

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

BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
IN THE MATTER OF: : Docket No.  
ROCKIES WESTERN PHASE PROJECT : CP06-354-000  
: CP06-401-000  
: CP06-423-000  
- - - - -x

Holiday Inn Express  
4005 N. 6th Street  
Beatrice, Nebraska

Wednesday, December 13, 2006

The above-entitled matter came on for public meeting,  
pursuant to notice, at 7:04 p.m.

MODERATOR: DAVE SWEARINGEN, FERC

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

(7:04 p.m.)

MR. SWEARINGEN: We're going to go ahead and get started. My name is Dave Swearingen and I'm an environmental project manager with the Federal Energy Regulatory Commission or FERC. To my left is J.H. Drum with TRC, an environmental consulting corporation. TRC is assisting us in our environmental analysis. Erica Lund, also with TRC, is at the sign-in table as you came in.

On behalf of the FERC, I want to welcome you all here tonight. Let the record show that the Beatrice public comment meeting began at 7:04 p.m., December 13, 2006.

The purpose of this meeting is for the FERC to get your comments on the draft Environmental Impact Statement or EIS that we recently released for the Rockies Western Phase Project. You either received a copy in the mail. It was a hard copy, if you asked for one, or a CD that you could use to pull up the document on your computer. Because the mailing list that we have is about 6000 mailings that we had to make, we sent a CD unless you specifically asked for a hard copy. On the sign-in sheet when you came in you had the option, if you received the CD the first time and you'd rather have a hard copy, that's fine. You just

1 have to let us know and we'll be glad to send you when we  
2 release the final.

3           Where we are in the process? We're in the middle  
4 of a 45-day comment period on the draft EIS. That comment  
5 ends on December 28th. All comments that we receive within  
6 the comment period will be addressed in our final EIS. To  
7 speak tonight we had sign-up sheets as you came in. If you  
8 could, I would like for you to go ahead and sign up if you  
9 haven't already. If you prefer not to speak tonight, that's  
10 fine. You can submit written comments. The directions for  
11 submitting written comments are in the Environmental Impact  
12 Statement or you can submit them electronically. It doesn't  
13 matter how you get your comments to me -- whether you stand  
14 up tonight and speak them verbal here at the meeting, you  
15 mail them in or you send them in electronically, we give all  
16 the comments equal weight regardless of how you submit them.  
17 Specific instructions, like I said, are in the EIS about how  
18 to submit the comments. If you have any additional  
19 questions about that, you can talk to me after the meeting.

20           Like I said, the purpose of this meeting is for  
21 us to get your comments on this document that we prepared  
22 called the draft EIS. The types of comments are the most  
23 helpful will be ones that are specific. If you have a  
24 specific comment about the analysis, you think is maybe  
25 flawed or the data are incorrect or that we got something

1 wrong or you'd like to see something additional, that's the  
2 kind of comment that is helpful for us. The kind of  
3 comments that aren't particularly helpful are, well, I don't  
4 like it. I don't want the pipeline. I don't like this. I  
5 don't agree with this. That's not particularly helpful.  
6 You're welcome to make those statements, but that doesn't  
7 help us revise what we've prepared in order to make the  
8 final.

9           Once we've finished the final EIS and mailed it  
10 out, we'll forward that on to our commissioners at the FERC.  
11 The commissioners will consider our environmental analysis  
12 along with non-environmental issues in order to determine  
13 whether or not to issue an authorization for the project.  
14 So the EIS itself is one tool in the process. It is not a  
15 decision-making document.

16           Are there any questions regarding the purpose of  
17 this meeting or the FERC process?

18           (No response.)

19           MR. SWEARINGEN: I'll note that there are  
20 representatives of Rockies Express here in the room as well.  
21 There are some land agents, some environmental people. So  
22 after the meeting, if you have a specific question for  
23 Rockies Express personnel, they'll be glad to hang around  
24 and talk with you one-on-one after the meeting is over.

25           With that, I'll go ahead and start taking

1 speakers from the speakers list. We have a transcription  
2 service here to make sure that we get all of your comments  
3 in the public record. So I'll read off your name, you come  
4 up, if you could spell your name for the record, that will  
5 help the transcriber get it accurate.

6 The first person we have to speak is Sam Sampson.

7 MR. SAMPSON: Unfortunately, I was given four CDs  
8 because I have different properties that involve this and I  
9 didn't play any of the DVD. They didn't work with my T.V.  
10 So I'm not real familiar with this other than environmental  
11 and there are some things that come to mind about  
12 environmental. One of them is, of course, the existing  
13 pipeline and that's the reason we're all here is because we  
14 got it shoved down our throat because there was already a  
15 pipeline on our property which we probably didn't allow  
16 initially, but it's there.

17 If we've got to live with this pipeline -- I  
18 don't know if they addressed burying that thing to 4 feet  
19 deep or just letting it go. I own a place in Jefferson  
20 County where it hangs down for about 50 feet going over a  
21 gully. I don't know what the environmentalist think about  
22 that baby hanging out? We have a farm we just purchased a  
23 few years. The pipeline was about 14 inches below the  
24 ground. As you know, when you chisel and things like that,  
25 you could hit it.

1           I also have a piece of property where a guy hit  
2           it with a plow a few years ago and they evacuated the  
3           neighbors and put them up in a motel and went through a big  
4           deal to rebury it. Well, they've been back since then to  
5           repair it since we've owned it, but I think they need to  
6           address what they've got because I think that fat hog they  
7           cut maybe they'd better take care of him before they start  
8           another litter.

9           Another thing I've got is this airplane flying  
10          this pipeline every week for the rest of our lives. I've  
11          got some trophy deer on my property and I don't particularly  
12          appreciate somebody flying over it once a week. As you  
13          know, most of these Texas people are crazier about hunting  
14          that we are. I know in one instance near Oketa where one of  
15          the people -- and this is all legal, don't get me wrong.  
16          But he got permission to hunt with a bow and he took one of  
17          the deer down off my property and like I say it was all  
18          kosher. Nonetheless, it brings elements into our  
19          environment that we're not accustomed to having.

20          Another thing we like to do is the environmental  
21          burns on our CRP. Like I said, I haven't seen that CD  
22          whether they allow it or not, but they threatened me a few  
23          years ago not to do it, but I went ahead and did it anyway.  
24          But that's just the standard process, especially in Kansas,  
25          to check people for matches when they cross the border into

1 Nebraska. So that's something that they can't allow because  
2 that pipeline is only about 14 inches deep and some places  
3 it's out of the ground. So I'd like to know what they're  
4 going to do with that.

5 Another thing is the 30-inch burial. Now some  
6 states require a 4-feet and 5-feet of cover, but Kansas only  
7 requires 30 inches. So what they're telling me the last  
8 conversation I had was, oh, you know the contractor is going  
9 to bury it deeper than 30 inches because he don't want to go  
10 back and redo it. So they're telling me 30 is what they're  
11 shooting at. They're also working compaction, which doesn't  
12 exist. They're going to try and do it with water, if at all  
13 or either humped up. And I heard the comment that's what  
14 we're paying you that money for is to keep regrading it  
15 every year until it's done settling about 40 years from now.

16 So I know those might not be environmental  
17 concerns, but they certainly involve my environment. I also  
18 want to know how they're going to deal with CRP ground if  
19 they disrupt it because some of it is highly erodible.  
20 Standard farming conditions today aren't going to be the  
21 same in 20 or 30 years. They're not the same as they were  
22 in 1953. If it requires deeper chiseling or terracing, what  
23 are they going to do with a 42-inch pipeline there? They're  
24 not going to be very flexible. They're going to tell you  
25 signed a contract, pal. You're on your own.

1                   So these are some of the issues I'm concerned  
2 about. I haven't settled yet, but I got the confidentiality  
3 removed from it. They're not doing that anymore and  
4 hopefully they'll treat all the same because I don't like  
5 the way it's been handled so far. But that's just my  
6 opinion and you can take it for what it's worth. Thank you.

7                   MR. SWEARINGEN: Thank you, Mr. Sampson, for your  
8 comments.

9                   In general, you did bring up some environmental  
10 comments and I think I heard depth of cover and erosion in  
11 CRP land and we have presented an analysis in the draft that  
12 addresses those. If you have a chance to look over it and  
13 you think that there are some specific things that you want  
14 to add to your comments tonight, we'd be glad to have you  
15 submit those as well.

16                   Regarding the depth of cover, Rockies Express has  
17 proposed a nominal depth of cover of 36 inches for the  
18 pipeline and that is something that -- there are some parts  
19 in the EIS where we discuss that the FERC environmental  
20 staff does not think that 36 inches of cover may not be  
21 adequate in all areas, depending upon the terrain or the  
22 potential for erosion. So that is something that we are  
23 looking at as well.

24                   The next person that we have that wishes to speak  
25 is Allen Grell.

1 MR. GRELL: Are there others to speak before me?

2 MR. SWEARINGEN: No, sir. But I could open the  
3 floor to anybody else who wants to.

4 MR. GRELL: I'd like to speak at the end. These  
5 are citizens. I'm going to speak as a chairman of a local  
6 emergency planning committee for Gage County.

7 MR. SWEARINGEN: Okay. Is there anybody else?  
8 That's the only person that we have signed up. Like I said,  
9 the purpose of this meeting is for me to get your comments.  
10 So if you have something that you'd like to comment on the  
11 draft, the floor is open. Just come up and state and spell  
12 your name for the record, please.

13 MR. GRELL: I'll do that then. Thank you.

14 MR. SWEARINGEN: If you wanted to go last, I was  
15 going to see if there was anybody else.

16 MR. GRELL: I couldn't tell.

17 MR. SWEARINGEN: If there is anybody else, please  
18 feel free to step up if you'd like to make some comments.

19 Yes, ma'am?

20 MR. FAIMON: We're Bob and Maureen Faimon, F-A-I-  
21 M-O-N.

22 MS. FAIMON: I don't want to be the speaker, but  
23 he sort of points at me.

24 I'm coming at this probably from an altogether  
25 different standpoint than anybody. I'm here because I was

1 created by God as well as you were, all of these guys and he  
2 owns this universe. He also put each and everyone of us and  
3 we are in our place where we all have everything we need.  
4 We don't need to transport this out there for any reason.  
5 they have it. And it's not because I'm jealous of where I  
6 live. I don't use natural gas, by the way. But on a farm  
7 you can't unless it goes by your door.

8 But anyway, I do know this that God has promised  
9 each and every one of us everything we need if we are  
10 obeying his commandments. One of those is thy shall not  
11 covet thy neighbors goods. So they can come through and  
12 say we have this right and you don't want to agree with us,  
13 we're going to pull out the power of eminent domain on you.  
14 It won't work. It will not help America. It won't help  
15 them. It won't us.

16 In the '30s -- and a lot of you are old enough to  
17 know -- our government then knew enough to close the banks  
18 and start over. My parents, his parents were part of this  
19 and many of you were. Or if you weren't, your parents were.  
20 I was born in '36 so I only know what my father told me. I  
21 know how hard it was for him. But they closed the banks so  
22 they got rid of their inflation. Now we're adding inflation  
23 and saying we can do it with making paper money or whatever  
24 else we're going to use over the bank or whatever. We can't  
25 do that forever. Our kids, grandkids are the ones who are

1 going to pay this bill. Right now I believe they're paying  
2 taxes until June of every year before they get any of their  
3 salary to feed their family.

4 I'm proud to say that we live on a dry land farm,  
5 well, we no longer farm, but we still own part of that  
6 ground. We fed eight kids and it wasn't on a lot of ground  
7 in spite of what most people have. But we also got bigger  
8 because everybody else got bigger, not that we needed it.  
9 And this is why I'm saying God promises you and I want we  
10 need if we will lead a simple life like Jesus who was sent  
11 to show us the way. He didn't have a car and he was lucky  
12 to be able to live in the mountains. Right? Or walk and  
13 that's where he gave his speeches from. And the only speech  
14 you ever heard recorded was about how to get to heaven and  
15 I'm afraid to tell you the gas line people and anybody else  
16 is going to leave it all behind as well as I. And that's  
17 why it says in the bible that Jesus was born this way, had  
18 nothing and left with nothing. Somehow man told us we're  
19 worth something in between and it's created a lot of  
20 problems. More and more for America because we do not want  
21 to turn back to God's word. We think that we can kick God  
22 out of everything.

23 I have the privilege of not being employed by the  
24 government and I can stand up here and say it. A lot of  
25 people can't with their position. I have talked to two

1 attorneys in Washington. I didn't get my letter off yet,  
2 but after we got back -- read enough to know the power of  
3 eminent domain I'd knew the same thing to us as they did  
4 when they came out and coveted our neighbors goods to get us  
5 the pond out there that's supposed to be for recreation and  
6 swimming and whatever -- yeah, fishing is part of  
7 recreation. Twice the fish have died and the swimming thing  
8 went to pot. It's not going to work because they're  
9 coveting they neighbor's goods. That's against God's  
10 commands. Now it's dried up. And our pond dried up and I  
11 can tell you why. Because the one who rents it got a heck  
12 of lot more cattle than we ever had and they drank it dry  
13 and all their fish died. So this will not work because it's  
14 against God laws and that's the only law we can go by. They  
15 can keep changing theirs, but God's will never change and  
16 those commandments are very dear. And I can tell you why I  
17 can do this over almost 30 years ago I nearly died from  
18 taking government money and I knew I didn't need it. We had  
19 raised plenty to raise eight kids and pay the land payments  
20 and whatever else.

21 Well, you get a check in the mail and don't even  
22 have to go down for it. What it was for was we didn't raise  
23 enough. That laid there a few months. Finally, I -- I'm  
24 the bookkeeper -- sent it the bank. Everybody else is.  
25 Within a very short time, I'm laying unconscious on my

1 floor. He's outside. Couldn't give me CPR. We just both  
2 taken it. I got to the hospital and I survived, but the  
3 child I carried died. It cost all of that darn payment that  
4 I took, plus all the insurance we got. And do you know why  
5 we had insurance? Only because when they pushed milking on  
6 us, we could no longer sell cream from cows. We milked like  
7 this. So we had to put it in a big -- well, not a big, a  
8 cooler and sell it as bulk tank milk for making cheese out  
9 it. Before that you made your -- you know, you got by with  
10 one kind cheese. Now there's 100 kinds.

11 But anyway, I took that money. I had no pulse,  
12 no blood pressure and he got me to the doctor in a car.  
13 That shouldn't have been. I survived after three trauma  
14 shocks that day, three weeks in the hospital. There's a ted  
15 sock on this leg ever since because of blood clot that had  
16 gone up that leg and of course the doctors couldn't help me  
17 they didn't think earlier and I never went to a doctor in  
18 time. And so I'm not blaming anybody, but we're all to  
19 blame. We're not suppose to blame anybody, by the way, not  
20 you or anybody else. We're all greedy. That's born nature.  
21 We're greedy and it's one of the major sins that God don't  
22 like.

23 Why are the people sitting in these cities?  
24 Because we crowded them out by buying another quarter of  
25 ground and we're all guilty, I think, in buying another

1 quarter of ground or another 80 or whatever when somebody  
2 dies or whatever. We bought the neighbor out. We didn't  
3 need it. I knew it. But everybody else is doing it and of  
4 course, I'm the bookkeeper only. He's the toiler. But I  
5 took care of these eight kids and help milk and feed hogs  
6 and whatever. So that's what I'm speaking about that you  
7 can vote for this. It's never going to work.

8 If you think America's going to survive, our  
9 grandparents came over here for this very reason to get rid  
10 of this and then the first ones came over here how? And  
11 helped each other get started and now we run to the  
12 government to get started and they're broke. But I'd like  
13 to see somebody start paying everything by cash like my  
14 father did in the '40s. Went to town all week, paid in  
15 cash, came home. Did it on Sunday and he shouldn't because  
16 that's another commandment, do not work on Sunday. Keep it  
17 holy and rest. But he could write that all down from  
18 memory. Who can take care of your farm today from memory  
19 with money out of your billfold and we think we can do it by  
20 printing more paper. And like I said, it's now going to the  
21 banks without even a check anymore.

22 So it's up to you and I'm not saying I'm going to  
23 stop this. But all I know is the bible says if you know  
24 something, don't hide it under a bushel basket. We have to  
25 tell it. We're a disciple of God and everyone in here is

1       supposed to be willing to stand up and talk about what's  
2       going to hurt your community or hurt you or whatever else.

3               So I thank you guys. I know you're employed by  
4       the government for your jobs. VPA and all this stuff came  
5       about in the '60s and they said they were going to help us.  
6       I don't know who started this and I think thank you for  
7       listening to me.

8               MR. SWEARINGEN: Thank you for your comments.  
9       That's a tough act to follow. But if anybody would like to  
10      step up and continue on with comments on the project, this  
11      is your time.

12              Yes, ma'am?

13              MS. BARKER: I'm Andrea Barker from Phelps County  
14      and when I was going through the book, I found that they had  
15      information in there about the residents within 50 feet of  
16      the work space, but there's no documentation. There was not  
17      reference to the landowners within 120 feet that are  
18      temporary for the construction, during the construction  
19      period. There was nothing about that in there. When  
20      they're building the pipelines, if somebody has gone out and  
21      drove the routes so that they know it -- in the rural area  
22      that we live in, I've talked with the head of the ESM, the  
23      sheriff's department, the police station, the hospital and  
24      the only thing they can do -- putting something like that --  
25      because right outside of our town right along side the

1 existing pipeline is storage crude oil tanks and one of the  
2 Rockies guys, a John Richter, that I've spoke to on the  
3 phone several times sent me an aerial. They don't even  
4 know. They didn't even know that some of these tanks were  
5 out there. I don't know how you can even propose something  
6 when you don't know what's in the tract that you're going  
7 on. Because he sent me an aerial and he was talking about  
8 there was old tanks that are empty and he kept talking about  
9 these two and I go, no. So then he got a new one. Well,  
10 there were three. He goes, well, yeah, there's one across  
11 the road. I said, no, there's two across the road, plus  
12 there's going to be a third one.

13 And the way the pipeline runs, the existing  
14 pipeline runs goes on the south part of our property.  
15 There's crude oil tanks directly to the west of our house  
16 and if they don't come through, they will come to the fence  
17 line, cross the road and then shoot back west. God forbid,  
18 unless somebody can promise me that there can't be where  
19 it's not buried that deep they told us, well, it was at 14  
20 to 24 inches. It's going to go out -- if something would  
21 happen, God forbid, we can't get out of farm.

22 If there would be simultaneous combustion  
23 somewhere and it would all go at the same time, we have no  
24 way to get to safety. The EMS people in our area, the  
25 director, he told me. He says we go to the meetings every

1 year with everybody. He says I'm going to be honest with  
2 you. If something happens out there where you at, you  
3 people will never know it. And these houses and these farms  
4 and these people were all here before any of this came  
5 through and the people in the area never knew anything about  
6 it. They weren't told -- when they put up the big crude oil  
7 tanks, they didn't know it until they came to neighbors for  
8 water what was even going in there. The land has been  
9 bought, the county supervisors and the county commissioners  
10 sold it to them. Nobody knew anything of what was even  
11 going up out there and when they found out that the plat was  
12 already running, they had questions. I had to go through 19  
13 people to get to the United States Department of Treasury in  
14 Washington, D.C. because nobody would -- I went through the  
15 governors. I went through the state senators, Clark  
16 Clonkin's office, the state fire marshal which finally got  
17 me to Washington, D.C., which finally got me to Kansas City  
18 to Karen Butler and some guy named Harold and somebody else  
19 that had been working with us.

20 They need to know what's out there. You need to  
21 know what you're going around and what you're going through  
22 because it may not be -- I had a guy from the Jay Hawk  
23 Pipeline tell me -- I said would live with this out your  
24 back door? He said, ma'am, I wouldn't live within 15 miles  
25 of that. Cheap land. We got it. There's nothing you can

1 do about it. You know, they need to look at what's out  
2 there and where they're going and the way they're running.  
3 Like I told the people in Kansas City, I said all I want is  
4 a guarantee. You tell me that nothing's going to happen to  
5 me and I'm safe out here with all that pipe. Ma'am, we  
6 can't do that.

7 I mean I was also told by federal employees, you  
8 know what, this pipeline is going through. It's taking it  
9 coast to coast and it's billions and billions of people and  
10 you're four little farms. Well, those four little farms  
11 were there first. The people need to come out. I spoke  
12 with John Richter is I think what his name is. You know,  
13 we'll have people out there. You know, they're going to  
14 come look at it and we'll talk to them and we'll talk to you  
15 again and let you know what's going on. We've never heard  
16 back from him until we got this stuff in the mail.

17 From I looked on the maps and the books and the  
18 deals, it's going right straight through where it was and  
19 there's -- yeah, and is everybody aware of what's out there?  
20 FERC needs to be aware of everything that's along that line  
21 before. Your aerials aren't up-to-date. When you're  
22 putting something in that that's high pressure, you'd better  
23 know what's out there on that land. And they don't because  
24 this man, even with his updated aerial, he didn't have both  
25 tanks. He only had one and he had no idea that there's

1 another tank going in there. There's a third tank going in.  
2 I mean when you go by the books -- I mean you contact people  
3 and you let them know and the people in Kansas City, that  
4 Harold that was with you guys last night, he came out to our  
5 farm yesterday and talked to us. You know, they're helpful,  
6 but people don't know. They're from Washington, D.C. or  
7 wherever. You don't know what's out here. You have to make  
8 sure you know every inch of the way what you're going over,  
9 under, through or around before you do it. Because then  
10 after the fact it's just like we're sitting at now. It's too  
11 late. It's already done and they didn't know what was  
12 there. Rockies didn't even know what was along that  
13 stretch, but there was nothing in there, like I said, about  
14 the temporary right-of-ways and stuff like that and I was  
15 curious why that wasn't in the books because they're going  
16 to have to go get easements to go temporarily through  
17 people's farms for construction. But I couldn't find  
18 anything in the book on that. Okay?

19 MR. SWEARINGEN: Okay. Thank you for your  
20 comments.

21 MS. BARKER: Thank you.

22 MR. SWEARINGEN: Is there anybody else who would  
23 like to make comments?

24 Sir, you're up to bat.

25 MR. GRELL: Thank you very much.

1                   My name is Allen, A-L-L-E-N, Grell, G-R-E-L-L.  
2                   I'm a Gage County supervisor. By that position, I also  
3                   serve as chairman of our local emergency planning committee.  
4                   and that is here in Beatrice and has as a key element the  
5                   Beatrice fire department. It's a full-time paid up fire  
6                   department that the state of Nebraska has invested  
7                   additional training, funding for equipment and stuff  
8                   relative to HAZMAT incidents and my concern is the sighting  
9                   of the compressor station and I'll tell you why my passion  
10                  is there.

11                  I lived for 24 some years at the Booster Station  
12                  just a mile on up the road, so I did have some first-hand  
13                  experiences knowing about compressor stations blowing up,  
14                  understanding what can happen to a pipeline when it erupts  
15                  and concerned about that. If I understand your plan, you're  
16                  looking at locating around Steel City with your compressor  
17                  station. Now the Beatrice Fire Department here has a state  
18                  mutual aid agreement for 3 and 33. Our hazmat team here  
19                  does service that area, but my concern is actual initial  
20                  response and the impact on the economic capability of the  
21                  geographical area that you might be sighting this in.

22                  I've got to make the assumption that this a  
23                  rural, volunteer fire district area that would provide the  
24                  initial response. We have a paid up fire department here  
25                  that could do that. Again, to ensure the safety and I

1 believe we've really got to focus on the safety of this type  
2 of infrastructure in the future because of terrorism and  
3 just sound economic reasons. I don't know if any  
4 consideration was given to the fact that we have that  
5 capability in Gage County. We're already planning,  
6 training, exercising on an annual basis to respond to those  
7 type of situations. We just recently did it with the  
8 Northern Natural Gas. We have a bio-diesel plant that's  
9 going in, the largest one in the United States that we will  
10 have to plan, prepare and be ready to respond to. We have  
11 an ethanol plant in the northern part of Gage County. We  
12 have a natural gas electrical plant just about three and a  
13 half miles from where we're sitting. And as taxpayers all  
14 of us are contributing to that capability and I'm just  
15 wondering if we truly looked at how capable will it be for  
16 that geographical area where you've sighted that compressor  
17 station in the future to meet the financial obligations that  
18 will be burdened relative to being able to provide adequate  
19 response if there is an incident over there.

20 My thought we have U.S. Highway 77 from Beatrice  
21 to Lincoln. It's an expressway. There's just much, much  
22 more capability. If there is an incident over there, we  
23 already have the employees that work at the Northern Natural  
24 Gas and natural pipeline station that can be mobilized to  
25 serve as workforce when we respond to it. And so I see that

1 as an impact on the environment because we don't want  
2 anything to happen to your facility. But then the economic  
3 burden that it does thrown down on taxpayers to fund some of  
4 that and I do know you will have the right to go and ask for  
5 some of that and expect it. And I know that under the  
6 Community Right to Know Act we're obligated to work together  
7 to make sure that capability is there.

8 My only concern was I've never really heard how  
9 well that was thought out. In my mind, if I was a planner  
10 in doing this, I'd consider looking at the capability here  
11 within the City of Beatrice with that designated hazmat fire  
12 department and see the closer you can get it to us the  
13 better we can respond. Thank you.

14 MR. SWEARINGEN: Thank you.

15 Yes, ma'am.

16 MS. WOOLSON-CROFT: My name is Janet, J-A-N-E-T,  
17 Woolson-Croft, W-O-O-L-S-O-N-C-R-O-F-T, and I'm not a public  
18 speaker and I don't have anything prepared, but the first  
19 thing I'd like to say is that I really want to thank the  
20 Federal Energy Regulatory Commission for taking notice of  
21 landowners concerns and especially my concern because I have  
22 been concerned about an area where I have some natural  
23 springs which feed to ponds and the pipeline will go through  
24 this area. And I know that FERC has taken notice of the  
25 issues that I have and I deeply appreciate this.

1           At this point I was just told yesterday that the  
2 pipeline is not going to move their route to accommodate my  
3 request to move the pipeline on my property further to the  
4 south where it actually would not be in the area where the  
5 wetlands are and where the water flows down to my ponds.  
6 And I know that FERC has taken this under advisement and  
7 they've also said that basically this is an issue that  
8 should be worked out, perhaps, between the landowner and the  
9 pipeline company. But I would ask for your help in this  
10 regard because it's very difficult to work with a pipeline  
11 company when you are basically told that you sign an  
12 easement and that the pipeline is going through. That was  
13 the initial response from the company.

14           I wrote them a letter on June 8th and that is in  
15 my motion to intervene that I have not received a response  
16 to that letter and the letter was never made a part of the  
17 record. At this point, I would like to offer the letter  
18 from me on June 8th to Rockies Express and the letter that I  
19 received from Rockies Express in return, which did not  
20 address any of the issues that I raised and my response to  
21 that letter and I have that that I would like to submit to  
22 you just as an exhibit to my testimony this evening.

23           It's difficult to negotiate with the pipeline  
24 when they don't want to address the issues that you raise  
25 and they have brought in hydrologist and I just received

1        what is supposedly -- I haven't opened the packet yet, but  
2        it came FedEx today -- the hydrologist report that they did  
3        bring it, but it's my understanding that they don't believe  
4        that they will move the route. I would like this examined  
5        because I think that there are so many issues here  
6        concerning the water issue and what will happen to the flow  
7        of the water and I think that, if there's an alternative  
8        route where it's clear that the water won't be affected,  
9        then that's a better route than just forcing us to take the  
10       pipeline's easiest route. And as a landowner, I agree with  
11       what some of the other landowners have said is that  
12       initially when this process began I was told, well, if you  
13       don't sign we'll just take your land by eminent domain.  
14       Landowners have very little rights in this process, in  
15       essence, because we know our land is going to be taken if we  
16       don't agree with it and so this is why I am so grateful to  
17       the Federal Energy Regulatory Commission for looking into  
18       this on my behalf and I would ask you to continue to look at  
19       the environmental issues on my property, which is in Kansas.  
20       Thank you very much.

21                    MR. SWEARINGEN: Thank you, Mrs. Woolson-Croft.  
22                    Is there anybody else who would like to present  
23        comments?

24                    MR. REIMAN: My name is Gary Reiman. That's R-E-  
25        I-M-A-N.

1                   When they first came out, they wanted to do a  
2 survey on this land and I did not give them permission. So  
3 when we came home later that day, they had already flagged.  
4 They went through and just did it anyway. They wouldn't  
5 return my calls. I had to call the sheriff. They finally  
6 had them call me. When they came out and they just laughed  
7 and said, well, this thing is going through. There's  
8 nothing you can do about it anyway.

9                   I've asked at other meetings and I've asked  
10 Rockies what is a safe distance to have a residence from  
11 this line. No one has ever answered my question. My house  
12 is within 275 feet of where this is supposed to go. Can  
13 anybody give me a direct answer? What is a safe distance to  
14 live?

15                   MR. SWEARINGEN: I can give you an answer based  
16 on the regulations. The regulations permit these type of  
17 pipelines to be placed within 1 foot of an existing  
18 structure. So the regulations are such that -- I live in a  
19 city and there are pipelines going down streets. There's  
20 pipelines going here, there and everywhere and the  
21 regulations that are put into place are excepting that that  
22 is an adequate type of construction for these pipelines.

23                   MR. REIMAN: I understand they go into every  
24 building around and they all have regulators reducing the  
25 pressure. They're not a 1500 pounds of pressure and they're

1 not a 42-inch diameter pipe.

2 MR. SWEARINGEN: No, but there are -- I'm just  
3 speaking just as somebody who is involved with product all  
4 over the country. There are interstate pipelines that go  
5 through subdivisions and go across the back lots of schools  
6 and across streets. It does happen. My point is this is  
7 not a unique occurrence. That these type of pipelines are  
8 placed and routed in such areas, residential areas, city  
9 areas and across open farm areas. To get from Point A to  
10 Point A, sometimes you have to cross different types of  
11 areas. Now I know that's probably not what exactly what you  
12 wanted to hear. I'm not making a judgment on whether that's  
13 good or bad, but that is where these pipeline goes at time.

14 MR. REIMAN: I was told by a guy that works  
15 construction with oil lines -- he works for the crude oil  
16 lines and he knew of an instance in Colorado he was saying  
17 and I don't remember how deep he said it was buried. But it  
18 was an 8-inch line and they hit it with a backhoe. The  
19 operator of the backhoe was killed instantly and there was a  
20 60-foot diameter crater with an 8-inch line. How big of a  
21 crater would this 42-inch line create?

22 MR. SWEARINGEN: I don't know the answer to that  
23 right off, but if a natural gas pipeline is hit by  
24 equipment, it has the potential to, as you say, to create an  
25 explosion. I mean that's why rights-of-way it is very

1 important to have them marked, to have the markings and to  
2 know where they are and why there are One Call systems  
3 before you are digging in an area where there is one of  
4 these pipeline lines that you figure out where it is and you  
5 don't dig there.

6 MR. REIMAN: Can I ask you a personal question?  
7 Would you like to have this within 275 feet of your house?

8 MR. SWEARINGEN: You probably won't like my  
9 answer. Like I say, I live in a place where every day in  
10 the newspaper some truck has, you know, crashed and killed  
11 people. I live near a place where propane -- a truck  
12 carrying liquid propane crashed and it sent that propane  
13 truck 400 feet and it crashed into somebody's house. I mean  
14 there are trucks on the highway. There are railcars  
15 carrying chlorine. There are all sorts of things going on  
16 in this country that, as a person who lives in a highly  
17 populated area, that's just the price of living in a highly  
18 populated area. Would it bother me to have a natural gas  
19 pipeline near my place, personally, it would not bother.  
20 But that's my personal opinion. I'm not making a judgment  
21 at all of whether or not it should or should not bother  
22 somebody else. But you asked me a personal question. I  
23 give you my personal answer.

24 MR. REIMAN: Thank you.

25 MR. SWEARINGEN: Yes, sir.

1                   VOICE: I just have one question. Are there any  
2 physical effects that we could feel with that much pressure  
3 going through a line like if you're living close by? Are  
4 there any vibrations or anything like that? Do you know?

5                   MR. SWEARINGEN: I'm not aware of vibrations that  
6 are caused that you could feel coming from the pipeline in  
7 the ground. I have been aware of people that are near  
8 compressor stations, if the compressor station is not  
9 shielded adequately that people within a certain radius, and  
10 that depends on the topography and the particular  
11 engineering of the compressor station, that there is noise  
12 and vibration that we've had reports that those can be felt.

13                   The floor is open.

14                   MR. SAMPSON: Does the gas generate any heat as  
15 it passes through the pipeline? I've heard stories where  
16 the pipeline is in use and it generates heat so it dries out  
17 the soil so you don't get as good a crop as before the  
18 pipeline.

19                   MR. SWEARINGEN: Yes, sir. And we do address  
20 that in the draft EIS. When a pipeline exits a compressor  
21 station, the compression at that station will cause the gas  
22 to be at a higher temperature. And as it travels down the  
23 line, it loses temperature and it becomes -- the further you  
24 go the less that heat effect is noticed. There have been  
25 reports that crops nearer to a compressor station may be

1 affected. The yield maybe affected because the temperature  
2 causes the soil to be drier, depending on the type of soil.  
3 So the moisture is less and you get maybe a less productive  
4 crop right over the line.

5 In our draft, we have addressed the issue that we  
6 believe that there should be a monitoring of crops within  
7 five miles of a compressor station and if the yield is less  
8 than what it was before the line was put in, then there  
9 should be a compensation based on that reduced yield.

10 Yes, sir.

11 MR. GRELL: I guess my question would be, if  
12 there was -- let's just say it erupts and natural gas is  
13 leaking, what type of response capability does your facility  
14 design require to come and respond initially?

15 MR. SWEARINGEN: I won't be able to answer that  
16 specifically because for every project and for every  
17 compressor station the company -- it's not us. It's the  
18 company. It has an emergency response plan that they've  
19 worked out with the local emergency responders. So every  
20 station there is going to be a different answer for any  
21 particular location. But there are emergency response plans  
22 that do get developed and that have to be put into place and  
23 into effect at each compressor station. You can talk to a  
24 Rockies Express person for a more specific answer. I can  
25 only address that in a general sense.

1           MR. GRELL: Obviously, this plant gets built and  
2           it's almost -- it's probably operational before the deadline  
3           comes around to establish that.

4           MR. SWEARINGEN: No, we don't authorize -- we  
5           have to give authorization for construction and we have to  
6           issue a separate authorization for service. So before the  
7           line can go in service, all the requirements -- the local  
8           permits, all the permits and plans have to be in place and  
9           they have to be either reviewed by us or submitted to us  
10          before it can go into service. So in one sense, it may be  
11          allowed to be constructed at a certain point, but the in  
12          service is a separate operation to be in place.

13          MR. GRELL: An consequently, the risk management  
14          plans, the emergency response plans have to be in place?

15          MR. SWEARINGEN: Yes, sir.

16          MR. GRILL: Okay. Thank you.

17          MR. SWEARINGEN: Yes, sir? You had another  
18          comment?

19          VOICE: Are there pipelines line this in use  
20          right now in the country or is this one of the largest ones  
21          being built?

22          MR. SWEARINGEN: There are lots of interstate  
23          natural gas pipelines.

24          VOICE: But this big?

25          MR. SWEARINGEN: Yes, there are other 42-inch

1 lines.

2 VOICE: There are?

3 MR. SWEARINGEN: Yes, sir. This pipeline is  
4 longer than most that have been proposed just because it's  
5 got to carry the gas from Point A to Point B in this  
6 particular instance over 700, close to 800 miles. But the  
7 Reliance Pipeline Project -- I'm going from memory here -- I  
8 think was a 42-inch and that was 1999, 2000 or thereabouts  
9 and it was another extremely long pipeline. The Current  
10 River pipeline was 800 and something miles and that's in  
11 service now. I don't think it was 42. Maybe it was 36. I  
12 don't remember, but there are quite a few projects of 36-  
13 inch diameter, 42-inch diameter. I think we've even got  
14 some 48-inch diameter pipelines in the works as far as  
15 proposals. So to answer your question, and as I alluded to,  
16 this is not a singular occurrence. These pipelines are  
17 being proposed and built in lots of different places.

18 VOICE: I was just curious if this was the first  
19 one that nobody really knows what the effects are. But if  
20 there is already one or two around --

21 MR. SWEARINGEN: Like I say, this is not a  
22 singular occurrence. It's just more pipeline of a similar  
23 nature of what's been going on recently.

24 Yes, sir.

25 VOICE: Maybe Rockies Express or some of these

1 companies should print out some of the safety regulations  
2 that they go by to install -- I' not talking negatively  
3 because I've been by this pipeline since '72. But people  
4 don't realize what the safety features are that go into a  
5 pipeline -- your valves, your automatic shutoffs, your  
6 excess flow valves. When the pressure drops, valves will  
7 snap shut.

8 A while ago when they were talking about erosion,  
9 now it goes across four miles of buildings. We have no  
10 erosion because when they diverted the water. But these are  
11 some of the things that people don't understand as yet. And  
12 as far as the plane flying over, I have wetlands within a  
13 quarter mile of the pipeline. The plane flew over one day  
14 as we were unloading a backhoe into the swamp. Within an  
15 hour I had a call from Casper Wild wanting to know what I  
16 was doing. So they do check things out. That was before we  
17 had a bigger -- a lot of these safety features weren't put  
18 in back in the '50s. They were put in, in the '80s or the  
19 '90s and that's what a lot of people don't realize that  
20 there are a lot of pipelines that are in the country. There  
21 is a lot of natural gas, a lot of crude lines in the country  
22 and for the amount of lines that's there, there's been very  
23 little trouble.

24 MR. SWEARINGEN: I just got a note from the  
25 transcriber that he can't pick up the voice. I can recap

1 your comments, but if you come up he can pick it up off the  
2 microphone.

3 VOICE: No.

4 MR. SWEARINGEN: For those who weren't able to  
5 hear, the main point, I think, was that how people can  
6 understand what the pipeline safety regulations are and the  
7 fact that they've changed over the course of the last 10 or  
8 20 years. The Platt Pipeline, of course, is an oil  
9 pipeline. It was placed into the ground, what, 50 years  
10 ago, 50 years ago where they probably didn't have wetlands  
11 regulations, endangered species regulations and it went into  
12 the ground and that's why your experience with that  
13 particular pipeline is along the lines of experience such as  
14 this. But now there are a whole host of regulations, not  
15 just environmentally like talking about wetlands and streams  
16 and such, but also safety regulations and the best that I  
17 can put to you on that is in the draft EIS we have a safety  
18 section and the safety section summarizes what -- it's a  
19 summary of the safety regulations that are in place, but  
20 mostly it references what the DOT -- there are some  
21 references for the code of federal regulations which state  
22 what those are and we're not going to republish the safety  
23 regulations out of the CFR in this because it would just be  
24 extra pages and pages and pages of regulation that we  
25 referenced. So if you have a computer or a local library

1 and you want to know -- or a local DOT office -- if you want  
2 to know what the current regulations for safety in natural  
3 gas pipelines are, that's the best way I could steer you to  
4 those is to look up what the DOT regulations are. If the  
5 summary that we've provided, if you don't think that that  
6 informs you as much as you'd like to be informed.

7 Anybody else? If there's anybody else who'd like  
8 to speak, that's fine. But I'd like you to come up so we  
9 can catch everything on the record, if you could.

10 MS. WOOLSON-CROFT: I'd like to ask a question.

11 MR. SWEARINGEN: I'm sorry, but without the  
12 microphone it doesn't get on the record.

13 MS. WOOLSON-CROFT: Well, I didn't think of this  
14 one when I was up here before and other people are asking  
15 questions and that has triggered my own questions.

16 MR. SWEARINGEN: Sure.

17 MS. WOOLSON-CROFT: Does your agency have any  
18 interest in how the pipeline performs the job of putting in  
19 the pipeline such as the compaction of soil and whether they  
20 leave roots in the field and the separation of the soil.  
21 And if they reseed the grass and they don't get a stand, is  
22 that their problem or is that my problem? Or how does this  
23 all work and is anybody actually -- is this left up to every  
24 individual landowner to worry about the compaction of their  
25 soil or is there some oversight by someone about this?

1                   MR. SWEARINGEN: Yes, ma'am. There is definitely  
2 oversight, not only during construction, but also during  
3 what we call the restoration period. And that is part of  
4 what my agency is responsible for. We will have people  
5 during construction we have environmental inspectors their  
6 job is to make sure that they are constructing the way that  
7 they told us that they were going to construct. If Rockies  
8 Express says, well, we've cross this wetland. We're going  
9 to narrow a right-of-way to 75 feet and we're going to place  
10 mats down. We have somebody out there to make sure that  
11 they do exactly that.

12                   After the pipeline is constructed, there is the  
13 period of restoration. As you say, there's reseeded that  
14 goes on. There's recontouring and we have periodic  
15 inspections that personally that I will go out on and  
16 inspect, either by a fly over or certain locations where  
17 there have been issues brought to my attention, driving and  
18 walking and doing a very specific site inspection. We also  
19 have contractors whose only job it is, is to do inspection  
20 of restoration on pipelines.

21                   Of course, with a pipeline that's 700 and  
22 something miles long, we might not know every single spot  
23 that there may be a problem. If you have, let's say, a  
24 compaction issue on your property, the best way for us to  
25 know about that compaction is for you to let us know and

1       then we can send somebody out to take a look at it. The  
2       process does not end as soon as this project is written  
3       about in our analysis or whether it's authorized or  
4       constructed. I went out last week and did an inspection in  
5       southern California of a pipeline that was built four years  
6       ago. And I'm going to go out next year and do yet another  
7       inspection of a pipeline that was built six years ago  
8       because there are still trouble spots where the reseeded  
9       hasn't taken or maybe there's some weeds or erosion. So we  
10      continue to inspect those and make sure that the company  
11      knows what they have to go back and do their additional  
12      restoration work.

13                     That's a long answer to your question. But yes,  
14      this pipeline will be monitored throughout construction and  
15      its restoration.

16                     MS. WOOLSON-CROFT: Thank you.

17                     MR. SWEARINGEN: Yes, sir?

18                     MR. SAMPSON: Are we going to bring in private  
19      engineering firms because I was going to have total of all  
20      mine so that I'm sure I'm going to get the coverage they  
21      tell me I'm going to get and I'd like to have those same  
22      geotechnical engineers to do soil. We're going to do  
23      borings before they put it in and we're going to test it as  
24      they put it in. Now am I going to have problems with that,  
25      with these Southern folks or am I going to be able to do it

1           because some of these Texas guys are just going to shove it  
2           in and say that's what you're getting paid for, mister. Or  
3           can I have it tested as they compacted to make sure that  
4           it's being done in a professional manner.

5                     MR. SWEARINGEN: I think that that is your land  
6           and you have the prerogative to bring somebody in to  
7           evaluate the recontouring and the compaction. I absolutely  
8           believe that's your right to do.

9                     MR. SAMPSON: Do you think they'll stand by that.  
10          I won't have to get law enforcement people to get me on that  
11          easement that they have to do soil compaction tests?

12                    MR. SWEARINGEN: If your tests shows something  
13          and let's says Rockies Express tests shows something else  
14          and you're not in agreement with that, then I would advise  
15          you to -- you can call the FERC hotline and make a complaint  
16          about the restoration and we'll have somebody look into it.  
17          I can't guarantee what the result of that would be, but as a  
18          landowner, if you're not satisfied with way restoration is  
19          going, you have the right to ask for FERC to make an  
20          investigation of that. And if you have somebody, a  
21          professional come out and do some borings or some technical  
22          analysis that's certainly your prerogative and you can  
23          submit those in support of your case, yes.

24                    MR. SAMPSON: Because I spoke to someone from  
25          Carney the other day and Kinder Morgan put a gas line in

1       there. They used to have a retail business which they've  
2       gotten rid of and they didn't want to compact it and Carney  
3       actually had to force them to compact it. So I'm asking you  
4       this, you've seen a lot of pipelines put in. Have you ever  
5       seen them use mechanical compaction such as sheep's foot or  
6       lower horizontal track hoes or anything of that nature?

7               MR. SWEARINGEN: Yes, sir. I have.

8               MR. SAMPSON: Or do they just ram and jam like  
9       they told me?

10              MR. SWEARINGEN: The compaction of using sheep's  
11       foot and sometimes after a while, if the soil does settle,  
12       they'll have to bring in more soil and put it in. I've seen  
13       that. I've also seen places where the soil is compacted too  
14       much and it doesn't make for a good crop base and so they  
15       have to do some decompaction. They have to use measures to  
16       kind of loosen up the soil. So the compaction issue is one  
17       that we do take seriously during construction and after the  
18       pipeline is in the ground. Because if you were growing  
19       crops there before and your settlement with the company is  
20       that you want to farm that again, then yes, you should be  
21       able to do that.

22              MR. SAMPSON: Once we establish a compaction  
23       level on that farm, will they comply with it or will they  
24       say we're going to shove it in and that's what we're paying  
25       you \$5000 for to keep working this hump every year until its

1 settles for the next 40 years.

2 MR. SWEARINGEN: If they make an agreement that  
3 they're going to just pay for a particular stretch of land  
4 and the agreement is that they're going to pay for it and  
5 that's it and you sign that agree, well, that's the  
6 agreement. As FERC, we don't get into the negotiations and  
7 the specific agreements. But if your expectation is that  
8 your land is going to be contoured a certain way. That your  
9 wells are going to yield a certain amount and that your  
10 crops are going to go a certain way, we monitor or we  
11 receive the monitoring reports. Of course, Rockies Express  
12 will send monitoring reports saying what they say. If you  
13 think something different, like I say, you submit your own  
14 report and if you want to have somebody investigate that,  
15 you can request that.

16 MR. SAMPSON: Well, you mentioned erosion  
17 problems in southern California. I'm in construction. You  
18 don't have erosion problems if you put the soil back into  
19 proper compaction. This is why you're having problems with  
20 these issues. These people should compact these ditches.  
21 They should nest that pipe. A 42-inch pipe has a lot of  
22 underside that they don't plan on nesting. They're just  
23 going to nest it in and hope it seeps under there over time.  
24 So there's a lot of issues that they're not addressing that  
25 you're just letting ride because it's a thousand miles long

1 and you just told us you can't watch it. So we have to hire  
2 our own engineers to watch it. I just want the assurance  
3 from the federal government that I can have a licensed,  
4 geotechnical engineer on site when they're compacting my  
5 pipeline in at the rate of compaction the rest of my farm  
6 is. Is that a problem, sir?

7 MR. SWEARINGEN: Well, like I said, I don't think  
8 it's a problem for you to have a engineer to test whether or  
9 not your compaction level is satisfactory to you. Now like  
10 I also said is that during construction we have people  
11 monitoring the construction, the environmentalist inspectors  
12 and we have third-party inspectors monitoring that and I  
13 will be out on occasion to watch construction as well and I  
14 will continue -- either me or people contracted to work on  
15 the compliance will be monitoring those pipelines for years.

16 MR. SAMPSON: You shouldn't have to if it's done  
17 right. That's what I'm trying to tell you. It would save  
18 us all a lot of money if you'd say, gentlemen, you're going  
19 to put the soil back the way you found it and nest the pipe  
20 so it's done properly because that's the way we work in the  
21 city, sir. When we worked for the City of Lincoln or the  
22 City of Beatrice or City of Omaha, we'd put it in. We'd  
23 nest it and gravel it. We'd a proper job and you don't have  
24 a problem with it. When you go into the country and they  
25 think, well, this guy took 5000 bucks. I'm just going to

1 shove it shut and he can farm over that hump for the next 10  
2 years and if he flips his grain cart, that's his problem.  
3 That's not mine and that's not the way to address this  
4 pipeline. It's a serious issue and I haven't even gotten a  
5 straight answer from them on the thickness of the pipeline.

6 One lady said, well, it's going to be an inch  
7 thick in St. Louis but a quarter of an inch out in the  
8 country. She doesn't know what she's talking about and it's  
9 not my period what this pipeline is constructed of. But  
10 when you talk about this compaction issue, you people don't  
11 have a clue of what's going on because you're talking about  
12 going back. I mean that's like building a building on a  
13 swamp and going back every year and pointing out the block  
14 that cracked. You shouldn't have to go back is what I'm  
15 trying to tell you if it's put in properly.

16 MR. SWEARINGEN: Our expectation is, of course,  
17 that the pipeline is put in properly. Now if I said that  
18 and then told you, well, we're not going to come back I  
19 don't think that you would be happy with that answer. So  
20 I'm telling you that we're going to come back. Now given  
21 the choice, we put them put it in correctly and then we  
22 don't come back. I don't think that that's an appropriate  
23 response because there are places where you get a storm  
24 event and some of the topsoil might wash away. I mean  
25 things happen like that and that's our job -- part of our

1 job is to monitor instances where that may happen. Now west  
2 of here the pipeline is going to crossing the sandhills  
3 area. The sandhills are more -- I'm not exactly sure to the  
4 extent or to the level, but different types of soil are more  
5 prong to being eroded by wind or by water and so there are -  
6 - certainly you can't just put a pipeline in there -- the  
7 pipeline can be put in under the 100 percent best management  
8 practices, compacted the right way, put at the right depth  
9 and what? If it's all done correctly, we're not suppose --  
10 we don't have to come back.

11 MR. SAMPSON: I'm not saying you don't have to  
12 come back. It's called preventive maintenance. You don't  
13 have to come back as much if they do it properly the first  
14 time and what I'm hearing from this negotiator is, well, we  
15 can't get rid of all that dirt. We've got to hump it up on  
16 there because for that pipeline. That pipeline displaces  
17 about six wheelbarrels full of dirt per linear foot. That's  
18 nothing. If you can't lose that over your easement, you're  
19 not a very good operator. But I'm saying you've got to  
20 compact it back in because you've got a lot of surplus  
21 because you've got a lot of air in that soil and you haven't  
22 compacted it. One person was going to let them water soak  
23 his. That's a poor way to deal with it, but that's a better  
24 way than nothing.

25 But I'm just saying are you going to have any

1 geotechnical engineers on the site that are going to do soil  
2 compaction tests? Is there any type of work ever done like  
3 that just out in the middle of the field? I know you've got  
4 to do it where you cross Highway 281 or somewhere, but do  
5 you have to do it in the middle of a field or do you ever do  
6 it?

7 MR. SWEARINGEN: It's incumbent upon Rockies  
8 Express to test the compaction and to make sure that they're  
9 doing it the right way. It's incumbent on us to inspect  
10 that and to make sure what they've done is adequate as far  
11 as the restoration is concerned.

12 MR. SAMPSON: So that's why they have this  
13 confidential agreement where they could a deal with one  
14 person and another guy could get a little more or a little  
15 less? I mean this is what concerns me. There should be a  
16 consistent manner where this is constructed. We shouldn't  
17 be telling them how to do it. They should say here's how  
18 we're going to do it, ASTM standard soil and we can say,  
19 good, I'll have an engineer and an attorney look at it and  
20 they'll approve it. That wouldn't be that difficult, sir.  
21 I mean you've got to treat this farmland it's as important  
22 to us as if we have a \$50,000 lot in the City of Beatrice.  
23 It's just as important to us farmers to have that whole  
24 stretch of ground restored to the way they found it because  
25 there isn't hardly anybody in this room that's happy to have

1 this and the only reason we do is because of that little  
2 pipeline that's already there.

3 I don't know if your statement addresses redoing  
4 that or setting it properly or how are they going to deal  
5 with that where it's 12 inches deep or hanging out of the  
6 ground. Are they going to repair that while they're at it?  
7 Are they going to check it for wall thickness because it's  
8 53 years old?

9 MR. SWEARINGEN: The flat pipeline is not  
10 regulated by agency.

11 MR. SAMPSON: The unfortunate thing is that's  
12 their key to get into the rest of us because that easement  
13 is already there. They didn't even explore doing a non-  
14 public right-of-ways or railroad right-of-ways or things  
15 that are already there. They just thought we've already got  
16 this. We got a free throw. Let's take it and run with it.  
17 They've done it and it's worked.

18 MR. SWEARINGEN: That's what they've proposed and  
19 we, in our alternative section of the EIS, we did evaluate  
20 the merits of alternate routes which would take it the north  
21 or take it to the south and our conclusion was that  
22 following the existing right-of-way was the preferred route,  
23 given all the information that we had.

24 MR. SAMPSON: Who gave you the information,  
25 Keystone or Rockies Express?

1                   MR. SWEARINGEN: Rockies Express supplied  
2 information. I came out for scoping meetings six, seven  
3 months ago. The purpose of those meetings was to get public  
4 input to give us additional information. A lot of the  
5 routes that we looked at for alternate routes were supplied  
6 by people like you or people at the meetings making  
7 suggestions. So our alternative analysis did that and no  
8 matter where a pipeline is routed there is always going to  
9 be people that are not happy with it and that's what  
10 happens. But it's not that they proposed a route and we  
11 looked the other way and just said that's the way it's going  
12 to be because that's not -- I wouldn't be doing my job as a  
13 professional environmental reviewer if that's all that I  
14 did.

15                   MR. SAMPSON: It looks like a blank study. I've  
16 seen enough of those done in the City of Lincoln. If you're  
17 going to spend enough money for a blank study, they'll give  
18 you a blank area. We've got them all over Lincoln right now  
19 and all it takes is enough money to have an architect do a  
20 study. He'll come back with what you want for the results.  
21 That's basically what's happened here. You can put it  
22 anyway you want it. That's how it's happened and I not here  
23 to argue that. But you talk about environmental concerns,  
24 erosion of the line is a big environmental concern. The  
25 condition of the other line for the next 20, 30 years is

1 another concern and maybe you've addressed that other line  
2 in there. I'm sorry I haven't read up on it, but I  
3 definitely think that needs to be addressed as they go down  
4 because they're sticking us to that. We're staying right  
5 with that right-of-away. So they'd better take care of  
6 their other baby while they're at it. That's all I've got  
7 to say.

8 MR. SWEARINGEN: All right. Thank you, sir.

9 Yes, sir.

10 MR. WIADEL: My name is Edward Wiadel, W-I-A-D-E-  
11 L from Fair County.

12 Are they going to use a trencher or a backhoe or  
13 do you know?

14 MR. SWEARINGEN: I don't exactly how the  
15 construction, exactly what type of equipment they're going  
16 to use at any particular location. It's probably going to  
17 change depending on the specific topography. That's  
18 something you would need to ask the Rockies personnel  
19 exactly how they want to construct on your property.

20 MR. WIADEL: Will the farmers have any impact on  
21 how this thing is dug? They go almost through the middle of  
22 a pivot on perhaps half a mile wide and I cannot see from  
23 one end to the other because of the draw. Now where these  
24 pivot tracks are I've got buried rock from 3 to 4 foot deep  
25 so the pivot never gets stuck and it hasn't gotten stuck in

1       seven years. But if I did do that, it would be impossible  
2       to keep it running. So if they hit these, they're going to  
3       hit some concrete out there and I'd like to have that  
4       concrete laid to a side and put back again at about the same  
5       place where the pivot track will be.

6               MR. SWEARINGEN: We've addressed the pivots in  
7       the EIS. Now your specific instance with your pivot and the  
8       rock that you're discussing I'm sure that Rockies will talk  
9       with you specific about your property as the best way for  
10      them to dig out and replace it. As I said before, our  
11      general requirement is that they put -- what was there  
12      before needs to be there afterwards. The pre-construction  
13      condition permeates what our expectations are. If they go  
14      through a field, it needs to be put back to pre-construction  
15      condition. If it goes across a wetland, the wetland has to  
16      be restored to pre-construction condition, the contours as  
17      well. So if you have a particular contour, we address rocks  
18      and stuff. Rockies Express would be required to take all  
19      that into account on your and I hope that after the meeting  
20      you will talk to them and they can assure that that will be  
21      done.

22              MR. WIADEL: Who would you see? The surveyors  
23      when they're out there or wait until the workers get there  
24      because then I can tell them exactly where --

25              MR. SWEARINGEN: What you should do is, after

1 this meeting is over, call over one of them over and get  
2 your more specific answers from them.

3 MR. WIADEL: Okay. Thank you.

4 MR. SWEARINGEN: Yes, ma'am.

5 MS. FAIMON: Am I still supposed to write after  
6 tonight or did I say enough that's on record?

7 MR. SWEARINGEN: If you said what you wanted to  
8 say, it's on the record and that's all that we need from  
9 you. It's your prerogative. If you want to submit written  
10 comments, you can do that.

11 MS. FAIMON: Okay. That's what I was told last  
12 week. I had talked to last week that said, yeah, you got to  
13 write it.

14 MR. SWEARINGEN: Well, you don't have to write it  
15 if you spoke it. If you think of something else, like next  
16 week you want to say something else, then you write that  
17 out.

18 MS. FAIMON: I'd like to say it right now. What  
19 your agencies have caused us is a very much inflation. This  
20 happened way back in the '60s when they were after getting  
21 schools bigger, too. And I wished I had kept my papers that  
22 said that EPA and whoever was involved in that at that time  
23 was predicting more jobs and it certainly has for our school  
24 districts. And now our state was so smart they voted -- I  
25 mean we didn't vote it out. They got it kicked out that we

1 had to get rid of all of our little grade schools. Well,  
2 now there's never going to be enough because somebody is  
3 always going to have better technology and better what  
4 because we are so overly educated and our poor parents sat  
5 back here and didn't get through the 8th grade and they  
6 raised their family in a much more moral background than we  
7 have today. Because like I said, we're against these Ten  
8 Commandments. There's no cutoff to labor. I mean if the  
9 company don't go broke, they've got to keep going up. And  
10 if you're going broke, then you've got to consolidate with  
11 somebody else. There are gas lines that have done that.

12 But what good is this gas going to do to Helen  
13 gone from here if they can't afford to buy it after it gets  
14 there? We're putting up ethanol. I think 20 Nebraska this  
15 year and ethanol is the fuel that's supposed to help  
16 somebody. All these laws that are passed to get you bigger  
17 aren't good and that pipeline bigger isn't better and it's  
18 been very interesting. I watched them dig under one of our  
19 ponds to repair our pipeline that a "pig" they call it went  
20 through and they said it had a problem. I only went out  
21 because at that time I was blinder yet than I am today, but  
22 I'm doing fine and do everything I want to do except drive a  
23 car and everything else is a little harder. So I thank God  
24 for that.

25 But they actually dug under our pipeline. The

1       guy who put this in 1952 before we moved into it, I doubt  
2       there was water there then, but they allowed him to put a  
3       pond over it. And this was interesting to see them dig it  
4       up, just didn't have a problem. We had how many dig outs on  
5       our land in the last how many years, Bob? And we only had  
6       one that had a problem. So our electronic stuff doesn't  
7       prove anything. All of your surveys and whatever doesn't  
8       prove anything. There's only one thing that counts and that  
9       God is still the Creator of this universe. I'm only steward  
10      and you're only here a certain length of time.

11                Do you think your salary is going to make your  
12      ancestors any happier? I don't think so. You're worth your  
13      daily bread as Jesus says. Everybody pray that Lord's  
14      Prayer and see if we've lived it. I didn't live it, sir and  
15      I've paid my price many times. But I think your kids and  
16      your grandkids are going to pay a lot more if we aren't all  
17      willing to go back down like they did in the '30s. That  
18      cost wouldn't be there. All of this and my stalling. I  
19      could not sign that paper. So I'm here at this meeting. I  
20      couldn't make it to the Hastings one and I don't know if I'd  
21      had the guts to stand up there that night. I've done a lot  
22      of praying since and when I got that little thing in the  
23      mail and had my little bitsy grand -- well, he's not so  
24      little. He could put it on. He said, "Grandpa, grandma  
25      it's going to be here a long time" because he could read

1 that how many -- 600 and some pages or 800 and some pages  
2 and we scandered to get what we want and I knew -- I started  
3 writing a letter then and after I called I knew, no, I'm not  
4 going to write this. I'm going to go here first because I  
5 did want to know. I'm not a typist, not after 50 years or  
6 60 years of taking my lessons and not using a typewriter. I  
7 could hire somebody to do it, but if I don't have to okay.  
8 But I'm telling you again there isn't one of us in here that  
9 need that pipeline. God has already given us everything we  
10 need where we're at. The only thing we're not doing is  
11 reading our bible and obey God.

12 Now grant you, I didn't know my bible either  
13 until a tornado wiped us out and two more tragic things in  
14 one week and a neighbor took me to bible classes. We're  
15 reading it every morning, but I'm want to tell you it's a  
16 lot harder for me to get the plank out of my eye than it is  
17 out of yours. So I'm not blaming you. You went to school  
18 and they told you you're worth a lot. They've also told you  
19 that we've got to get God out of the country, out of the  
20 school. They don't want God anywhere any more because man  
21 can keep changing his laws, but God's laws will never  
22 change. We all need our daily bread and my only -- why I  
23 was created was to help others get to there, not to see how  
24 much money I could leave for my kids and our parents didn't  
25 know that. They didn't study the bible. They were as

1 confused as you were. Did your parents have the education  
2 you have? Now they tell you before your kid's born you've  
3 got to start putting money away so they can go to college.

4 We had one out of eight get there and yeah, she's  
5 got a whale of a job, but I want to tell you something she  
6 belongs at home with her kids and not a work. And we all  
7 need that mother at home. We don't need to buy more things  
8 or have a 20-room mansion house in these cities with five  
9 cars for two people. You know, we could walk a lot of  
10 places again and if you had the health. I did walk. I  
11 picked up government roads, state highways for my health. I  
12 do not buy a pill for my diabetes. That's part of my eye  
13 problem. I'm not as good at watching my diet as I should,  
14 but I will also tell you I've floored doctors. I needed two  
15 cataracts, one on each eye and a cornea transplant and they  
16 got better and I was driving a car again from 2000 and then  
17 a year ago I got it renewed and now I this year I gave up my  
18 license for a while. They're going to get better. This may  
19 be a starting point. I'm not scared and do you know one  
20 point in the bible where it did say pick up your mat and  
21 walk and somebody questioned Jesus why he could say that and  
22 he said maybe he said go and sin no more. And he said,  
23 well, I could have said pick up your mat and walk, but it  
24 means the same thing. We are all sinners and we've got to  
25 figure out where are we sinning and are you willing to go

1 back to a salary that your parents did in the '30 to get  
2 this inflation out of here so we don't need to have the  
3 millionaires in the city and some millionaire farmers I'm  
4 sure. But we're not quite that way and I thank you for  
5 giving me more time and I'm not ashamed to have what I know  
6 of God and somebody wants to prove me wrong. I'm not  
7 ashamed to have it on tape. But I do believe too I could  
8 have written not to have it a part of the public record.  
9 Right? Did I do that on that tape.

10 MR. SWEARINGEN: It's going to be a part of the  
11 public record regardless.

12 MS. FAIMON: But somewhere on that tape it said -  
13 - I wrote it down too. It said we didn't have to have it  
14 on. I don't know what page it was on. I wrote it down,  
15 wrote a little note when we were watching that darn thing.  
16 It said it contains privileged information. Do not release  
17 and put all in capital letters.

18 MR. SWEARINGEN: That's a totally different  
19 thing, ma'am.

20 MS. FAIMON: That's a different subject.

21 MR. SWEARINGEN: That's a totally different  
22 subject.

23 MS. FAIMON: Okay. Like I said, I'm not ashamed  
24 of it today. A few years ago I might have been, but I'm not  
25 any more. We're ashamed of God. We're ashamed. You can

1 change yours everyday. That's why we have troubles. If it  
2 don't work out, I'll change my rules and we'll come back at  
3 you from another way. Thank you.

4 MR. SWEARINGEN: Is there anybody else that would  
5 like to make comments on the draft Environmental Impact  
6 Statement?

7 (No response.)

8 MR. SWEARINGEN: Then I'll go ahead and close the  
9 meeting. Anyone wishing to keep up with the official  
10 activity associated with the Rockies Western Phase Project  
11 can use the FERC website. Within the website there's a link  
12 called eLibrary. You type in the docket number. In this  
13 case it's CP06-354. You can use eLibrary to gain access to  
14 everything on the public record concerning the project,  
15 including all the public filings and information submitted  
16 by Rockies Express.

17 On behalf of the Federal Energy Regulatory  
18 Commission, I want to thank you all for coming here tonight.  
19 Let the record show the comment meeting concluded at 8:25  
20 p.m. Thank you.

21 (Whereupon, at 8:25 p.m., the above-referenced  
22 matter was concluded.)

23

24

25