your last name for us.

16 JERRY CARTER: Good evening, Ladies
17 and Gentlemen. My name is Jerry Carter, I'm Vice
18 President of Landowners Association here in Eastern,
19 Ohio. I've been through this process a couple of
20 times before and I know how these people work. It is
21 all about lies, lies, and lies some more. You'll be
22 told all kinds of plageristic stores and none of them
23 will be true. You need to get together as a
24 landowner association group and organize, hire
25 lawyers and get ready to fight the fight of your

1 life.

2 This pipeline has not proven need
3 and/or necessity or contact to the federal energy
4 commission. This pipeline is a 2000 mile pipeline.
5 Nine billion on the pipeline. They do not need this
6 pipeline. They can send that gas to California who
7 needs it worse, it's a shorter distance, but they can
8 get government loan guarantees, your tax dollars and
9 mine to build pipelines of this size and destroy your
10 property in the process. They're here to destroy
11 mine in the process the last time -- Called the
12 independent pipeline project, we defeated that
13 project and you can too. This project is probably
14 not needed and most definitely if you stood up for
15 yourself and tell these people this is not needed or
16 necessary.

17 One of the things that we found is
18 they have in this area here at this -- this is a coal
19 zone. Deep mind -- a pipeline of this size will
20 decide when they remove the coal from underneath the
21 ground, and when that does that effects the pipeline
22 -- three times in the last 10 years killed people.
23 They claim the mud slides. It's these coal minds --
24 that means when they get coal out from underneath the
25 ground, the land will sink, shearing off these huge

1 pipelines. Half an inch pipeline is not hardly thick
2 enough. A pipeline of this size should be an inch
3 thick and should be buried at no less than 7 foot to
4 keep away from dangers and it won't create dunes in
5 the ground. There is areas they can go through if
6 there is proven need and necessity. They have not
7 proved that and I doubt if they will be able to, as
8 the independent pipeline project never did. I don't
9 know if anybody ever heard that project or not, but
10 if you have -- Can you hear me back there? Stand up
11 for your rights and fight hard and tell these people
12 at FERC over there what they need to hear. Object to
13 what they're doing your property out there. They
14 will use landowners against landowners and anything
15 and everything they can do to take your land for as
16 little as they can possibly do.

17 One of the things they haven't even
18 mentioned here yet, pipelines are supposed to have
19 safety check off values every so many miles. How
20 many miles is it, every 20 miles, 50 miles. I didn't
21 hear any mention of that fact at all. In effect
22 these pipeline sheer off and blow up they do on a
23 regular basis across America, and they're ideal
24 targets for would be terrorists. This is a pipeline
25 that would be very prime for that sort of thing.

1 You're going through areas that are almost vertical
2 and you need to be putting this pipeline in areas, if
3 it has to be proven to be needed and necessary, in
4 areas that are much safer to be put out there.

5 Like I said my name is Berry Carter,
6 if anybody here wants to call me, please do so. My
7 number is area code 330-525-7473 and I'll do anything
8 I can to help you form a landowners association if I
9 don't get in defeated -- pipeline project. I've got
10 some other friends up here who would like to make a
11 presentation. I'm also representing a few other
12 people already out here. Lawyers, and that's what
13 takes. You need lawyers to help fight this
14 application. Don't trust pipeline officials. Thank
15 you very much, sir.

16 MR. HAMMER: Any other speakers?

17 JAMES WITNER: My name is James
18 Witmer, W-i-t-m-e-r. I, with my wife, daughter,
19 son-in-law, and two nephews own a beautiful piece of
20 land in Belmont County, it's titled Captina
21 Preserves. This is a piece of land that we hope to
22 keep for ourselves, our children, our grandchildren
23 and great grandchildren. A pipeline passing through
24 this property of this size would be a major detriment
25 to the beautiful forestry on this property, as well

1 as the geological rock structures.

2 Already there has been some surveying
3 on this property without our permission. There has
4 been trespassing. We also object for some of the
5 reasons that have already been articulated.

6 I also have concerns on a larger
7 scale. This past summer my wife and I enjoyed a trip
8 through the west. We heard about the immense coal
9 reserves in Wyoming. We saw as we returned trains
10 one mile long every 15 minutes transporting coal from
11 Wyoming to the east. This is a lot of coal that is
12 being taken out of our limited resources.

13 I hear different figures of the
14 reserves that we have. I heard that there's gas and
15 oil reserves for possibly the present consumption,
16 possibly 30 years, maybe 60 years, and coal reserves
17 are about double that.

18 We have existing pipelines more than
19 adequate to pump out our limited gas and oil
20 reserves. We do not need another 42 inch pipeline
21 pumping billions of cubic feet out of our limited
22 resources. We need to preserve these resources for
23 500 years, not 30 to a 100 years. And I'm trusting
24 the Federal Energy Regulatory Commission to be superb
25 stewards of our nation's limited resources.

1 There are multiple other sources of
2 energy that are renewable, not even being tapped.
3 And I hope, trust and pray that our politicians,
4 those who have this immense obligation to be stewards
5 of our limited resources will take this seriously. I
6 do not believe we need another huge pipeline to pump
7 out these limited resources faster.

8 If the pipeline does go through,
9 somebody is going to make a ton of money, and
10 friends, it's not the landowners. They'll give a
11 couple thousand dollars once, and then our land is
12 tied up forever.

13 The only fair thing would be as
14 landowners would get a continual royalty on amount of
15 gas that passes through.

16 I as an individual don't have very
17 much influence. As a group if all landowners joined
18 together we can maybe have a little influence. I
19 think that we -- if we want to have any influence at
20 all that we will have to join as a group and express
21 our concerns and petition for our rights and our fair
22 share of this huge project. Thank you.

23 MR. HAMMER: Is there anyone else who
24 would like to speak? Going once, twice.

25 MS. LYKENS: Well I thank each and

1 everyone of you for coming out tonight. We all --
2 we'll all be available to answer your questions, and
3 we have the gym facility, the auditorium facility for
4 the next few hours. So feel free to stay and get
5 your questions answered, and once again, thank's for
6 coming out.

7 Let the record show this meeting
8 concluded at approximately 7:55 p.m.

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10 (At 7:55 p.m. the meeting adjourned.)

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C E R T I F I C A T E

STATE OF OHIO)
) SS:
COUNTY OF MUSKINGUM)

I, Terence M. Holmes, a duly qualified and commissioned notary public within and for the State of Ohio, do hereby certify that at the time and place stated herein, and in the presence of the persons named, I recorded in stenotypy and tape recorded the proceedings of the within-captioned matter, and that the foregoing pages constitute a true, correct and complete transcript of the said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand at Cincinnati, Ohio, this 22nd day of September, 2006.

My Commission Expires: _____ Terence M. Holmes
July 28, 2007 Notary Public - State of Ohio