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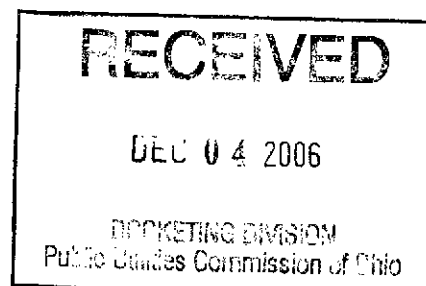
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1 BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION
2 ROCKIES EXPRESS PIPELINE EASTERN PHASE PROJECT
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5 PUBLIC HEARING
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9 The above public hearing was held on Monday,
10 September 11, 2006, at 7:00 p.m. to 9:00 p.m., at the
11 Greensburg High School Auditorium, 1000 East Central
12 Avenue, Greensburg, Indiana 47240.
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document delivered in the regular course of business.
Date Prepared 12/14/06

1 APPEARANCES:

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MODERATOR: Alisa M. Lykens

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Environmental Biologist

5

Environmental Gas Branch I

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888 First Street, NE

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Washington, D.C. 20426

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ALSO: Donald T. Hammer, Principal

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ICF International

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9300 Lee Highway

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Fairfax, Virginia 22031

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ALSO: Harold Winnie, Engineer

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U.S. Department of

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Transportation

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Office of Pipeline Safety

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

2 MS. LYKENS: Good evening and welcome.

3 I personally want to thank you. Hold on, this micro.

4 I don't like the echo. You can hear it? My name is

5 Alisa Lykens and I work for the Federal Energy

6 Regulatory Commission, and I am the Commission's

7 Environmental Project Manager for the Rockies Express

8 Pipeline Eastern Phase Project.

9 As you are aware, Rockies Express

10 Pipeline LLC is proposing to build as its eastern

11 phase, which consist of about 622 miles of 42 inch

12 diameter pipeline, five new compressor stations, and

13 other apertinent facilities, in the states of

14 Missouri, Illinois, Indiana and Ohio.

15 The Rockies Express Eastern Phase is

16 currently in the preliminary stages of design, and at

17 this time a formal application has not been filed at

18 the Commission.

19 For this proposal the Commission is

20 initiating its National Environmental Policy Act

21 Review prior to receiving an application. This

22 allows interested stakeholders to become involved

23 early in the project planning and to identify and to

24 attempt to resolve issues before the application is

25 filed with the Commission.

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1 The National Environmental Policy Act
2 requires that the Commission take into account the
3 environmental impacts that could result from an
4 action whenever it considers issuing a certificate of
5 public convenience and necessity under Section 7 of
6 the National Gas Act. The act also requires us to
7 identify and address concerns the public would have
8 about the proposal. An environmental document, and in this
9 case, an environmental impact statement for EIS will be
10 prepared to disclose the environmental impacts and what
11 they would be if the project is approved and is ultimately
12 constructed and operated. That being said,
13 the purpose of tonight's meeting is to hear from you. We
14 would like to know now what the environmental issues are so we
15 can address it now rather than after the application is
16 filed.

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

26

1 Now I'd like to introduce a few staff
2 members who are with me on this environmental review
3 team, Ellen St. Onge, a staff archeologist, out in
4 the back. Ellen, there you go, and from ICF
5 International I'd like to introduce Don Hammer, who's
6 to my left, and at the front table as you came in was
7 Jennifer Thomas and Alexis Castrovinci.

8 ICF International is our environmental
9 contract for this project, and they will be helping
10 FORC staff prepare the EIS document.

11 At this time I would like to introduce
12 Harold Winnie, from the U.S. Department of Transportation,
13 Office of Pipeline Safety. Harold is with the Pipeline and
14 Hazardous Materials Safety Administration. At this time I
15 would like to invite Harold to speak to you about his
16 agency's role regarding the project.

17 MR. WINNIE: Thank you. Good evening.
18 As you heard my name is Harold Winnie. I am an
19 Engineer with the Office of Pipeline Safety, which is
20 a branch of the US Department of Transportation,
21 Pipeline and Hazardous Materials Safety
22 Administration, also known as (PHMSA) Pipeline Safety
23 Program. I would like to thank Alisa Lykens for
24 inviting me to this scoping session.

25 Given the concerns of the public with
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1 respect to pipeline safety, my purpose at this
2 meeting is to assure you that if the pipeline
3 receives a favorable review from FERC, the Pipeline
4 and Hazardous Materials Safety Administration will
5 maintain a continual regulatory watch over the
6 pipeline from its construction to its testing for the
7 entire operational life of the pipeline.

8 This regulatory oversight will consist
9 of measuring the operator's performance to ensure
10 that the pipeline is constructed of suitable
11 materials that it is welded in accordance with
12 industry standards; that the welders themselves are
13 qualified to join the pipeline; that the pipeline is
14 installed to the proper depth; that it is coated to
15 assure effective cathodic protection from corrosion;
16 that the backfill is suitable and that it is properly
17 tested upon completion to ensure that it can hold up
18 to the pressures that the operator requires to
19 transport this product.

20 Beyond the construction process, the
21 PHMSA Pipeline Safety Program conducts inspections
22 periodically over all aspects of the operation and
23 maintenance of the pipeline. The operator must have
24 a written plan in place to instruct his personnel and
25 to relate to federal inspectors exactly what testing
26

1 or monitoring is done and the frequency. In
2 addition, if testing or monitoring prompts a response
3 or a corrective action, the operator must detail his
4 process to address problems. Examples of the checks
5 that an operator must have in place are: The adequacy
6 of the cathodic protection. Monitoring the surface
7 of pipeline exposed to the atmosphere, annual testing
8 of the pipeline valves and inspection of pressure
9 regulation and relief devices to assure that the
10 pipeline does not exceed its maximum allowable
11 operating pressure. Periodic patrolling and leakage
12 survey of the pipeline. Following allowed procedures
13 for pipeline repair.

14 Beyond the routine functions that have
15 for decades been the baseline for operations and
16 maintenance, PHMSA has in the past few years
17 implemented new initiatives to ensure pipeline
18 safety.

19 At the forefront is the Integrity
20 Management Program. This program was published in
21 the Federal Register December 15, 2003. It requires
22 operators to identify high consequence areas (class 3 or
23 class 4 areas or other areas with specified population
24 density concentrations or buildings of assembly or
25 buildings housing confined or impaired persons.

26

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

16 In addition to the physical pipeline
17 itself, Congress has mandated that operator personnel
18 who perform operating, maintenance or emergency
19 response, be qualified. Referred to as our operator
20 qualifications or OQ in the performance of those
21 functions. The aim of this initiative is to minimize
22 operator error as the cause of any pipeline failure.
23 Beginning in 2001, operators were required to develop
24 a written plan to qualify every individual performing
25 a covered task. This has been expensive, not only to
26

1 perform the testing, but it has also launched more
2 intensive training programs for employees and
3 contractors who operate and maintain the pipeline.

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

16 Another initiative, relevant to this
17 meeting, is Public Awareness. Recently a standard was
18 adopted as regulation (API RP 1162). This standard
19 requires operators: To identify persons along the
20 right-of-way affected by the pipeline; to inform the public
21 about recognizing leaks and taking appropriate action, and
22 to evaluate the effectiveness of the program. RP 1162
23 establishes lines of communication and information sharing
24 with the public, excavators, emergency responders, and
25 local officials. Operators have prepared their written
26

1 plans to comply with the standard due June 20, 2006, and
2 are required to submit their plans to PHMSA by October 8,
3 2006, for review.

4 The initiatives that I have described
5 above are a sampling of what PHMSA's Pipeline Safety
6 Program does. As I said earlier, we inspect the
7 interstate natural gas operators in Indiana. If an
8 operator's procedures are found inadequate or if an
9 operator is not following its procedures or the
10 appropriate regulatory requirements, PHMSA is
11 authorized to seek punitive action in the form of
12 remedial action, civil penalties (which is a frequent
13 practice), and even criminal action. The authority
14 is granted by Congress, and the agency is responsible
15 to Congress for the execution of its mandates.

16 The other issue that is important to
17 understand is Damage Prevention. The State of
18 Indiana has legislation that requires anyone
19 performing excavating activities to call the one call
20 center in advance of the work and have all
21 underground utilities located with paint and/or
22 flags. Since, third-party damage is one of the major
23 causes of damage to pipelines, it is important for
24 each of us to utilize the one-call system prior to
25 doing any excavations, and to make sure that others
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1 digging in our neighborhoods have had the underground
2 utilities located prior to excavating by looking for
3 the paint and/or flags marking those facilities.

4 Should you need additional information you
5 can visit the PHMSA website at
6 <http://primis.phmsa.dot.gov/comm/PublicEducation.htm> or you can
7 contact either Karen Butler or myself at our Kansas
8 City, Missouri Regional Office at 816-329-3800.

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

13 If there are any questions, I will be
14 around for a short while at the conclusion of the
15 meeting.

16 MS. LYKENS: Thank's, Harold. We
17 expect that other federal agencies and state
18 agencies, such as the U.S. Army Corp of Engineers
19 will cooperate with us in producing an EIS to meet
20 the National Environmental Policy Act requirements
21 for various agencies. We also will be including
22 information obtained from the state agencies, from
23 Missouri, Illinois, Indiana and Ohio in the EIS.

24 At this time, I would now like to
25 call Rockies Express to come forward to present their
26

1 project, and I understand Alice Weekley will be doing
2 the presentation.

3 ALICE WEEKLEY: Thank you. For you
4 for coming out tonight. My name is Alice Weekley,
5 I'm the Project Manager for the Rockies Express
6 Pipeline Project. The Rockies Express Pipeline
7 Project is a major domestic energy infrastructure for
8 the United States. The purpose of the project is to
9 move gas from the Rocky Mountains, natural gas from
10 the Rocky Mountains, to the central markets here in
11 the United States.

12 Rockies Express Pipeline LLC is being
13 developed by a partnership of three companies. Those
14 three companies are: Kinder Morgan, Semptra and
15 Chevron.

16 The Rockies Express Pipeline System is
17 comprised of three distinct projects. The REX
18 Entrega project is for each project____. We expect
19 to construct the Rockies Express West project in year
20 2007, and the project that we're talking about
21 tonight is Rockies Express East.

22 The Rockies Express East Pipeline
23 Project is a project that will move natural gas from
24 Audrain County, Missouri to Monroe County, Ohio.
25 That's the distance of approximately 622 miles. The
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1 pipeline will be 42 inches in diameter. It will be
2 made of steel. It will be buried, and the wall
3 thickness of the pipe will be approximately half an
4 inch.

5 In addition to the pipeline we will be
6 building compressor stations and 20 meter stations.
7 Four of those meter stations, four of those delivery
8 points will be here in the State of Indiana.

9 In June of this year we did our pre-filing
10 with FERC and held our open houses.

11 In July we began our survey, and we expect to
12 complete our civil survey or the majority of that
13 civil survey in October this year. We expect to file
14 for our FERC certificate in early spring of 2007.
15 We'd like to receive our FERC certificate for the
16 project in the first quarter of 2008 and actually
17 begin construction of the project in the second
18 quarter of 2008. We'll have nine different
19 instruction spreads working on the project
20 simultaneously. So we believe that we will have the
21 pipeline in service by the end of the year, December
22 2008.

23 We will also be putting into service
24 in 2008 some of the compressor stations, and three of
25 the compressor stations will be commissioned and put
26

1 in service by June of 2009.

2 If you have any specific questions, we
3 have representatives from the various disciplines of
4 the project, and we will be available to answer your
5 questions after the meeting. Thank you.

6 MS. LYKENS: Thank you. Now I'd like
7 to briefly talk about the Commission's pre-filing
8 process. In June 2006 the FERC staff began the
9 pre-filing process for this proposal. Many of you
10 have received the notice of intent that was mailed
11 out and that is why you're here tonight. Like I said
12 earlier the project is in an early design state.
13 Specific details have not yet been finalized. A
14 formal application has not yet been filed with the
15 FERC. The goal of this pre-filing is to process --
16 this process is to help facilitate the interaction
17 with federal, state, local agencies and affected
18 property owners, and other interested stakeholders by
19 preparing a more complete application for the filing
20 of the Rockies Express Application.

21 The notified stakeholders include all
22 of you who are present tonight. I also want to state
23 that the Commission is not a proponent of the Rockies
24 Express Project, but an advocate for the process
25 involved in reviewing the project.

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1 There will be several opportunities to
2 comment on the project as information is made
3 available. More information will be made available
4 on the Commission's E-Library System as Rockies
5 Express files updates of its project.

6 Documents that are filed with a
7 project's docket number will be posted on the
8 Commission's website, including any written comments
9 filed by you.

10 Instructions on how to access the
11 Commission's website are addressed in the Notice of
12 Intent that was mailed. The notice also contains
13 instructions on how to file written comments, if you
14 prefer to comment in that manner.

15 The notice also discusses electronic
16 filings by using our website.

17 Please note the notice states the
18 comment period expires on September 29th, 2006. We
19 close the initial comment period to gauge what the
20 preliminary issues are. However, we are still in
21 pre-filing, so we will take comments all through this
22 pre-filing review process, and there will still be
23 other opportunities for you to participation if and
24 when Rockies Express files an application at the
25 Commission.

26

1 Now let me briefly discuss the EIS process
2 and then we'll get on to let you guys speaking before the
3 Commission. Rockies is conducting environmental studies on the
4 preferred route, and per the Commission's regulations
5 and the National Environmental Policy Act is also studying
6 several route variations and alternatives.

7 When Rockies Express files its
8 application it will file several environmental
9 resource reports for its preferred route based on its
10 survey results. The resource reports will cover
11 geology, soils, vegetation and wild life, including federal
12 invested species, land use, recreation, cultural resources,
13 pipeline reliability and safety, air and noise quality, and
14 alternatives.

15 When Rockies Express files its
16 application it will include finalized resource
17 reports its currently preparing based on their survey
18 results. The resource reports will be used to
19 develop a draft EIS. FERC staff considers Rockies
20 Express application, together with the information
21 that is filed by you and other stakeholders. Then we
22 will prepare a draft EIS for public review and comment.
23 The draft EIS will be Commission's independent analysis,
24 based on what is filed in the environmental proceedings for
25 this proposal. Staff also consults with appropriate
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1 resource agencies to verify information before making any
2 recommendations with the state and federal agencies.

3 The Draft EIS will include any
4 mitigation or recommendations needed to reduce
5 impacts as appropriate. Once the draft EIS is issued
6 for public comment, the public will have 45 days to
7 provide written comments. We will also come back
8 here and have another public comment meeting to hear
9 your comments on the Draft EIS in a meeting similar
10 to this one.

11 Comments received on the Draft EIS
12 will be incorporated into a final EIS. Comments will
13 also be taken on the final EIS, which will be
14 incorporated into the proceeding brought before the
15 five members of the Federal Energy Regulatory
16 Commission itself.

17 FERC staff will also look at economic
18 issues, the need for the project, the markets, rates,
19 cost of service, and other issues.

20 The Commission will use that
21 information gathered in the proceeding, both in the
22 environment and the non-environment aspect and will vote to
23 approve or deny the project.

24 We are just about ready to hear from
25 you. If you do not feel comfortable speaking
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1 tonight, please understand that written comments are
2 considered equally by the Commission. So I encourage
3 you to write to the secretary of the Commission.

4 Now for those of you who are on my
5 speakers list, please come to the microphone when I
6 call your name and bear with me on pronunciation.
7 Please say your name slowly and spell your last name
8 for the court reporter. Remember the more specific
9 your comments about the environment the more useful
10 they'll be for us.

11 You may have noticed that we have a
12 court reporter recording the meeting. A record is
13 being made of everything that is being said tonight
14 during this official scoping meeting. If you would
15 like to purchase a copy of this transcripts, please
16 see the court reporter after the meeting.

17 Again, I am specifically looking for
18 comments on the record. I am not entertaining
19 questions on the record this evening, so please limit
20 your remarks, concerns or issues that may relate to
21 your property or to the environment.

22 The Commission staff and the other
23 agencies present tonight are willing to answer any
24 individual questions you may have following tonight's
25 meeting.

26

1 Please note that I may need to limit
2 the amount of time on your comments, based on how
3 many people who all signed up to speak on the
4 speaker's list.

5 Since I have quite a long list, I'm
6 gonna ask that each speaker limit his or her remarks
7 to five minutes. If we get through all our speakers
8 and have times left, I will allow you to come back to
9 the microphone.

10 Our first speaker is Merrill Stillabower.
11 Mel.

12 BETH HARRISON: I'm Beth Harrison and
13 my husband asked me to speak for him. My last name
14 is spelled H-a-r-r-i-s-o-n. And one of our most
15 pressing deals with our property that might possibly
16 be gone through is 40 acres of land that has been in
17 the family for an extremely long time, almost a 100
18 years, and this property has never been touched
19 environmentally by even chain saws since the burn out
20 in early 1800's in Indiana. So we have trees there
21 that are some of the oldest trees in the state. It
22 also has some extremely rare orchids in this 40
23 acres, and it has a lot of hills and hallows which
24 would be -- they would erode very badly if they are
25 disturbed back there. That's one of main things --

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1 There is also a lot of natural springs back in there
2 that would be impacted in some way if they're
3 disturbed back in this area. That's pretty much all
4 I wanted to say right now. Thank you.

5 MS. LYKENS: Thank you. Thank you.
6 Charles Shurk.

7 CHARLES CHURK: I'll be short and
8 sweet here. I'm -- I think that this, this pipeline
9 is -- kind of compares its progress. We need this
10 kind of thing. I have no problem with a natural gas
11 line, except that I think we should be well
12 compensated. Real estate values have gone up
13 considerably here recently, and I would like to see
14 the lease and contract, what you're asking us to
15 approve. As far as the route is concerned I think
16 it's great. Thank you.

17 MS. LYKENS: Thank you. Matt
18 Lemasters.

19 MATT LEMASTERS: My name is Matt
20 Lemasters, L-e-m-a-s-t-e-r-s. Just have a couple
21 concerns. First of all, the way the pipeline is
22 gonna go through the property on how the tile, field
23 tile, drainage tile will be replaced, because when
24 you put a 42 inch line through a field it's quite a
25 diameter, so you're gonna have to reroute, possibly
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1 relay tile, and that's not gonna be just one
2 particular person's property, because that tile may
3 cover several hundred acres. It may go onto
4 adjoining landowners, so that's one concern.

5 And then, also, just like the last
6 gentleman said about the real estate prices, if there
7 is a possibility for development down the road with
8 the Honda plant and what's going to take place here
9 in Greensburg, how is that gonna affect what will be
10 negotiated if there is possibly potential for
11 development. Thank you.

12 MS. LYKENS: Thank you. James Neal.

13 JAMES NEAL: My name is James Neal and it's
14 N-e-a-l. And I farm ground in Liberty Township in Shelby
15 County and Adams Township in Decatur County, and they're
16 both gonna be affected by this pipeline.

17 I have several concerns about it. One
18 is as it's staked off they're coming within 12 to
19 1400 feet of the St. Paul Stone Quarry, it backs up
20 on my farm. They blast there weekly. My house is
21 about a quarter of a mile away. It shakes the
22 windows and the whole house when they do it. How is
23 that gonna affect the ground movement, going to
24 affect the pipeline?

25 I also have a concern for the affect

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1 that they're -- this is gonna have on the land use of
2 agriculture where the pipelines go through or went
3 through the Marietta area 30 years ago. Those
4 farmers still can't grow crops where that pipeline is
5 at because it disturbed the subsoil and brought it to
6 the top, and you can tell right to the road where
7 it's at.

8 I also have two 12 inch tiles that are
9 more than 48 inches below the ground, and they're
10 talking about the top of this pipeline being 38
11 inches. I haven't been able to get any commitment
12 from REX on what they're gonna do about that.

13 And where this is going through my
14 ground is gonna be in a low spot, and I'm concerned
15 about how that's gonna affect the drainage of that
16 area. What they're gonna do with the dirt that's
17 displaced for this tile and what they're gonna do if
18 the rocks, trees and brush, what's gonna happen to
19 all that stuff.

20 I also have a concern for property
21 values. In our area we're right at an interchange of
22 I-74. The town they're coming into Decatur County
23 there are suppliers who are looking for places to
24 build plants. Obviously they're not gonna want to
25 put it -- whether the pipeline under where they're
26

1 wanting to bid.

2 And they say that if they go ahead
3 with this they can take eminent domain. I strongly
4 -- I'm against that. Giving private companies
5 profits for public use is not an appropriate use of
6 eminent domain.

7 I also question whether this pipeline
8 is needed. And in reading about that on it there
9 hasn't been any justification for why we have to have
10 it. As I understand it it's gonna be the largest and
11 the highest pressure line that's ever been built, and
12 I have questions of safety concerns on that. I also
13 have questions on the easements, the use of those
14 easements, what all they can put in that besides this
15 pipeline. When the company goes out of business or
16 whatever what happens to that easement.

17 We've had surveyors in our area coming
18 through without permission coming onto the property
19 destroying crops, cutting trees, and I just don't
20 think that this company is operating in a reputable
21 manner. What they tell you they're gonna and what
22 they do is two different things, and I think that
23 should also be considered by this Commission. Thank
24 you.

25 MS. LYKENS: Ruth Rimler.

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1 RUTH RIMLER: My name is Ruth Rimler
2 and I've lived on the Shelby Decatur County line road
3 for 28 years, and I am concerned about the stone
4 quarry so close, and they dynamite so frequently it
5 shakes our houses and rattles our windows. And when
6 they dynamite on the same vain that you live on it is
7 really bad, there is a lot of shaking.

8 I am also concerned about the
9 lightening. We have a lot of lightening in that
10 area. The electric company has called lightening
11 out, and I have had many lightening strikes, and all
12 of my neighbors I know have had lot, a lot of
13 lightening strikes there. And it strikes the trees a
14 lot. It has struck my house, my barn, my well and
15 trees. That's my concern, as well as the value of
16 our property. Thank you.

17 MS. LYKENS: Thank you. Joseph Rust.

18 JOSEPH RUST: My name is Joseph Rust,
19 R-u-s-t, just like corrosion. Would like to state
20 that I'm a -- my wife and I own a piece of property
21 in north part of Decatur County on, by 50 North,
22 commonly referred to around here as Snake Road
23 because of the winding aspects of the road.

24 Our property is approximately 5 acres.
25 We have a home, a detached garage. We also have a
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1 utility easement on that property for an above ground
2 utility line, and the above ground utility ground has
3 -- attached to a poll that is approximately 10 feet
4 from the garage that we have located is a separate
5 detached garage. So the people across the road by
6 the name of Flotters have a house, they have some out
7 buildings.

8 When I attended the meeting, the open
9 house meeting in June I was shown the route of the
10 pipeline on the computer screen, and to this day that
11 is the last really close look that I have had that is
12 exactly where the proposed pipeline is supposed to
13 go. So I'm kind of shooting a little bit in the
14 dark, as I think a lot of people here are, because of
15 the lack of information that we have about where this
16 pipeline is going to go, but if it's going to go down
17 our road, I think you can see from the picture that
18 there's a home across the road, the Flotter home,
19 there's our home on the right side of the picture.
20 In between those two front doors is a space of 225
21 feet. So if the pipeline has a 50 foot easement and
22 goes through that property, at what distance is it
23 acceptable to have a pipeline near a front door of a
24 dwelling. In this case it's going to be no matter
25 where you run the pipe on that road, even if you ran

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1 it down the center of the road it's still gonna be
2 approximately 100 to a 105 to 10 feet from either one
3 of the dwelling's front doors. I would say that's an
4 unacceptable pipeline location situation, and what I
5 have asked is, if you're going to do that down that
6 road, what is the justification, what do you use as
7 the rules for location of a pipeline near a dwelling.
8 And it's actually gonna to be 10 feet from my garage,
9 which means, I presume that if it does go in the
10 proposed alignment along the utility route, the
11 easement that exit; that my garage is going to have
12 to be torn down, because as I understand that you
13 can't have a building or a dwelling over the easement
14 which is 50 feet. Is that correct? I know you don't
15 answer those kind of questions here, but in any case
16 that's my dilemma.

17 So I have a home and a property.
18 What's going to happen to the property values there?
19 I know if you have agricultural property it's one
20 thing, but this is developed property, what's going
21 to happen to the value of that property, and that
22 would have to be factored into whatever settlement
23 that would be achieved with the granting of an
24 easement.

25 I also like to make one other comment
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1 about the eminent domain aspects of this project. I
2 think as Mr. Neal mentioned earlier, and I won't
3 belabor the point, I believe that the use of eminent
4 domain by one private entity, in this case a
5 business, a for-profit business, not a utility, not a
6 government agency but a private business, and
7 trumping my rights as a property owner with the use
8 of eminent domain that has been authorized by the
9 Federal Government, by a non-elected body, which FERC
10 is not an elected body, as an appointed commission by
11 the President of the United States define
12 commissioners as I understand it. So we have no
13 recourse as voters to get rid of people who would be
14 making these kinds of decisions.

15 So my particular belief is that the
16 right of eminent domain in this particular situation,
17 not only in this project, but by the use of FERC, is
18 an improper use of the law in the Congress of the
19 United States to grant that type of right to a
20 private entity. Thank you very much.

21 MS. LYKENS: Thank you. Richard
22 Klein.

23 RICHARD KLEIN: Good evening. My name
24 is Richard Klein, I'm President of Community and
25 Environmental Defense Services. We're assisting Mr.

26

1 Rust in -- with concerns about the proposed pipeline
2 project.

3 I have three issues that I'd like to
4 talk to you about. The first is pipeline setbacks.
5 As you know the proposed Rockies Express East
6 Pipeline is gonna be 42 inches with a pressure of
7 1480 PSI. Back in October 2000 Gas Route Research
8 Institute published a report called a model for -- in
9 consequence areas associated with natural gas
10 pipelines. Based upon that model the height of the
11 hazard area radius for a pipeline of this
12 configuration would be 1500 feet. Understand that
13 this report is generally, except that it's valid in
14 the industry. As a matter of fact I spoke to Mr.
15 Winnie about the report, and I spoke to others in
16 FERC and other agencies, and apparently this report
17 is considered fairly credible.

18 Ms. Lykens was kind enough to send me
19 Entrega pipeline EIS, as well as those for the
20 project, which I thank you for.

21 I went through this document though
22 that was published July of last year and I didn't see
23 the Gas Research Institute Report cited anywhere in
24 there. I couldn't find it in the references,
25 couldn't find it anywhere in the portion of the text
26

1 that talked about public safety. I'm a bit concerned
2 about that. As a matter of fact the only reference
3 to public safety with respect to proximity to the
4 pipeline was on page 3-147 of the Entrega EIS where
5 you talk about high consequence areas, the four
6 classes of hazard, but the only thing that really
7 results from proximity of a pipeline to homes in the
8 context of the Entrega EIS is you put the lines a
9 little bit deeper and you use a stronger pipe if it's
10 close to a large number of homes.

11 Again, there was nothing in the
12 Entrega EIS, but talked about how many homes are
13 located within 1500 feet, in deed, how many homes are
14 located anywhere in close proximity to the line, much
15 less what the potential is for damage in the context
16 of the Gas Research Institute Report.

17 So I really hope that the Rockies
18 Express Pipeline gets into that issue in more detail
19 and preferably provides the people who live along the
20 preferred line or selected line with a better
21 understanding of just what the reality is of threats
22 to their safety, welfare from having a pipeline
23 within -- In the case of Rust, Rusts, it sounds like
24 within a 100 feet of their house, as well as those
25 living at as far as 1500 feet from the proposed
26

1 pipeline.

2 The second issue I have is about the
3 alternatives. Frankly this is the first time in 33
4 years of evaluating projects like this that I've
5 taken a close look at EIS's for a gas pipeline. Most
6 of the EIS's I look at are for highway projects and
7 other ventures.

8 The thing that really struck me about the
9 five EIS's that you were kind enough to provide me is that
10 with a highway project you see three to six alternative
11 routes, you see a multiple of alternative routes. With gas
12 pipeline EIS's you got one route, and in all five EIS's
13 there are generally route alternatives and route
14 variations. I think of the five EIS's there were something
15 like 11 route alternatives, most of which were rejected by
16 FERC. There was something like 46 route variations, all
17 but nine of which were rejected by FERC, which means that
18 the people who come up with these alternatives and
19 variations must not be very good at their job if they can't
20 come up with better alternatives to resolve concerns.

21 The thing that really bothers me about
22 this issue is is that with a highway project you look
23 at three to six possible routes for a four to six
24 lane highway that might span 120 to 200 feet,
25 something that I think is a lot more difficult to
26

1 cite than a 42 inch pipeline. There you can come up
2 with three to six alternative routes. You look at
3 all the social-economic environmental variables that
4 are listed in the EIS's for gas pipeline, you rate
5 each one of those alternative alignments in terms of
6 how they score, and then you select the alignment
7 that has the greatest benefit for the least public
8 impact. Well that doesn't look like it happens with
9 gas pipelines. Again it looks like you start off
10 with a preferred route, which I assume the applicant
11 proposes, and that's pretty much accepted or rejected
12 with some minor variations in the final alignment.
13 That's my perception from these five EIS's.

14 My last comment concerns the
15 uncertainty that exist about where the Rockies
16 Express East Pipeline is gonna be located at. I've
17 gotten three documents from Rockies Express that show
18 where the pipeline is supposed to go in the vicinity
19 of the Rust -- I mean other properties along --
20 between mile point 365 and about 390.

21 Two of the documents show the
22 preferred route in the same location. The third
23 document was something that was in the Resource
24 Report Number 1, a figure talking about alternative
25 A-15 on 23 mile alternative. That figure 3.1-4 shows
26

1 the alternative alignment A-15, then it shows the
2 preferred route.

3 The text of the Resource Report says
4 the alternative alignment is gonna be .3 to .6 miles
5 north of the preferred route, but the actual figure
6 shows that the alternative route A-15 is gonna be
7 where the preferred route is shown on the two other
8 documents I got from REX. And then that figure shows
9 that preferred route is gonna be located a third to a
10 half mile south of the preferred route that's shown
11 in the other two documents. Suffice to say we're
12 thoroughly confused about where the pipeline is going
13 to go.

14 I even contacted Jim Thompson with REX
15 last Friday and asked him if there was at least
16 latitude and longitude coordinates that we could get
17 that might allow us to figure out where the routes
18 are gonna go, since apparently the mapping was so
19 conflicting. Well when I spoke to Mr. Thompson last
20 Friday he said that's not available. Well, on Sunday
21 I went out and visited the vicinity of the Rust home
22 and other portions of the route and I found these
23 survey markers along the route that had a GPS 149,
24 GPS 150. I'm pretty sure GPS is Global Positioning
25 System, and I'm pretty sure that gives you latitude
26

1 and longitude. So I'm really confused about why we
2 can't get something that gives us a clear idea of
3 exactly where the pipeline is going to go. But at
4 this point all we have concluded is that the only
5 credible thing that we said about where the pipeline
6 is gonna go is within a mile north or a mile south of
7 the preferred route location. So what we're
8 encouraging the Rusts and their neighbors to do is
9 contact everybody who lives within that 2 mile
10 corridor and say, do you know about this project, do
11 you know there is a possibility that this pipeline
12 could be passing through your property. I mean what
13 alternative do we have? So thank you.

14 MS. LYKENS: Thank you. Susan Rust.

15 SUSAN RUST: My name is Susan Rust and
16 I'm -- My last name is R-u-s-t. I'm a resident and
17 landowner in Decatur County. The property that we
18 have that we're concerned about is 9597 East County
19 Road 500 North, and my husband, Joe Rust, has
20 previously described that property to you.

21 One of my big concerns about this
22 whole project is the process leading up to this
23 scoping meeting, because I think it is a definite
24 opportunity for people here to state their concerns
25 about the environmental impact on the project. But
26

1 I'm concerned that the meeting is flawed, and
2 therefore the results from the meeting may also be
3 flawed. I base my statements on a couple of
4 different points that I'll make.

5 First of all, the Landowners
6 Stakeholder Notification System has been incomplete
7 and in some cases incorrect. In a letter, Ms.
8 Lykens, I think you wrote on September 8th to REX,
9 you stated that of the 13000 notifications that you
10 sent out about this meeting, 700 already have been
11 returned, that's 5.4 percent. You're leaving a lot
12 of people out of the loop when they don't get
13 notified.

14 In addition to that our neighbors
15 across the street from this property just moved there
16 in October, they've never received a notification of
17 any sort, one way or another, they don't have any
18 paperwork at all, and we've actually have run into
19 two or three other instances of that, people you may
20 hear from tonight, who just basically have heard from
21 their neighbors that they're gonna be on this route,
22 but they don't -- they have never received
23 notification. I think that's a big flaw in your
24 system, and I think before you can finalize this
25 first scoping meeting, I think you need to have the
26

1 opportunity to hear from all of the people involved,
2 not just the ones that at this point have got the
3 notices.

4 Second of all, there's been some
5 tactics that have happened in Decatur County and
6 Franklin County out in the area where we live that
7 have really been disturbing. My husband and I have
8 been business people for years and years and we've
9 always treated people on an upright basis and expect
10 to be treated that way by the people who deal with
11 us.

12 It's come to our attention, 'course
13 that surveyors are required to have permission to go
14 on peoples' property. We were told at the meeting in
15 June that we went to that it need to be a written
16 permission, and that they wouldn't go on peoples'
17 property if they request, even if they had
18 permission, if the owner requested that they have
19 notification and wanted to be there when the
20 surveyors were there.

21 What we have found out, and I have
22 here with me, three unsigned surveyor permits that
23 show that permission was given by verbal contact by
24 telephone to a REX individual, when in fact all three
25 owners will swear under oath that they never gave
26

1 this permission, and that REX people came on their
2 property without permission and actually treated them
3 very poorly. This is not how things should happen in
4 America, I don't believe, when we are built on our
5 personal property rights.

6 In fact there's a Mr. William
7 Listerman who lives in Franklin County and he's told
8 us that he even had 20 trees cut down by these
9 uninvited unwelcome surveyors that did not have
10 permission to be on his property. And the reason
11 they did that was to get a better line of sight. We
12 have other reports of crops being trampled. No one
13 has offered to pay any recompense for any of these
14 damages that have been done to this property.

15 Finally I do know that the Franklin
16 County Prosecutor has cases -- have people -- people
17 have asked him to file trespassing charges, at least
18 against two of these, in two of these instances. So
19 I can give you copies of this if you'd like to see
20 what this is.

21 These, these flaws, these overstepping
22 their bounds by REX and this lack of notification on
23 FERC's part to the parties involved really need --
24 make me think you need to take a step backwards and
25 take another look at what's going on here before you
26

1 proceed further to your next step. September 28th
2 isn't very long from now, and if you've got over 700
3 people who've never even had any paperwork from you
4 about this project, that's a real problem, I believe.

5 So would you like these documents?

6 MS. LYKENS: Pat Hudnaol.

7 PAT HUDNAOL: My name is Pat Hudnaol. My
8 last name is spelled H-u-d-n-a-o-l. I'm totally against
9 the pipeline. From an environmental standpoint it's gonna
10 spoil our environment where we live. Personally if they
11 put a pipeline in on our property we'll move, we'll have
12 to, because I understand the danger is -- it would be too
13 much. That's about it. Thank you.

14 MS. LYKENS: Thank you. Jimmy
15 Brattain.

16 JIMMY BRATTAIN: Last name is
17 B-r-a-t-t-a-i-n. My wife and I own a, about 65 acres in
18 Fuga Township in Decatur County, and I don't know whether
19 -- I couldn't hear any of the other speakers, my ears are
20 not too good, so I might be saying some of the same things
21 they did. I heard Joe, that's about the only one I heard,
22 but I couldn't hear anybody else.

23 Just to be blunt, we don't want the
24 pipeline on our property, and I imagine most others don't
25 either or they wouldn't be here. We have our property in a
26

1 classified forest. Wild life habitat, conservation
2 reserve. We think we have Native American burial grounds
3 on our property, and have it posted "No Trespassing." So
4 even a surveyor is not allowed to come on there. And we're not
5 gonna be in favor of it, but I know other people will
6 be, you know.

7 Another thing I'd like to ask is, how
8 is the world is anyone gonna secure that pipeline
9 from terrorists? If it's 1662 miles long and you
10 placed a guard every mile, that's 1662 people, that's
11 for an eight-hour shift, multiple it by 3, you got
12 about 5000, and it would just be a target.

13 I retired from driving a gasoline
14 truck, and I know about hazardous material. And if
15 this pipeline is 42 inches and maybe 3000 pounds,
16 imagine what would happen if somebody didn't want it
17 to work, could you imagine that. And it's also gonna
18 cost, I understand, several billion dollars to build
19 it. It'll have 2 billion cubic feet of gas go through a
20 day, and I know people need gas, but I hope they don't go
21 through our place or my neighbors.' Some of these people
22 are my neighbors right across the road, you know.

23 So -- My wife wrote down here that
24 many have same concerns as I do, 'cause I couldn't
25 hear them. So I don't know what else to say.

26

1 There's a danger by having that thing.

2 What it is -- My wife and I bought
3 that several years ago, we made payments every months
4 on it and never missed a payment. We paid that away
5 for several years, and finally one day we came up
6 with enough money to go to the bank and pay it off,
7 and it was free and clear and it still is today. So
8 here out of the blue comes somebody we never heard of
9 and wants to come through our place and us to
10 sacrifice the value of our property so that someone
11 else can profit by it. And we worked hard like
12 everybody else has. And see how much R-E-X wants to
13 give, you know. How about a royalty, you know, or
14 something, so we can make a few hundred thousand
15 dollars, huh. I'm not trying to be smart, but
16 somebody is trying to make a profit at our loss, and
17 like eminent domain, I didn't hear that come up --

18 If those three companies were gonna
19 lose 10 billion dollars by building that pipeline,
20 they wouldn't be interested, they wouldn't build it,
21 but somebody is gonna make a lot of money and it's
22 gonna ruin us and all my investment for my, me and my
23 family. Not only will the right of way be out of
24 whack, but all my property.

25 Somebody came out there and maybe

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1 wants to buy it -- I had a lot of people wanted to
2 buy my property, now they come out and say is your
3 property for sale, I said, well, I might sell it some
4 day, but I've got a 42 inch gas pipeline. Well, I
5 don't know whether I need this property so bad or
6 not. Be hard to sell, wouldn't it. Don't agree with
7 that. I'm just kidding you though, but that's the
8 truth, that's the way I see it, and I don't know what
9 else I could add, but I am -- I just don't want it,
10 but I know there's a lot of things that I've not
11 wanted and I've got it, you know. I didn't want to
12 get old, but I did. I didn't want to have arthritis.
13 Thank's a lot.

14 MS. LYKENS: Thank you. Julia Heflin.

15 JULIA HEFLIN: No comment at this
16 time, it's pretty much been said.

17 MS. LYKENS: Thank you. Jim Heflin.
18 Kevin Williams.

19 KEVIN WILLIAMS: Yeah, my name is
20 Kevin Williams, the last name W-i-l-l-i-a-m-s. I
21 understand the reason for the scoping meeting tonight
22 is to bring all the notified stakeholders together and
23 voice their opinions of -- based on the notification
24 that was received. I'm one of the stakeholders that
25 hasn't been notified.

26

1 The pipeline has been staked off just
2 next to our house, and we're within 380 foot of where
3 the pipe is going to be, which concerns me quite a
4 bit, based on the -- the sizing or the -- Gas
5 Research Institute paper that was presented earlier
6 stating that the hazard zone is 1400 feet radius
7 around that concerns me quite a bit when I'm within
8 380 feet of it. Our neighbors have not been
9 notified. My son lives down the road, he's not been
10 notified, and it's going right behind his house. So
11 I agree with Mrs. Rust, I think there is some flaws
12 in the notification.

13 We've lived there since '75, 31 years
14 haven't been notified. First I heard about it was in
15 the newspaper in Shelby County, and then some other
16 of our neighbors have given us information. So I
17 think there is a flaw there in the type of research
18 that was done on the property owners through the
19 areas, and the safety is the other issue.

20 Concerning the surveyors they did come
21 to our home, I was at work. My wife was home by
22 herself and they asked permission to come on the
23 property and she says, no, and he said, well, you
24 can't stop us, we can come on whenever we want to,
25 and give her the impression that this was already a
26

1 dune deal; that they were gonna go ahead and do the
2 survey. So I -- You know, the intimidation that
3 other people have noted is a concern to me. That,
4 plus the research that they have -- that has been
5 presented, plus looking at the past safety history of
6 the companies involved really bothers me, 'cause
7 there's quite a few citations that's been brought
8 against these companies from a safety aspect. And
9 with my family living close, my grand kids living
10 within 3 to 400 feet of this pipeline is a great
11 concern of mine.

12 Also, I agree with the one gentleman
13 that was taking about this is only being done for
14 profit by private organization. The eminent domain
15 really concerns me that FERC can do that for private
16 concern when they're only in the business of making
17 money. So these are the concerns that I have from
18 the social economic impact that -- I don't see a big
19 benefit for us other than our land prices being
20 reduced.

21 One of my other sons could build a
22 house down the road from us like my one son did, but
23 with this going through them I've lost the right to
24 build on my property for my family which really
25 concerns me. The safety and then the past practices
26

1 of the company that is involved bothers me. So these
2 are the points that I'd like to make known at this
3 time.

4 MS. LYKENS: Thank you. William
5 Smith.

6 WILLIAM SMITH: I would ask leave to
7 present from the podium if I may up here.

8 My name is William O. Smith, Bill Smith, I'm an
9 attorney in Greensburg, I've been practicing law for about
10 33 years, a combination of about 27 years in private
11 practice and also other practice I've served as a
12 prosecuting attorney here in Decatur County for the past 20
13 years.

14 I appreciate the opportunity to be at
15 a very early stage in this planning, because the
16 issue that I want to present is route location.

17 I'm speaking on behalf of Decatur
18 County, I'm speaking on behalf of Indiana, and I
19 would suggest that I'm speaking on behalf of all of
20 us.

21 In 1998 Congress enacted the Networks to
22 Freedom Act. That act was designed to record the history
23 of the fugitive slave underground throughout the United
24 States and the routes that were taken. So I respect that
25 the government, the United States Government says what's
26

1 here is important, but I would also ask that Congress is
2 consider that Congress has considered what I'm arguing to
3 be important, also.

4 I represent an organization and we are
5 composed of four different organizations in Decatur
6 County. We have been working for the past two years
7 to report and locate the fugitive slave underground
8 as it affected Decatur County.

9 Now, I'm a little bit annoyed by what
10 I heard because the one speaker suggested that these
11 routes don't change. I'm gonna take the other
12 approach. I'm in government, I have a lot of
13 confidence in government, and I think government can
14 do the right thing. Maybe the right thing is moving
15 the line up along the Rush Decatur County line. Nice
16 good straight line for which the easements and roads
17 would make access to this type of pipeline readily
18 available, rather than going where it wants.

19 But if the speaker is true, there are
20 minor variations, then I am seeking relief under one
21 of those minor variations. If I may, the fugitive --
22 Decatur County, which people don't recognize, was
23 only 50 miles from slavery across the Ohio River in
24 Kentucky, and as a result this particular location,
25 many fugitive slaves came through Decatur County in
26

1 their route for freedom into Canada. And as I
2 illustrate here in this particular map of Decatur County
3 they came up from Madison, along the old Michigan Road,
4 across Decatur County, up into a corner of Decatur County,
5 this northeastern corner of Decatur County, and that's the
6 area that I'm concerned about, and I want to address and
7 ask the governmental agency to avoid this particular area.

8 The area of concern on behalf of
9 Decatur County is in range 11 east, Township 11
10 north, section 4, 5, 6, 7 and 9, which I've kind of
11 marked on this map, but it really also ought to avoid
12 range east, range 11 east township 12 north, sections
13 31, 32 and 33.

14 The Fugitive Slave Underground in
15 Decatur County was composed of two groups. There was
16 a group of white abolitionist in a little town called
17 Kingston, which is there on your map. They came from
18 Kentucky, they left Kentucky because they did not
19 like slavery, and they were partnered with a rural
20 black settlement. This rural black settlement was
21 located north east of Clarksburg, and that is the
22 area that I am concerned about, as a matter of
23 history.

24 In 1823 a black man by the name of
25 Joseph Snelling was a free black, and he came to
26

1 Decatur County and bought 56 acres at \$1.25 an acre
2 from the United States Government, and was one of the
3 first settlers here in Decatur County.

4 In time what he began became a
5 settlement of 273 blacks in 1850. Now how do we know
6 this, well it's very simple, we go to the United
7 States Census Records of 1830, 1840 and 1850 and they
8 tell you the race of the persons living in Decatur
9 County, and they also indicate were they landowners.
10 Then you go to the public records and find, yes, the
11 man listed as a black man on the U.S. Census was in
12 fact a real estate owner in Decatur County.

13 As I said this particular area of
14 concern, and these are the six sections particularly
15 that I list, contain over 170 black residents, there
16 were eight different landowners, among those they
17 owned at least 418 acres, and the most remarkable
18 about this, which is marked on your map, a lady by
19 the name of Jane Speed in 1850 owned 80 acres. Now I
20 hope you'll appreciate how significant this is.
21 First of all, it's rather remarkable for any woman in
22 1850 to own 80 acres of land. It is tantamount to
23 incredible that a black woman would own 80 acres of
24 land. Also, located within this rural settlement was
25 an AME Church, that stands for African Methodist

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1 Episcopal Church, and also a black cemetery that
2 contain 27 graves.

3 In Decatur County it was not the
4 practice to hide escapee slaves among the white
5 abolitionists. The practice in Decatur County was as
6 soon as possible to get a fugitive slave into this
7 black community, that's within the sections that I'm
8 describing. The idea was to hide the fugitive slave
9 in plain view among the local free blacks so that
10 they were not recognized.

11 Now then the resident blacks of this
12 area would take a fugitive slave from this area into
13 Union County and along their way to freedom.

14 Now I want to talk about one
15 particular incident, because it is illustrated by the map
16 that is in front of you. This was an escape in 1847 and
17 was reported by William Hamilton who participated in the
18 event. Here line a fugitive slave and she had four
19 children, ages 2 to 12. She escaped from her slave owner
20 in Trimbull County, Kentucky across from Madison Indiana.
21 They brought her to Decatur County, and I won't go into all the
22 details, but the long and short of it was she was
23 hidden on the Jane Speed farm, which is shown on your map,
24 up in the upper right-hand corner. Well right next to her,
25 also marked, was a man by the name of Woodson Clark. He
26

1 went to -- saw some unusual activity, went over and found
2 Caroline and her four children and said, I'm the person
3 that's going to take you on your next site, come with me.
4 Well he proceeded to take her and lock her in a fire house
5 and his sons, which is also marked on the map, for the
6 purpose of returning her, because her owner was offering
7 \$100.00 for each one of the five persons. Caroline escaped on
8 her own, although there's a lot of history I'll skip for the
9 moment, and she was found wandering in this area by the members
10 of the free black community. It was a plan
11 organized under which the black community, the two oldest
12 children would pose as children of a free black community
13 members, and they went though town in daylight, all
14 that sort of thing. Caroline posed as a man, walked
15 with six other men and went over to a place called
16 Spring Hill, and late that night a carriage along
17 with six outriders took she and her two youngest
18 children to the William Beard place in Union County.
19 And now you're about ready to say, so what.

20 Well it became nationally significant
21 because one of the participants in it was Luther
22 Donnell, whose property is also marked on this
23 particular map. Luther Donnell was one of the few
24 people in the State of Indiana ever prosecuted for
25 harboring a fugitive slave, and unfortunately a jury

26

1 in Decatur County convicted him. His case was
2 appealed to the Indiana Supreme Court and became a
3 nationally significant decision. This particular case was
4 published all out through the eastern United States in such
5 abolitionist's newspapers as the Emancipator and thereon.

6 The point, in fact the significance of
7 this is the National Park Service has just now within
8 the last two months granted to the Decatur County
9 Courthouse as a national freedom trail historical
10 site. The Indiana Historical Bureau has given the
11 local courthouse the same designation.

12 We are now in the process of marking
13 that route which would include the Kingston location
14 and various areas along this particular black
15 community.

16 It is significant because we would
17 like the chance to at least do some archeological
18 study to look to see if we can find some of the
19 foundations of the cabins. We would like to find the
20 foundation of the African Methodist Episcopal Church,
21 and also document the black cemetery.

22 One lady said and she was very
23 correct, this area, some of this area is pristine
24 insofar it's in about the same condition that it was
25 in 1823. There are beach trees, trees that would not
26

1 have been harvested for lumbar, but beach trees that
2 are well over 200 years old. So much of these
3 ravines and valleys have never been farmed. They're
4 yellow clay land and actually in their original, in
5 their original state.

6 So I appreciate if you do grant, I
7 would argue a major variation but a minor variation,
8 I hope that you do not let the pipeline go through
9 this particular area. And I thank you for your time.
10 I'm going to leave as apart of the record a book
11 that's just been published, a brief history of
12 Fugitive Slave Underground in Decatur County. You're
13 getting the very first copy. It hasn't even been
14 distributed in Decatur County yet, so treasure it, I
15 hope. Thank you very much. If you have any
16 questions of me and what I'm trying to explain I'll
17 gladly try to answer 'em.

18 MS. LYKENS: Thank you.

19 WILLIAM SMITH: And I thank those who
20 gave up a couple minutes so I could go over a minute
21 or two.

22 MS. LYKENS: Herbert Profitt.

23 HERBERT PROFITT: My name is Herbert
24 Profitt, P-r-o-f-i-t-t. I appreciate the counselor's
25 presentation as an educator, familiarizing me with
26

1 all the acts of the fugitive slave. Felt like I was
2 back in school again.

3 I'm concerned about a number of
4 things. I'm from Franklin County. We have large
5 land holding in Franklin County that encompasses some
6 of the most pristine areas I think in the state, and
7 I notice that in the recent note which you sent me on
8 page 5 under land requirements for construction, it
9 says it's estimated that the construction of this
10 project facilities would disturb about 5100 acres of
11 land. Following construction about 4000 acres of
12 that total would be retained for the operation of the
13 pipeline and other above-ground facilities. That
14 means that's over 80 percent of that land that
15 they're proposing to take they're going to keep.
16 That's a lot of land grabbing, I think that a lot of
17 us have expressed some serious reservation about.

18 It also notes on that same page that
19 Rockies Express proposes to use 125 foot width
20 construction right of way, and then after they're
21 finished they want a 50 foot wide permanent right of
22 way.

23 I have had a number of conversations
24 with Rockies personnel. In my corporate career
25 before I became an educator, among many things that I
26

1 used to teach was human relations. I wish I had time
2 to teach them the basic elements of just plain old
3 fashioned courtesy. They're the most cavalier,
4 sometimes abusive, disrespectful people that I think
5 I've ever dealt with. Matter of fact a few times
6 when I've talked with them, I said, you know, I don't
7 know who you're used to talking with, but it's not
8 gonna work today with me, Buddy. Either you and I
9 are gonna talk and have a mutual respect for each
10 other or we're not gonna talk at all.

11 So in one of these actual several
12 conversations I said to them, I understand you are
13 proposing to lay this line very close to a beautiful
14 home that I own. And they said, well, yeah, you
15 know, maybe. And I said, you know, what's the
16 explosive zone of this pipeline, you know, I -- In
17 all due respect to the gentleman who talked about
18 pipeline safety, I know we can talk about that, but
19 we also know for instance just recently the Alaskan
20 Pipeline, you know, BP admitted in 16 years they
21 hadn't examined that pipeline. And in the pipeline
22 safety people that's responsible for inspecting it,
23 they admitted they hadn't inspected it either.

24 So I think we get a little concerned
25 when we hear a lot about pipeline safety. But here's
26

1 my problem, my concern right now.

2 Recently in a very recent conversation
3 with Rockies Express they had me on some kind of
4 aerial map and they said, well, let's just take a
5 look at this. And all of a sudden it comes out that
6 the proposed pipeline is within about 15 to 20 feet
7 of my front door of my lovely home. And he said,
8 what dummy did this? I said, Mr., you tell me. And
9 he said, Oh, I'm really concerned about this. I
10 said, boy, you and me both. And he said, well, we
11 need to talk, and I said -- At the time my son had a
12 lingering illness, he's since passed away, but I
13 said, I can't talk to you right now, I have to talk
14 about some other things, but I said give me a call,
15 three to five business days ahead of time, make an
16 appointment, we'll talk. So I'm going to see where
17 that kind of conversation leads me, because looking
18 at your note here, if they want 125 foot wide
19 construction right of way, that's certainly gonna
20 encompass my total house. And then if they want a 50
21 foot wide permanent right of way, that's also going
22 to take in my whole house. So my question to the
23 people I've talked to, what are you going to do about
24 my home. Well, I, I, I, I don't know, we can
25 probably tweak it a little bit, well, you can't tweak
26

1 it far enough for me, Mr., because from what I'm
2 hearing the explosive zones it's got to be really far
3 away from me. And we haven't resolved any of those
4 kinds of issues. And I guess I'm trying to think to
5 myself that why do these people act like it's a done
6 deal; like you have no choice in the matter, this is
7 the way it's going to be.

8 I've also, by the way, have talked to
9 insurance people, they have told me that if a
10 pipeline is laid relatively close to a residence,
11 they may not even insure it, it's too high risk.
12 'Course we're all concerned about the devalue of our
13 property, because, for example, let's suppose Rockies
14 Express is going to say, all right, your home is
15 worth this much, now if we lay that pipeline it's
16 going to be worth a lot less, we'll pay you the
17 devaluated value of your home. What good is that
18 gonna do me. I've got a home that's -- that's not
19 worth anything to anybody.

20 So consequently I obviously stand with
21 a lot of my fellow Indiana Hoosier landowners here that I,
22 I just can't tolerate this thing being that close. And
23 every time I bring this question up nobody talks to me. I
24 keep saying what if the explosive -- what if they're a leak
25 that occurs here, how much of a square mile area would this
26

1 thing encompass, because it's under some -- I don't know, I
2 keep hearing different figures, how much PSI it's under, I
3 keep hearing different figures, how deep it's going to be,
4 and nobody just kind of gives us any affirmed answers. And I'm
5 sure presumably that Rockies knows that.

6 So I guess my big question would be
7 then is, we're dealing with an explosive zone, how
8 close can it reasonably be put to a residence? In
9 this particular instance I obviously cannot tolerate
10 it within 15 to 20 feet of my door. So I hope maybe
11 that Rockies will go along with that. And I
12 certainly thank you for the opportunity to address
13 this group, and I hope maybe Rockies gets the hint.
14 Talk to your personnel, make them a little nicer on
15 how to deal with people. Thank's so much.

16 MS. LYKENS: Thank you. Carolyn
17 Morgan.

18 CAROLYN MORGAN: I'm Carolyn Morgan,
19 and I live on State Road 229, north of Peppertown in
20 Franklin County. REX Pipeline came on our property
21 on September the 2nd at approximately 12:00 noon,
22 trampled through our soy beans like it was just
23 weeds. Put survey stakes in the ground with REX
24 written on them, and not once were they ever given
25 permission. Just by chance we were sitting out on
26

1 the patio with our grandchildren and we saw two men
2 carrying equipment coming out of our soy bean field.
3 When asked who they were, as I followed them down our
4 500 foot driveway, they totally ignored me. And
5 finally when I raised my voice and I asked, are you
6 with REX Pipeline, they acknowledged me and answered,
7 yes. At the end of the lane was another man standing
8 by his truck. I asked, who gave you permission to
9 come on our land? He said, we have permission and that's
10 that. I told him I wanted to see it in writing. He leafed
11 through a binder that he got out of his truck. He showed
12 me a document and said, "Here's our permission." As I read
13 it I saw that it pertained to Merrill Hunter's property
14 just west of us, whom I knew did not want REX Pipeline on
15 her property. The space for her signature was not signed.
16 I told him that was not even our farm. He put the binder
17 back in his truck, and it was every evident that he did not
18 want me to go any further with this. I told him I was
19 going to call the sheriff. He got the binder once again
20 out of the truck. I myself then leafed through the pages
21 and found the document with our name on it. As I began to
22 read the statements that stood out to me were we had no
23 crops on our farm. Well we have 46 acres of soy beans, and
24 we gave them permission by phone to come on the land, and
25 they were to give us 24 hours notice, and they were to come
26

1 by foot only, no vehicles, and there was no signature. We
2 did not sign the paper. We knew nothing about them coming
3 on our land. This was the first time we had seen this
4 document. I refused to give it back to him and asked
5 him to get off of our property. This entire incident
6 last approximately 30 minutes. During this time I
7 was able to get his name, John Taylor, from Texas.
8 And the person who told him he had permission, Jim
9 Archibald.

10 I cannot express enough to any of you
11 how I was made to feel that day. Not only were they
12 disrespectful, but they made me feel like I was in
13 the wrong and who was I to question then. Not once
14 -- not one time.

15 I think it's a sad day in American
16 when a private for profit company called REX Pipeline
17 can trespass on an individual's property who with no
18 respect for that landowner, let alone respect for the
19 fear of the law that they are breaking.

20 And you know I can understand, my
21 husband and I have 80 acres on 229, 7124 State Road
22 229. The REX Pipeline show is going right through
23 the middle of our 80 acres. I understand, I
24 appreciate this gentleman back here who said he's
25 worked so hard. We moved from Texas 13 years ago,

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1 we've worked very hard to pay for our farm. And I've
2 never -- I cannot believe the disrespect when these
3 two young men came out of the soy bean field and
4 would not even acknowledge me.

5 We also have a foundation built to put a new
6 home on. As we've lived in a mobile home for 13 years to
7 pay for our farm. My grandchildren ride, ride over that
8 where they're taking their 50 foot easement. My two
9 grandchildren ride their bikes over that everyday.

10 We have now a foundation and the REX
11 Pipeline show is coming within 80 to a 100 feet of
12 our house, and I just think it's really, really so
13 disrespectful and they are so discourteous. It's
14 very evident that they really don't care, and I want
15 to thank you for your time.

16 MS. LYKENS: Thank you. Cleo Dunken.

17 CLEO DUNKEN: My name is Cleo Dunken,
18 I'm state representative for District 57, which
19 includes most all of Rush, all of Decatur, most of
20 Ripley, and a little part of Franklin Counties.

21 Approximately a month ago I called the
22 Indiana Utility Regulatory Commission to find out
23 what they knew about the REX Pipeline. Nobody had
24 told them anything. Our Utility Regulatory
25 Commission had not known a thing about it until I
26

1 called to inquire. I wonder if that is professional
2 courtesy, I don't know.

3 I would suggest that alternative
4 routes need to be explored, especially along
5 abandoned rail lines, which reach from Illinois to
6 Ohio.

7 Our Governor has a shape-up Indiana
8 initiative going on, a way to create walking and/or
9 bike paths. This certainly would help Indiana if the
10 REX Pipeline would use those abandoned rail lines so
11 that we could cover them over for a bike walkways.
12 This would help our state, as well as possibly avoid
13 some of the conflicts that are going on right now.

14 At the first meeting most of the
15 property owners didn't realize what REX Pipeline was
16 or what was going on. So as far as having meaningful
17 questions to ask, I don't think they had the chance
18 to really be prepared.

19 We have safety concerns for a 42 inch
20 pipeline. Again, what kind of studies have been done
21 to determine its safety.

22 Finally, Indiana passed the eminent
23 domain law this last session. It went into effect
24 July 1st. I believe that our state does want to
25 protect the rights of the landowners, especially when
26

1 it's a for profit private enterprise is going through
2 our state, but I would encourage you to maybe take a
3 look at this. I have contact numbers for our
4 Department of Transportation that might offer a
5 solution that might be more acceptable to everyone.
6 Thank you.

7 MS. LYKENS: Thank you. Monica Yane.

8 MONICA YANE: My name is Monica Yane,
9 Y-a-n-e. I want to focus on the affects of the
10 pipeline construction in my county, which is Franklin
11 County, Indiana. The proposed pipeline route or
12 routes go through some of the steepest, roughest
13 terrain in the area.

14 On soil surveys our area is listed as having
15 a lot of benile soil, described as being suitable for trees
16 an erosion. Benile soil is not recommended for building
17 sites because of the shrink swell potential. It has severe
18 limitations, it -- local roads because it's slow,
19 shrinking, and swelling and low strength. As an example,
20 US-52 which runs through the county above the White Water
21 River has frequently had to be renovated, because the
22 soil under the road splits. The last reconstruction
23 was a multi-million dollar project completed just
24 last year.

25 Rockies Express is surveying now, but I
26

1 think they should also be taking soil samples and studying
2 the geology of the region. The steep slopes in the area
3 that will be kept clear of timber of the pipeline right of
4 way will tend to slip, possibly damaging the pipeline, and
5 Kinder Morgan has a poor record of maintaining the
6 structural integrity of their pipelines.

7 I have an alternate route to suggest,
8 one that would follow already established rights of
9 way and avoid creating what FERC calls "new disturbance
10 corridors." This route would follow Panhandle Eastern's
11 natural gas pipeline from Vermilion and Park Counties on
12 the western side of Indiana, north above -- Go north above
13 Indianapolis to Delaware County, and then follow Texas
14 Eastern's pipeline right of way north of Richmond Indiana
15 and down through Ohio to the Lebanon hub. This route
16 covers flat and rolling land rather than rough erosive
17 terrain like Franklin County's. So it would be much less
18 of a negative impact on the environment.
19 The route comes into Indiana where REX wants to come in and
20 ends up in Ohio where REX wants to end up. It wouldn't
21 involve the extensive use of eminent domain. And I know
22 many local property owners who say they plan to refuse to
23 negotiate with REX enforce the use of eminent domain.

24 I've read on the FERC website that
25 FERC prefers that new pipelines follow already
26

1 established rights of way. So I hope you'll insist
2 that REX do so in Indiana.

3 MS. LYKENS: Thank you.

4 MARK SELIG: My name is Mark Selig.
5 I'm here on behalf of Indiana Farm Bureau and its
6 thousands of potentially affected members.

7 Indiana Farm Bureau is concerned with
8 insuring property rights against trespass and with
9 maintaining the integrity of Indiana's agricultural
10 lands. We therefore want to insure that Rockies Express
11 uses appropriate construction and mitigation procedures
12 when constructing the pipeline on agricultural lands. For
13 example, Indiana Farm Bureau wants to guarantee that, one,
14 the pipeline is buried to a proper depth considering
15 drainage issues and future erosion. Two, all topsoil is
16 segregated and replaced after the pipeline is buried.
17 Three, all damaged drainage tiles are repaired and new tile
18 lines are constructed when necessary. Four, all excavated
19 rock is removed from the construction site. Five, all
20 construction debris is removed from the site. Six, the
21 contractors use proper cautions to prevent soil compaction
22 and running. Seven, the chemical properties of the soil
23 are to be fully mitigated using fertilization and/or
24 lining. Eight, all soil is leveled after the pipeline is
25 buried. And, nine, that there is the implementation of
26

1 proper soil erosion prevention practices and repair of
2 damage to any existing soil conservation practices.

3 The livelihood of Indiana farmers
4 depends upon on the integrity and productivity of
5 Indiana's agricultural lands. It is therefore vital
6 that all these concerns receive adequate attention in
7 FERC's environmental impact statement. So it's to
8 bind REX to these standards.

9 Indiana Farm Bureau is currently
10 working with governmental and university engineers to
11 develop a detailed list of mitigation requests. We
12 will submit these requests to FERC before the end of
13 the scoping period. Thank you.

14 MS. LYKENS: Thank you. That is the
15 last speaker that I have signed to speak. And is
16 there anybody else who would like, and if so come to
17 the microphone, identify yourself, please for the
18 court reporter.

19 DAN GRAGTS: Dan Gragts, G-r-a-g-t-s. And I
20 just wanted to add a little bit to what Mr. Smith said
21 earlier concerning the underground railroad and the
22 historical significance of that area.

23 We own piece of property in Franklin
24 County, right up to Water Decatur, and having
25 recently seen map layout and the display at the local
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1 historical society museum showing the routes of the
2 underground railroad -- in that area, brought to mind
3 that on our property we have an old grave yard. On
4 this grave yard we have two standing head stones.
5 One of 'em is an Elizabeth Thurston, she was a
6 daughter of -- and Mary J., died March 14, 1847. The
7 second stone reads S.M. Yates, Company K, Indiana
8 First Heavy Artillery. So obviously this was an --
9 And I recently uncovered three additional stones,
10 they were symmetrical and standing in the ground, but
11 unmarked, and I know that during that period of time any of
12 the slaves that were brought up the underground road died.
13 They were normally entered and their graves were marked
14 very simple meaning like a wooden cross or a stone. Now
15 there's no way to substantiate this at all, but I still
16 think it's significant and how it ties into Mr. Smith's
17 program, that there is something there that does concern
18 former underground railroad. Thank you.

19 MERRILL STILLABOWER: I'm Merrill
20 Stillabower, that's S-t-i-l-l-a-b-o-w-e-r. I just
21 have a question that I need to know. The 125 foot
22 easement for construction, will it be available for
23 me to transport my farm machinery down to get to
24 accessibility that the pipeline will cut off from the
25 fields that I own? In other words, as the pipeline
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1 goes through I cannot get to about 30 acres. So can
2 I go down the easement to get accessibility to what's
3 been cut off?

4 MS. LYKENS: I'm sorry, I'm sure the
5 company can address that for you, either --

6 ROCKIES EXPRESS: We'll be glad to
7 afterwards.

8 MS. LYKENS: Okay. Thank you. Would
9 anybody else like to speak? Yes, sir.

10 GARY WESTVEER: Gary Westveer,
11 W-e-s-t-v-e-e-r. I also am totally against the pipeline.
12 I have numerous neighbors, also, that did not get any
13 notification or permission to do any surveys. I purchased
14 my land, I'm on 25 acres. My house is on a 10 acres lot
15 and I bought an additional 15 acres lot behind my house.
16 Future plans for that was for my son to build a home. I
17 spent six years in the Marine Corps defending this country,
18 and I sure hope that the government can do something to
19 stop private industry from making a profit off of my
20 property.

21 Where this is stated to go through my
22 property is right through the whole length of the
23 middle of it. On the back side of it is a creek, so
24 that will render my whole 15 acres useless. It will
25 not be able to be built on because of the length of
26

1 it and the pipeline going through it. It will wipe
2 out a whole cedar grove, grove of cedars, and --

3 I read in a statement that I got in
4 the mail from REX that said we will compensate you
5 half of what your property is worth. What we use of
6 your property. Well I don't think that's justice,
7 because they will basically ruin my whole 15 acres
8 and give me half of what they actually use. So
9 that's about all I got to say.

10 MS. LYKENS: Thank you.

11 SALLY FIESBECK: My name is Sally
12 Fiesbeck, F-i-e-s-b-e-c-k. My husband and I farm in
13 Johnson, Shelby and Bartholomew County. I'd like to
14 read a section from the Daily Journal, Johnson County
15 paper. It says that the company will pay 50 percent
16 of the land's appraised value. The group will also
17 pay 10 percent of the value with all the land needed
18 for construction or 125 feet of land. It also goes
19 on to say the company requires the land that
20 surrounds the pipeline 50 feet of property to be
21 undeveloped and not farmed. If this is true they're paying
22 us small pittance, but we will lose that revenue forever
23 off of that ground.

24 I also would like to know if that's
25 true. Who's going to maintain that right of way on

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1 that agricultural property. There will be mowing,
2 weed control, all those things that we take care of
3 now. And we will also be paying taxes on that
4 property and insurance to protect that property, even
5 though we have no use or no ability to decide the use
6 of that property. And so those are my concerns if
7 the paper article is true. Thank you.

8 MS. LYKENS: Thank you. Is there
9 anybody else who would like to speak?

10 NANCY CAMPBELL: Thank you. My name is
11 Nancy Campbell, C-a-m-p-b-e-l-l. We received eight
12 notifications that every -- Well, I shouldn't say everyone,
13 but quite a few didn't receive any. We had -- REX
14 Pipeline, they called, asked permission. My mother-in-law
15 who owns the property is 85, she said, no. Evidently the
16 gentleman gave her a hard time, so she passed the phone
17 onto me, and I told them, no, we don't want you on the
18 property. A week later they came to the door and the
19 gentleman, you know, asked could he survey the property,
20 and again we said, no. He said, well how about the church,
21 because the church is attached to the property. My
22 mother-in-law is the pastor. The church is on 5 acres.
23 Now if you put something of that magnitude you're gonna
24 tear the church down in order to put it through and to keep
25 the allotted land free, and again I said, no. He said,
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1 well, how about if we go under where the utility lines are,
2 the electric, and -- I mean I'm not highly intelligent on
3 that type of thing, but I have enough brains to know you
4 can't put a gas line under an electric line.

5 MS. LYKENS: Thank you. Is there
6 anybody else?

7 JANET SCHOENTRUP: My name is Janet
8 Schoentrup, S-c-h-o-e-n-t-r-u-p, and I'm from Shelby
9 County. I did not know the pipeline was going
10 through my property until I received your notice to
11 come to this meeting. I don't know when my land was
12 surveyed, I don't know where it's going to go, I
13 don't know nothing about it to ask any intelligent
14 questions. And I'm very upset about this.

15 I was widowed two years ago and it is
16 very disturbing. Thank you.

17 MS. LYKENS: Thank you. Is there
18 anybody else who would like to speak at this time?
19 All right. I'm gonna go ahead and conclude our
20 meeting. Thank you for coming out tonight. Let the
21 record show this meeting concluded at 8:55. Thank
22 you.

23 - - -

24 (At 8:55, the hearing was adjourned.)

25 - - -

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1 CERTIFICATE

2 I, Terence M. Holmes, a duly qualified
3 and commissioned Notary Public within and for the
4 State of Ohio, do hereby certify that at the time and
5 place stated herein, and in the presence of the
6 persons named, I recorded in stenotypy and tape
7 recorded the proceedings, and that the foregoing ____
8 pages constitute a true, correct and complete
9 transcript of the said proceedings.

10 IN WITNESS WHEREOF, I have hereunto set my
11 hand at Cincinnati, Ohio, this 18th day of September, 2006.

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

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