

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 1

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

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

Northeast Texas Community College
2886 FM 1735 Chapel Hill Road
Mt. Pleasant, Texas 75456
Wednesday, March 26, 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

FILED
OFFICE OF THE
SECRETARY
2008 APR 10 P 3 42
FEDERAL ENERGY
REGULATORY COMMISSION

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 2

1 APPEARANCES:
2
3 Ms. Katey Grange, Environmental Scientist
4 Entrix Environmental Consultants
5 Suite 600
6 Atlanta, Georgia 30328
7 Mr. Douglas M. Mooneyhan, Aquatic Ecologist
8 Entrix Environmental Consultants
9 Suite 600
10 Atlanta, Georgia 30328
11
12 Mr. Kevin Dahncke, Vice President and Director
13 of Midcontinent Express Pipeline Project
14
15
16
17
18
19
20
21
22
23
24
25

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 4

1 The DEIS is a result of an intensive
2 environmental review to comply with the National
3 Environmental Policy Act. And over the past year we've
4 been compiling and analyzing comments and concerns from a
5 variety of sources. These include the applicant, the
6 public, other resource agencies, and our own independent
7 analysis and field -- field work. FERC is the lead
8 agency. This draft was developed in cooperation with the
9 Fish and Wildlife Service, the Army Corps of Engineers,
10 the National Park Service, Environmental Protection
11 Agency, Natural Resource Conservation Service. We also
12 had four state agencies help in the development of this
13 draft, and they 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 assisted in providing input and review of the draft
18 document.

19 The format for tonight's meeting is as
20 follows:

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

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 5

1 At this time I'd like Kevin Dahncke of
2 Midcontinent Express to introduce his staff.
3 MR. DAHNCKE: I'm Kevin Dahncke, Director
4 of the Midcontinent Express Project. Tonight, and to
5 help answer questions, we've got members of the team from
6 construction, safety, environmental, the land department.
7 And I'd like to just introduce those people. This is
8 Albert Hughes, Bob Clark, Steven Jade. These three
9 gentlemen are with the construction and pipeline project.
10 Randy Armstrong with safety; Ted Uhlemann, Scott Urwick
11 with the environmental. John Towles, you introduce your
12 folks.
13 MR. TOWLES: Yes. These are the folks
14 out of our Mt. Pleasant office. Of course, they're --
15 MR. DAHNCKE: These are the land --
16 MR. JIM JERNIGAN: Jim Jernigan.
17 MR. BRAD MCENTIRE: Brad McEntire.
18 MR. BUD JERNIGAN: Bud Jernigan.
19 MR. GREGG SPICER: And Gregg Spicer.
20 MR. BROWN: Thank you.
21 MR. DAHNCKE: And Megan Mastal.
22 MS. MASTAL: Hi.
23 MR. BROWN: If you have comments tonight
24 and you don't wish to speak, we have a form at the back
25 at the table that Katey has. You can take that form

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 6

1 either home with you or you can fill out your comments
2 tonight. We'll take them back with us and make sure they
3 get in the record.

4 In addition to the verbal comments
5 tonight provided, we'll also accept written comments. If
6 you opt to mail in your comments in a form letter or in a
7 normal letter, please make sure you include the docket
8 number. That's CPO8-6. CPO8-6.

9 You can also file your comments
10 electronically. The instructions are in the notice or
11 can be located at our web site, which is [ww.ferc.gov](http://www.ferc.gov)
12 under the e-filing lane. We have a pamphlet here, which
13 is on the back table, which also has those instructions.

14 All comments that are received either
15 verbally or in the form of written comments will be
16 addressed in a separate section in the final EIS. We
17 dedicate a section of the document specifically to
18 listing the comments that we receive and we provide in
19 our -- or our responses to those comments. If you got a
20 copy of the Draft EIS, you will automatically receive a
21 copy of the final. If you didn't get a copy, let us know
22 and we'll put your name on a mailing list and we'll get
23 you a copy of the final.

24 Once we receive all the comments, we will
25 prepare a Final Environmental Impact Statement. This

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 7

1 statement will probably be available some time in early
2 June.

3 The Commissioners at FERC, and I'm going
4 to explain what the Commissioners at FERC are. FERC is
5 an independent regulatory agency comprised of five
6 commissioners appointed by the President of the United
7 States. They vote either to approve or deny all projects
8 that come through there for transmission of electricity,
9 transmission of gas, and transmission of oil.

10 The Commissioners will consider the
11 environmental information from the EIS along with
12 non-environmental issues, such as engineering, markets
13 and rates, in making a decision to either approve or deny
14 the project. The FEIS that we will put out is not the
15 decision making document. It's one piece of information
16 that they use. If the Commission does vote to approve
17 the project, FERC environmental staff will monitor the
18 project through construction and restoration, performing
19 onsite inspections to insure environmental compliance of
20 conditions of FERC's certificate.

21 Now, with that said, if they start
22 construction, I'll have monitors on -- on the ground
23 seven days a week, 24 hours a day. This project will be
24 505 miles. There will be five spreads. I'll have one
25 monitor on each site.

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 8

1 Now, with that said, again, they can't be
2 everywhere at once, so this is where I need your help.
3 If you see something that you're concerned with or if you
4 see something you don't think is right, you need to
5 contact me. Now, Katey's got an information sheet with
6 my name, my phone number, my e-mail number, my deputy
7 project manager's name, phone number and e-mail number.
8 We've got a toll free number. You can call me direct,
9 you can e-mail me. If you see something wrong, call me.
10 I'll get ahold of the monitor and we'll get them out
11 there to talk to you.

12 Okay. At this time we'll take our first
13 speaker. Allen McReynolds.

14 MR. MCREYNOLDS: I think I'm your only
15 speaker. What's the format for doing this? Coming up to
16 the podium?

17 MR. BROWN: Once -- once -- someone else
18 might come. Yeah. Come on up here. Once you give your
19 comments, someone else may want to come up and do that.
20 If no one does, we'll -- we'll go on and open the floor
21 up to question and answers of myself and the company.

22 MR. MCREYNOLDS: This is a first. Good
23 evening. Thank you. My name is Allen McReynolds. I
24 live in Longview, Texas, and I'm representing the Sierra
25 Club. I'm a member of the Wildlife and Endangered

Mt. Pleasant Public Meeting

1 Species Committee, and I had an opportunity to review the
2 Draft EIS and the American burying beetle study, which
3 was an addendum to the Draft EIS.

4 First, I'd like to say that I believe
5 that Entrix did an excellent job. I've not seen anything
6 quite so detailed in Northeast Texas prepared like this
7 before. And I want to thank FERC for the opportunity to
8 have such a great deal of data collected for us. That is
9 very useful to have in the future for other kinds of
10 things. The Fish and Wildlife Service has told me on
11 several occasions that this kind of detailed analysis was
12 not available through their own resources. And the kind
13 of in-depth analysis that was done on the 16 endangered
14 species, for example, is quite remarkable. So thank you
15 for investing the time and energy with Entrix to get this
16 done because it is a valuable resource for those of us
17 who are interested in the endangered species and wetland
18 resources in Texas, Louisiana and Mississippi.

19 My comments are, hopefully, very specific
20 and I hope useful to you. There are two endangered
21 species that I wanted to comment on in particular. The
22 first one is the American burying beetle. I did have an
23 opportunity to review the report that was prepared by the
24 sub-consultant, who did the site analysis in Northeast
25 Texas, particularly in Lamar County. And I shared it

P4-1.

P4-2

P4-1 Thank you for your comment.

P4-2 Comment noted.

Mt. Pleasant Public Meeting

1 with Dr. Will Godwin, who is the only known American
2 burying beetle expert in Oklahoma and Northeast Texas.
3 He is a professor at Stephen F. Austin University. And
4 the Fish and Wildlife Service in Arlington will tell you
5 that he is the only person in Texas who has done recent
6 studies and could be considered an expert.

7 He found the report to be deficient in a
8 number of areas. And I'm sorry that he's not here
9 tonight. I am not a scientist, but I will try to give
10 you a sense of the comments that he gave to me. And I
11 have shared these with Sean Edwards at the Arlington Fish
12 and Wildlife Service office, who I understand you all and
13 the staff at Entrix has a meeting with next week.

14 First of all, there is valuable habitat
15 that is going to be destroyed as a part of construction.
16 This species -- this habitat, once disturbed, does not
17 re-establish and cannot be restored, unlike other
18 endangered species habitat. The species will die. They
19 will not be able to exist. And, frankly, there is no
20 mitigation plan for this. Now, I understand that the
21 design of the route has been mitigated in a minor way,
22 I'm not going to say substantially, due to this.

23 But in Lamar County, Texas, the American
24 burying beetle is known to exist, and it's known to exist
25 in relatively large numbers, large enough that the Fish

P4-2

P4-3

P4-3

As stated in Section 3.7.1, ABB surveys were conducted according to the protocol established by the FWS. ABB surveys have been completed and based on communications between the FERC and the FWS (Arlington, Texas office) the surveys were conducted appropriately except for a gap in surveyed area where the proposed route had not been finalized at the time of the survey. MEP would be required to complete all surveys and Section 7 consultations before construction could begin.

Mt. Pleasant Public Meeting

1 and Wildlife Service in both Tulsa and Arlington are
2 monitoring it very carefully and are spending a great
3 deal of time with Dr. Godwin studying this species. His
4 work has shown that this species, which was thought to be
5 extinct in Texas, does exist. I believe, and he does
6 too, that the report was done at a period of time of the
7 year, month of the year, when the beetle is not present.
8 As you know a presence/absence study can be conducted and
9 if it's not done at the right time of year, the bird's
10 migratory season or breeding season, or whatever it might
11 be, but in this case the beetle is hibernating, except
12 for the warm months. And in Texas that's generally June,
13 July, and August. Dr. Godwin felt that there was a
14 problem with the way in which the survey was conducted,
15 that it was, in fact, thoroughly done, that the
16 methodology was, in fact, followed. However, there were
17 deficiencies in the study which would lead there to be no
18 findings or no presence, if you will.
19 I'd like to request the study be done
20 again in Lamar County at the proper time of year. Now,
21 does this mean that you need to delay construction?
22 Probably not? You're probably not going to break ground
23 in Lamar County in June. Maybe you will, maybe you
24 won't. But certainly this endangered species only exists
25 in Texas in that county that we know of. It also -- we

P4-3

P4-4

P4-4

FWS is a cooperating agency that was consulted to determine measures to avoid and minimize Project-related impacts to sensitive species. The FWS is the agency responsible for compliance with Section 7 of the Endangered Species Act. The FERC strongly considers FWS recommendations and their survey adequacy assessments of sensitive species. The FERC discussed appropriate ABB survey methods for northeastern Texas with Mr. Sean Edwards of the FWS-Arlington, Texas, field office in a conference call on March 31, 2008. FWS indicated that all ABB surveys were done in accordance with FWS-established ABB survey protocols and that they did not recommend additional survey measures. We noted a gap in the surveyed area where the proposed route had not been finalized at the time of the survey. MEP would be required to complete all surveys and Section 7 consultations before construction could begin.

Mt. Pleasant Public Meeting

1 have found it to be, also, in minor amounts in Red River
2 County, but not in the area where your construction is --
3 is suggested. So I'd like to place a formal
4 recommendation that you look into this again.

5 Mr. Edwards and Haley in the Tulsa
6 office, the two Fish and Wildlife Service staff who have
7 looked into this concur and have looked into this. Their
8 comments do not reflect this because the report was done
9 according to the strictest methodology. It's just not at
10 the right time of year.

11 The black bear. The discussion of the
12 black bear in your report primarily focuses on Louisiana.
13 It does not spend a great deal of time discussing the
14 disturbance of the habitat in Northeast Texas. In fact,
15 it doesn't mention the recent survey conducted by Ricky
16 Maxey of the Texas Parks and Wildlife Department, who's
17 now located in the new Caddo National Wildlife Refuge
18 Office at Caddo Lake. It doesn't reference his study,
19 and it doesn't reference the conclusions that he came to.
20 His study was done throughout this past winter, and it
21 suggests exact areas where black bear habitat is because
22 of the barbed wire study stream that he did, which, oddly
23 enough, is pretty conclusive. Now, he knows exactly
24 where the bears are and could be of assistance. But this
25 report does not refer to that. Perhaps Entrix was

P4-4

P4-5

P4-5 Mr. Ricky Maxey of TPWD was contacted on May 5, 2008 regarding updated information for the black bear and Louisiana black bear in northeastern Texas. He indicated that the referenced study was ongoing, and that no reports had been completed yet. He indicated that comments provided by Karen Hardin of TPWD on the proposed Project would be sufficient to protect black bear habitat.

Mt. Pleasant Public Meeting

1 unaware that Parks and Wildlife was doing that study.

2 Like with the American burying beetle,
3 once the habitat is disturbed, the bottomland hardwood
4 trees are removed from where they live, it takes a long
5 time for those to reforest and regenerate. The bears
6 will be gone, and their dens are disturbed, and they
7 don't reproduce.

8 So, in conclusion, it would suggest to me
9 that some time needs to be spent with Mr. Maxey and the
10 Texas Parks and Wildlife reviewing the study that they've
11 recently completed. It was just completed a couple of
12 weeks ago. And it might be referred to here as an
13 addendum.

14 These two things, these two studies that
15 I'm referring to, are only two of the endangered species
16 which were studied. Again, I believe that Entrix has
17 done a very good job, and it's produced a great deal of
18 research that is very useful to us. And, in large part,
19 I find it to be very helpful and very useful.

20 The last point that I'd like to make has
21 to do with the cumulative effect of the two construction
22 periods. Gulf Crossing and Midcontinent are following
23 essentially the same line for many miles, particularly
24 through Northeast Texas. And in many ways that's very
25 helpful because they're going to be disturbing the same

P4-5

P4-6

P4-7

P4-6 Thank you for your comment.

P4-7 Comment noted.

Mt. Pleasant Public Meeting

1 habitat and not paring two separate parallel lines
2 through the counties as they find their way to Louisiana
3 and Mississippi and on to Alabama.

4 If you refer to Table 3.13.1-1, there's a
5 discussion of the acres that are disturbed, the
6 environmental resources that would be effected during
7 construction and operation of recently proposed
8 interstate natural gas projects, and they list numerous
9 different projects that are coming through, not just Gulf
10 Crossing and Midcontinent. But the number of acres, the
11 total disturbance areas, the proposed right-of-way, the
12 total open cut water body crossings, the total wetlands
13 disturbed, the total forested wetlands disturbed is
14 staggering, absolutely staggering. The cumulative effect
15 all of these different pipelines through Northeast Texas
16 and through Northern Louisiana is mindboggling, and this
17 is the tip of the iceberg if we assume that the natural
18 gas industry is going to continue to discover new finds,
19 not only in the Barnett Shale or East Texas, but other
20 parts of the United States that are close to us that are
21 requiring new construction.

22 I believe that the responsible thing to
23 do is to, in fact, take a long look at the cumulative
24 impact. And we can talk about temporary disturbance, we
25 can talk about what happens during construction and

P4-7

P4-8

P4-8

The FERC evaluates the cumulative impact of the MEP Project in conjunction with several other linear Projects within the area. FERC has implemented several measures to minimize the cumulative impacts of natural gas pipelines, including the recommendation that Projects be collocated with existing easements to the maximum extent practical and reduction of the width of the proposed construction right-of-way (saving over 1,000 acres from disturbance). We have also included a recommendation to minimize impacts to extensive forested tracts and associated impacts to migratory birds. FWS has the regulatory authority under Section 7 of the ESA to recommend appropriate avoidance, minimization, and mitigation measures for any threatened or endangered species impacted by the proposed Project. Beyond formal consultation with MEP under Section 7, FWS has also served as a cooperating agency in the production of this EIS. FWS reviewed and commented on drafts of this EIS to ensure that Project-related impacts to threatened and endangered species would be adequately minimized.

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 15

1 how -- how this habitat may or may not restore. But the
2 cumulative impact of all of these construction projects
3 cannot be borne by just one, but it has to be looked at
4 by FERC in the broad view. You have to take a map of
5 Northeast Texas and North Louisiana and Mississippi and
6 say, "Wow, there are 11 projects that have just either
7 been permitted, under construction, or going to be that
8 we know about." And Denbury, for example, has two lines
9 that are not even referred to on this chart that have
10 recently been announced. And I could go on and on.

11 My number suggests that there are 19
12 projects going through Northeast Texas, North Louisiana
13 and Mississippi, either that have in the last two years
14 or will in the next three years, 19 separate construction
15 projects. Yet, when you look at the number of acres that
16 are set aside for mitigation, there are none suggested
17 for endangered species, not one acre, not one. Yet there
18 are 16 species that are carefully identified. How is it
19 possible that no habitat is disturbed permanently for any
20 of those species? It's not possible. It is, in fact, a
21 scientific improbability that we're not permanently, or
22 even temporarily, disturbing it enough that it would
23 require us to create an endangered species mitigation
24 bank somewhere along the length of one of these lines?
25 Absolutely impossible, with 19 projects?

P4-8

Mt. Pleasant Public Meeting

1 I believe that FERC needs to take an
2 opportunity to go back to the drawing board and take a
3 look at this and say, "Within Northeast Texas and within
4 Northeast Louisiana there is an obligation, a moral
5 obligation and a literal obligation, to create endangered
6 species habitats that are banks or whatever you want to
7 call them, mitigation areas, for specific species because
8 it's impossible to believe that the black bear and the
9 American burying beetle, or any number of migratory
10 birds, are not effected as a part of all of these because
11 bottomland hardwood takes years to be re-established once
12 it's disturbed. It's unlike a pine forest which can
13 take, perhaps, ten years some say with these fast growing
14 trees that Texas A & M is currently working on. That's
15 not true with bottomland hardwood. There's so few acres
16 that are suggested for mitigation of these disturbances
17 that it just doesn't make sense on its face. And I would
18 propose to you that the money being spent for
19 construction and the amount of money that the investors
20 will reap from this certainly justify doing more acreage
21 for wetland mitigation and some acreage for endangered
22 species habitat.

23 Again, I just can't imagine that in this
24 entire report, which is hundreds of pages, it suggests an
25 incredible amount of man hours, that no endangered

P4-9

P4-10

P4-9 See response to comment P4-8.

P4-10 See response to comment P4-8.

Mt. Pleasant Public Meeting

1 species habitat is being required, none, out of 16
2 species.

3 But, again, I refer you to that chart
4 because Table 3.13.1-1, which is also found in the
5 recently published Gulf Crossing EIS, 3,000 acres of
6 impact on one pipeline alone. And if you add those up
7 with the 19 pipelines, it's just that we can't take these
8 individually. We have to take these cumulative and we
9 have to take a look at what's occurring all along the
10 routes, all through Northeast Texas, north -- Northeast
11 Louisiana and the mid part of Mississippi. These impacts
12 are permanent in some ways because once you have
13 disturbed a den, or a breeding area, or a zone that a
14 migratory bird stops, replanting the trees and
15 revegetation will not bring them back. They will not
16 recover. They will not come back. They will, in fact,
17 disburse, which will cause them to have reproduction
18 periods and stages that will cause their species to
19 decline. And I have a concern about that.

20 Thank you for the opportunity to comment.
21 Again, let me say that I thought that Entrix did an
22 excellent job. And, while some of it put me to sleep
23 while I was reading it, I'm very impressed with the work
24 that they've done to put together the science for this.

25 Thank you.

P4-10

P4-11

P4-11 Thank you for your comment.

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 19

1 need it for the compressor station, the compressor
2 station for the pipeline, it could be subject to
3 condemnation.

4 MR. DAN NICHOLS: That's what I wanted to
5 know. Thank you.

6 MR. BROWN: Any other questions? We have
7 the alignment sheets here. If you folks want to visit
8 with the company afterwards and go over any of your
9 concerns with where the pipeline is going to be on your
10 property, or any other questions you have, I'm here to
11 answer your questions. They're here to answer your
12 questions.

13 MR. WILBERT MONK: How you doing? My
14 name is Wilbert Monk. The question I have is that going
15 to be two different pipelines ran on my property because
16 I been talking to Gulf Crossing and Midcontinent.

17 MR. BROWN: Well, if you've been talking
18 to them and they've contacted -- their land agents have
19 contacted you, then you're probably going to have both
20 pipelines on your property. They do parallel for about
21 144 miles.

22 MR. WILBERT MONK: Two pipelines?

23 MR. BROWN: Two pipelines.

24 MR. WILBERT MONK: All right. Thank you.

25 MR. BROWN: Any other questions?

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 20

1 Anybody?

2 Okay. So what I'll do is I'll go on and
3 close the meeting, and then we'll be around to answer any
4 questions and I know some of y'all don't like to get up
5 here and talk. But I'll be the around for a while and be
6 happy to answer your questions, and Midcontinent Express
7 will be around for a while.

8 Thank you for coming. We appreciate it.
9 And if you have -- as landowners, if you have any
10 questions when they start construction, I would suggest
11 you get my sheet there with my phone number on it so if
12 you have any problems you can call me or my deputy.

13 And, like I said, I'm going to have
14 people on the ground 24/7. If you have any concerns,
15 I'll certainly send them out to talk to you.

16 Thank you again for coming. Appreciate
17 it.

18 (Proceedings concluded.)

19

20

21

22

23

24

Mt. Pleasant Public Meeting

Midcontinent Express Pipeline Project
March 26, 2008

Page 21

1 THE STATE OF TEXAS)(
2 COUNTY OF PANOLA)(
3

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

11 Certified to on this the 2nd day of April, 2008.

12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Karen A. Scott)

KAREN A. SCOTT, CSR
STATE OF TEXAS NO. 3167
EXPIRES DECEMBER 31, 2008

JOHN POSTER, CSR, RPR
FIRM NO.: 109
P. O. Box 68
Henderson, Texas 75653-0068
(903) 657-8626

Delhi Public Meeting

1 MS. JONES: Yes. Please go to the microphone.
2 PARTICIPANT: And you can just introduce
3 everyone, then.
4 MS. RASMUSSEN: My name is Julie Rasmussen, and I
5 am in charge of the right-of-way efforts for the project.
6 MR. WAMPLER (ph.): My name is Butch Wampler, and
7 I'm on the construction team, on the part coming through
8 Louisiana.
9 MR. HAGER (ph.): My name is Dennis Hager, and
10 I'm the Construction Manager for Midcontinent.
11 MR. ORTEGA: My name is Herman Ortega. I'm the
12 Project Manager for Midcontinent Express.
13 MR. JOHNSON: I'm Frank Johnson, construction,
14 Midcontinent Express.
15 MR. SELLERS: I'm Rick Sellers. I'm with the
16 right-of-way group for Louisiana, with Midcontinent Express.
17 MR. ROBERTSON: I'm Rob Robertson, a right-of-way
18 agent, Madison Parish.
19 MR. KNOX: I'm Mike Knox. I'm right-of-way agent
20 for the State of Louisiana.
21 MS. ADAM: Hi, I'm Ginger Adam. I'm with the
22 Governmental Relations Group in Louisiana for Midcontinent
23 Express.
24 MS. JONES: Okay, thank you. I wanted to start
25 giving a little background on the FERC, if anyone wasn't

Delhi Public Meeting

1 familiar with who we are.

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

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

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

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

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

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

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

Delhi Public Meeting

!

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

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

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

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

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

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

Delhi Public Meeting

1 Environmental Impact Statement.

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

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

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

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

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

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

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

Delhi Public Meeting

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

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

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

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

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

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

Delhi Public Meeting

1

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

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

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

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

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

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

Delhi Public Meeting

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

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

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

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

16 MR. FOWLER: Can you hear?

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

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

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

P5-1



P5-1

As depicted in Appendix J, MEP has adopted a route variation that would collocate the Project with the existing right-of-way south of the existing chicken houses on the Fowler property. The proposed Project alignment would come within approximately 17 feet of the Mr. Fowler's southern chicken house. MEP proposes to bore past the chicken house to avoid impacting the structure.

Delhi Public Meeting

P5-1

1 On that particular farm, I've got six houses on
2 it, and to replace that farm, is about a million dollars,
3 plus.
4 The only way -- I'm against, close to my south
5 line. I cannot expand south. The only way I can expand, is
6 north.
7 The line was originally planned going to the
8 south side. Well, there's about 80 feet between my broiler
9 house and the old United Gas line, which was so-called
10 parallel.
11 And the first guy that came out there, I said, I
12 am not happy with going on the north side. That eliminates
13 me being able to expand.

P5-2

14 And if history is any indication of what's going
15 to happen in the future, one has to get bigger, as time goes
16 on. There was one time when a one-horse farm could make a
17 living. Can't do it anymore.
18 There was one time -- I've been growing birds for
19 38 years. There was one time when with three chicken
20 houses, I could make a living with three chicken houses.
21 Can't do it anymore.
22 I'm running ten now, and if history is any
23 indication of what's going to happen in the future, I'm
24 going to expand again, and the north side is where I have to
25 expand.

P5-2 See response to comment P5-1.

Delhi Public Meeting

1:

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

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

9 That eliminates me ever expanding on that side.

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

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

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

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

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

P5-2

P5-3

P5-3 See response to comment P5-1.

Delhi Public Meeting

1:

P5-3



1 part.
2 And I said, I'm not for it. I said, I believe I
3 can convince a judge to see it my way.
4 And if they continue to insist on coming on the
5 north side, a judge will decide what's right and what's
6 wrong.
7 My family has been on that farm since the 1870s.
8 We have lived there and we have -- my great granddad made a
9 living, bought the place; my granddad made a living there
10 and my dad made a living there, and I have made a living
11 there all my life.
12 And this pipeline is trying to eliminate me being
13 able to keep up with the times, because of a little more
14 expense or a little inconvenience on their part.
15 Now, I know -- like I said, I know for a fact,
16 they can put that line in there, if they want to do it, and,
17 actually, the line would be shorter, if they stayed on the
18 original plan. Like I said, if it comes down to it, a judge
19 is going to have to decide, because until a judge says
20 you've got to let them go over there, they're not going over
21 there. That's the bottom line. Thank you.
22 MS. JONES: Ray Linder?
23 MR. LINDER: Let's see, I have already submitted
24 -- my wife and I have submitted comments to Secretary Bose.
25 Is that how she pronounces her name?

Delhi Public Meeting

1 MS. JONES: Yes, sir.

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

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

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

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

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

P5-4

P5-5

P5-4 Comment noted.

P5-5 As shown in Appendix J, MEP has adopted a route variation that would avoid the Roach property.

1 about.

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

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

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

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

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

P5-5

Delhi Public Meeting

P5-5

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

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

P5-6

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

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

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

P5-7

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

P5-6 HCA identified sites are described in 49 FR §192.903 and in Section 3.12.1 as "a facility that is occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate". Examples of these facilities include, but are not limited to, hospitals, prisons, schools, day-care facilities, retirement facilities or assisted-living facilities. Identified sites do not include private residences. Section 3.12.1 has been updated to clarify the definition of an identified site.

P5-7 See response to comment P5-6.

P5-7 1 disabled person that's within 150 yards to the south, not on
 2 our property, but to the south of us there, that would be --
 3 that's physically impaired, and that would be a problem to
 4 basically evacuate these people.
 5 I think Susan Roach is going to talk a little bit
 6 more about her concerns about her mom, but I wanted to
 7 mention the HCAs there. They need to be extended.

P5-8 8 Okay, we also contend that the original route
 9 will be less environmentally damaging than the subject
 10 variation route, for several reasons: Okay, first of all,
 11 the EIS fails to identify a small wetland area that's
 12 located on the Roach property. It's basically a hydric
 13 inclusion of a -- it's a hydric inclusion of a non-hydric
 14 soil, which is fairly common in the north Louisiana area,
 15 but it's a small wetland area and it's historically wet.
 16 It's been that way. Water Oak is the
 17 predominant species on there, and, based on my training in
 18 wetlands, it is a wetland area.

P5-9 19 Also, the EIS does not mention a riparian area
 20 that would be on the southwest portion of the Roach
 21 property, along -- it's actually on the Roach property, but
 22 the pipeline does follow a small upland stream there, for
 23 several yards there, and basically will do away with the
 24 riparian area habitat along that route.
 25 Okay, the EIS fails to identify potential impacts

P5-8 As show in Appendix J, MEP has adopted a route variation that would avoid the Roach property and would result in the avoidance of any hydric soils or wetlands within the Roach property.

P5-9 As show in Appendix J, MEP has adopted a route variation that would avoid the Roach property and would result in the avoidance of any riparian vegetation within the Roach property.

P5-10 1 to a spring on the Roach property. Based on your spring
2 inventory, there is a spring on the Roach property that's
3 not included in your inventory.

P5-11 4 It says that MEP is willing to mitigate, if
5 necessary. We don't understand how you can mitigate. If
6 you come in and put a pipeline in and you basically either
7 impact the yield or the water quality of that spring, then
8 how in the world are you going to mitigate it? We don't
9 understand how you can mitigate, unless you through money at
10 us, which we're not interested in that; we want the spring
11 to remain intact.

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

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

P5-12 21 And, basically, if you move the right-of-way back
22 to its original location, both the -- I mean, the impacts to
23 the wetland, riparian areas, as well as to the spring, would
24 be avoided, because none of that stuff exists up on top of
25 the hill there, where it was originally planned.

- P5-10 As shown in Appendix J, MEP has adopted a route variation that would avoid the Roach property and would result in the avoidance of any natural springs on the Roach property.
- P5-11 We recommend in Section 3.3.1.8 that MEP revise its Water Well Testing Program to include provisions for pre- and post-construction monitoring and mitigation, if required, for all wells and springs identified with 150 feet of the proposed construction work areas that are used for domestic water supply or agricultural use.
- P5-12 As show in Appendix J, MEP has adopted a route variation that would avoid the Roach property and would result in the avoidance of any riparian vegetation, wetlands, and springs within the Roach property.

P5-13 1 Okay, the EIS talks about water body crossings.
 2 If you left the original route there and did not follow the
 3 variation route, then you could reduce the number of water
 4 crossing by at least 50 percent and possibly 75 percent, by
 5 taking the old route.

P5-14 6 The EIS talks about extensive forested tracts,
 7 which are -- well, the Roach property, in its entirety, is
 8 located within one of these tracts, and it's basically
 9 because of our management that we've done on the property.
 10 We've tried to maintain large, mature trees, and not all of
 11 the area is large, mature trees, but at least half of that
 12 right-of-way would be.

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

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

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

P5-15 24 Okay, there are some additional comments of a
 25 general nature. There is some confusion in the EIS about

P5-13 As show in Appendix J, MEP has adopted a route variation that would avoid the Roach property and would result in the avoidance of any waterbodies within the Roach property.

P5-14 As show in Appendix J, MEP has adopted a route variation that would avoid the Roach property and would result in the avoidance of forested areas within the Roach property.

P5-15 Construction and restoration would be completed in accordance with the Plan and Procedures. As described in Section 3.2.4.1, topsoil would be segregated in agricultural, residential, and wetland areas and/or at the landowner's request. Compaction testing would only be required in agricultural and residential areas. Compaction testing completed at the landowner's request would have to be agreed upon during the easement negotiation phase. FERC does not get involved with negotiations between pipeline companies and the Landowner.

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

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

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

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

25 Okay, the EIS would make someone believe that MEP

- P5-15
- P5-16 MEP has consulted with the NRCS regarding revegetation measures that include the use of fertilizers and liming. MEP proposes to follow the recommendations of the NRCS Critical Area Planting Specifications or recommendations from state wildlife management agencies' consultations, as contained in the EMCP, in those areas in which a landowner has not requested the use of a specific seed mix, fertilizer, or liming rate. To ensure that construction work areas return to a vegetative state to prevent erosion, MEP would conduct follow-up monitoring in accordance with the Plan and Procedures.
- P5-17 As required by the Plan, at the request of landowners of forested lands, MEP would install and maintain signs, fences with locking gates, slash and timber barriers, and/or would plant appropriate trees or shrubs to block off-road vehicle access to the right-of-way. MEP would coordinate with affected landowners regarding the installation of access barriers on their property and ensure adequate landowner access.
- P5-18 Comment noted. See response to comment P5-17.
- P5-19 Comment noted.

P5-19 1 is providing completely, timely, and thorough information to
 2 local landowners, and that they are truly committed to
 3 minimizing environmental impacts. We have not found this to
 4 be true, and I'm going to let either Susan or my wife,
 5 Kathy, talk a little bit about our communication or non-
 6 communication with MEP.

P5-20 7 That would let them talk just a little bit more
 8 about this, but what I would like to add in at this point,
 9 is that we have a concern that the EIS process is supposed
 10 to be used to identify environmental issues, social issues,
 11 human issues, and to try to deal with those and minimize
 12 them during the environmental impact process. Is that not a
 13 major objective of the whole NEPA process?
 14 MS. JONES: That's correct.

P5-21 15 MR. LINDER: Okay. At the same time, we see MEP
 16 out buying land rights from adjacent landowners, which could
 17 lock us in. We know for a fact that the people to the east,
 18 they have already obtained rights-of-way from them, okay?
 19 We would hate to think by them going ahead and
 20 doing that, that our comments and request for
 21 reconsideration, won't even be considered, because they've
 22 already made that financial commitment. That seems directly
 23 opposed to the EIS process and everything that I know about.
 24 (Pause.)
 P5-22 25 Okay, because of our experience with MEP -- the

- P5-20 The NEPA environmental review process is intended to evaluate the potential Project-related environmental, social, and economic impacts. This EIS contains an evaluation of all three of these areas.
- P5-21 Any land easement agreements reached prior to issuance of the Certificate or obtained through state Eminent Domain proceedings is done so at the company's risk should the Commission not approve the project or require a route variation.
- P5-22 MEP would be represented by at least one EI per construction spread, consistent with the Plan. If the Project were authorized, MEP would be required to develop and submit an Implementation Plan for our approval prior to construction. During our review of the Implementation Plan, we would consider the absolute number and qualifications of the EI personnel proposed by MEP. If the Project is authorized, MEP has agreed to support a third-party ECMR Program during construction. The ECMR Program would involve the use of full-time, third-party compliance monitors representing the FERC (independent of MEP) at each construction spread to monitor compliance with Project mitigation measures and requirements throughout construction. The monitors would provide continuous feedback on compliance issues to us, as well as to MEP's personnel. Additionally, the monitors would track and document the progress of construction through preparation and submittal of reports to our staff on a regular and timely basis.

Delhi Public Meeting

P5-22

1 EIS talks about having environmental investigators that are
2 hire by MEP.
3 With the experience that we've had with MEP, non-
4 communication with them, we don't feel like a MEP-hired
5 environmental investigator, is going to be adequate
6 protection on our land, and feel like that we're probably
7 going to have to hire some additional oversight to make sure
8 that MEP, as they build the pipeline, adheres to everything
9 it says that you're going to do in the EIS.
10 There's lots of stuff in there, fellahs, that
11 y'all are going to have to do. And we want it all done on
12 our land, if y'all do come through us. We'd prefer you go
13 somewhere else.
14 So I just don't think a MEP-hired environmental
15 investigator -- and that would be a question for you, that I
16 would like to have addressed, is, what kind of oversight
17 does FERC, itself, to provide to MEP during the construction
18 process?
19 I know a federal agency that I retired from, we
20 did federal contracts on our construction work. It wasn't
21 private, but we always had a construction inspector onsite,
22 that basically made sure that stuff was put in the way it
23 was supposed to be put in.
P5-23

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

P5-23 See response to comment P5-22. FERC has made every effort to address landowner complaints and issues as the FERC is made aware of problems.

Delhi Public Meeting

P5-23 ↑ 1 I get through, please?
 2 MS. JONES: Certainly.
 3 MR. LINDER: Okay. Throughout the EIS,
 4 resources and impacts are discussed with a final conclusion
 5 of no significant impact.

P5-24 6 We realize that this no significant impact is
 7 related to comparing these impacts to a national scale, a
 8 regional scale, and so we don't necessarily disagree with
 9 that, when you compare all the extensive forested tracts in
 10 the U.S. to what is going to happen to us.
 11 But we feel like the EIS ought to at least
 12 recognize the fact that what you do to us, is significant to
 13 us. Okay, it may not be significant on a national scale,
 14 but it is significant locally to the people that own that
 15 land.

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

P5-25 ↓ 20 I have one other question of you, and that is,
 21 FERC -- okay, FERC oversees the EIS, basically prepares the
 22 EIS for these types of projects, okay?
 23 If I'm not mistaken, NEPA is regulated by EPA.
 24 Are they not give oversight in terms of making sure that
 25 other agencies adhere to NEPA, and private individuals,

P5-24 Comment noted.

P5-25 EPA plays a critical role in other agencies' NEPA processes. EPA is required to review and provide comments on the adequacy of the analysis and the impact to the environment. EPA uses a rating system that summarizes its recommendations to the lead agency. If EPA determines that the action is environmentally unsatisfactory, it is required by law to refer the matter to Council on Environmental Quality. The Office of Federal Activities in EPA is the official recipient of all EISs prepared by Federal agencies, and publishes the notices of availability in the Federal Register for all draft, final, and supplemental EISs. Please see the EPA comment letter dated March 25, 2008, in Appendix M.

1 okay?

2 My question would be, who determines the

3 adequacy of your Environmental Impact Statement? Do you?

P5-26 4 Or will EPA come in here at some point and say that your

5 Environmental Impact Statement is adequate or inadequate,

6 and if EPA doesn't have that right, then the question would

7 be, is the only that that can be done, would be for there to

8 be a federal lawsuit filed that basically contends that the

9 EIS is inadequate?

10 MS. JONES: Well, NEPA applies to every federal

11 agency that performs an action or issues a permit that then

12 results in an action that could result in significant

13 effects on the environment.

14 As far as -- your question pertains to oversight

15 of federal agencies implementing NEPA, and that's more of a

16 legal question. I don't know if Wayne, you might be able to

17 help me with that.

18 I'm not sure if it's EPA or Council on

19 Environmental Quality or -- I don't know that answer right

20 off.

21 MR. LINDER: Does EPA basically have to bless

22 this EIS at any point, for y'all to move forward with it, to

23 your knowledge?

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

P5-27 25 MR. LINDER: Okay. And so then the only way that

P5-26 If EPA determines that the action is environmentally unsatisfactory, it is required by law to refer the matter to Council on Environmental Quality.

P5-27 Should the Commission approve the Project, there is a 30-day timeframe during which Intervenor in the proceedings may petition a rehearing. There are certain responsibilities that accompany Intervenor status, such as serve a copy of all filings to all individuals and organizations included on the Project mailing list (shown in Appendix A) at the Intervenor's expense. If an Intervenor still objects to the outcome of the rehearing, the matter may be settled in the court system.

Delhi Public Meeting

P5-27



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

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

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

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

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

12 MS. JONES: Certainly.

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

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

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

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

Delhi Public Meeting

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

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

11 Kathy Linder?

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

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

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

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

P5-28



P5-28 Comment noted. FERC encourages pipeline companies to cooperate in a professional manner with individual landowners. FERC has made every effort to address landowner complaints and issues as the FERC is made aware of problems.

Delhi Public Meeting

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

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

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

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

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

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

P5-28

P5-29

P5-29 Comment noted.

Delhi Public Meeting

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

P5-29

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

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

P5-30

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

P5-30 See response to comment P5-10.

Delhi Public Meeting

P5-30



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

P5-31



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

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

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

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

25 MS. JONES: Thank you. Susan Roach?

P5-31 See response to comment P5-14.

Delhi Public Meeting

1 MS. ROACH: I'm Susan Roach, if you haven't
 2 already heard my name too many times.
 3 I, too, would very much like for this thing to be
 4 moved off of our property. I have some very, very deep
 5 personal issues with this, as well as some professional
 6 issues.

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

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

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

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

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

P5-32

P5-33

P5-32 As show in Appendix J, MEP has adopted a route variation that would avoid the Roach property and would result in the avoidance of any cultural resources within the Roach property.

P5-33 Comment noted.

P5-33

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

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

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

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

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

P5-34

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

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

P5-34 Comment noted.

Delhi Public Meeting

P5-35 1 I'm also concerned that in the event of an
2 accident, a fire, perhaps set accidentally, perhaps by one
3 of the workers, since we are so surrounded by woods, or if,
4 god forbid, there were a pipeline incident, terrorism,
5 perhaps -- who knows -- or just a glitch in the system, that
6 there would be no exit for her, because of the way our
7 driveway curves around and goes into the property.

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

P5-36 14 And he cannot walk, he keeps falling down, so
15 when he's there alone, he can't -- he has no way to get out,
16 without help. This will be right up in back of his house,
17 this will come on down in back of Ms. Willie Mae Dyson's
18 house, and she is in her 80s, and she has several health
19 issues, and she can only walk with a cane, as mother can
20 only walk with a cane.

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

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

P5-35 As show in Appendix J, MEP has adopted a route variation that would avoid the Roach property.

P5-36 Comment noted.

Delhi Public Meeting

P5-37 1 It also makes me very miserable to think that I have to give
2 up my retirement home, my rural retreat, because it's not
3 going to be -- it's going to be so noisy, it's going to have
4 this wretched bare expanse going through what was a
5 beautiful little woodland area, by a little -- a natural
6 pond.

P5-37 See response to comment P5-35.

P5-38 7 There are so few natural ponds left around,
8 nobody knows about them. But we have a little natural pond
9 as you come into the property. It's a pond that's been
10 there, I guess, for a long, long time.

P5-38 See responses to comments P5-12 and P5-13.

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

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

P5-39 17 We have two or three acres across the road, big
18 old trees. It's still a little -- that's where the
19 headwaters of this little creek come in, and the creek flows
20 through, and they're going to go down the creek, cross the
21 creek, as it curves around, and it's just going to ruin that
22 property, as far as any aesthetic appeal, or as far as the
23 actual historical appeal of the property.

P5-39 See responses to comments P5-13 and P5-32.

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

Delhi Public Meeting

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

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

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

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

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

P5-40

P5-40 See response to comment P5-35.

P5-41

P5-41 Comment noted.

Delhi Public Meeting

P5-41

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

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

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

P5-42

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

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

P5-42 See response to comment P5-35.

Delhi Public Meeting

P5-42



1 is very typical of a yeoman, starting in the 1800s and going
2 on through the turn of the century.
3 And I feel like that that's another very
4 important reason for not interfering with the integrity and
5 the context of that piece of land. I feel very strongly
6 that we really need to maintain that.

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

P5-43



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

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

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

P5-43 FERC encourages pipeline companies to cooperate in a professional manner with individual landowners regarding survey permission, landowner notification, and easement negotiations. FERC has made every effort to address landowner complaints and issues as the FERC is made aware of problems.

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

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

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

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

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

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

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

P5-43

P5-44

P5-44 MEP and the FERC have worked with numerous landowners and local, state, and federal agencies to minimize Project-related impacts to landowners. As shown in Appendix J, MEP has adopted numerous route variations to minimize Project-related impacts to environmental resources and to accommodate landowner requests. Further, we evaluate and recommend the adoption of several route variations in Section 4.4.1 to further minimize Project-related impacts to landowners and environmental resources. The FERC makes every attempt to evaluate all specific route variations presented in comment letters or public comment meetings in Section 4.4.1. Also, FERC has made every effort to address landowner complaints and issues as the FERC is made aware of problems.

P5-44 1 recourse, that if they don't want this on their land, they
2 really don't have, you know, any say-so, that what they say,
3 will not matter, and that's a really important thing to me,
4 because I think we all need to have a voice in our
5 experiences in this country.

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

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

13 (Pause.)

P5-45 14 Well, maybe I don't have it on that page.
15 Anyway, the table where it says that there was a residence
16 and a farm structures, that were the reason that the route
17 was changed. When you look in the EIS and see the changed
18 route back in the Appendix in J, whatever, then it says --
19 I wonder what -- and then when I talked with some of the
20 MEP, Mr. Sellers, on Tuesday night, he told me it was just a
21 chicken house, and that was all it was.

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

25 MS. JONES: Thank you.

P5-45 MEP adopted the route variation described in your comments due to the presence of the Fowler chicken house and residences near Highway 152. MEP has adopted a subsequent route variation that would cross the Fowler property south of the chicken houses and avoid the Roach property prior to resuming the proposed Project alignment.

1 (Apparent short gap in tape.)
2 MS. JONES: -- and state your name.
3 MS. KLINE-CLARK: Hi, my name is Janet Kline-
4 Clark, and I'm from the Madison Parish area. It's obvious
5 that the persons here have been going at this for a long
6 time. It's obvious that this process has been going on
7 since last year.
8 So I think my family is kind of new to
9 everything that's going on. We're here tonight, because our
10 family property that's in Madison Parish, that's on Highway
11 602 -- we got a communication in reference to that, and
12 we're interested as to how it's going to affect us, so I
13 think, after the meeting tonight, we need to see the maps,
14 we need to actually see, because we're talking about 55
15 acres of farmland that's being farmed, and our relatives,
16 it's their property now, all of the original children have
17 all died, and we're trying to kind of get a grip on what's
18 actually supposed to happen.
19 We have farmland, we have woodland, and then
20 across the bayou, the land that's -- across the highway,
21 it's bayou property and it belongs to us, too, and all of
22 the persons that live down that 602 area.
23 We really need to know, actually how that's going
24 to affect us, because our land is being farmed, too, and we
25 really need to know whether or not it's going to affect the

P5-46

P5-46 The proposed Project alignment would not cross the Kline property. MEP met with Ms. Kline-Clark after the Draft EIS comment meeting to review alignment sheets depicting the Project in relation to the Kline property.

P5-46

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

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

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

P5-47

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

P5-47

FERC does not get involved with negotiations between the pipeline companies and the landowner over the value of the land and its uses. If the Commission approves the project and no agreement with the landowner is reached, the pipeline may acquire the easement under eminent domain with a court determining compensation under law. Depending on individual state law, the pipeline companies may petition for eminent domain under state jurisdiction. It should be noted that this procedure is "at risk" should the Commissions not approve the project.

Delhi Public Meeting

P5-47 ↑

1 settlement will be.

2 So, I just wanted to know how long has this been

P5-48 [3 going on in Madison Parish? Are you all just coming, just

4 starting in Madison Parish, since it's been going on in the

5 Lincoln area, at least for over a year?

6 PARTICIPANT: Well, we are just starting our

7 acquisition strategies --

8 PARTICIPANT: You have to go to the microphone.

9 PARTICIPANT: Okay. We're just starting our

10 acquisition program in Madison Parish, so we haven't been

11 contacting a lot of people yet.

12 MS. KLINE-CLARK: Okay, okay, all right, thank

13 you. We'll wait until after the end, so we can see maps and

14 everything.

15 MS. JONES: Okay.

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

17 okay?

18 MS. JONES: Absolutely. Okay, thank you. Is

19 there anybody else who would like to provide comments for

20 the record?

21 (No response.)

22 MS. JONES: No? Okay.

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

24 MS. JONES: Okay, yes, sir.

P5-49 ↓ 25 MR. FOWLER: Some of you will probably say, well,

P5-48 Any land easement agreements reached prior to issuance of the Certificate or obtained through state Eminent Domain proceedings is done so at the company's risk should the Commission not approve the project or require a route variation. Pipeline companies negotiate easement agreements with landowners under differing time schedules. MEP has indicated that they commenced easement negotiations with many landowners in Madison Parish in March of 2008. Landowners should have received mailings in the past from FERC and MEP (assuming that the proposed route affected their property at that time) even if they have not been directly approached regarding easement acquisition at the time of issuance of the Draft EIS.

P5-49 Comment noted.

Delhi Public Meeting

P5-49



1 he's anti-pipeline. Well, that's not true.
2 A pipeline has been across the place since 1928,
3 and as a matter of fact, we have already settled with this
4 company up in Clayton Parish, my wife and I, Carol S.
5 Fowler. You can look on the record.
6 We've already settled with them. That didn't
7 impact our ability to make a living.
8 Down in Lincoln Parish, it's going to impact our
9 ability to make a living, and that is the problem. Thank
10 you.
11 MS. JONES: Okay, thank you very much. I think
12 that at this point, we'll conclude the formal portion of the
13 meeting, and we'll all remain for further discussions, as
14 you would like. Thank you.
15 (Whereupon, the scoping meeting was concluded.)
16
17
18
19
20
21
22
23
24

Paris Public Meeting

Midcontinent Express Pipelng Project
March 27, 2008

Page 1

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

Paris Public Meeting

Midcontinent Express Pipeling Project
March 27, 2008

Page 2

1 APPEARANCES:

2

3 Ms. Katey Grange, Environmental Scientist

4 Entrix Environmental Consultants

5 Suite 600

6 Atlanta, Georgia 30328

7 Mr. Douglas M. Mooneyhan, Aquatic Ecologist

8 Entrix Environmental Consultants

9 Suite 600

10 Atlanta, Georgia 30328

11

12 Mr. Kevin Dahncke, Vice President and Director

13 of Midcontinent Express Pipeline Project

14

15

16

17

18

19

20

21

22

23

24

25

Paris Public Meeting

Midcontinent Express Pipeling Project
March 27, 2008

Page 3

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

Paris Public Meeting

Midcontinent Express Pipelng Project
March 27, 2008

Page 4

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

Paris Public Meeting

Midcontinent Express Pipeling Project
March 27, 2008

Page 5

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

Paris Public Meeting

Midcontinent Express Pipelng Project
March 27, 2008

Page 6

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,

Paris Public Meeting

Midcontinent Express Pipeling Project
March 27, 2008

Page 7

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.

Paris Public Meeting

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

P6-1



P6-1

Comment noted. Our review of the two surveys (one submitted by MEP and one by the landowner) indicates that differing field methods were used and that the studies' results were not interpreted or presented in a consistent manner. Given the apparent survey discrepancies and the need to further document baseline noise conditions prior to operations at the Lamar Compressor station, MEP filed plans to fund a 24-hour noise survey to further document ambient noise conditions at the Ditzler Jones and Ray Martin properties adjacent to the proposed Lamar Compressor Station (Section 3.11.2). MEP would file the results of this survey with the FERC for our staff's review.

Paris Public Meeting

P6-1

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.

P6-2

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

P6-2 See response to comment P6-1.

Paris Public Meeting

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

P6-2

P6-3

P6-3 See response to comment P6-1.

Paris Public Meeting

P6-3

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.

P6-4

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.

P6-5

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

P6-4

We have included a recommendation in Section 3.11.2 that would require MEP to file a finalized noise plan that would include ambient noise surveys, identified measures that would be used to mitigate noise impacts, monitoring during construction, and plans to offer temporary housing if the defined noise standard can not be met.

P6-5

See response to comment P6-1.

Paris Public Meeting

P6-5



1 than later.

P6-6



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.

P6-6 Comment noted.

P6-7



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.

P6-7 Comment noted. MEP has indicated that it will hold a meeting with all interested landowners, including Mr. Jones, near the proposed compressor station site in early May to gather comments and suggestions on their draft lighting and screening plans.

Paris Public Meeting

P6-7

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.

P6-8

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.

P6-8

Comment noted. Under Part 192.615 of DOT regulations, each pipeline operator must also establish an emergency plan that includes procedures to minimize the hazards in a natural gas pipeline emergency. Measures outlined in this plan are described in Section 3.12.1 and include establishing and maintaining communications with local fire, police, and public officials and coordinating emergency response and making personnel, equipment, tools, and materials available at the scene of an emergency. Part 192 also requires that each operator must establish and maintain liaison with appropriate fire, police, and public officials to learn the resources and responsibilities of each organization that may respond to a natural gas pipeline emergency, and to coordinate mutual assistance. MEP has indicated that it would provide appropriate training to local emergency personnel prior to placing the pipeline and aboveground facilities in service.

Paris Public Meeting

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.

P6-8

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

P6-9

P6-9 Comment noted.

Paris Public Meeting

P6-9

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.

P6-10

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

P6-10 Comment noted. See Section 3.12.

Paris Public Meeting

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?

P6-11

P6-12

P6-11 As described in Section 2.3.1, the depth of the trench containing the pipeline is determined based upon space needed for the pipeline, pipeline bedding, and the minimum amount of top cover required by DOT specifications. The trench would typically be excavated to a sufficient depth to enable the proposed pipeline to be installed at a minimum depth of 3 feet (measured from the top of the pipeline) below the ground surface. The actual installation depth of the pipeline would vary and would range from these minimum depth requirements to that depth required for safe crossing of a feature such as a road, highway, railroad, or waterbody.

P6-12 The pipeline company is responsible for ensuring adequate cover over pipelines as part of their DOT mandated Integrity Management Plan. DOT has jurisdiction over pipeline safety, which includes the depth of pipeline cover. If the cover over a pipeline has eroded over time, we encourage you to first notify the pipeline company at the contact number listed on the pipeline marker. If the company does not adequately resolve the erosion situation, report this to the DOT Pipeline and Hazardous Materials Safety Administration at 202-366-4433.

Paris Public Meeting

Midcontinent Express Pipelng Project
March 27, 2008

Page 17

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.

Paris Public Meeting

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

P6-13

P6-14

P6-13 FERC encourages pipeline companies to cooperate in a professional manner with individual landowners. FERC has made every effort to address landowner complaints and issues as the FERC is made aware of problems.

P6-14 Comment noted. Eminent domain would be authorized under the Natural Gas Act upon receiving a FERC certificate, if the proposed Project is approved. MEP has shown sufficient need for the Project and the FERC believes that the Project is in the public good.

Paris Public Meeting

P6-14

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.

P6-15

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

P6-15 The FERC considers safety issues in Section 3.12. The FERC encourages pipeline companies to avoid residences and residential areas to the maximum extent possible. As depicted in Appendix J, MEP has adopted several route variations that would avoid residential areas. MEP has provided site-specific residential crossing plans for all residences within 25 feet of the proposed Project.

Paris Public Meeting

P6-15

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.

P6-16

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.

P6-16 Comment noted.

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

Paris Public Meeting

Midcontinent Express Pipeling Project
March 27, 2008

Page 21

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

Paris Public Meeting

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.

P6-17

P6-17 See response to comment P6-12. MEP is currently working with Mr. White to explore the feasibility of using a concrete apron matting to minimize streambank erosion on the White property. MEP can implement restoration measures in areas that are prone to erosion or require additional pipeline cover.

Paris Public Meeting

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

P6-18



P6-18 As stated in Section 3.7.1, ABB surveys were conducted according to the protocol established by the FWS. ABB surveys have been completed and the FWS has concurred that the ABB surveys were conducted appropriately. MEP filed a final ABB report on March 31, 2008, although it is classified as Privileged and Confidential. We noted a gap in MEP's surveyed area. MEP would be required to complete all surveys and Section 7 consultations prior to construction.

Paris Public Meeting

P6-18

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.

P6-19

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

P6-19 Comment noted. FERC and MEP consulted with multiple state and federal natural resource and environmental agencies to ensure that the Project would avoid and minimize environmental impacts to the greatest extent practical.

Paris Public Meeting

P6-19

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

P6-20

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

P6-20 MEP and the FERC have worked with numerous landowners and local, state, and federal agencies to minimize Project-related impacts to sensitive environmental resources and to landowners. As shown in Appendix J, MEP has adopted numerous route variations to minimize Project-related impacts to environmental resources and to accommodate landowner requests. Further, we evaluate and recommend the adoption of several route variations in Section 4.4.1 to further minimize Project-related impacts to landowners and environmental resources.

Paris Public Meeting

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 Auresti, is not here this evening. But I

P6-21

P6-21 We have included a recommendation in Section 3.11.2 that would require MEP to file a finalized noise plan that would include ambient noise surveys, identified measures that would be used to mitigate noise impacts, monitoring during construction, and plans to offer temporary housing if the defined noise standard can not be met.

Paris Public Meeting

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.

P6-22

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.

P6-22 Comment noted.

P6-23

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?

P6-23 See response to comment P6-7.

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 --

P6-24

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

P6-24 See response to comment P6-7.

Paris Public Meeting

P6-24



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

Paris Public Meeting

Midcontinent Express Pipelng Project
March 27, 2008

Page 29

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

Paris Public Meeting

Midcontinent Express Pipeling Project
March 27, 2008

Page 30

1 THE STATE OF TEXAS)(
2 COUNTY OF PANOLA)(
3 This is to certify that I, Karen A. Scott, a
4 Certified Shorthand Reporter and Notary Public in and for
5 the State of Texas, reported in shorthand the proceedings
6 had at the time and place set forth in the caption
7 hereon, and that to the best of my ability the above and
8 foregoing contains a full, true and correct transcript of
9 the said proceedings.
10 Certified to on this the 3rd day of April, 2008.
11
12
13 (Karen A. Scott) CSR
14
15 KAREN A. SCOTT, CSR
16 STATE OF TEXAS NO. 3167
17 EXPIRES DECEMBER 31, 2008
18
19 JOHN FOSTER, CSR, RPR
20 FIRM NO.: 109
21 P. O. Box 68
22 Henderson, Texas 75653-0068
23 (903) 657-8626
24
25