

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of:) (
Midcontinent Express) (Docket No. CP08-6
Pipeline Project) (

Love Civic Center (North Hall)
2025 South Collegiate Drive
Paris, Texas 75460

Thursday, March 27, 2008

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

BEFORE: Charles T. Brown, Senior Program Analyst
Environmental Review
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Midcontinent Express Pipelining Project
March 27, 2008

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

Ms. Katey Grange, Environmental Scientist
Entrix Environmental Consultants
Suite 600
Atlanta, Georgia 30328

Mr. Douglas M. Mooneyhan, Aquatic Ecologist
Entrix Environmental Consultants
Suite 600
Atlanta, Georgia 30328

Mr. Kevin Dahncke, Vice President and Director
of Midcontinent Express Pipeline Project

Midcontinent Express Pipel ing Project
March 27, 2008

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

2 (7:15 p.m.)

3 MR. BROWN: Before we get started, could
4 I ask everyone to reach in your pockets and pull out your
5 cell phones, or your pagers, or your Blackberries and
6 please cut them off. We appreciate that.

7 Good evening, and thank you all for
8 coming tonight. I'm Charles Brown from the Federal
9 Energy Regulatory Commission, and I'm the Environmental
10 Project Manager for the Midcontinent Express Project.
11 With me here tonight I have Doug Mooneyhan, and in the
12 rear we have Katey Grange. They're environmental
13 scientists that work for FERC's third party consulting
14 contractor. They've put a lot of work and effort into
15 this Draft Environmental Impact Statement, and I really
16 appreciate their input. They're both very talented young
17 people.

18 The purpose of tonight's meeting is to
19 get -- the purpose of tonight's meeting is to take your
20 comments on the Draft Environmental Impact Statement the
21 Commission issued on February 15th, 2008, for the
22 Midcontinent Pipeline Project. Right now we're in the
23 comment period for the draft. The comment period ends
24 March 31st.

25 The DEIS is a result of an intensive

Midcontinent Express Pipelining Project
March 27, 2008

1 environmental review to comply with the National
2 Environmental Policy Act. Over the past year we've been
3 compiling and analyzing comments and concerns from a
4 variety of sources, including from the Applicant, the
5 public, other resource agencies, and our own independent
6 analysis and field work. FERC is the lead federal agency
7 for this action. The Draft was developed in cooperation
8 with the Fish and Wildlife Service, the Army Corps of
9 Engineers, the National Park Service, Environmental
10 Protection Agency, the Natural Resource Conservation
11 Service. Those are the federal agencies that participate
12 in the development of the Draft. We had several state
13 agencies, and these included Louisiana Department of
14 Environmental Quality, Texas Parks and Wildlife
15 Department, Alabama Department of Conservation and
16 Natural Resources, and Mississippi Fish and Game, all
17 participated and assisted in providing input and review
18 of the Draft Environmental Impact Statement.

19 Now, the format for tonight's meeting is
20 as follows:

21 We'll take all verbal comments first for
22 the record. The court reporter will transcribe your
23 comments to be placed in the record. And then I will
24 take questions of myself and Midcontinent Express.

25 At this time I'd like Kevin Dahncke of

Midcontinent Express Pipelining Project
March 27, 2008

1 Midcontinent Express to introduce his staff.

2 MR. KEVIN DAHNCKE: As Charlie said, I'm
3 Kevin Dahncke for Midcontinent Express. We brought
4 several people to help answer some of your questions and
5 concerns. We've got folks here from environmental, Ted
6 Uhlemann, Scott Urwick. We've got folks from
7 construction, Albert Hughes, Bob Clark. We got Megan
8 Mastel, a representative. John Towles with land.

9 MR. JOHN TOWLES: I'd like to introduce
10 some of the folks from our local land office. If y'all
11 will stand up and state your name.

12 MR. WADE TURNER: I'm Wade Turner.

13 MR. CORY GREER: Cory Greer.

14 MR. BUCK HOWELL: Buck Howell.

15 MR. BILLY ROY: Billy Roy.

16 MR. KEVIN DAHNCKE: And we've got Randy
17 Armstrong here from your safety -- our safety crew.

18 MR. BROWN: Thank you, Kevin.

19 MR. KEVIN DAHNCKE: You bet.

20 MR. BROWN: If you don't wish to speak
21 tonight and give oral comments, we have a form on the
22 back table you can fill out and give to us, and we'll
23 take it back with us and get it in the record. If you
24 opt to mail your comments in in the form of a letter, I
25 ask you that you include our docket number so that we can

Midcontinent Express Pipel ing Project
March 27, 2008

1 make sure it gets in the record. And that docket number
2 is CP08-6. I'll say again. CP08-6.

3 You can also file your comments
4 electronically. The instructions are in the notice
5 located on our web site, www.ferc.gov under the e-filing
6 line. We also have a pamphlet here that Katey has got in
7 the back she'll give you that has instructions on how to
8 do that.

9 All comments that we receive, either
10 verbally or in the form of written comments, will be
11 addressed in a separate section in the Final EIS. We
12 dedicate a section of the document in the documents
13 specifically to listing the comments that we receive and
14 providing our response. If you got a copy of the Draft
15 EIS, you'll automatically receive a copy of the Final.
16 If you did not receive that, and would like one, again,
17 we can put you on our mailing list in the back.

18 The Commissioners at FERC --

19 Oh, by the way, we will -- once we
20 receive all the comments, we'll start preparing our Final
21 Draft, Final EIS rather. That will be available some
22 time the first week in June.

23 The Commissioners at FERC will consider
24 the environmental information from the EIS, along with
25 the non-environmental issues, such as engineering,

Midcontinent Express Pipelining Project
March 27, 2008

1 markets, rates, in making a decision to approve or deny.
2 The FEIS is not the decision making document. It's just
3 one piece of information that they'll use to make their
4 decision.

5 If the Commission does vote to approve
6 the project, FERC environmental staff will monitor the
7 project through construction and restoration, performing
8 onsite inspections to insure environmental compliance
9 with the conditions of the FERC certificate.

10 Now, with that said, I'll have -- this is
11 going to be broken down into five construction spreads.
12 I'll have, probably, four monitors that will be on the
13 ground 24/7. With that said, I also would like -- if you
14 see something out there, they can't be everywhere at
15 once. There will probably be one guy per hundred miles.
16 If you see something out there that you don't think is
17 right or you've got a concern with, I have an information
18 list here with all my contact numbers, and you can get
19 ahold of me or my deputy project manager, Shannon Jones.
20 They have our phone numbers, our e-mail addresses, you
21 have the FERC hotline number, and you also have a 1-800
22 number there that you can call to get ahold of me. So if
23 you see anything out there, I'd appreciate, just give me
24 a call, I'll have the monitor contact you and will come
25 out right away.

Midcontinent Express Pipelining Project
March 27, 2008

1 I guess, with that, we'll start taking
2 our comments.

3 MR. MOONEYHAN: The first speaker,
4 Mr. D. H. Jones.

5 MR. D. H. JONES: Excuse me. My name is
6 D. H. Jones, and I'd first like to thank you for the
7 opportunity to voice our concerns and thank you for being
8 here.

9 I live on Highway 24 south of Paris about
10 seven miles and live about a half a mile due south of
11 where the proposed Lamar County gas compressor station is
12 going to be built, and that's what I'm here to address
13 and speak about, conditions of noise, aesthetics and
14 safety.

15 First, on noise. Back in '07 we did
16 submit some comments to FERC expressing our concerns on
17 the noise issues. MEP subsequently responded to them,
18 stating that their noise data was correct. We did point
19 out that at least five locations were not noted. They
20 did pick up three of those and added three of them to
21 their revised table. Ours, unfortunately, was not one of
22 those.

23 In MEP's data they use 15-minute samples
24 to get their noise data. In speaking with three
25 different consulting firms, I've been told you need -- to

Midcontinent Express Pipelining Project
March 27, 2008

1 get a good noise survey, you need to do 24 hours of
2 constant data sampling, the very minimum of 12 hours to
3 get accurate information.

4 We, when I say "we", myself, my wife and
5 I, as well as Ray Martin, who lives next door to us and
6 lives just a little bit northwest of us and close to the
7 gas compressor station, we hired a Dr. David Anderson,
8 who is -- who has his own environmental consulting firm
9 and is also a professor at Texas A & M Commerce. Dr.
10 Anderson came out on March 20th and 21st and did a
11 22-hour noise survey for us, 22 -- 22 hours
12 consecutively.

13 On Ray Martin's property he came back
14 with 58 dBA as the existing noise level. And what MEP
15 submitted to FERC, they came -- well, first of all, I
16 guess I need to backtrack a little bit. When MEP came
17 back and added the three NSAs to their revised table,
18 they did not do additional sound sampling. They simply
19 took some data they had from one of the prior NSAs and
20 arbitrarily added that to the three new ones at 63.8 dBA.

21 So, anyway, Dr. Anderson came back with
22 Ray Martin at 58 dBA. They showed him at 63.8 dBA. That
23 is a difference of, I believe, 5.8, which may not sound
24 that much, but for every increase of ten decibels, the
25 perception of sound doubles. And so it's a significant

Midcontinent Express Pipelining Project
March 27, 2008

1 increase. And Dr. Anderson, also, expressed that Mr.
2 Martin is probably going to have some problem with that,
3 with the new station.

4 On the noise survey that Dr. Anderson did
5 on our property, again for 22 hours, and -- I'll just
6 note that on his 22 hours he took in more than 2 million
7 noise data points to come up with his survey. Our
8 existing sound level came back 46.5, which is very quiet.
9 And he also expressed in the report, which I've already
10 sent to Washington, that Ray Martin's probably should
11 have come back in at that, but that night he had frogs
12 and coyotes and other things raising his noise level.
13 But in his report he noted that for the majority of the
14 night Mr. Martin's property was relatively very quiet as
15 well. And so, we -- and there's a difference on our
16 property of 17.3 dBAs, which is a huge difference than
17 the 63.8 that they attributed to Ray's, and I'm assuming
18 that if they would have gone ahead and put ours on there
19 they would have also contributed 63.8 to ours as well.
20 And, also -- and so that's a huge difference. And most
21 of these engines -- well, the biggest noise problem that
22 these engines create is low frequency noise, which is
23 much more invasive than high frequency noise and it's
24 also much more difficult to control.

25 And so, going forward, we do have a huge

Midcontinent Express Pipelining Project
March 27, 2008

1 concern that the data modeling that MEP did is flawed and
2 incorrect. And we believe what Dr. Anderson did is
3 correct since this was based on 22 hours. So we have a
4 huge concern there.

5 In the information in the filing that MEP
6 has submitted, they have stated three or four or five
7 different ways they may use to control the sound. They
8 have not specifically stated any of the ways they're
9 actually going to use to control the sound. And so
10 that's a big problem to us.

11 Also, on Page 5-18 of the environmental
12 study, you note the source of -- noise survey is going to
13 be done after the station is built and they have up to a
14 year to correct it. We're very concerned with that,
15 also, because we feel that the noise surveys they did
16 ahead of time were flawed and that the noise survey
17 they'll do after it's built are going to be flawed as
18 well. And, in that, I would like to recommend or suggest
19 that an independent consultant, an independent
20 engineering consulting firm, could be hired to do the
21 noise surveys with no conflict of interest, both before
22 the station is built and get good existing noise levels
23 and then again in compliance with what you've stated
24 after it's built to verify they are in compliance. And
25 we should -- we would like to see that done sooner rather

Midcontinent Express Pipelining Project
March 27, 2008

1 than later.

2 Also, Kinder Morgan, who owns MEP, the
3 parent company, has been in litigation with some people
4 in Howland, in Howland about five miles from us, another
5 gas compressor station Kinder Morgan owns. They've been
6 in litigation for, excuse me, I think ten years and are
7 just now, for whatever reason, starting, I guess, to make
8 overtures to settle. But the people in Howland have been
9 fighting the exact same problems we're addressing here
10 with noise and emissions. And we do not look forward to
11 fighting this same problem ten years from now because it
12 is not a real fair fight. There's more people living in
13 the country than major corporations. So we would request
14 your help.

15 On aesthetics, on Page 3-147 you refer to
16 community members working with MEP on screening plans,
17 that it will be done. On Page 4-52 you refer to them
18 developing screening plans based on community
19 recommendation. And, again, on Page 5-17 you refer to
20 MEP filing the actual screening plans with FERC prior to
21 the end of the comment period based upon community
22 involvement.

23 Back in February, after we received this
24 and I reviewed it, I called Kevin Brown, who is the
25 Kinder Morgan area operations manager. I expressed my

Midcontinent Express Pipelining Project
March 27, 2008

1 interest to Kevin to be added, or volunteered to be on
2 the committee, and requested I -- that I be involved.
3 And he assured me that I would be put on the list, I
4 would be involved. However, to date, I have not heard
5 any -- anything about any meetings or spoken with anyone
6 else that's on this committee.

7 Safety. Safety is, obviously, a major
8 concern when you have a big industrial facility moving
9 in, basically, your backyard. The Midway Volunteer Fire
10 Department out in our area would be responsible for
11 emergency response. I spoke with John Carpenter a few
12 months ago, who is the fire chief, and asked him about
13 this, if he was going to be able to respond. He said,
14 "Heck, no." They don't have the manpower, they don't
15 have the training, they don't have the equipment to fight
16 an industrial fire.

17 On Page 3-186 you state that emergency
18 response training will be performed before the station is
19 placed in service. The Roxton Fire Department is
20 responsible for the Howland gas compressor station as I
21 mentioned. It's about five miles from us. I've spoken
22 with some of the firefighters in Roxton. They say they
23 have never received training in reference to that fire --
24 excuse me, in reference to that gas compressor station.
25 That's alarming.

Midcontinent Express Pipelining Project
March 27, 2008

1 I've also spoken with Mike Copeland, who
2 is the fire chief of the Enloe Fire Department in Delta
3 County, who is responsible for emergency response at
4 another gas compressor station in Delta County. It's not
5 these same people at all. Mike told me that he over a
6 year ago, was told he was going to get safety training.
7 He has yet to receive it. It's in operation. It's been
8 operating. And he has not received any safety training
9 or help or equipment or anything whatsoever.

10 So that -- that -- that's a huge concern
11 that this comes into our neighborhood and into our
12 backyard and no one's prepared to fight a fire. If one
13 of the -- see, the City of Paris Fire Department is not
14 coming out there to fight that fire. It's out of their
15 jurisdiction.

16 And, given what just happened in
17 Tennessee with that gas compressor station blowing up, I
18 know it was an act of Mother Nature, but we are in the
19 tornado corridor here. We have our yearly tornado
20 warnings and we have our yearly thunderstorms. We just
21 had one a couple of weeks ago. And so, the same thing
22 that happened in Tennessee could happen to us. And with
23 the fire department up there, I guess, the real fire
24 department from what I can tell. When I say "real," it
25 actually -- it's a city fire department fought that fire

Midcontinent Express Pipelining Project
March 27, 2008

1 and it took it over twelve hours to get it under control.
2 And I know that they propose to, in the case of an
3 emergency, shut the gas off, remove the gas from the
4 plant, and, therefore, eliminate the source of fuel and
5 the fire burns itself out. But there are many other
6 things in that building that are combustible, not just
7 the natural gas. And we're concerned about it spreading.
8 And we live -- where we live, several houses around
9 there, it's an open field. There are no natural
10 barriers. A fire gets out and it just, shoo, run across
11 the pasture.

12 And another reason for our concern, we
13 got on line and did a little bit of research at U.S.
14 Department of Transportation Pipeline and Hazardous
15 Materials Safety Administration. And in the State of
16 Texas alone ten subsidiaries of Kinder Morgan, including
17 Midcontinent Express Pipeline, have 26 significant
18 incidents since 2004. And by "significant", the way we
19 interpret that or their meaning is that "significant"
20 either involves loss of life and/or serious injury. So I
21 think there's some serious concern for safety as well.

22 Thank you, sir.

23 MR. BROWN: Thank you for your comment.
24 Thank you for your comments, Mr. Jones. I appreciate
25 those comments, and I assure you they will be fully

Midcontinent Express Pipelining Project
March 27, 2008

1 reviewed when we receive your package next week. We
2 thank you. That's the kind of comments we need to hear.

3 MR. MOONEYHAN: Mr. J. P. Patterson.

4 MR. BROWN: Mr. J. P. Patterson.

5 MR. J. P. PATTERSON: I'm J. P.

6 Patterson. I live on 82 west of Paris about ten miles
7 from Paris. I've been a landowner out there, I've lived
8 there 60 plus years. The place I live on is our
9 homeplace that I bought, my wife and I bought, some 40
10 years ago. And we -- we're just small landowners. But
11 about a year ago when all this started, and I had no idea
12 it was going to have another pipeline, we have two on our
13 property now. And I never wanted another pipeline on my
14 property because they're not maintained properly. And we
15 have pipelines on our property now that has less than two
16 foot of soil on top of them. I think it's unsafe. I've
17 talked to Midcontinent about it, and in a year it has not
18 been addressed.

19 And the question I have: Am I
20 responsible for keeping that line covered at that depth,
21 or is the pipeline?

22 MR. BROWN: No, sir. You're not
23 responsible for keeping it up.

24 MR. J. P. PATTERSON: Okay. Does it have
25 to maintain that depth?

Midcontinent Express Pipelining Project
March 27, 2008

1 MR. BROWN: It should.

2 MR. J. P. PATTERSON: Okay. So --

3 MR. BROWN: You need to contact DOT if
4 there's a problem with that.

5 MR. J. P. PATTERSON: I have a problem
6 with it.

7 MR. BROWN: Okay. You should also
8 contact FERC's hotline and let us know. We'll coordinate
9 with DOT and have someone come out and look at that.

10 MR. J. P. PATTERSON: I presented that to
11 your group, and I think you was there. Are you Mr.
12 Brown?

13 MR. BROWN: Uh-huh.

14 MR. J. P. PATTERSON: And it was never --
15 it has never been -- I have not had a contact. I didn't
16 know that I had to make another contact.

17 MR. BROWN: We'll -- we'll follow up on
18 that, Mr. Patterson.

19 MR. J. P. PATTERSON: Okay. The first
20 thing in my mind --

21 MR. BROWN: Is it the Kinder Morgan pipe
22 you're talking about, or is it another --

23 MR. J. P. PATTERSON: It's -- Kinder
24 Morgan bought -- bought the line, I don't know how long
25 ago. But it was originally a Sun pipeline for crude oil.

Midcontinent Express Pipelining Project
March 27, 2008

1 MR. BROWN: Okay.

2 MR. J. P. PATTERSON: And it was built in
3 19 and 74. And over -- about a year ago, and I -- if
4 it's okay, I'm going to talk -- Gulf Crossing folks came
5 to me wanting to put another pipeline. I told them I
6 wasn't interested in their pipeline. Well, I found the
7 people that I had to deal with were very abrupt, they was
8 very unkind. They not only lied to me, but lied about
9 me, and I didn't appreciate it. And, the bottom line,
10 they told me that they was going to go on my property
11 whether I -- I told them, "You better not." If they had
12 to get a court order, they would. And this has caused me
13 to think and a lot of other folks to think about what
14 goes on. One, a for profit corporation comes in and
15 tells me that a little landowner, they're going to do
16 with my property what they want to with it, and they'll
17 use the power of eminent domain, and the threat of
18 eminent domain immediately was talked to me about.
19 Finally, the person that was there told me that, or I
20 told him that I would give him verbal permission to go
21 there, but I would not put anything in writing with him.
22 And it went downhill from there.

23 So the thing that I would like for you
24 folks to know, that this is supposed to be a free country
25 and a land -- a person's property in the original

Midcontinent Express Pipelining Project
March 27, 2008

1 Constitution, it was never meant that a for profit
2 corporation should be out here taking my property as an
3 individual landowner. I know that has to be addressed by
4 Congress, and they've changed the laws, and -- and
5 through whatever method caused them to make a bad
6 judgment, in my opinion, about property rights. It's not
7 good. And we're fighting the best we can at the state
8 level to make a change. We asked for recurring revenue.
9 And I think if we have a corporation making millions and
10 millions of dollars, that they should be willing to share
11 that revenue with the landowners. And, if they would,
12 then they wouldn't have a problem and it would be like
13 having an oil well pump on your property. You know, it's
14 something that needs to be addressed. And I think you
15 folks could help us in that respect to get the message
16 back to the proper folks. We need some help.

17 Safety of the pipelines is very, very
18 important. And originally Gulf Crossing intended to go
19 closer to my son and daughter-in-law's home. They're 120
20 foot with -- with two pipelines now, and they intend to
21 put one next -- closer to them. I really think FERC
22 should look at how close you can put a pipeline to
23 peoples' home, and I -- the argument is, "Oh, they're
24 safe," you know, "they use heavier pipe, they do now."
25 Well, they do blow out. They do cause accidents. And I

Midcontinent Express Pipelining Project
March 27, 2008

1 don't think any person's life and safety should be put in
2 danger when you have a pipeline coming across your
3 property. Every -- everything should be considered
4 before they do threaten the lives and the health, safety
5 as Mr. Jones was talking about while ago. It just needs
6 to be -- it needs to be looked at real hard. I know we
7 seem to be in a corridor and they keep talking there's
8 going to be some more pipelines coming. And, Lord help,
9 I hope there's not another one on my property when we
10 get -- if it ever happens again.

11 But, bottom line, the people that are
12 being effected, we're not people that's hard to get along
13 with, but we need to be respected. I don't care if it's
14 a landperson or whoever. And it just seems to me that
15 it's an unfair situation. And that's about all I have to
16 say.

17 MR. BROWN: Mr. Patterson -- this
18 thing -- what I'd like you to do on your -- on your
19 problems with Gulf Crossing, that's not my project,
20 but -- but we need to hear about that. And I got my --
21 that sheet in the back with all my contact information on
22 it. We've got a hotline number on there. I'd like you
23 to call that hotline and -- and register your complaint
24 because that's what we have -- FERC has to hear that.
25 And our legal department is the one who handles that. So

Midcontinent Express Pipel ing Project
March 27, 2008

1 that's extremely important. If you're having any
2 problems with -- with a company, we need to hear about
3 it. I -- I go out of my way. I've held these guys,
4 these -- these people here, their feet to the fire. I've
5 told them they will not treat landowners like some of
6 these other companies. And they'll tell you that. And
7 if there's any -- and I think Mr. Johnson will tell you
8 that if you call me, have me come out and I'll try to
9 help you the best I can. I pride myself on that. But we
10 have to -- you have to let me know. And I think what you
11 need to do is call the hotline tomorrow morning and
12 complain about that land agent from Gulf Crossing because
13 they've done this time and time again. And we need to
14 start compiling a case against them. FERC will do
15 something, but we need to have the input from the
16 landowners to do something.

17 MR. J. P. PATTERSON: Well, I'll do that.
18 And it's just --

19 MR. BROWN: And, you've got -- you'll
20 have my -- you'll have my phone numbers, Mr. Patterson,
21 you'll have my e-mail address. If you have any problems,
22 you call me. And my deputy project manager is on that.
23 If I -- you can't get ahold of me because I am out doing
24 inspections quite a bit, you call her. We'll help you
25 the best we can, I mean, within the parameters that they

Midcontinent Express Pipelining Project
March 27, 2008

1 allow me to do it.

2 MR. J. P. PATTERSON: Okay. I appreciate
3 it. I'm -- I know Rob White has talked to you about his
4 problem.

5 MR. BROWN: Yes, sir, he has.

6 MR. J. P. PATTERSON: And you went out
7 and looked at it. Rob White called me a while ago and he
8 said to tell you that he is sick in bed and has been sick
9 in bed all day today and he was just not able to be here,
10 but he's still concerned about the crossing and the
11 erosion problem that he is afraid that's going to happen
12 out there. And I know you looked at it and whatever
13 needs to be done. But -- and I know there's a number of
14 landowners that have problems like that. I don't think
15 it should be our responsibility to keep these
16 right-of-ways up and keep it properly covered or
17 whatever. I just don't think that should be my
18 responsibility.

19 MR. BROWN: It's not your responsibility.

20 MR. J. P. PATTERSON: And so, looks like,
21 you know, Gulf is fixing to go into their construction
22 phase immediately, and I know Midcontinent will be. And
23 I will be out there watching what goes on. And, anyway,
24 that's all I have to say.

25 MR. BROWN: Okay. Thank you, Mr.

Midcontinent Express Pipelining Project
March 27, 2008

1 Patterson.

2 Mr. Johnson.

3 MR. J. L. JOHNSON: Johnny Johnson, Lamar
4 County landowner. Thank you, Mr. Brown, for coming back.
5 I appreciate your help. If Pete does need your phone
6 number and e-mail, I have it, so I'll make sure he gets
7 it.

8 The young man sitting beside you there,
9 said that you were an environmental scientist?

10 MR. MOONEYHAN: Yes.

11 MR. J. L. JOHNSON: I asked, I think,
12 several months ago when we had one of these meetings
13 about the American burying beetle survey, and I never
14 have seen any response unless I missed it in the Final
15 Draft of the EIS. The response that's listed there is
16 the same response that was in the previous one, so I
17 think that that continues to be an unresolved issue. Not
18 that it's probably going to stop this project, but I'm
19 interested, more or less, in your scientific technique,
20 how it was accomplished, whether or not they registered
21 the destruction of their traps and how many as compared
22 to how many were set, along those lines. I think the
23 other biologist on the other project is Trevor?

24 MR. BROWN: Trevor Lovelady.

25 MR. J. L. JOHNSON: Trevor. I think that

Midcontinent Express Pipelining Project
March 27, 2008

1 he told me was reading on that survey, but to date I have
2 not heard any word of whether or not if he completed it.

3 I know that there's been some very
4 learned individuals with a lot of initials behind their
5 names and a lot of education looking at this project. As
6 I read through the EIS statement, I noticed that FERC, as
7 well as the institutions that will be putting the lines
8 in, considered the environmental impact as minimal.

9 Maybe so, with what environment we have left. But here
10 in the very near future the Texas Parks and Wildlife
11 Department will be holding what they call Notice of
12 Prairie Meeting for this region in the Edwards Plateau.
13 And the reason that they'll be holding that is because of
14 the avian species and the decrease overall in our bird
15 population. Along with that, from growing up in this
16 area, as you walk around, it's almost impossible to find
17 the Northern Bobwhite Quail. I look at some of those,
18 anecdotally, markers and ask, "Why is that?" And it's
19 because of degradation and many other reasons of the
20 environment. And this is just yet another one of those.
21 And I would ask perhaps that these companies with FERC
22 later on, and I know that they do some work in this
23 arena, to look at that and add that as part of their
24 arsenal of what they can do, besides just revegetation
25 with Bermuda grass and rye grass, or whatever, along the

Midcontinent Express Pipelining Project
March 27, 2008

1 lines of helping the environment and replacing it the
2 best as they can.

3 You cleared up one question that I had,
4 who Mr. Lonnie Lister was, and I spoke to him. And you
5 told me he was the deputy --

6 MR. BROWN: He's the branch chief.

7 MR. J. L. JOHNSON: Branch chief, your
8 boss. At the beginning of this, I think a lot of us have
9 never been through this scenario. We got educated along
10 the way. Obviously, we don't know all the ups and downs
11 about it. And I had asked Mr. Lister a question in our
12 initial conversation, and you can carry an answer back to
13 him. He -- my question to him was, at the original FERC
14 meeting, that if the press would be allowed. And he said
15 that the last time he checked the flag was still flying.
16 And after going through this as a landowner and dealing
17 with folks on both sides of the aisle, my answer to him
18 is: "For whom?" I don't think that it flies per se for
19 a lot of private property owners. And, down the road,
20 hopefully we will address that at both local, state and
21 federal level to level the playing field. And I
22 appreciate it, and I thank you, Charles.

23 MR. BROWN: Thank you, Mr. Johnson. Just
24 a little note on the burying beetle. We had a gentleman
25 speak last night at our meeting last night and he

Midcontinent Express Pipelining Project
March 27, 2008

1 provided a tremendous amount of information and some good
2 input. And you may want to read the transcript when it
3 comes out of what he had to say about the American
4 burying beetle. And he brought some very good points to
5 our attention, and we're going to go back and re-analyze.
6 Okay?

7 This is the last speaker. Is there
8 anyone else that would like to provide a comment for the
9 record. If not, what I will do now is open up the floor
10 to questions and answers of myself and Midcontinent
11 Express. What I'd ask you to do, if you have a question,
12 I need you to come up and state your name for the record
13 and then ask your question.

14 So is there anyone out there that has a
15 question?

16 MR. D. H. JONES: My name is D. H. Jones.
17 Now, one question is: I know I've read in MEP's filing
18 that they have some possible noise solutions planned.
19 I'd like to know what specifically they are going to do
20 as of right now as far as controlling noise?

21 MR. BROWN: You want to answer that,
22 Scott?

23 MR. SCOTT URWICK: I -- I am going to
24 have to get back to you on that. Our noise expert, his
25 name is Tony Auesti, is not here this evening. But I

Midcontinent Express Pipelining Project
March 27, 2008

1 will take the letter that you brought here this evening
2 to him, to his attention, and we will address your
3 specific questions.

4 MR. D. H. JONES: Okay. Thank you. And
5 I'd just like to add, the technology is out there to
6 control the noise, be it sound blankets in the building,
7 sound walls. The technology is there if they would just
8 spend the money to do it. It's all there.

9 The second question is: Where does the
10 community involvement currently stand as far as working
11 with MEP on designing and working out the screening walls
12 around the station?

13 MR. KEVIN DAHNCKE: Yeah. We --

14 MS. MEGAN MASTEL: I think the only two
15 comments we have for the record -- I don't think that we
16 realized that somehow that you were interested in the
17 screening plans, so we haven't incorporated that. We
18 have had consultations with the people who submitted
19 formal comments about the screening. So certainly I
20 think we can go back and share what we're looking at with
21 you.

22 MR. KEVIN DAHNCKE: If you want to be in
23 that -- if you want to be in that commission, we'll --

24 MR. D. H. JONES: Yes, sir. Yes, sir,
25 please. And -- but I also recommend that not only

Midcontinent Express Pipelining Project
March 27, 2008

1 myself, but that other residents who live around who are
2 going -- who do live around where the facility is being
3 built and who do actually -- we have a direct line of
4 sight, as well as several other people, get involved in
5 this.

6 MR. KEVIN DAHNCKE: Okay.

7 MR. D. H. JONES: You know, get the
8 people involved that are the most effected by this, not
9 just people that are going to be driving, whizzing down
10 the Highway 70 miles an hour, past it, but those of us
11 who are going to be looking at it on a daily basis.

12 MR. KEVIN DAHNCKE: Right.

13 MS. MEGAN MASTEL: And the people we've
14 been talking to have been landowners. We'll include you.

15 MR. D. H. JONES: That's all. Again,
16 thank you.

17 MR. BROWN: Thank you, Mr. Jones.
18 Anybody else? Folks, we're going to be here. Here's
19 your opportunity to -- if you have some concerns, please
20 bring them up now because, if not, we're going to dismiss
21 this meeting.

22 Okay. I noticed in the back we have the
23 large alignment sheets. If you need to look at how the
24 property is -- is located on your property, these -- the
25 larger sheets that are a little easier to read, we'll be

Midcontinent Express Pipelining Project
March 27, 2008

1 around for at least 20, 30 minutes after the meeting.

2 If we don't have anymore questions, I'm
3 going to close the meeting for the record, and I want to
4 thank everyone for coming. Appreciate your input. Thank
5 you very much.

6 (Proceedings concluded.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Midcontinent Express Pipelining Project
March 27, 2008

THE STATE OF TEXAS)(

COUNTY OF PANOLA)(

This is to certify that I, Karen A. Scott, a Certified Shorthand Reporter and Notary Public in and for the State of Texas, reported in shorthand the proceedings had at the time and place set forth in the caption hereon, and that to the best of my ability the above and foregoing contains a full, true and correct transcript of the said proceedings.

Certified to on this the 3rd day of April, 2008.

KAREN A. SCOTT, CSR

STATE OF TEXAS NO. 3167

EXPIRES DECEMBER 31, 2008

JOHN FOSTER, CSR, RPR

FIRM NO.: 109

P. O. Box 68

Henderson, Texas 75653-0068

(903) 657-8626