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Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

PUCO

RE: Docket No. CP07-208-000
Rockies Express Pipeline LLC, REX-East Project

Dear Secretary Bose:

I had hoped to write much sooner with comments on how the proposed pipeline would affect my property, but I fear that with so many possibilities, the effects on my land will not be known until a certificate is granted, if it is granted. I will explain my confusion and offer comments on the various proposed routes. The attached image illustrates my property boundaries and the proposed routes.

When I was first made aware of this proposed pipeline on September 27, the route that I was shown and told about was the route shown in green on the attached image, the same route that was considered and discussed in the draft EIS. Since the boundaries of my property are also shown, though not exact, the amount of my land being crossed can be seen. It is clear that this route would require the removal of a great deal of trees. Based on my measurements and calculations, taking out the trees in the two ravines the pipeline was proposed to go through would require cutting down trees covering more than 3 acres of land. The line would also pass through two waterways and pass near a small waterfall in the ravine at the south of the property.

I expressed these concerns, as well as indicating that the pipeline was shown going through the one spot on which my wife and I could build our new house. The spot is flat and is near an existing farm road into the field. As this is the only flat spot in the field and is near an existing access road, the spot is a natural location for building. From the first time that my wife and I looked at this property on July 6 of this year, we had planned on building a house on that spot. The approximate location where we plan to build is shown as a yellow rectangle on the attached image. While this location is approximate, I have staked the proposed house boundaries and marked them with a GPS unit. The proposed path shown would go right through the spot where we were going to build. When I told the Rockies representatives about our desire to build in that spot and asked them to move the pipeline east (still in our field), I was told, "I can't make the pipeline any longer." I also asked about moving the pipeline so that it would follow a path similar to the FERC-recommended Shaffer/Steele Route Variation. At that time, none of the 5 Rockies representatives in the room mentioned any problems with this route, except to say that "moving it off you just means we're gonna make someone else unhappy."

The next week, I met with Lloyd Harrison, one of the REX right-of-way supervisors, to discuss my issues with the pipeline path and to show him some pictures of my property. Perhaps the most important thing that came out of that meeting was Mr. Harrison's response to my question about whether there was any chance that the pipeline would not go through my property. He said, "**The pipeline is going through your property; it's just a matter of deciding where.** We did not pick this route. We wanted to go under the Barnesville Reservoir, but the people got all upset and FERC asked us to go along this route. The people from FERC went down there and looked at the land and picked the route. We don't decide where to go; FERC tells us where to go."

About two weeks later, I walked my property with Daryl Nelson, a new construction manager on the project, and Chuck Marshall, the right-of-way agent for my area. Initially, the only offer to me for moving

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the pipeline was to pivot it slightly to fit it between the west edge of my house/garage and the wooded area. At this point, I asked what if I were to move the house 30 feet to the west, could the pipeline still be run in this area? Mr. Marshall's response was, "You could, but I don't see a house here now." This statement echoed comments from the day before from Steve Jones, REX East Project Manager. Mr. Jones said, "Just because you say you plan to build a house there doesn't mean you are going to. If you had something that showed me you were going to build, that would be different."

The problem with the attitude of these two men about my "plans" to build is that they have failed to consider that, as of the time of their statements, I had owned the property for less than two months. Did they really expect me to begin construction the day that I purchased the property? My wife and I had been looking for a sizable piece of land on which we could build the home in which we would live the rest of our lives. We found that in this property and, provided that the pipeline does not prevent it, will begin building our house on this land next year. I just don't think that it is fair for the pipeline company to have first choice of where to build on our property, just because we are not quite ready to begin construction. But both men consider it a race. In response to Mr. Marshall's comment that he did not see a house in the spot, I said, "And I don't see a pipeline here either. And I can start building here tomorrow if I need to." He said, "You do what you need to do."

After this, upon my insistence, Mr. Nelson did agree to look at the eastern part of my property to see if it was possible to move the pipeline path. After looking, he agreed that it was but said that he would have to look at things on the computer back in the office and would have Mr. Marshall get back to me.

Mr. Marshall did inform me that going through the east part of the property looked like it would be possible. So I met with him and Jeff Andrews, another construction manager, to walk my property again on November 16. Mr. Andrews was very flexible in choosing the line, taking into consideration where I wanted to build, a lone tree in the middle of the field that I did not want to be harmed, and the topography. The line shown in blue on the attached image is the line that was staked by the REX surveyors that day; I produced the line shown by using a GPS receiver to track the path as I walked along the stakes (except for the part south of my property, for which I just connected two known points). I was told that this was now Rockies' preferred route, but my understanding is that this modification has not been filed with the Commission. This is one of the reasons that I am unclear on where this pipeline will end up, if it is approved. When will Rockies make it official that this is the route that they want the Commission to consider?

While the path represented by the blue line is preferable to the path represented by the green line, I would, of course, prefer not to have the pipeline on my property at all. So, I was very optimistic when I read relevant parts of the draft EIS. In particular, I noted that if Rockies were to follow the FERC-recommended Shaffer/Steele Route Variation (roughly sketched in light blue on the attached image), not only would Mrs. Shaffer's land be avoided, but mine would be as well. I sent an email to Mr. Marshall, Mr. Jones, and Mr. Harrison to ask if they intended to follow the recommendation or not. I got no response, so I called Mr. Marshall. He said, "Well, FERC issues our certificate. We can disagree with their recommendations, but we pretty much have to do what they say." I said, "I just want to know when I can relax," referring to knowing for sure that the pipeline was not going through my property. He responded, "You can relax. But we have a meeting on Wednesday. I'll let you know what I find out." On Friday (November 30), his story was slightly different. He said, "Daryl went out there to look at the route FERC recommended. Then there'll be a more detailed look next week."

On Monday (12/3), Steve Jones had an entirely different story with regard to the route variation. When I asked him when a decision would be made and be made public about following the variation, he said that Rockies was not going to follow the FERC recommendation because it is impossible to construct the pipeline where FERC has recommended, due to the presence of an embankment and a creek. Instead, they

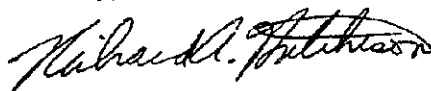
are still planning to follow the path that we marked on November 16 (blue line). He said that the route variation was evaluated at the time the reroute around the Barnesville Reservoir was done and was decided against back then. However, when I asked about this very route on September 27, none of the Rockies representatives said it was impossible. I can't believe that FERC would recommend a route variation that was impossible and fear that Rockies just does not want to do the work necessary in moving the line (talking to new landowners, performing new surveys, etc.) I do hope that convenience for Rockies will not win out over effects on landowners.

I thank you for taking the time to read my detailed account about how we have gotten to this point. I will also summarize my opinions on the various route possibilities that I have discussed or know about.

- 1) I understand why some people do, but I do not oppose boring under the Barnesville Reservoir. If it is possible to bore under large rivers, I don't see why it could not or should not be done here.
- 2) If the pipeline can't go under the reservoir, why can't it go over the reservoir? My comments filed with the Commission on 11/6 and those of other individuals on this matter did not make it in time for the draft EIS. I hope that this possibility will be evaluated and discussed in the final EIS. Whether under the reservoir or over it, I would like to see the existing power line right of way used for this gas pipeline.
- 3) I am strongly opposed to the path of the pipeline going through the spot where I plan to build my house. Even if it is possible to build the two near each other, taking out 3 acres of tress will ruin my privacy and provide direct line of sight into my property from Route 800. This will also ruin the wonderful view from my house location.
- 4) I am fine with the route surveyed by Rockies on November 16, if the pipeline must go through my property. However, this route does require the pipeline to pass through the Shaffer property for a greater distance and requires the pipeline to run nearly straight down Mrs. Shaffer's hill, instead of going across it. It seems that this would be more likely to lead to landslides on Mrs. Shaffer's already landslide-prone property.
- 5) I am fully in support of the FERC-recommended Shaffer/Steele Route Variation. For the preservation of my land and the land of Mrs. Shaffer, I would like to see the pipeline take this route if it cannot go above or below the Barnesville Reservoir.

Thank you in advance for your consideration.

Sincerely,



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Yellow-proposed location for new house and garage

Light blue-rough sketch of FERC-recommended Shattler Creek
Route Variation



328 feet

Submission Contents

Comments on draft EIS and route alternatives

120407CommentsImage.pdf..... 1-4