

Appendix P

Comments on the Draft EIS and Responses

APPENDIX P
Comments on the Draft EIS and Responses
Index

Document Number

Commentor

PUBLIC MEETING

PM1 Public Meeting at Oconomowoc, Wisconsin

PM2 Public Meeting at Fond du Lac, Wisconsin

PM3 Public Meeting at Green Bay, Wisconsin

FEDERAL AGENCIES

FA1 U.S. Department of Interior

FA2 U.S. Senator, Russell D. Feingold

FA3 U.S. Environmental Protection Agency

STATE AGENCIES

SA1 Wisconsin Department of Environmental Protection

COMPANIES AND ORGANIZATIONS

CO1 Wisconsin Public Service Company

INDIVIDUALS

IND1 Charles and Mary Rhein

IND2 Colleen Maxey

IND3 Daniel and Mary Vanden Heuvel

IND4 Dean Theil

IND5 Dennis and Sally Wickensberg

IND6 Joanne and Floyd Van Camp

IND7	Mike Maass
IND8	Milton J. Krause
IND9	Oliver and Aeline Lerum
IND10	Peter J. Grosse
IND11	Raymond Samson
IND12	Neal A. Fruenfelder
IND13	Warren and Gloria Maass
IND14	William G. Penterman
IND15	Aletha M. Bauchmann
IND16	Raymond S. and Mary E. Wagner
IND17	Glen and Catherine Schaumberg
IND18	Town of Osborn Extra-Territorial Committee
IND19	Thomas L. Micke
IND20	DeKalb County
IND21	Robert, Debby, David and Karen Vande Voort
IND22	Mary and Daniel Vande Huevel
IND23	Warren and Gloria Maass

PROJECT APPLICANT

AP1	Guardian Pipeline, L.L.C.
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Guardian Expansion & Extension Project

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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

PM1

GUARDIAN EXPANSION EXTENSION PROJECT
PUBLIC COMMENT MEETING

TIME: 7:00 p.m.
DATE: May 15, 2007.
PLACE: Olympia Resort and Conference Center,
Oconomowoc, Wisconsin
REPORTED BY: Amy K. Wallow

APPEARANCES:

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MR. ROBERT KOPKA
SOIL CONSERVATIONIST
FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF ENERGY PROJECTS
888 First Street, NE PJ-11.1
Washington DC, 20426
MR. STEVEN M. UGORETZ
ENVIRONMENTAL ANALYST
ENERGY BUREAU OF INTEGRATED SCIENCE SERVICES
101 South Webster Street,
Madison, Wisconsin 53707-7921

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1 (Meeting commenced at 7:10 p.m.)
2 MR. KOPKA: Good evening everyone. This is a
3 public meeting to take comments. My name is Bob Kopka.
4 I work for the Federal Energy Regulatory Commission,
5 also referred to as FERC, or the Commission, which is
6 located in Washington, DC. I am the environmental
7 project manager for the Guardian Expansion and Extension
8 Project. I would like to get started. This is a
9 public meeting to take comments on the environmental
10 draft impact statement, or DEIS, issued and written by
11 the FERC as the lead federal agency for Guardian's
12 Proposed Project with input from other cooperating
13 agencies. The comments received tonight and any filed
14 written comments received will be addressed in the Final
15 EIS for the proposed project. Let the record reflect
16 that this public meeting began at 7:10 p.m. on Tuesday,
17 May 15th, 2007 at the Olympia Resort and Conference
18 Center in Oconomowoc, Wisconsin.

19 Also with me tonight is a representative from
20 our third party environmental contractor, Tetra Tech,
21 EC, or Tetra Tech, Jennifer Ghiloni who is at the sign
22 in table. From our cooperating agencies we have Steven
23 Ugoretz from the Wisconsin Department of Natural
24 Resources up front with me.

25 On October 13, 2006, Guardian Pipeline, LLC,

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1 filed an application under Section 7 of the Natural Gas
2 Act in Docket No. CP07-8 to construct natural gas
3 facilities, including two new compressor stations, one
4 in Dekalb County, Illinois, and one in Walworth County,
5 Wisconsin and 109.5 miles of new pipeline consisting on
6 83.6 miles of 30-inch diameter and 25.9 miles of 20-inch
7 diameter of pipeline in Wisconsin. Also Guardian would
8 modify its existing Ixonia Meter Station and would
9 construct seven new meter stations along the new
10 pipeline to deliver gas to WE Energies and the Wisconsin
11 Public Service Corporation. The project as originally
12 proposed is covered in more detail in the DEIS.

13 On April 25, 2007, Guardian filed an amendment
14 for a 23 -mile long reroute at the northern end of the
15 project in Brown and Outagamie Counties beginning at
16 milepost 95.3 which would bring the new pipeline total
17 length to 118.4 miles. Guardian also proposed to
18 relocated the Sycamore Compressor Station in DeKalb
19 County, Illinois and relocate the Rubicon and Sheboygan
20 Meter Stations in Dodge and Fond du Lac Counties,
21 respectively.

22 The Federal Energy Regulatory Commission will
23 decide if authorization of the Guardian Expansion and
24 Extension Project is in the public convenience and
25 necessity. The Commission itself is composed of five

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1 commissioners who are appointed by the President and
2 confirmed by the Senate. One of the commissioners is
3 designated as Chairman, currently Joseph Kelliher.

4 As part of the decision-making process, the
5 Commission must consider the environmental impacts of
6 the project and comply with the National Environmental
7 Policy Act of 1969 as amended, or NEPA. In order to
8 comply with NEPA, we produced the draft EIS, so that the
9 public has an opportunity to review the proposed
10 project.

11 Pursuant to NEPA, a cooperating agency has
12 jurisdiction by law or special expertise related to
13 project-specific environmental impacts, and those
14 agencies that choose to cooperate may adopt the EIS to
15 meet their own obligations for compliance with NEPA if
16 applicable.

17 We issued the DEIS on April 13, 2007, with a
18 closing comment date of May 29, 2007. I do encourage
19 you, if you are not speaking tonight and would like to
20 make a comment, to send in your comments early so that
21 we receive them by May 29th, 2007, or provide your
22 comments on the form that you can give to us this
23 evening or which you can also mail in. You may also
24 file comments electronically and those directions are in
25 the first few pages of the DEIS. We also have a few

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1 brochures available at the sign in table entitled, "Your
2 Guide to Electronic Information at FERC", that may be
3 useful.

4 At this time I would like ask Steve to discuss
5 the Wisconsin Department of Natural Resources role for a
6 few minutes. Steve?

7 MR. UGORETZ: Thank you, Bob. Well, the
8 Wisconsin Department of Natural Resources are one of the
9 cooperating agencies that Bob referred to. Our
10 jurisdiction is primarily related to wetlands and stream
11 crossings and storm water management and the various
12 fish and wildlife and vegetation and so on.

13 The DNR has to issue permits under Chapter 30 of
14 the Wisconsin Statutes relating to streams and wetlands
15 crossings and those will be issued independently based
16 upon our own review of the applications filed by
17 Guardian the other related actions that the Department
18 get involved in are the -- what FERC refers to as the
19 nonjurisdictional facility. The lateral pipelines that
20 are being proposed that take natural gas to Wisconsin
21 distribution companies and the Department has the same
22 kind of authority and responsibility in regards to those
23 state pipelines and therefore, we have the process of
24 preparing our own assessment that covers the main line
25 project and the lateral projects that will be released

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1 probably within a few weeks before the end of May, which
2 we are expecting to have a public hearing on that
3 environmental assessment probably in the Fond du Lac
4 area in mid-June so that's another stage of review that
5 we will be covering on that process for state purposes
6 and the department has also adopted the FERC DEIS and
7 the Public Service Commission of Wisconsin which is the
8 primary regulator for the Wisconsin utility proposed
9 lateral connecting project. We are also working with
10 the PSC to help them prepare their own environmental
11 assessment on the lateral project that we are involved
12 in both the Federal and State related actions as well as
13 having our own.

14 MR. KOPKA: Thanks, Steve. Because the
15 Commission has the responsibility to treat all parties
16 to a proceeding equally, we must make certain that our
17 process is open and in the public. For this reason we
18 at FERC are constrained by what are known as exparte
19 rules. This means there can be no off-the-record
20 discussions or correspondence between FERC staff and
21 interested parties regarding the merits of this case;
22 therefore, I either urge you to speak tonight on the
23 record or put your comments in writing and file them
24 with the Secretary of the Commission by mail or
25 electronically filed. Again, the directions to do so,

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1 are in the first few pages of the DEIS.

2 You may have noticed that we have a court
3 reporter who is transcribing this meeting. This is so
4 we can have an accurate record of tonight's comments.
5 If you would wish to get a copy of the transcript, you
6 can make arrangements with the court reporter after the
7 meeting. The transcript will be available to the public
8 at FERC's public reference room and as part of the
9 record on the FERC website under the project docket
10 number.

11 Let me emphasize that this meeting is not a
12 hearing on the merits of this proposal. It is, as I
13 said earlier, a meeting to give you, the public, an
14 opportunity to comment on our draft EIS. We will
15 address comments on the draft in a final environmental
16 impact statement, which we expect to issue later this
17 year.

18 I will call up individuals to speak in the order
19 listed on the sign up sheet. When you come up to speak
20 at the microphone, please spell your last name for the
21 court reporter and speak slowly and clearly and identify
22 any organization that you may be representing. Let's
23 get started. The first speaker I have is Ruth and Brent
24 Boyd.

25 SPEAKER BOYD: Brent Boyd, BOYD, from the Town

1 of Lebanon and I am Highway Superintendent there and one
2 question I have is if Guardian plans on obtaining all
3 the permits they need for crossing our town highways
4 system.

PM1-1

5 MR. KOPKA: Guardian will have to get permits
6 and you need to talk to them and they will be available
7 after the meeting across the hall, if you want to talk
8 to Guardian. They will have to get permits.

9 SPEAKER BOYD: The second question is when the
10 work is completed, is any of the damage that is done to
11 any of our roads, are they responsible for the damage
12 and how do we -- I guess what do we do at that point to
13 get our money back or if they don't fix the roads with
14 damage that is done by equipment or trucks or at any
15 point or any settling of pipe crosses the road, let's
16 say, two, three, five years from now? What kind of
17 resources do we have for us to make sure that our roads
18 are protected?.

PM1-2

19 MR. KOPKA: Well, I mean some of this issues
20 will be covered with the issuance of permits and that
21 process. I assume you can also be expecting them to
22 repair things that are damaged to good or even a better
23 condition from when they started.

24 SPEAKER BOYD: We do have a highway ordinance
25 that pertains to road work and restoration in the right

PM1-3

PM1 Continued, page 9 of 30

PM1-1 Guardian stated in Resource Report 1 that it will acquire the necessary permits for road and railroad crossings prior to construction.

PM1-2 As discussed in section 4.9, to minimize impacts to roads during construction, Guardian would utilize mats or other appropriate measures, as necessary, to prevent damage to the road surfaces. Guardian contractors would also comply with applicable vehicle weight and width restrictions, and would remove soil that is left on the road surface by the crossing of construction equipment. In addition, following installation of the pipeline, any damage caused to a road as a result of pipeline trenching and/or movement of construction equipment would be mitigated and the road surface would be restored to at least preconstruction conditions. (See section 2.3.1.2 for further details regarding road construction and restoration practices.)

Guardian would have to comply with the permit conditions issued by the agency (federal, state, or local) with jurisdictional authority over the roadway regarding future damage to road ways associated with the operation and maintenance of the pipeline.

PM1-3 See responses to PM1-1 and PM1-2.

1 of ways and I guess I want to make sure you're aware of
2 that and we will be expecting you to fix anything that
3 is damaged.

PM1-3
(con'd)

4 And also just a question not dealing with
5 regards to roads. The public Sanitation District 1 is
6 one area where you are going to cross less than a
7 quarter mile from that area, if there is future
8 expansion of the sewer system can the Sanitation
9 District cross your line with a lateral --

PM1-4

10 MR. KOPKA: Typically, other pipelines like
11 sanitation can cross the pipeline and you would have to
12 contact them so they are better aware of it, contact
13 Guardian.

14 SPEAKER BOYD: Okay. I guess that's all the
15 questions I have for now. I will talk to some of your
16 folks later on in the back.

17 MR. KOPKA: I am with the Federal Energy
18 regulatory commission and I work for them. I'm not with
19 Guardian. That's how things are typically done with
20 other pipelines crossing other pipelines and visa versa.
21 I'm sure Guardian would work with you if that happens.

22 SPEAKER BOYD: Okay.

23 MR. UGORETZ: It's become a disclaimer now but,
24 please, put you cell phones on silence mode.

25 MR. KOPKA: The next speaker is David Bridgham.

PM1-4 Typically utility crossings are allowed; however, the Sanitation District or other utility should consult and coordinate closely with Guardian to ensure that the crossing is designed and conducted in a manner that would ensure the integrity of both pipelines is maintained.

1 SPEAKER BRIDGHAM: My name is David Bridgham and
2 I'm representing myself, BRIDGHAM, and these are
3 probably all pretty much comments that were made.

4 I understand you don't work for Guardian which
5 we hear that from a lot of people that we all approach.
6 There is not a lot of people that work for them. I just
7 have a couple questions and concerns, things you
8 probably can't answer things that I do want on the
9 record so FERC can at least look at this and at least
10 realize that there are people that don't want this to
11 happen. I guess that I'm a little concerned of the turn
12 out tonight.

13 Again, and in the paper, The Watertown Times on
14 April 19th the date was misprinted. Apparently, they
15 got the date wrong from Guardian so in the paper and
16 that may be that is one of the reasons why there is not
17 many people here tonight and we might want to look at
18 that because the date was the 17th in a couple of
19 different, you know, media and whether people are going
20 to show up on the 17th and not tonight and there may be
21 comments that are missed that should be heard.

22 I guess I have the -- My first question would be
23 have the permits been issued yet from FERC for this? Is
24 this just a formality that we are here tonight for the
25 permit process? PM1-5

PM1-5 At the time of the issuance of this final environmental impact statement (FEIS), a Federal Energy Regulatory Commission (FERC) Certificate, FERC's authorization, has not been granted for the G-II Project. As stated in section 1.2, the FERC is the federal agency responsible for authorizing applications to construct and operate interstate natural gas transmission facilities. The FERC is also the lead federal agency responsible for the preparation of this EIS, with full public review and comment, in compliance with the requirements of the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1500-1508), and the FERC's regulations for implementing NEPA (18 CFR 380). The FERC will use this EIS in its review of Guardian's application to determine whether to authorize the G-II Project. The Commission will consider the environmental issues, including recommended mitigation measures, as well as non-environmental issues in its decision making process. Final authorization will be granted only if the Commission finds that the proposed G-II Project is in the public convenience and necessity. The environmental impacts and mitigation measures discussed in this EIS are important factors in this final determination.

1 MR. KOPKA: We are here to take comments on the
2 draft. We still have to do a complete final
3 environmental impact statement mailed out to the public
4 and then the Commission would act.

5 SPEAKER BRIDGHAM: Okay. So this isn't a done | PM1-6
6 deal yet?

7 MR. KOPKA: No, this is a process. In addition,
8 there are other permits that will need to be obtained as
9 well.

10 SPEAKER BRIDGHAM: Sure. Okay. I understand
11 that and then you talked about the reroute that was done
12 up in the Indian Reservation and the reason being from
13 my understanding and from things I heard is because the
14 -- They weren't given enough money to go through the
15 Indian Reservation. Is that statement true and if so,
16 if so, this is probably a question you can't answer but
17 if so, then there should be no reason why Guardian | PM1-7
18 pipeline should not have to have a fair compensation as
19 in of there because my land is no different than Indian
20 land. They own theirs and I own mine and, you know, it
21 bothers me that one group of people can say no when
22 another group can't. And I guess that is something that
23 I would be interested in knowing why and what is the
24 reasoning is behind that? I know you don't have that
25 answer and that answer --

PM1 Continued, page 12 of 30

PM1-6 Before final construction approval is granted, Guardian will also have to meet certain FERC Certificate conditions and obtain other federal, state, and local permits.

PM1-7 As a Sovereign Nation recognized by the United States, the Oneida Nation of Wisconsin has been bestowed with legislative, judicial, and executive authority over the actions that take place upon their designated lands. As stated in section 4.7.5.2, Guardian has met repeatedly with representatives of the Oneida Nation on March 11, 2006; April 4, 2006; April 17, 2006; May 18, 2006; and June 2, 2006 to discuss the proposed Project route through the Reservation. However, despite these ongoing negotiations Guardian was unable to reach an easement agreement with the Oneida Nation to date, and such easement negotiations may include numerous issues other than compensation. Guardian did not state the reason(s) as to why it was not able to reach an easement agreement with the Oneida in its April 25, 2007 amendment. It may be possible that an agreement could be reached prior to construction, so we have included the route through the reservation as an alternative (see section 3.3.3 for a detailed discussion).

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1 MR. KOPKA: Guardian has said they did could not
2 come to an agreement.

3 SPEAKER BRIDGHAM: Right, right. So not coming
4 to a agreement that those land owners and not coming to
5 an agreement allowed them to go around and now that
6 means that Guardian Pipeline is willing to -- maybe not
7 willing to, but they pretty much were forced to change
8 the course. There are certainly better courses than for
9 myself and a lot of other land owners that we would
10 like, you know, this same -- the same -- I guess view
11 that they had north of here as, you know, as -- We are
12 all wanting to see fair and just compensation and we all
13 want to see our own. I understand they can't go around
14 everybody but apparently they can go around so --

15 MR. KOPKA: Right, and FERC doesn't get
16 involved.

17 SPEAKER BRIDGHAM: I know this and this is the
18 only place I can go on record.

19 MR. KOPKA: That's fine.

20 SPEAKER BRIDGHAM: People are going to hear this
21 and whether those are people that can do anything about
22 this or people that are listening because standing in my
23 shoes, people don't listen. We are bullied and pushed
24 around and I made the statement earlier tonight and it's
25 true. We are floundering out here. We don't have

1 anybody protecting us. They get to do what they want to
2 do and somebody needs to hear these things that I am up
3 here saying so --

4 MR. KOPKA: That's fine.

5 SPEAKER BRIDGHAM: I know and this is the only
6 stage I have so and -- then fair compensation we will
7 get back to that. There is a lot of -- There is a lot
8 of power companies, whether it is wind, phone, what have
9 you. They compensate on a yearly basis as far residual
10 payments for crossing someone's land and I guess in --
11 You could look at what this company is going to make by
12 running a pipeline across my land and they are going to
13 make a whole ton of money every day that it runs across
14 my land and we should get a piece of that. We should
15 get fair compensation on a yearly basis.

16 There is no reason why, you know, I've heard
17 well, we don't do that. Maybe it is time they look at
18 doing that because again, if -- if we are going to feel
19 okay about this and we understand -- all of us
20 understand it's going to happen and it would be a lot
21 easier to swallow if they start to step up to the plate
22 and do what most other power companies are doing and
23 that is paying people for basically telling us what we
24 can do on our property. So that's another thing I
25 would like to get on the record.

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1 Fair compensation for land values now and in the
2 future. I understand and we talked about this a little
3 earlier when Guardian probably set out to look at this,
4 they look at a corridor that has mostly farmers, mostly
5 agricultural land, has -- doesn't have they growth say
6 that Waukesha county does or, you know, or in Oconomowoc
7 or what and look for place to cross which is
8 understandable but I think that we need also look at the
9 fact a hundred years from now the pipeline is still
10 going to be there and a hundred years from now our land
11 is where the neighborhoods and this is where the growth
12 is going. It's not only today but 25, 30, 40, 50, a
13 hundred years from now and we need to look at the effect
14 of that pipeline on all of the land owners that are
15 effected by this.

16 And then lastly, I guess this is what my wife
17 told me tonight to voice her opinion and I have a brand
18 new son, four and a half months old and his bedroom sits
19 200 feet from where this pipeline is and I just want to
20 know if all the fathers and mothers or whoever if they
21 would be comfortable with that? Okay. That's it.
22 Thank you.

23 MR. KOPKA: Thank you. The next speaker is
24 James Kulkee.

25 SPEAKER KULKEE: My name is James Kulkee and it

1 is spelled, KULKEE, and I guess they said it was
2 supposed -- They were going to talk about environment
3 tonight and, you know, sticking a pipeline through a
4 guy's farm, family farm for 52 years and just to see
5 that pipeline go through it, it is something that
6 doesn't seem right. It has just taken something away
7 that I worked for my whole life and, you know, I got
8 tile lines in there that are old, hand-dug clay tiles
9 yet and they work. What is going to happen to them?
10 You are going to run a bulldozer across them. Well, we
11 know what is going to happen and it is not just going to
12 break up that 50 feet that they dig up, it's going to be
13 110 feet, you know, I've asked Guardian about this. And
14 another thing is water will follow this pipeline and
15 it's going to follow it. We live in a drum land area
16 and it's going to follow that pipe down these hills
17 wherever it ends up, lowest part we are going to have a
18 mess. That's what has to be taken care of and I asked
19 Guardian a couple times and one guy says, we will fix
20 that right away -- pipeline are tile and another one
21 says, we have a company that comes in after we close it
22 up, they come in and fix it.

PM1-8

23 Like I said, I don't know where these tile lines
24 are. I bought this land and it was all tiled and one
25 place they figured they were going to cross between six

PM1-8 As discussed in Section 4.2.2.1, interference with agricultural drainage, both surface and subsurface, would be minimized or avoided by grading contours to pre-existing conditions during restoration. Any damage to drain tiles would be repaired by Guardian in accordance with the standard requirements set forth in our Plan (see appendix D). Guardian is responsible for the cost of repairs.

Additionally, Guardian in consultation with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has developed an Agricultural Impact Mitigation Plan (AMP), which would minimize impacts on agricultural lands and ensure the implementation of the measures. In its AMP, Guardian has agreed to fund a third-party Agricultural Monitor (AM) for the Project. The activities of the AM will be directed by the DATCP. The AM will serve in an auditing role, working closely with Guardian's agricultural inspectors to verify that construction activities on agricultural land are in compliance with Guardian's AMP.

1 and eight tile lines.

2 I'm going to have a mess and who is going to pay
3 me for that? I'm going to have to spend my time fixing
4 this. They just finished fixing a tile in there last
5 month. It was a relative of mine so that's why I know
6 who it was and if this is going to take four years, that
7 isn't right. I shouldn't have to work with that for
8 four years and I says why don't you lay this pipeline
9 down in the lower ground? They say that the DNR says we
10 can't work with them because they are too hard to work
11 for. I mean, that lower ground will heal itself a lot
12 faster than farm fields will.

13 I mean, with the technology now a days as far as
14 laying pipe, it should be no problem, two years time you
15 shouldn't even know that the pipelines are in that --
16 that wetlands and I think my farm is worth more than a
17 bunch of frogs or something. They might damage some
18 frog area or something so and then what is I guess -- I
19 don't know starting time. It would help if there would
20 be a specific starting time and a specific start date,
21 like say, next week we are going to be in your area to
22 dig and we have, I guess, other ground -- and other
23 ground I could take the crop off before they got there
24 and the reason I'm saying this stuff now is so it gets
25 on the record and well, help to know what end they are

PM1-9

PM1-10

PM1 Continued, page 17 of 30

PM1-9 As part of the environmental evaluation of the pipeline route in the EIS and for permitting, it is required that environmental impacts be minimized as practicable. The "lower ground" referred to is most likely a wetland that needs to be avoided if possible.

PM1-10 As stated in section 2.3.1.1, of the FEIS all owners, tenants, and lessees of private land, and lessees and managers of public lands along the right-of-way would be notified in advance of construction activities that could affect their property, business, or operations.

1 going to start on or if they are going to start on both
2 ends or you know, some of these things. And like I
3 said, farming is part of the environment so I think that
4 should be considered. That's all I got. PM1-10
5 MR. KOPKA: Thank you. The next speaker is (cont'd)
6 Harold Pemble.
7 SPEAKER PEMBLE: My name is Harold Pemble,
8 PEMBLE. I would like to say on the record that I object PM1-11
9 to the distance that they going from my house. I picked
10 up that it must be common to go approximately 200 feet
11 from my personal residence and I don't think that's
12 right. I didn't request them to come put it 200 feet
13 from my house and I requested that they move it farther
14 away. I told them I didn't want to stop their pipeline,
15 but I requested that they move it farther to the west
16 and they refused because of the gentleman up there on
17 the -- my left, the DNR, had put the fear of God into
18 Guardian. They don't want it anywhere near wetlands but
19 closer to my house and I don't feel that's right. I am
20 not personally not that afraid of dying that I can't
21 live there but I think it's going to effect the resale
22 on that property to have that high-pressured gas line to
23 that close to the bedroom and it's not right.
24 And the other thing is that I'm not even sure of
25 if I have any drain tile to my field and if there are, I

PM1-11 The location of the pipeline in relation to the residence is much greater than the minimum distance required by the U.S. Department of Transportation (DOT) between the pipeline and existing structures. Moving the pipeline further to the west would move it closer to a stream with trees along the banks near Smith Road and a tree line between fields near the Pemble's residence. Moving the pipeline farther west may result in more tree clearing. Effects to property values are discussed in section 4.8.5. See also PM2-18.

1 don't know where they are. That's all I have. Thank
2 you.

3 MR. KOPKA: Thank you. Our next speaker is Ray
4 Werth.

5 SPEAKER WERTH: My name is Ray Werth, WERTH.
6 And they brought up some points about Guardian, who is
7 responsible for regulating what Guardian does as far as,
8 you know, where they go and what they all do and follow
9 up on that is also the compensation that we get. There
10 seems to be different compensations for what they are
11 offering people so who does regulate Guardian?

PM1-12

12 MR. KOPKA: FERC regulates Guardian along with
13 several other agencies and, you know, with depending on
14 what the laws are and the agencies they are applying to
15 the project when it comes to compensation is up to the
16 individuals to negotiate with Guardian so you can come
17 to an agreement.

18 SPEAKER WERTH: I was made an offer on it and I
19 did call our county and what they pay for right of way
20 when they go across people's land and they pay out a
21 whole lot more than what Guardian is even offering and
22 they don't take Guardian -- the fellow said they don't
23 take into consideration future use of the land. My land
24 adjoins the sewer district in the Village of Lebanon and
25 it's not in the Village right now but in the future it

PM1-12 As stated in section 1.2, the FERC is the federal agency responsible for authorizing applications to construct and operate interstate natural gas transmission facilities; however, prior to construction and/or operation Guardian must obtain permits and approvals not only from the FERC but also from various other federal and state agencies including but not limited to the U.S. Army Corps of Engineers (COE) the U.S. Fish and Wildlife Service (FWS), the U.S. Environmental Protection Agency (EPA), the Wisconsin Department of Natural Resources (WDNR), and the Public Service Commission of Wisconsin (PSC). As such, it is the FERC and the other permitting agencies that will be responsible for governing the actions associated with the construction and operation of the Project.

The Commission does not require or solicit any information regarding compensation from an applicant on the financial agreements made between the applicant and the landowners. This is a private business concern that is not regulated or tracked in any way by the Commission. This negotiation is beyond the scope of this EIS.

1 could be and they say that doesn't make any difference
2 so how can I go about working with someone like that
3 with Guardian without any recourse?

4 MR. KOPKA: That's up to you to negotiate an
5 agreement or if it goes to condemnation then the courts
6 would decide. We don't have the authority to do that.

7 SPEAKER PEMBLE: Thank you.

8 MR. KOPKA: Ray was our last speaker. Is there
9 anyone else who would like to speak this evening?
10 Ma'am, please state your name and spell your last name
11 for the court reporter.

12 SPEAKER ULATOWSKI: Carol Ulatowski, ULATOWSKI.
13 Now, my question is probably for the DNR, for Steve.
14 They are coming east across the Rock River is that
15 right? And then they are going through wetlands and
16 Guardian wouldn't move the pipeline because -- 200 feet
17 from that man's house because of the wetlands. Well,
18 when they come east across the Rock River that is
19 hundreds and hundreds of acres of wetland. I can see it
20 from my kitchen and it looks like Lake Erie in the
21 spring and it's just now first dissipating, also right
22 next to us is our neighbor's land and it is the same
23 thing, coming right -- right there and down through our
24 land and then they with a question is, how can you tell
25 them that can't go through all that wetland and not go

PM1-13

PM1-13 See response to comment PM1-11. Also, to minimize impacts to wetlands, Guardian would avoid wetlands where and when practicable. For a long linear project, it is nearly impossible to avoid all wetlands and waterbodies, especially those that extend for long distances. At the Rock River, Guardian plans to use a crossing technique called horizontal directional drilling (HDD), which avoids disturbance to the ground surface and wetlands and waterbodies where it can successfully be used.

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1 away from that -- 200 feet from that man's house. If he
2 has wetland next to his house or further away from his
3 house, Guardian could go through that too. I don't
4 think it's because of frogs or anything like that. I
5 don't think we have anything real rare around our area.
6 Who can answer that?

7 MR. UGORETZ: Probably the best way I can answer
8 that is that Guardian and just about anybody else who
9 wants to cross streams and wetlands has to go through
10 the permitting process with the DNR and has to meet the
11 standards to protect the water bodies, the vegetation,
12 the wildlife, and so on and that's a fairly rigorous
13 review process and they have to meet standards and when
14 you talk about crossing a river, obviously at some point
15 or another if you are drawing a straight line across the
16 state, you hit river and have to cross it at one point
17 or another and generally, what they have to determine
18 strait that basically no practical alternative to
19 crossing it and so basically that method that they are
20 proposing is least likely to be environmentally
21 damaging.

22 Again, those are standards that are set in place
23 by state law and also in accordance with Federal Water
24 Quality Laws to protect those resources of the state so
25 they have to meet those standards in order to do those

1 things and if they are boring under a stream as I
2 understand they are proposing for the Rock River, they
3 are not physically altering the stream. They are going
4 underneath it and permits are not required for that.
5 Obviously, when they emerge on the other side if they
6 are crossing wetlands or putting their drilling
7 operations within the wetlands, they still need to have
8 permits and again, those would not be granted unless
9 they met the standards that apply and they have provided
10 convincing evidence that there wouldn't be long term
11 harm. We cannot balance those potential impacts on --
12 against the impact of putting the pipeline in another
13 area. That's not our job.

14 It's more have to say it's FERC and the PSC and
15 the state has that broader public interest and balancing
16 test of being able to measure out the environmental harm
17 to natural resource elements versus potential harm to
18 the human aspects of the environment but, you know, in
19 the case of the Department, our authorities are limited
20 to those particular standards to effect wetlands, water
21 bodies and other natural resource.

22 SPEAKER ULATOWSKI: The Rock River, I'm telling
23 you is hundreds of acres that looks like a lake. What
24 happens when that pipe is wrapped with that electricity,
25 whatever they do to keep it electrified, to keep it from

PM1-14

PM1-14 As stated in section 2.7.1 of the FEIS, Guardian would install a cathodic protection system to prevent or minimize corrosion of the buried pipeline and aboveground facilities of the entire system. The cathodic protection system impresses a low-voltage current on the pipeline to offset natural soil and groundwater corrosion potential; however, the current applied is not of high enough voltage to cause a shock. . The use of cathodic protection is standard practice throughout the pipeline industry, the use of which is federally regulated under 49 CFR Part 192, Appendix D.

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1 rusting, I was under the assumption water is a conductor
2 so what happens to all that area is that all
3 electrified?

PM1-14
(cont'd)

4 MR. UGORETZ: I'm not an engineer and I can't
5 speak to that aspect of it. I don't know if one of the
6 people from the company can answer that.

7 MR. KOPKA: I'm not a total expert but the pipe
8 has a coating that protects it from contact from soil.

9 SPEAKER ULATOWSKI: How come we don't get a
10 shock?

11 MR. KOPKA: It's not that great of a charge.
12 It's a very small charge and it's the same process of
13 causing rust on any iron.

14 SPEAKER ULATOWSKI: Okay. Thank you.

15 MR. KOPKA: Are there any other folks who would
16 like to speak tonight?

17 SPEAKER BRIDGHAM: David Bridgham up again. You
18 mentioned, the DNR mentioned the process was very
19 rigorous crossing wetlands or having anything to do with
20 wetlands, frogs, turtles, snails. How much more
21 rigorous is that? I mean, I keep on hearing the DNR
22 wins battles when it comes to wetlands but what about
23 human life? You know, it is running across my life and
24 it doesn't seem like it's as rigorous. Do you know what
25 I'm saying? Maybe you need -- We need you on our side.

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1 you seem to get a lot further than we do.

2 MR. KOPKA: Well, the DNR doesn't regulate the
3 pipeline safety. The US Department of Transportation
4 regulates the pipeline. Guardian will have to meet
5 safety standards related to the pipeline.

6 SPEAKER BRIDGHAM: But as far as where the
7 pipeline gets to go. The DNR seems to have a pretty
8 good -- I mean, they can say yes or not a lot easier
9 than I can and I -- I can't say no. I just stand up
10 here pleading my case with you and I just heard him say
11 that they have a reason that it ends up being directed
12 in certain areas is because of the rigorous process
13 involved in getting to go through those wetlands and
14 crossing some of these areas that the DNR has
15 jurisdiction over that. I guess I'm looking if it
16 wasn't for us, we wouldn't have the DNR so they should
17 protect us I guess what I'm saying is, you know, when
18 come us done to do my life I'm a hell of a more
19 important than a damn frog in my pond so the rigorous
20 process should be on our side more than it is for the
21 frogs or turtles and the raccoons or whatever that is I
22 guess that's what I'm saying. It doesn't make sense to
23 me.

24 MR. UGORETZ: That's really, obviously not the
25 kind of question you can answer in --

1 SPEAKER BRIDGHAM: It's more of a statement and
2 I am not getting an answer. It's just, you know, I hear
3 your side and I understand your side I hear Guardian's
4 side and it doesn't make sense to me that they can just
5 do whatever. It actually comes down to we need the type
6 of government that watches out for the birds and the
7 wildlife and -- I have a pond on my land I do that
8 because I hunt for ducks and want to attract ducks and I
9 like stuff like that, you know, I do that but it sounds
10 to me like the DNR is at lot more protective of those
11 species than they are of myself and Jim and Dean and all
12 these guys that stood up this microphone because we are
13 being effected also I goes that it's more of the same.

14 MR. UGORETZ: I understand your concern and the
15 only -- I think the best response to that is that the
16 government is divided up into a whole series of
17 different agencies with whole different responsibilities
18 and the DNR has the responsibility of looking at the
19 natural resource elements and we also have a regulatory
20 side where we regulate air pollution and water pollution
21 and so on and if you are talking about waste and water
22 treatment plants or, you know, power plants or something
23 like that. I don't think anybody would want the DNR to
24 be the managing agency telling every other agency in the
25 state what to do. We have a balance. That's just kind

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1 of America 101.

2 SPEAKER BRIDGHAM: I understand that. The DNR
3 protects the wetlands throughout the state and you have
4 one agency that does that. When it comes down to my
5 land or anybody else's land, we have FERC and we have
6 all of these other agencies and what I hear and what I
7 heard at all of these meetings seems like -- Even
8 tonight, I heard this and it is nothing against what you
9 are doing up here but, you know, a question is asked
10 well, we don't involved in that. We are not the agency
11 that controls that. There is somebody else and somebody
12 else and somebody else and, you know, we are all sitting
13 here with this thing rolling through our land it is
14 bulldozed over and that is what it feels like and all we
15 hear is well that's, you know, that's this particular
16 group or that particular group and we, you know, even
17 our -- our -- our State Senator, his office called one
18 us on the phone and said, they are powerful and they are
19 this, and this pipeline, and FERC and they are powerful
20 and that is the answer we got.

21 All we can do is come here and just reiterate
22 how unhappy we are and how we are feeling like we are
23 taken advantage of and this is all we have so I guess
24 what I don't want to hear is that's somebody else's
25 division to take care of that. I want to hear, you know

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1 what, you are making sense and we will work at solving
2 some issues.

3 I mean, that's what everybody in the room wants
4 to hear, not that that it is someone else or well, it's
5 in the book. This group, that group get the best deal
6 that you can. That's what we live with. I mean, this
7 is what we are being told and I know I'm going back
8 over, over, over these things all I want to hear is, we
9 -- We are hearing you and we are going to go back and
10 fight for you because the people across the way here are
11 good people. I know. I talked to a lot of them and
12 they are nice people, you know, but they work for
13 guardian. I want the government, the people that I
14 elected and that make those choices are really looking
15 at these things and are really saying what makes sense
16 for these people their land values, things that make
17 sense. We are just the -- just -- It's not feeling
18 right and we need to hear that we are represented -- We
19 are being represented. Okay. Thank you.

20 MR. KOPKA: One more.

21 SPEAKER ULAKOWSKI: Who does regulate them? Who
22 can we you call if they don't do something right? PM1-15

23 MR. KOPKA: Well, that depends on what your
24 issues are.

25 SPEAKER ULAKOWSKI: No. No. If they are coming PM1-15

PM1-15 See response to PM1-12 In addition, one of our recommendations, recommendation 11 in section 5, requires Guardian to develop a complaint resolution procedure which would be mailed to landowners prior to construction. Landowners may also contact the FERC Hotline if Guardian does not resolve the complaint.

1 through my land and they are doing something wrong that
2 they aren't supposed to do, who can I call? PM1-15
(cont'd)

3 MR. KOPKA: You can call FERC, that's fine. I
4 think as it gets closer to construction Guardian will
5 have to give you a hot line number so that if something
6 is going wrong you can call that hot line and there is a
7 FERC hot line number and we can look into the issue also
8 during construction I will be there.

9 SPEAKER ULAKOWSKI: In a timely manner? PM1-16

10 MR. KOPKA: Well, depends on what the problem
11 is. Typically right on and we want to take care of it
12 as quickly as possible.

13 SPEAKER ULAKOWSKI: Okay.

14 MR. KOPKA: During construction I will be out
15 there during construction and doing inspections and I
16 will also have contractors out there during construction
17 for me as well plus we will also have our own
18 environmental people trying to keep the folks building
19 the pipeline keep them make sure they are doing
20 everything exactly how they are supposed to be building
21 the pipeline keep own right of way that sort of thing
22 restores wetlands property.

23 SPEAKER ULAKOWSKI: Is there anyone we can call PM1-17
24 and tell them we don't want the pipeline?

25 MR. KOPKA: You just did it.

PM1 Continued, page 28 of 30

PM1-16 Guardian would participate in the Diggers Hotline one-call system in Wisconsin and the Joint Utility Locating Information for Excavators (JULIE) one-call system in Illinois. These systems provide contractors, highway workers, farmers, and anyone digging along a pipeline right-of-way with the ability to call a telephone number to have underground facilities located prior to excavation activities. Guardian would review and respond appropriately to any requests to locate its pipeline that are issued from a one-call center. All responses will be addressed as needed in an appropriate and timely manner.

PM1-17 Comment noted.

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1 SPEAKER: Okay. Thank you.
2 MR. KOPKA: You're welcome. Anyone else? Thank
3 you all for coming tonight. Let the record show this
4 meeting is now concluded at 8:02 p.m.
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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the
FEDERAL ENERGY REGULATORY COMMISSION in the Matter of:

Name of Proceeding:

Guardian Expansion Extension Project - Public
Comment Meeting

Docket No.: CP07-8-000

Place: Oconomowoc, Wisconsin

Date: Tuesday, May 15, 2007

were held as herein appears, and that this is the original
transcript thereof for the file of the Federal Energy Regulatory
Commission, and is a full correct transcription of the
proceedings.

Amy K. Wallow (maj)
Official Reporter

Guardian Expansion & Extension Project

PM2

1	CITY OF FOND DU LAC	Page 1
2	-----	PM2
3)	
4	PROJECT I.D. CP07-8-000)
5	GUARDIAN EXPANSION)
6	AND)
7	EXTENSION PROJECT,)
8	FEDERAL ENERGY REGULATORY)
9	COMMISSION (FERC))
10)	
11	-----	
12		
13		
14	TRANSCRIPT OF PROCEEDINGS	
15	PUBLIC TESTIMONY	
16		
17	Reported By:	
18	GWENDOLYN GRISCHEAU, OFFICIAL COURT REPORTER	
19		
20		
21	HEARING HELD:	
22	May 16, 2007	
23	Bauer Ramada Plaza Hotel	
24	Fond Du Lac, Wisconsin	
25	7:00 p.m.	

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A P P E A R A N C E S

- 1
- 2 BOB KOPKA, Environmental Project Manager for the
- 3 Guardian Expansion Project.
- 4 STEVE UGORETZ, Wisconsin Department of Natural
- 5 Resources.
- 6 CHARLES E. RHEIN, Land Negotiation, LLC and self.
- 7 ERIC OLSEN, Samuel Phillip Law Offices, LLC and
- 8 Self.
- 9 JERRY CRITER, W4648 Dick Road, Chilton, Wisconsin
- 10 53014.
- 11 ROSE CRITER, W4648 Dick Road, Chilton, Wisconsin
- 12 53014.
- 13 RON STEINHORST, W1667 Mountain Road, Theresa,
- 14 Wisconsin, 53091.
- 15 DICK GUELL, Chairman of Eden.
- 16 JOE THOME, W3388, Wedge Road, Malone, Wisconsin

17
18 (FOR INDEX SEE BACK OF TRANSCRIPT.)
19
20
21
22
23
24
25

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1 (Proceedings, 7:00 p.m.)

2 MR. KOPKA: Good evening everyone.

3 Welcome. My name is Bob Kopka. I work for the
4 Federal Energy Regulatory Commission, also referred
5 to as FERC, the F-E-R-C, or the Commission, which is
6 located in Washington, DC. I am the environmental
7 project manager for the Guardian Expansion and
8 Extension Project.

9 This is a public meeting to take comments
10 on the Draft Environmental Impact Statement, or
11 DEIS, issued and written by the FERC as the lead
12 federal agency for Guardian's Proposed Project with
13 input from other cooperating agencies. The comments
14 received tonight and any filed written comments
15 received will be addressed in the Final EIS for the
16 proposed project.

17 Let the record show that this public
18 meeting began at 7:07 p.m. on Wednesday, May 16,
19 2007 at the Bauer Ramada Plaza Hotel in Fond du Lac,
20 Wisconsin. And just to remind for everyone, if you
21 have a cell phone, would you please turn it down or
22 turn it off. Thank you.

23 Also with me tonight is a representative
24 from our third party environmental contractor, Tetra
25 Tech EC, Inc. Or Tetra Tech. Let me introduce

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1 Jennifer Ghiloni who is at the sign-in table. From
2 our cooperating agencies, we have Steve Ugoretz from
3 the Wisconsin Department of Natural Resources who's
4 up front with me at the front table.

5 On October 13, 2006, Guardian Pipeline,
6 LLC filed an application under Section 7 of the
7 Natural Gas Act in Docket No. CP07-8 to construct
8 natural gas facilities, including two new compressor
9 stations, one in Dekalb County, IL and one in
10 Walworth County, WI; and 109.5 miles of new pipeline
11 consisting of 83.6 miles of 30-inch-diameter and
12 25.9 miles of 20-inch-diameter pipeline in
13 Wisconsin.

14 Also Guardian would modify its existing
15 Ixonia Meter Station and would construct seven new
16 meter stations along the new pipeline to deliver gas
17 to We Energies and the Wisconsin Public Service
18 Corporation. The project originally proposed is
19 covered in more detail in the DEIS.

20 On April 25, 2007, Guardian filed an
21 amendment for a 23-mile long reroute at the northern
22 end of the project in Brown and Outagamie Counties
23 beginning at milepost 95.3 which would bring the new
24 pipeline total length to 118.4 miles. Guardian also
25 proposed to relocate the Sycamore Compressor Station

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1 in DeKalb County, IL and relocate the Rubicon and
2 Sheboygan Meter Stations in Dodge and Fond du Lac
3 Counties, respectively.

4 The Federal Energy Regulatory Commission
5 will decide if authorization of the Guardian
6 Expansion and Extension Project is in the public
7 convenience and necessity. The Commission itself is
8 composed of five commissioners who are appointed by
9 the President and confirmed by the Senate. One of
10 the commissioners is designated as chairman,
11 currently Joseph Kelliher.

12 As part of the decision making process,
13 the Commission must consider the environmental
14 impacts of the project and comply with the National
15 Environmental Policy Act of 1969 as amended, or
16 NEPA. In order to comply with NEPA, we produced the
17 draft EIS, so that the public has an opportunity to
18 review the proposed project.

19 Pursuant to NEPA, a cooperating agency
20 has jurisdiction by law or special expertise related
21 to project-specific environmental impacts, and those
22 agencies that choose to cooperate may adopt the EIS
23 to meet their own obligations for compliance with
24 NEPA if applicable.

25 We issued the DEIS on April 13, 2007 with

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1 a closing comment date of May 29, 2007. I do
2 encourage you, if you are not speaking tonight and
3 would like to comment, to send in your comments
4 early so we receive them by May 29th; or, provide
5 your comments on the form we have that you can give
6 to us this evening or which you can also mail in.
7 You may also file comments electronically and those
8 directions are in the first few pages of the DEIS.
9 We also have a few brochures available at the
10 sign-in table entitled "Your Guide to Electronic
11 Information at FERC" that may also be useful.

12 At this time, I would like to ask Steve
13 Ugoretz to discuss the Wisconsin Department of
14 Natural Resource's role for a few minutes.

15 MR. UGORETZ: Thanks, Bob. The Wisconsin
16 DNR has a number of legal authorities that apply to
17 both the Guardian Mainline Project and the Lateral
18 Connecting Projects that are proposed by Wisconsin
19 Gas Utilities to bring gas that will be delivered by
20 Guardian to their distribution systems within the
21 Eastern part of the state.

22 The department, therefore, is a
23 cooperating agency with both the FERC and the Public
24 Service Commission of Wisconsin in preparing
25 environmental reviews for those projects. In this

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1 case, the Environmental Impact Statement was
2 prepared by FERC with assistance from the department
3 as cooperating agency. The Public Service
4 Commission of Wisconsin prepared an environmental
5 assessment on the lateral projects, and we helped
6 them in cooperating agency capacity, also good
7 portions that relate to our interest and authorities
8 in expertise.

9 We are also developing our own
10 environmental assessment that relates specifically
11 concentrated on the department's authorities, which
12 mostly relate to crossings of wetlands and streams.
13 Those are regulated under Chapter 30 of the
14 Wisconsin Statutes.

15 The DNR also works with the Armed Corp.
16 Of Engineers, which has authority under the Federal
17 law for issuing permits for crossing federally
18 regulated waters. So we have a number of different
19 oars in the water on these projects that put us into
20 relationships with working with both our federal
21 counterparts and our state sister agencies.

22 So we helped to prepare all of these
23 documents. We also have an independent
24 responsibility under the State Environmental Policy
25 Law to comply on our own, and this is part of the

1 process of complying. So we will be working with
2 FERC in developing responses to public comments,
3 changes in the final EIS, and so on.

4 So our role in this is still in progress.
5 Ultimately, the Department will have to decide
6 whether to issue the permits and approvals necessary
7 to construct all of these projects.

8 MR. KOPKA: Thanks, Steve. After the
9 formal proceedings have concluded, I will be
10 available to answer individual questions that you
11 might have for me. Also in the audience tonight are
12 Guardian Pipeline representatives, who also have an
13 open house down the hall and they'll be available
14 afterwards as well to speak to you tonight.

15 Because the Commission has the
16 responsibility to treat all parties to a proceeding
17 equally, we must make certain that our process is
18 open and public. For this reason we at FERC are
19 constrained by what are known as ex parte rules.

20 This means that there can be no
21 off-the-record discussions or correspondence between
22 FERC staff and interested parties regarding the
23 merits of this case; therefore, I would urge you to
24 speak tonight on the record or put your comments in
25 writing and file them with the Secretary of the

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1 Commission by mail or electronically. Again, the
2 direction to do so, are in the first few pages of
3 the DEIS.

4 You may have noticed that we have a court
5 reporter who is transcribing this meeting. This is
6 so we can have an accurate record of tonight's
7 comments. If you would like a copy of the
8 transcript, you can make arrangements with the court
9 reporter after the meeting. The transcript will be
10 available to the public at FERC's public reference
11 room and as part of the record on the FERC website
12 under the project docket number.

13 Let me emphasize that this meeting is not
14 a hearing on the merits of this proposal. As I said
15 earlier, this meeting will give you, the public, an
16 opportunity to comment on our draft EIS. We will
17 address comments on the draft in a final
18 Environmental Impact Statement which we expect to
19 issue later this year.

20 I will call up individuals to speak in
21 the order listed on the sign-up sheet. When you
22 come up to speak, please spell your last name for
23 the reporter, speak slowly and clearly, and identify
24 any organization you may be representing.

25 Let's get started with our first speaker

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1 who is Charles Rhein.

2 MR. RHEIN: Good evening. Can everybody
3 hear me okay? My name is Charles Rhein, R-H-E-I-N.
4 My address is West 5888 Highway Y in Brownsville. I
5 am representing myself as an effected property owner
6 for the Guardian Pipeline Project, and I also am
7 representing an organization called Land
8 Negotiators, LLC, who are also owners of land that
9 are effected by the Guardian Pipeline project.

10 If any of you in this room would wonder
11 how a private pipeline company can be proposing the
12 installation of a pipeline on private land when I
13 believe one hundred percent of the people who are
14 effected don't want it and historically I might say
15 that they are rural land owners and farmers, well I
16 think it's primarily from the estimate work of
17 easement agents in the past. They've taken the
18 opportunity to isolate people for signs without
19 third-party intervention or examination.

20 The isolation and the predatory practices
21 of the easement agent working first on the elderly,
22 the widowed, and the misinformed, coursing these
23 people to sign up first using those values to help
24 establish precedence for the rest of the property
25 owners to fall in line with the threat of eminent

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1 domain. We have the pipeline on our agricultural
2 and rural properties because we have been the
3 easiest to manipulate. With wind turbines and cell
4 towers in our townships, we have now learned that
5 financial compensations for these energy products is
6 paid every year for the land that is being used.

7 Now, I would have to say that there is a
8 difference between the wind turbines cell towers and
9 the gas pipeline. The cell towers and wind turbines
10 represent millions of dollars, and the gas pipeline
11 represents billions of dollars. So there is a
12 difference.

13 The one-time payment that Guardian
14 Pipeline proposes landowners is no longer adequate
15 compensation for this energy corridor travelling
16 through our properties. I suppose on the
17 compensation issue we could form a partnership. It
18 seems logical to me. It would be a normal business
19 procedure. We have the land; they have the pipe;
20 people need gas. I just call that a normal business
21 relationship.

22 How can you build anything without land?
23 I have to say, as I listen to everyone, it seems
24 that Guardian and this entire process has kind of
25 forgotten that concept of the land and that we do

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1 own it, and it is private land. Well, then if this
2 partnership wouldn't seem that feasible, then I
3 think the use of an annual payment to the landowner
4 for the use of the land is the next best step.

5 I would imagine that if Guardian would
6 continue to maintain that no harm or altercation for
7 future use is being done to the land and the
8 landowner, then I am sure that Guardian Pipeline
9 would be more than willing to sign reimbursement
10 agreements with the local municipalities for the
11 loss of tax base and the income loss to the
12 landowner and the opportunity loss to develop his
13 land.

14 If it was the law's and the Commission's
15 intent that financial reimbursement would be fair,
16 reasonable, and equitable, then the law and this
17 Commission are being disillusioned. The placement
18 of a private energy corridor on private land has a
19 profound adverse and negative effect on the value
20 and the future of the land.

21 Farmers and rural property owners are not
22 the best candidates to provide financial support to
23 the energy industry. In my opinion, the energy
24 industry has done quite well on their own. Farmers
25 and rural property owners cannot afford to

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1 supplement the property margins -- the profit
2 margins of the energy industry any longer.

3 Through Land Negotiators, LLC, I
4 represent the negotiating interests of about three
5 bus loads of property owners effected by the
6 Guardian Pipeline project. I guess I'm not sure
7 where these buses are travelling, but they are
8 travelling together. We are gathering the forces.
9 We are firm in our commitment not to decide anything
10 until we receive proposals for compensation
11 commensurate with our contribution to this proposed
12 project. Not here, not now, and not again.

13 MR. KOPKA: Thank you. Our next speaker
14 is Erik Olsen.

15 MR. OLSEN: Hi. My name is spelled,
16 E-R-I-K O-L-S-E-N. I'm here representing myself as
17 a citizen of the State of Wisconsin, and also as a
18 member of Samuel Phillip Law Offices, which is a
19 Madison law firm.

20 There are a couple of issues that I want
21 to bring to light based on things that I've thought
22 about and talked to people about in recent time.
23 First of all, you know, there's a proposed pipeline
24 that's going to run up and down the Eastern side of
25 our state if it is actually built. There seems to

1 be awfully little coverage in the press and popular
2 media of the possible dangers and of the types of
3 pitfalls that a project like this could entail.

4 First off, will the Guardian Pipeline
5 ever leak? How often have leaks occurred
6 historically in this type of pipeline? You know, it
7 seems like everything made by man is in someway
8 imperfect. People said that the Titanic would never
9 sink, and we all know what happened with that.

10 Assuming that the Guardian Pipeline will
11 sometimes leak, how will these leaks be detected? I
12 think there is a lot of concern that leaks will not
13 be quickly detected; and, if and when things do
14 occur, would the gas leaks from the pipeline go down
15 into the water table or will they go up into the
16 earth and the crops and our air?

17 What would be the outcome of those
18 events, and what effect does this gas have on
19 animals and on people? Is it safe, and in what
20 concentrations, if any, is the natural gas harmful?
21 What types of harm does it cause? People are, I
22 think, interested to know -- I'm interested to know
23 -- how quickly will the leaks be repaired, and who
24 will repair those leaks.

25 Another thing that I've thought about is

PM2-1

PM2-2

PM2-1 As stated in sections 2.6.2 and 2.7.2 of the FEIS, the proposed pipeline and aboveground facilities must be designed, constructed, operated, and maintained in accordance with the DOT Minimum Federal Safety Standards in 49 CFR 192. The regulations are intended to ensure adequate protection for the public and to prevent natural gas facility accidents and failures. In accordance with the requirements of 49 CFR Part 192, Guardian would conduct regular patrols of the pipeline and branch line rights-of-way. The patrol program would include periodic aerial, vehicle, and/or foot patrols of the pipeline facilities. These patrols would be conducted to survey surface conditions on and adjacent to the pipeline right-of-way for evidence of leaks, unauthorized excavation activities, erosion and wash-out areas, areas of sparse vegetation, damage to permanent erosion control devices, exposed pipeline, and other conditions that might affect the safety or operation of the pipeline. Additional gas leak detection surveys would be performed using leak detection instruments in more densely populated areas and at public road crossings.

Natural gas is considered a non-toxic natural substance that if released will migrate towards the surface and would not affect groundwater, as it is not water soluble. A leak would not have any long-term effects to crops or the air.

PM2-2 According to the National Library of Medicine, exposure to low levels of natural gas is not harmful to your health. However, high-level exposure can result in dizziness, fatigue, nausea, headache and irregular breathing. In some extreme cases natural gas exposure, when present in high concentrations, has resulted in the loss of consciousness and even death (National Library of Medicine, 2007).

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1 it seems from some public records that I've taken a
2 look at is that the pipeline produces some heat. If
3 this is true, how much excess heat is going to be
4 present at surface? From talking to the Guardian
5 people and from looking at public records, it seems
6 like the pipeline is only going to be four-feet
7 deep.

8 Commonsense dictates that heat should
9 rise up through the ground. What effect is that
10 going to have on the fertility of the crops or on
11 other uses that people would like to use their land
12 for, which is of course land they own and many
13 people have owned for a long time.

14 Furthermore, a fairly wide trench is
15 going to have to be dug to install this pipeline.
16 That's going to cause a lot of churning of the earth
17 and cause rocks to be strewn up to the surface of
18 the earth. Who is going to clear those rocks away?
19 Who's going to clear the rocks that come up a couple
20 years later, or five years down the road? These are
21 all things that I think concern citizens of this
22 state when they hear about a large project -- you
23 know -- and a lot of people that are going to have
24 their land touched by this project. I think that
25 the Federal Government and the DNR should be looking

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PM2 Continued, page 15 of 29

PM2-3 The effects of the gas pipeline temperature on the soils above the pipeline would be influenced by several variables, including depth of cover over the pipeline, soil bulk density, soil moisture, and distance from the discharge side of a compressor station. In some cases, vegetation or crops tend to develop earlier in the growing season and mature earlier in the fall near the downstream side of a compressor station which dissipates with distance from the compressor station. We are not aware of any published studies specifically addressing the effects of natural gas pipelines on soil temperatures and crop yields nor is this a common problem in our experience. Guardian is responsible for crop losses that can be documented as caused by operation of the pipeline.

PM2-4 Agricultural productivity could be affected by a number of factors associated with pipeline construction, including compaction, soil mixing, changes in physical and chemical soil characteristics, drainage, local climatic conditions, inherent soil productivity, and individual management practices. Although thousands of miles of pipelines have been constructed through agricultural lands in North America, there have been relatively few published studies evaluating the effects of pipeline construction on crop productivity. In addition, the studies that have been published addressed pipelines constructed without topsoil segregation and are not necessarily representative of the majority of agricultural lands traversed by the proposed pipelines. Further, the pipeline rights-of-way in these studies were not restored according to our Plan and did not have additional mitigation measures applied, which provide for greater levels of restoration and protection of agricultural lands than many pipelines constructed in the past.

The Argonne National Laboratory (Zeller et al., 1985; 1989) conducted three soil and crop production studies in Oklahoma, Illinois, and Michigan for the Gas Research Institute that assessed the effects of pipeline trenching and backfilling with no topsoil segregation, on soils and crops. Results revealed that altered soil properties related to pipeline construction did not result in a consistent pattern of reduced crop yields.

PM2-5 See response on next page.

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1 into these things.

2 Furthermore, will Guardian, the Federal,
3 Government, or will someone else carry insurance
4 against the easily foreseeable liabilities and
5 against the liabilities that nobody has yet foreseen
6 but that will probably occur from having a large
7 pipeline carrying natural gas and a lot of pressure
8 running across the land.

9 You know, maybe lastly, earth as we all
10 know, any of us who have a background in farming or
11 any experience with geology, that earth is not
12 static. It doesn't just sit there. It's like the
13 sea; it rises and falls. If a pipeline at one point
14 is four feet underground, five or six years down the
15 line at certain points it might no longer be covered
16 by the four feet of earth.

17 Who's going to make sure that that
18 pipeline is covered by an adequate amount of ground
19 to ensure safety at all times for the people who
20 live closest to it and even for anybody in the
21 neighborhood; and, presumably, a thirty-inch-wide
22 piece of pipe, if anything should occur because it
23 eventually, through fluctuations at the surface,
24 suffers some sort of a rupture, this could be
25 something that effects people in a wide radius

PM2-6

PM2-7

PM2 Continued, page 16 of 29

PM2-5 Operation of the Project would not change the general use of the land and would only preclude the construction of above ground structures within the 50-foot permanent right-of-way.

As discussed in Section 4.2.2.6, the introduction of subsoil rocks/stones into agricultural topsoil would be minimized by segregating topsoil from trench spoil and replacing topsoil in agricultural areas after cleanup. This practice would prevent subsoil rocks from being brought to the surface and incorporated with topsoil. To the extent possible, Guardian would also remove excess rock/stone greater than 4 inches in size from the top 12 inches of disturbed soils in cultivated and rotated croplands, hayfields, pastures, residential areas, and at the landowner's request in other areas. Guardian would also remove excess rock/stone from surface soils disturbed by construction such that the size, density, and distribution of rock on the construction right-of-way would be similar to adjacent non-right-of-way areas. In addition, in accordance with our Plan Guardian would be responsible for maintaining such standard with quarterly reports to the FERC for at least 2 years after construction. Following this time-period landowners can request that Guardian conduct repairs in the right-of-way caused by construction to meet the standards of similar and adjacent off-right-of-way lands.

PM2-6 Guardian is responsible for damages caused by the construction and operation of its pipeline facilities.

PM2-7 See response to PM2-1. Guardian is also required to maintain its depth of cover to the DOT requirements and any deeper depths to which Guardian stated that it would be placed. If landowners are concerned in the future that the depth of cover is not at the required depth, they should contact Guardian.

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PM2-7
(cont'd)

1 around the point of the rupture. Once again, these
2 issues need to be adequately and thoroughly
3 explored.

4 Last of all, these issues, once they are
5 adequately and thoroughly explored, need to be
6 calculated to ensure just compensation that under
7 our constitution must be paid to every citizen whose
8 land is taken or burdened by a project like the
9 Guardian Pipeline. Those are the comments that I
10 have for tonight.

11 MR. KOPKA: Thank you. Our next speaker
12 is Dick Guell.

13 MR. GUELL: Pass. Chuck Rhein said most
14 of what I had to say.

15 MR. KOPKA: Okay.

16 MR. GUELL: I will reserve the right to
17 speak at the end.

18 MR. KOPKA: That's fine. Our next speaker
19 is Lawrence Birshbash (phonetic). Is that right?
20 Lawrence Birshbash?

21 MR. BIRSHBASH: I didn't sign up to speak.

22 MR. KOPKA: Oh, okay. Jerry Criter?

23 MR. CRITER: My name is Jerry Criter,
24 C-R-I-T-E-R. W4648 Dick Road, Chilton, Wisconsin.
25 I have a farm in the town of Brothertown.

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1 Guardian Pipeline wants to go through my
2 land. I have a couple of issues that Chuck brought
3 up. He covered quite a few of them on the
4 compensation end of it. I think it's a dirty shame
5 the way they're coming through and ruining our farms
6 for what I've heard them offer \$2,400 an acre -- a
7 one time payment. That's ridiculous.

8 I've got an issue with the line itself.
9 I've been told they changed their plans two or three
10 times to modify it to satisfy certain groups of
11 people, and I guess they all care about the
12 individuals. Originally, they were going to go
13 through my land following the powerlines which was
14 bad enough, but it wasn't too bad.

15 Now, I don't know who decided to change
16 it; but, just recently, I got this book. My
17 particular farm -- I know you can't see it from
18 where you are -- but they had originally planned to
19 follow the powerlines here and then across. My farm
20 starts up here and it ends over here. So now
21 they're going to go kitty-corner across the whole
22 farm. What that means is there is going to be
23 pockets that are landlocked. You won't be able to
24 get at them because either neighbors own the other
25 land or no driveways and no access to them.

PM2-8

PM2-8 The pipeline would not leave portions of properties landlocked and inaccessible. Farmers would be able to resume normal farming operations over the pipeline once construction is complete. Any future property development would have to take the location of the pipeline into consideration in the development design, but roads, driveways, and other utilities can cross the pipeline right-of-way.

The actual pipeline route may continue to change as the environmental permitting and evaluation progresses, including the development on this FEIS, and as the engineering design is further evaluated. Guardian will have to negotiate for an easement for the final certificated route.

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PM2.8
(cont'd)

1 I don't know why they changed it. I
2 never was informed of it until I got this production
3 here. The only thing I can think of is that the DNR
4 over here had something to do with it, because
5 there's a little swamp where the power line is. So
6 where it was supposed to be first of all, now
7 they're going all around that just to get past that
8 swamp. That's the only thing I can think of.

9 They went around Oneida's Nation, they
10 didn't want them there. They went around there.
11 How many times are they going to change their plan
12 for people who have anything to say about this? I
13 guess people don't have anything to say from the
14 looks of it. Other than that, I guess that's about
15 all I have to say. Thank you.

16 MR. KOPKA: Thank you. Our next speaker
17 is Rose Criter.

18 MS. CRITER: My name is Rose Criter,
19 C-R-I-T-E-R. W4648 Dick Road, Chilton, Wisconsin
20 53014.

21 I have a few questions I would like
22 answered sometime. I have concerns. I'm Jerry
23 Criter's wife. I have a concern about the changing
24 of the route. They were going to go following the
25 power lines. Now they are changing, and they are

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1 going to mess everything up.

2 We have the power lines on our line. Why

3 doesn't Guardian take landowners that don't have PM2-9

4 power lines? Let someone else dedicate or let

5 someone else give their land for energy as we have

6 had to do. Why take the same people who are

7 elsewhere to someone else's farm?

8 I also have the question, why can't you

9 follow roadsides? I don't know why, and I would PM2-10

10 like to know why you can't follow the roadsides.

11 Those are the only questions I have, and I would

12 like an answer sometime. Thank you.

13 MR. KOPKA: Thank you. Your comments will

14 be addressed in a little while. The next speaker is

15 Ron Steinhorst.

16 MR. STEINHORST: Ron Steinhorst,

17 S-T-E-I-N-H-O-R-S-T. W1667 Mountain Road, Theresa.

18 I currently have a pipeline coming

19 through, and I am getting very concerned about some PM2-11

20 of the safety issues as far as this thirty-inch pipe

21 only being four feet deep. That is not deep enough.

22 I have a ten-inch line coming through my property,

23 and now Pipeline was there about two years ago. Oh

24 yeah, pipe is coming up. So how many years is it

25 going to take before this pipe is going to be PM2-12

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PM2 Continued, page 20 of 29

PM2-9 As stated in section 2.2.1 of the FEIS, FERC regulations (18 CFR, Section 380.15[d][1]) encourage the use, enlargement, or extension of existing rights-of-way over developing a new right-of-way in order to reduce potential impacts on potentially sensitive resources. In general, installation of new pipeline along existing, cleared rights-of-way (e.g., pipeline, powerline, road, or railroad) may be environmentally preferable to construction along new rights-of-way to reduce forest fragmentation and to at least partially overlap previously disturbed and currently maintained rights-of-way. To the extent possible, Guardian has attempted to collocate the propose pipeline within existing rights-of-way. As proposed, approximately 25.7 miles (21.6 percent) of Guardian's proposed construction right-of-way would be located adjacent to or within existing rights-of-way.

PM2-10 See response to PM2-9. In addition, because of the nature of the Project area, following roads would place the pipeline very close to a significant number of homes and businesses that the proposed route would avoid. As proposed, there are only two businesses, four barns, three commercial buildings, and two garages within 50 feet of areas disturbed by construction.

PM2-11 As stated in section 2.3 of the FEIS, the 4-foot depth of burial proposed by Guardian under the direction of the DATCP is actually deeper than that required by the DOT. The DOT requires a depth of 30 inches and less if the pipeline is within bedrock.

PM2-12 See response to PM2-1. It is not expected that Guardian will ever have to rebury the pipeline if it is properly designed. In wetland areas and within waterbodies where the pipeline may work its way towards the surface, Guardian would use concrete coated pipe or add weights to keep the pipeline at the appropriate depth.

1 virtually out of the ground, or when are they going
2 to come back and rebury it. PM2-12 (cont'd)

3 Another issue I have is very much with
4 the safety. They're crossing ANR pipeline at least
5 four times. Why can't they go right alongside this
6 pipeline. I currently have an article here. This
7 is from Illinois AgriNews. The paper is dated May
8 11th. PM2-13

9 Is anybody aware that there was a
10 pipeline explosion in Illinois on the April 29th?
11 They had to evacuate fifty residents. No one was
12 hurt, good thing. You know, and what's going to
13 happen when these pipelines start crossing and there
14 happens to be a break where there's crossing? Is
15 anybody thinking about that? PM2-14

16 I mean, when you look at this map, this
17 pipe is running so close to some of these other
18 pipes. Why can't they run together then? And the
19 fact that it's coming up -- they're all coming up.
20 Nobody is looking at that. What's going to happen,
21 also, when they're done with them? Are we going to
22 have this going to be like the railroads after a
23 while? Farmers are going to have to buy their land
24 back? You know, it's a total issue there. PM2-15

25 We have no inkling to what is the PM2-16

PM2 Continued, page 21 of 29

PM2-13 As indicated in section 3.2.1 of the FEIS, several stakeholders have suggested that collocating the proposed G-II pipeline with the existing ANR Pipeline Route in eastern Wisconsin would decrease environmental impacts. To the extent possible, Guardian has collocated the proposed pipeline within existing utility rights-of-way (see section 2.2.1); however, to collocate the G-II pipeline solely within the ANR right-of-way from its proposed starting point at Guardian's existing Ixonia Meter Station in Jefferson County, Wisconsin would require the construction of over 30 miles of additional pipeline eastward towards the ANR system. Towards the north end of the Project there are other ANR pipelines, but either the Oneida have not agreed to allow Guardian to parallel the ANR pipeline on the Reservation or, in other areas, the ANR pipeline does not go where Guardian needs it to go. These collocation complications would add additional length and impact more landowners than the proposed route. Collocating the G-II pipeline with the ANR system would likely result in greater impacts on waterbodies, wetlands, and forest lands (see figure 3.2-2 in the FEIS).

PM2-14 See response to PM1-14, PM1-16, and PM2-1.

PM2-15 As stated in section 2.8 of the FEIS, Guardian has no foreseeable plans for future expansion or abandonment of the Project facilities, but if market conditions change such that an expansion or abandonment is justified, Guardian will seek the appropriate authorizations from the FERC and comply with all applicable requirements. At the end of the useful life of the pipeline and aboveground appurtenances, Guardian will obtain the necessary permission to abandon its facilities. Typically, when a pipeline is abandoned the right-of-way easement reverts back to the landowner without any payment.

PM2-16 The design-life of modern pipelines is indefinite with proper maintenance. Guardian plans to maintain the pipeline to operate in perpetuity.

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1 lifetime of this pipeline. How long is it going to
2 be? Nobody said anything about how long this pipe
3 is going to last on the ground. You know, so I
4 guess that's about all I can say right now about the
5 concerns that I have.

6 MR. KOPKA: Thank you. That was the last
7 speaker we had signed up. Would anybody else like
8 to speak? Sir?

9 MR. CRITER: Jerry Criter again. I forgot
10 this before. This letter is from somebody I work
11 with. I'll leave a copy of this with you. I'll
12 just read one paragraph out of it.

13 "Calumet County is currently working on
14 smart rules and farmland preservation plans that
15 attempt to support our agricultural economy,
16 preserving our agro-farmland, and finally our
17 economy and the quality of life.

18 Although I realize the pipeline will be
19 underground, the location of such underground
20 infrastructure limits what a farmer can do with
21 their land in the future. And we are concerned with
22 the schedule to install such pipeline into further
23 cropping seasons."

24 This comes from Julie Heuvelman, the
25 Director of Planning Zoning and Land Information.

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PM2-16
(cont'd)

PM2-17

PM2-17 As stated in section 2.4 of the FEIS, Guardian is under contract for a Project in-service date of November 1, 2008. It should take a total of about 7 months to construct the entire Project. If the Project does get delayed, Guardian would be responsible for any additional crop losses.

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1 We had a county board meeting last night, and I'm on
2 the county board also, and she was there and she had
3 just attended a conference in Madison on Monday and
4 Tuesday.

5 She said that this part of the state,
6 from Madison to Green Bay to Milwaukee, form a
7 triangle. This is one of the three spots in the
8 United States where we're losing farmland the
9 fastest. The Federal Government is supposably
10 really looking into this because the State of
11 Wisconsin is really on the list as far as losing
12 farmland due to development, for one thing, and this
13 sure isn't going help our farmland any.

14 MR. KOPKA: Thank you. Is there anyone
15 else who would like to speak?

16 MR. GUELL: I will speak now.

17 I'm Dick Guell, the chairman of Eden in
18 Fond du Lac County. We work -- we're here to meet
19 with the Federal and the State regulators or to
20 speak with those representing the regulators and
21 that.

22 There's been plenty that goes beyond the
23 state. You go down to the county, then you go down
24 to the town, and then you go down to the people --
25 the landowners. I represent the town of Eden, of

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1 which the pipeline is going through our township.
2 It's become very, very hard for farmers to make ends
3 meet through the last few years.

4 I admit this year that the price is up.
5 Last year it was down as low as it's been for 25-30
6 years. Now, you have the pipeline coming through
7 decreasing the valuation of these farms. If you go
8 through them with a pipeline that -- you can't --
9 down the road, if you were able to sell any land to
10 build houses, you're not going to be able to build
11 them where it's the most economical there.

PM2-18

12 It's a sad situation -- where it comes
13 from the landowners, the town, the counties, the
14 state, and then the federal -- that the guys on the
15 bottom has the least to say about anything. We have
16 pipeline going through our county or our town right
17 now. We have windmills coming into our township,
18 and we have high lines going through our township
19 that go through my property.

20 I do not have any property of which the
21 pipeline is going through at this time, but I will
22 represent the people of the township. I feel that
23 with dealing with the windmill people, that we were
24 able to come to an agreement on a yearly basis of
25 what they're going to be paid -- the landowners.

PM2-18 A potential purchaser of property may make a decision to purchase based on his or her planned use, such as agricultural, future subdivision or second home on the property in questions. If the presence of a pipeline renders the planned use infeasible, it is possible that a potential purchaser would decided not to purchase the property. However, it is important to note that construction and operation would not change the general use of the land and would only preclude the construction of above ground structures within the 50-foot permanent right-of-way.

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1 We were one of the first ones in Fond du
2 Lac County. We were one of the first ones to
3 approve windmills in Fond du Lac County before now.
4 This latest one is a lot bigger. We've been working
5 with the windmill people and with Alliant Energy,
6 who bought it now and they're proposing to start
7 this -- come this fall and be online next year and
8 they are certainly going to be a benefit for the
9 landowners because they're going to be paid yearly
10 and justly.

11 The township will reap some of the
12 benefits of which is, with our state legislators
13 right now, out of proportion because the state
14 accounting does absolutely nothing to help develop
15 the windmill people at that time; yet, they get two
16 thirds more than what the town gets. They don't do
17 nothing.

18 So it's time that energy -- yes,
19 everybody needs energy, but the people that it's
20 effecting, starting with the landowners, should be
21 compensated for it. It's been worked out through
22 the wind and that, there's no reason why these
23 people cannot be given the same advantage of being
24 paid the same way. It's time that people wake up
25 and smell the roses because it's getting way out of

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1 proportion.

2 If something happens with this pipeline,
3 who is the first one that's going to be called? PM2-19

4 It'll be Alliant Energy in our area more than
5 likely, or whatever. The first one that's going to
6 have to be there for service is our local fire
7 department. Our local fire department covers the
8 town of Eden, Byron, and the town of Empire.

9 So my fire department is going to be
10 first one there because we've been called when the
11 others' natural gas lines are only three or four
12 feet in the ground at places down by Eden Stone in
13 our locality has been hit three times. The first
14 ones to respond to it is the Eden Fire Department.
15 They are volunteer gentlemen that get paid jack
16 baloney.

17 It's time for the big guys that start
18 from the federal down to the state look out for the
19 little people, because it's time something gets
20 started and done right. Because you can talk to any
21 legislator right now and ask where the grass roots
22 start from. It's the town and then it goes up.
23 Let's learn that we can balance a bunch that the
24 state guys can't. Thank you.

25 MR. KOPKA: Thank you. Is there anyone

PM2-19 In accordance with the requirements of 49 CFR Part 192, Guardian must establish and maintain liaison with appropriate fire, police, and public officials to learn the resources and responsibilities of each organization that may respond to a natural gas pipeline emergency, and to coordinate mutual assistance. Guardian would also provide the appropriate training to local emergency service personnel before the pipeline is placed in service. Guardian would provide company contact numbers to affected landowners which landowners could call with any concerns or emergencies. The right-of-way would also be posted with signage having company contact information in case of emergency.

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1 else who would like to speak? Sir?

2 MR. THOME: Joe Thome, T-H-O-M-E. W3388,
3 Wedge Road, Malone.

4 Just a few things. I think it's really
5 sad -- and there's a lot of Guardian people sitting
6 in here -- that they're targeting the elderly to
7 start off. That's sad. Go and attack the week.

8 The other thing, the money you guys are
9 spending on running around is a lot more than the
10 peanuts you're going to offer us. What else is
11 there to say? Chuck pretty much covered everything
12 that was worth standing up for.

13 I suggest you guys come out and see the
14 people and offer a fair compensation. This isn't a
15 joke. I sat in on one on Thursday with an elderly
16 neighbor, and they come in and tell us that it's
17 going to raise the value of our land.

18 Now, we don't operate that way up here.
19 So if somebody is going to come in and talk to us
20 like that, this is no joke. That's a warning.
21 Thank you.

22 MR. KOPKA: Is there anyone else?

23 Okay. Thank you all for coming tonight.

24 Let the record show that this meeting
25 concluded at 7:47 p.m.

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1 Thanks you. Page 28
2 (The hearing concluded at 7:47 p.m.)
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1 STATE OF WISCONSIN)

2 MILWAUKEE COUNTY)

3

4

5 I, Gwendolyn Grischeau, Court Reporter, do hereby certify
6 that I reported the foregoing proceedings had on May 21,
7 2007, and that the same is true and correct in accordance
8 with my original machine shorthand notes taken at said
9 time and place.

10

11 Gwendolyn Grischeau (s)

12 Court Reporter

13

14 Dated this 23rd day of May, 2007.

15 Milwaukee, Wisconsin.

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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

GUARDIAN EXPANSION EXTENSION PROJECT
PUBLIC COMMENT MEETING

TIME: 7:00 p.m.
DATE: May 17, 2007.
PLACE: Regency Suites, Green Bay, Wisconsin.
REPORTED BY: Amy K. Wallow.

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PM3

APPEARANCES:

1
2
3 MR. ROBERT KOPKA
4 SOIL CONSERVATIONIST
5 FEDERAL ENERGY REGULATORY COMMISSION
6 OFFICE OF ENERGY PROJECTS
7 888 First Street, NE PJ-11.1
8 Washington DC, 20426
9 MR. STEVEN M. UGORETZ
10 ENVIRONMENTAL ANALYST
11 ENERGY BUREAU OF INTEGRATED SCIENCE SERVICES
12 101 South Webster Street,
13 Madison, Wisconsin 53707-7921
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1 (Meeting commenced at 7:10 p.m.)
2 MR. KOPKA: Good evening everyone. This is a
3 public meeting to take comments. My name is Bob Kopka.
4 I work for the Federal Energy Regulatory Commission,
5 also referred to as FERC, or the Commission, which is
6 located in Washington, DC. I am the environmental
7 project manager for the Guardian Expansion and Extension
8 Project. I would like to get started. This is a
9 public meeting to take comments on the environmental
10 draft impact statement, or DEIS, issued and written by
11 the FERC as the lead federal agency for Guardian's
12 Proposed Project with input from other cooperating
13 agencies. The comments received tonight and any filed
14 written comments received will be addressed in the Final
15 EIS for the proposed project. Let the record reflect
16 that this public meeting began at 7:10 p.m. on Thursday,
17 May 17th, 2007 in Green Bay, Wisconsin.

18 Also with me tonight is a representative from
19 our third party environmental contractor, Tetra Tech,
20 EC, or Tetra Tech, Jennifer Ghiloni who is at the sign
21 in table. From our cooperating agencies we have Steven
22 Ugoretz from the Wisconsin Department of Natural
23 Resources up front with me.

24 On October 13, 2006, Guardian Pipeline, LLC,
25 filed an application under Section 7 of the Natural Gas

1 Act in Docket No. CP07-8 to construct natural gas
2 facilities, including two new compressor stations, one
3 in Dekalb County, Illinois, and one in Walworth County,
4 Wisconsin and 109.5 miles of new pipeline consisting on
5 83.6 miles of 30-inch diameter and 25.9 miles of 20-inch
6 diameter of pipeline in Wisconsin. Also Guardian would
7 modify its existing Ixonia Meter Station and would
8 construct seven new meter stations along the new
9 pipeline to deliver gas to WE Energies and the Wisconsin
10 Public Service Corporation. The project as originally
11 proposed is covered in more detail in the DEIS.

12 On April 25, 2007, Guardian filed an amendment
13 for a 23 -mile long reroute at the northern end of the
14 project in Brown and Outagamie Counties beginning at
15 milepost 95.3 which would bring the new pipeline total
16 length to 118.4 miles. Guardian also proposed to
17 relocate the Sycamore Compressor Station in DeKalb
18 County, Illinois and relocate the Rubicon and Sheboygan
19 Meter Stations in Dodge and Fond du Lac Counties,
20 respectively.

21 The Federal Energy Regulatory Commission will
22 decide if authorization of the Guardian Expansion and
23 Extension Project is in the public convenience and
24 necessity. The Commission itself is composed of five
25 commissioners who are appointed by the President and

1 confirmed by the Senate. One of the commissioners is
2 designated as Chairman, currently Joseph Kelliher.

3 As part of the decision-making process, the
4 Commission must consider the environmental impacts of
5 the project and comply with the National Environmental
6 Policy Act of 1969 as amended, or NEPA. In order to
7 comply with NEPA, we produced the draft EIS, so that the
8 public has an opportunity to review the purposed
9 project.

10 Pursuant to NEPA, a cooperating agency has
11 jurisdiction by law or special expertise related to
12 project-specific environmental impacts, and those
13 agencies that choose to cooperate may adopt the EIS to
14 meet their own obligations for compliance with NEPA if
15 applicable.

16 We issued the DEIS on April 13, 2007, with a
17 closing comment date of May 29, 2007. I do encourage
18 you, if you are not speaking tonight and would like to
19 make a comment, to send in your comments early so that
20 we receive them by May 29th, 2007, or provide your
21 comments on the form that you can give to us this
22 evening or which you can also mail in. You may also
23 file comments electronically and those directions are in
24 the first few pages of the DEIS. We also have a few
25 brochures available at the sign in table entitled, "Your

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1 Guide to Electronic Information at FERC", that may be
2 useful.

3 At this time I would like ask Steve to discuss
4 the Wisconsin Department of Natural Resources role for a
5 few minutes. Steve?

6 MR. UGORETZ: Thank you, Bob. Well, the
7 Wisconsin Department of Natural Resources are one of the
8 cooperating agencies that Bob referred to. Our
9 jurisdiction is primarily related to wetlands and stream
10 crossings and storm water management and the various
11 fish and wildlife and vegetation and so on.

12 The DNR has to issue permits under Chapter 30 of
13 the Wisconsin Statutes relating to streams and wetlands
14 crossings and those will be issued independently based
15 upon our own review of the applications filed by
16 Guardian the other related actions that the Department
17 get involved in are the -- what FERC refers to as the
18 nonjurisdictional facility. The lateral pipelines that
19 are being proposed that take natural gas to Wisconsin
20 distribution companies and the Department has the same
21 kind of authority and responsibility in regards to those
22 state pipelines and therefore, we have the process of
23 preparing our own assessment that covers the main line
24 project and the lateral projects that will be released
25 probably within a few weeks before the end of May, which

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1 we are expecting to have a public hearing on that
2 environmental assessment probably in the Fond du Lac
3 area in mid-June so that's another stage of review that
4 we will be covering on that process for state purposes
5 and the department has also adopted the FERC DEIS and
6 the Public Service Commission of Wisconsin which is the
7 primary regulator for the Wisconsin utility proposed
8 lateral connecting project. We are also working with
9 the PSC to help them prepare their own environmental
10 assessment on the lateral project that we are involved
11 in both the Federal and State related actions as well as
12 having our own.

13 MR. KOPKA: Thanks, Steve. Because the
14 Commission has the responsibility to treat all parties
15 to a proceeding equally, we must make certain that our
16 process is open and in the public. For this reason we
17 at FERC are constrained by what are known as ex parte
18 rules. This means there can be no off-the-record
19 discussions or correspondence between FERC staff and
20 interested parties regarding the merits of this case;
21 therefore, I either urge you to speak tonight on the
22 record or put your comments in writing and file them
23 with the Secretary of the Commission by mail or
24 electronically filed. Again, the directions to do so,
25 are in the first few pages of the DEIS.

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1 You may have noticed that we have a court
2 reporter who is transcribing this meeting. This is so
3 we can have an accurate record of tonight's comments.
4 If you would wish to get a copy of the transcript, you
5 can make arrangements with the court reporter after the
6 meeting. The transcript will be available to the public
7 at FERC's public reference room and as part of the
8 record on the FERC website under the project docket
9 number.

10 Let me emphasize that this meeting is not a
11 hearing on the merits of this proposal. It is, as I
12 said earlier, a meeting to give you, the public, an
13 opportunity to comment on our draft EIS. We will
14 address comments on the draft in a final environmental
15 impact statement, which we expect to issue later this
16 year.

17 I will call up individuals to speak in the order
18 listed on the sign up sheet. When you come up to speak
19 at the microphone, please spell your last name for the
20 court reporter and speak slowly and clearly and identify
21 any organization that you may be representing. Let's
22 get started. The first speaker I have is Thomas Micke.

23 SPEAKER MICKE: Hello, my name is Thomas Micke,
24 MICKE. I represent my father as well as his sons,
25 Joseph, Daniel and myself. Last year in Green Bay at

1 the meeting on June 12th, I gave a loud emotional plea
2 and today I wrote my speech. From then until now, I
3 received quite an education, one that four years of
4 Madison can't touch. I learned land acquisition from
5 land owners and politics in general as well as the
6 logistics of natural gas suspension and the proposed
7 plan by Guardian. I haven't had such an eye-opening
8 year since I was introduced to geometry in high school
9 that had applied rules that let you know are approved
10 and had no idea that they must be true even though they
11 weren't entirely known.

12 For example, Guardian had a planned route for
13 the pipeline from 78.5 to 92.1. The change was proposed
14 to go inside a bike trail along the same road, just a
15 little bit to the east of the planned route. The
16 original plan had two meter stations and the proposed
17 change never suggested where those meter stations would
18 go. The original plan discussed farm soil conservation
19 and the proposed change would be inside of the bike
20 trail, a gravel bike trail and since this is not farm
21 land it was never discussed how this soil would be
22 preserved and what techniques would be necessary for
23 that plan. The original plan discusses problems and
24 solutions. This proposed change is brushed off in a
25 little more than a page. Therefore, I conclude that

PM3-1

PM3-1 The Fox River Trail Alternative is discussed in detail in section 3.3.3.5.

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PM3-1
(cont'd)

1 Guardian knew this change would not be approved. What I
2 am asking is that the FERC give this route change just
3 consideration. What is listed in the FERC report is use
4 the existing right of away of the former rail road track
5 that is now a bike trail. If effect it let's the land
6 owners and in that process effect less farmland and less
7 and less potential developments.

8 I would like to include the benefit of the
9 actual straightness of this trial that would mean that
10 you would not have to bend the pipes and not bend around
11 development or potential developments and not bend
12 around farm and less disturbances of the farms. It's
13 also very smooth and the pipeline would bend less of the
14 contours of the surface. This would be less costly for
15 Guardian to make the pipeline as well as having less
16 chances with problems with the pipe in the future. I
17 consider this an additional advantage. The primary
18 disadvantage is that this will constrain 26 to 30 feet
19 of most areas of this bike trail. Again with
20 consideration of the soil, since it is not preserving
21 farmland, I think this would be feasible and with the
22 benefits of not effecting so many farm land owners I
23 think this is something that could be considered and
24 could be worked out. This bike trail already crosses
25 those water ways and open lands. By putting the

1 pipeline inside the bike trail you are not crossing any
2 more properties than you currently cross with the bike
3 trial. Therefore, I'm pleading with FERC to require
4 Guardian to put the pipeline inside the Fox River bike
5 trial to preserve the farms of Wisconsin and the
6 potential growth areas of Wisconsin and improve the
7 general quality of Wisconsin.

PM3-2

PM3-2 Comment noted.

8 The ending point of this proposed route change
9 may have to be rerouted and will have to be reconsidered
10 since currently Guardian changing the route line which
11 is where this ends so the proposed change would have to
12 be adjusted therefore. Thank you and God bless us and
13 guide us in our decisions. Thank you.

14 MR. KOPKA: Thank you and the next speaker is
15 Allen Six.

16 SPEAKER SIX: I would like to decline until
17 later at this time.

18 MR. KOPKA: Next speaker.

19 SPEAKER PAHL: My name is Jerry Pahl, PAHL. I
20 represent my brother, which is my next door neighbor.
21 This pipeline is going through his property. I have
22 mixed emotions about what is going on and I have a power
23 line that runs across my property line right now that I
24 have nothing but an easement and a bunch of crooks
25 running that power line which I have now in the process

1 of filing a lawsuit against ATC for violating their own
2 easements and violating state laws and the state does
3 not help landowners whatsoever. I find after watching
4 60 minutes an Sunday night of a gentleman that worked
5 for the government audited petroleum companies with the
6 United States, mainly speaking of BP, which never paid
7 over, I think \$100 million to the people of the United
8 States. He took the case to court and he won in court
9 and the head of the regulatory committee says she knows
10 nothing about this. Now, there is something wrong with
11 this. I remember a President of the United States
12 saying I never had sex. Well, it seems to me that our
13 government is nothing more than a bunch of crooks and
14 every day I hear the news, I hear more of the government
15 being crooks. They are taking our money and run all
16 over us. They don't care as long as they get what they
17 want. That's fine. Prime example in the state of
18 Wisconsin, just one county over from us a great
19 prosecuting attorney. He was the best in the world. He
20 was destined to be going places. Yes, he did go places.
21 His name is Joel Pauls and I said the day he was elected
22 to the office he was a crook and everybody says, oh, he
23 is prosecuting bad people and he is doing great for us.
24 Yes, he was -- He was filling his pockets just like I
25 accuse the regulatory committee of doing. When they

1 were asked on 60 minutes your boss what she knew about
2 this oh, I don't know nothing and she high tailed to the
3 office quick well, you talk about lies, deceit, this is
4 what I call lies and deceit to the people of America and
5 it's corruption at the least. They are prosecuting
6 people every day in Washington every day for corruption
7 and I will claim that this committee is corrupt because
8 they do not listen to the people of the United States
9 which is supposed to be stewards of this land.
10 Now, let's talk about Madison. Our
11 representatives, Chuck Waller, Jensen, these are the
12 greatest people in the world. Well, when you as
13 Guardian want what you want, you go and over and take
14 and slide the money under the table and give it to them
15 to your bill comes up and you get it passed. Well,
16 Chuck is sitting in jail. Jensen is in jail. They are
17 both in jail. They are both felons now so you have to
18 expect us to trust the government to make the best
19 decision for us people out here? I don't think so. The
20 people are getting tired of corruption. Bush's hoodlums
21 up there. There is one after the other leaving the
22 government. Why, because there tails are on fire
23 because they got caught with their pants down on the
24 another scheme. Come on guys, let's start working with
25 the people and not against the people. That's all this

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1 is. I want to know how much money you are getting under
2 the table. I want to know how much money are you
3 getting paid, Bob.

4 MR. KOPKA: Nothing.

5 SPEAKER PAHL: Give me a break. How much
6 corruption does the country -- are the people going to
7 take? We are supposed to believe what you people tell
8 us? Please, that's the answer I would like from this
9 regulatory committee. I said this before and I'm saying
10 it again, we have in this country right now and in
11 you're going to run a pipeline from every which corner
12 is not using common sense to run it through. You are
13 the dumbest bunch of people I seen in a long time

14 MR. KOPKA: Please keep the comments focused on
15 the pipeline project.

16 SPEAKER PAHL: I believe the government is
17 corrupt in what they are doing. If these CEOs can get
18 the money, then the people with the lands should get
19 compensated as the pipeline goes through their land.
20 I'm sorry but it's fraud, I hate to say it but that's
21 all that fraud. They can share some wealth with us
22 because we are helping them get wealthy and they refuse
23 too. Thank you.

24 MR. KOPKA: Chuck Rine is our next speaker.

25 SPEAKER RINE: My name is Chuck Rine. My

1 address is W5888 Highway Y, Brownsville, Wisconsin and I
2 represent the interest of myself and my wife, Mary, who
3 are farmers and landowners on the Dodge and Fond du Lac
4 county line and also represent the negotiating interest
5 of a large farmer organization called Land Negotiators
6 LLC. If you are wondering how a private pipeline could
7 be proposing installation of a pipeline on a private
8 land when a hundred percent of the people of the
9 effected landowners don't want it and historically that
10 has been rural property owners and farmers and I think
11 the primary reason is because I think historically it's
12 from the excellent work of the easement agents on the
13 front line, the combat soldiers in this battle.

14 I have seen people sign without third party
15 intervention, examination and not even a conversation
16 with the next door neighbor. The isolation and the
17 predatory practices of the easement agents working first
18 with the elderly, the widowed, the misinformed, coercing
19 these people to sign first hand using those values to
20 help establish precedence for the rest of the property
21 owners to fall in line with the threats of eminent
22 domain.

23 It's been asked a couple of times before, why do
24 we have the pipelines? We have the pipelines on our
25 properties because we have been the easiest to

1 manipulate. That's why it's on our land.

2 With the cell towers in our townships, we have
3 now learned that financial compensation for these
4 products are paid every year that the land is used. I
5 will concede that there is a big difference between wind
6 and cell towers and the gas pipeline. The wind and cell
7 towers represent millions of dollars and this gas
8 pipeline represents billions of dollars. That one time
9 payment that Guardian proposes to land owners is no long
10 err adequate compensation for this energy corridor that
11 is traveling through your property. Well, you know we
12 can form a partnership. That seems logical to me. We
13 have the land and they got the pipe. I would just call
14 that a normal business relationship. How can you build
15 anything without land? I might say that it seems like
16 Guardian and all the people involved in the process have
17 kind forgotten that. This is our land.

18 If the partnership does not seem feasible, then
19 I think the idea of an annual payment to landowners for
20 the use of their land is necessary and the next best
21 step. And if Guardian maintains that there is no harm
22 or altercation for the future use that is being done to
23 the land and the landowner, then I'm sure that Guardian
24 would be more than willing to sign a reimbursement
25 agreement with the local municipalities for the loss of

1 tax and a loss to the landowner for the opportunity lost
2 to develop his land. If it was in the laws and this
3 commission intent that financial reimbursement would be
4 fair, reasonable and equitable then the law and this
5 commission are being disillusioned. The placement of a
6 private energy corridor on private land has a profound
7 adverse and negative effect on the value in the future
8 use that land.

9 You know, I don't think that farmers and rural
10 property owner's are the best candidates to provide
11 financial support to the energy industry. In my
12 opinion, the energy industry has done quite well on
13 their own. Farmers and rural property owners cannot
14 afford to supplement profit margins for the energy
15 industry any longer.

16 Through Lands Negotiators LLC I represent the
17 negotiating interests of about three bus loads of
18 property owners effected by Guardian Pipeline and I will
19 tell you that I'm not really sure where those buses are
20 going to travel but we will travel together. We
21 gathered our forces and we are firm in our commitment to
22 not sign anything until we receive proposals for
23 compensation commitment with our contribution for this
24 proposed project. Now here, not now, not again. Thank
25 you.

1 MR. KOPKA: Thank you. The next speaker is Erik
2 Olsen.

3 SPEAKER OLSEN: It is a pleasure to be here
4 tonight. My name is Erik Olsen, OLSEN, and I'm here as
5 a citizen of Wisconsin and a citizen of the United
6 States and I also represent Samuel Phillips Law Offices,
7 LLC. First of all, it's just common sense that the
8 farmers are the backbone of this country and when
9 pipelines are running across people's land, it's pretty
10 clear that land is going to be negatively effected.

11 I think that to some extent that some of the
12 potential negative effects on the land is going to be
13 burdened by the pipeline that glossed over a little bit
14 by the media and some people are just people unaware.
15 so anyways, since this is a comments session, some of
16 the comments I've had that I just discovered going
17 through public records and talking to most people are
18 that first of all pipelines leak and it's just obvious
19 and it's common sense that from time to time everything
20 made my man fails. That's just the way of it, however,
21 how are those leaks going to be detected? Gas leaks
22 from the pipelines is it going to go down into the water
23 table or up in the earth? What is going to happen when
24 gas leaks out and goes somewhere? Does it have a color?
25 Does it have a smell? How is it detected and what is

PM3-3

PM3-3 See response to PM2-1, PM2-2 and PM2-4.

1 the effect on mammals and on people and at what
2 concentration? Who repairs the leaks and how quickly
3 and if they don't, what is the backup plan? Also I've
4 heard and I don't know to what extent this may be true
5 maybe but this commission should have on record that
6 this pipeline produces heat. How much excess heat will
7 present at the surface over the pipe and how will effect
8 the crops, if it will? Also clearly a much wider
9 trench than the pipeline has to be dug in order for the
10 pipeline to get in there and rocks are going be strewn
11 up, and those rocks may be coming up for numerous years
12 and that's another thing that is going to effect land
13 value. Furthermore, on the construction easement there
14 is going to be a construction easement running wider
15 than the permanent easement from the plans that I've
16 see. Everything here is comments and I'm not in a
17 position to definitively speak up here but obviously,
18 compression is going to occur and that can only
19 negatively effect the value of the land.
20 So I guess the reason that I'm just going over
21 these things is that our constitution guarantees that
22 when private properties are taken for public need, those
23 people who are called on make such a sacrifice to give
24 up their property, must be fairly compensated. That's
25 the America way and there is nothing at all to be shy

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PM3-3
(cont'd)

PM3-4

PM3-5

PM3-6

PM3 Continued, page 19 of 32

PM3-4 See response to PM2-3.

PM3-5 See response to PM2-5.

PM3-6 As described in our Plan and Procedures, and Guardian's AMP, measures such as restricting vehicular traffic, reducing loads, employing lower ground-pressure equipment, and rescheduling certain activities may be used when soil moisture is high to avoid and minimize compaction and rutting. In agricultural, residential, and wetland areas, topsoil would be segregated from other materials excavated from the trench and placed in piles that would generally be opposite the working side of the trench. Therefore, heavy equipment would not travel on the piles, and compaction of excavated topsoils would be minimized. Because of construction-related activities, some topsoil and subsoil located along the working side of the construction right-of-way would be compacted. Additionally, construction activities may be restricted as recommended by the on-site environmental inspector during unfavorable conditions (e.g., wet weather) to further reduce compaction and rutting. Compaction would also be mitigated through the use of deep tilling during restoration activities using a paraplow or similar implement. In areas where topsoil segregation occurs, plowing to alleviate subsoil compaction would be conducted before replacement of the topsoil.

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1 about as an America citizen demanding your rights under
2 your constitution which is the document that separates
3 us from other countries that run things differently.

4 I've met a number of landowners over the past
5 months or so and a number of people from the Guardian
6 Pipeline Company and from other companies that are
7 involved in one way or another, directly or indirectly
8 that work for Guardian Pipeline and also these nice
9 gentlemen that work here for FERC and guess the biggest
10 comment I would just like to make tonight is that I
11 think -- I actually feel very strongly that every single
12 person who is in some way involved in this process
13 wherever the pipeline does end up going presumably
14 wherever it does end up going, someone is going to
15 sacrifice but everybody involved whether their land is
16 touched everybody is under a continuing duty as a United
17 States citizen to make sure that our constitution is
18 honored and that every effected landowner is fairly
19 compensated penny for penny. Thank you.

20 MR. KOPKA: Our next speaker is Warren Maass.

21 SPEAKER MAASS: Warren Maass, MAASS. I
22 represent my wife and myself and my son and
23 daughter-in-law. I fully object to this Guardian gas
24 line from experience from the -- when I just got out of
25 college we had a gas line go through my dad's farm and

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1 few more years later another one. The sweet promises
2 they make before they put in and once they leave it's
3 like a check wrote on ice. Our farm is being effected
4 we have a grading drain system that we spent tens of
5 thousands of dollars putting it in our farm and then
6 rendering the land. This is going to be utterly
7 destroyed. That is a bunch of bull because they never
8 fix them so I mind as well plan on making a new system
9 across the gas line. This route that they propose around
10 the town of Oneida is a very poor route. All the people
11 that is being effected, farmland, forest land, quarries,
12 and building projects that going up. We have asked why
13 it has not gone the route that was planned last fall
14 because it is going right along the gas line that goes
15 through the town of Oneida and the sub station and they
16 say no, that is a sovereign nation. Do we have two
17 nations in this country when we say the Pledge of
18 Allegiance one Nation under God? I think we have people
19 -- people in Washington that don't have a backbone any
20 more.

PM3-7

PM3-7 See response to PM1-7.

21 Truthfully, I want an environmental impact study
22 of above ground and below ground, not an assessment, a
23 full study. We are sitting in an area where we live in
24 a high arsenic area and disturbance of the ground
25 effects the arsenic. We have five wells that had to be

PM3-8

PM3-8 Elevated levels of arsenic have been found in the vicinity of the Saint Peter Sandstone Formation in Outagamie and Brown Counties, Wisconsin. Arsenic within this rock formation is tied up in sulfide materials which are released when the sulfides are oxidized. Increased groundwater use from development in Outagamie and Brown counties has drawn down the watertable causing an increase in oxidation of the arsenic containing sulfides (WDNR Arsenic, 2006). The pipeline trench would only be open for a short period, so we don't believe pipeline construction would cause an increase in sulfide oxidation resulting in increasing arsenic concentrations in well water. We have added a recommendation in the water resources section, section 4.3.1.1, to have Guardian consult with the WDNR, Bureau of Drinking Water & Groundwater regarding arsenic.

1 redrilled because arsenic and you blame it on
2 construction in the area so I think you better do a very
3 swift impact study on that. This change in the route
4 which goes through and around Oneida I think is a very
5 poorly planned route. I don't know why it can't find --
6 follow highways and things like that. They say we
7 follow highways. That's a bunch of bull because in this
8 route that they already planned it crosses a highway so
9 it don't go on some tribal land and also I want to bring
10 up that the land is going to be effected very much. We
11 have land that has been selling in our area for four,
12 five, six thousand, up to ten thousand an acre. This is
13 farmland and I think you guys better start taking a good
14 look at things. That's all I have to say.

PM3-9

PM3-9 See response to PM2-9.

15 MR. KOPKA: Robert VanRossum.

16 SPEAKER VANROSSUM: My name is Rob VanRossum. I
17 spoke before earlier at a meeting and I was told I was
18 going to be given answers and I got none. There was
19 nothing that was sent to me or nothing about what is
20 happening. This plan just keeps going forward, forward
21 and all of a sudden it's going through and this is what
22 is happening. Don't we count? I want to know. Don't
23 we count?

24 I stayed on my farm from letting people selling
25 lies. I could have, maybe I should. They couldn't go

1 through it now but now I can take care of it. They are
2 going diagonally, even we ever had hopes of coming out
3 -- putting in straight streets because the pipeline told
4 me at the high school meeting that we have to run
5 parallel to their pipeline and running diagonally, what
6 does that do to the landscape? I'm with this fellow
7 that said he has bus loads. I'm with him. I will join
8 him. Why doesn't FERC listen to us people? I sent 14
9 letters and they don't me send me nothing. I get no
10 answers. Thank you.

PM-10

11 MR. KOPKA: Any other speakers today? We have
12 Helen Lomers signed up to speak? I'm not sure you want
13 to speak or not but your name was on the form, okay.
14 Just want to be sure. That was our last speaker but
15 would anybody else like to speak? Sir?

16 SPEAKER SIX: My name is Alan Six, SIX. I'm
17 here as a concerned landowner representing the Bland
18 family and the Smiths and the Sixs. We have not been
19 included in any informational meeting and we've been
20 going on our own to find out what we can and I've signed
21 numerous reports and lists to get information and we get
22 no answers. We get no mail. I haven't moved, but
23 nobody wants to contact me. I did luckily get a book
24 when I stopped at St. Norbert's College for their
25 hearing and this gentleman finally gave me some

PM3-11

PM3 Continued, page 23 of 32

PM3-10 Stakeholder comments received by the FERC are posted to the Docket and are addressed as appropriate within the EIS.

PM3-11 Comment noted and we will be sure to add you to the FERC mailing list.

1 information about FERC. I read through this book and
2 they have their mind set already on their proposals and
3 there are not alternative routes. The route is the
4 route they are going to take. They don't want to listen
5 to the people, the landowners, that own the land and we
6 have no say. We are nothing to them except just a
7 nuisance and problems to these people. They have the
8 almighty dollar and that is what is speaking as usual.
9 They have no safety concerns which I have a lot of on
10 this depth of this pipe is minimally four feet and I
11 know that are lot of farmers here that can reach deep
12 tilling darn near here close to that but this doesn't
13 say it's always four feet or more. What happens when it
14 shifts and erosion? Who is going to maintain all of
15 this? And a good question about the heat and the leaks
16 and everything man made is made to either fail at one
17 time or another in your lifetime or in your children's
18 lifetime so who is going to maintain it? These --
19 except the people don't care as long as their wallet
20 gets fatter. They don't care. They are not living with
21 it in their back yard and the reason also I've noticed
22 it's nice they make these comments they can't work with
23 these other companies or utilities or other gas lines
24 because they don't have time. I don't think that is
25 correct. In a day when they start conception of running

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PM3-11
(cont'd)

PM3-12

PM3-12 See response to PM2-1.

1 that gas line from point A to point B is the day they
2 should contact these other gas lines with existing
3 routes. There is no reason they cannot put these routes
4 together and run them together safely so all of them can
5 work together and can they do it a lot safer so they
6 don't damage their neighbor's gas line and lose profits
7 for them. They will be more responsible to try to keep
8 it somewhat in a consolidated area instead of running
9 haphazardly through everybody's land -- deem necessary
10 with no regard to the future of the people or the
11 children's people that live there or whoever is going to
12 own it in the future.

13 When these lines are planned right now it is
14 best that they go the shortest distance diagonally
15 across 40, across 80, 100 acres or more. It saves them
16 on the pipe. It saves them on the expense. It means
17 more money in their pockets but it doesn't help the
18 people who are farming this land and own it. We take
19 responsibility and pride in owning this land and working
20 on it. So therefore, I -- I think that should be
21 stopped completely at this point and reconsidered with
22 the alternatives and more safety study done because we
23 seen enough pipelines and we seen enough throughout the
24 United States and what happens when gas lines natural or
25 LP that explode, that they have a poor maintenance, poor

PM3-13

PM3-13 Alternatives and safety are addressed in section 3.0 and 4.12, respectively in this EIS. The G-II project must meet DOT safety requirements which are further explained in the section on safety.

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PM3-13
(cont'd)

1 repairs, all the people injured and killed. What is
2 going to happen? There is never equal compensation for
3 the loss of life, loss of your homes, all of your
4 personal belongings. Furthermore, you have to look in
5 the future right now like this second person said all
6 land is worth so much but they are only giving you a
7 pittance, just the change that is loose in their
8 pockets. Why? It should be fair and just for everybody
9 that is effected and there is no reason they can't. And
10 there is no reason why this United States should
11 continue this with all of our petroleum products and
12 other products like this for energy. It should be
13 stopped and stopped now. There is no reason that this
14 pipeline has to come in and effect all these people now.
15 It should be thought about a lot better instead
16 of coming in and blind siding things. I was just given
17 a new route -- a route from the Oneida land because it's
18 a sovereign nation and it looks like Revision 106. I
19 own some of this land jointly with one of my
20 brother-in-laws that is here tonight and we were never
21 notified legally, writing, phone or nothing. Where is
22 our answers? I've asked since last year at the town hall
23 meeting in to be involved in this every step of the way
24 and to listen and to be involved and to see what is
25 going on and be prepared to plan ahead but it seems I'm

PM3-14

PM3-14 Comment noted.

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PM3-14
(cont'd)

1 just like the rest of the people here, don't mean
2 nothing except some noise and grumbling so when they go
3 back to their other states where they came from and it's
4 not in Wisconsin, they don't care about the problem.
5 It's gone away.

6 Furthermore, I don't think that this was given
7 enough time and enough planning and shouldn't be
8 approved at any time right now. There is no reason this
9 should come through all these landowners and just keep
10 destroying the properties because this is going to value
11 to your land. What is the value of that land in the
12 future? It may be farmland but it still damages the
13 other people and you have bad soil and they don't till
14 it. The person sits on a CAT for eight hours and
15 backlays it when they tell us they are going to keep
16 tilling and it never happens. I sit and watch this
17 stuff. I have had experience in seeing what happens
18 with these things and it's not fun. It's not good.
19 It's time the people all the landowners stick together
20 and tell them enough of this stuff. Thank you .

21 MR. KOPKA: Is there anyone else who would like
22 to speak?

23 SPEAKER JAPIN: I am the President of the
24 Chamber of Commerce in Green Bay and I just want to
25 implore you to find an amicable solution and a

1 resolution for all the people here when it comes to
2 taken property preliminarily because we do need the
3 energy capacity in northeastern Wisconsin. We are
4 willfully underserved at this point so this pipeline is
5 important but not at the expense of good people with
6 valuable land so please try to find a happy medium and
7 solution and it takes care of our energy needs without
8 the property taking becoming something that is very
9 negative for the people involved. Thank you.

10 MR. KOPKA: Anyone else?

11 AUDIENCE SPEAKER: At all these meetings you are
12 at, is there anybody that wants it? Is there anybody
13 that wants it?

14 MR. KOPKA: I don't know.

15 AUDIENCE SPEAKER: Are there any farmers that
16 want it?

17 MR. KOPKA: I don't know.

18 AUDIENCE SPEAKER: It don't exist.

19 MR. KOPKA: Usually the positive folks --

20 AUDIENCE SPEAKER: It don't exist, does it?

21 MR. KOPKA: I don't know.

22 AUDIENCE SPEAKER: Are we going to get any
23 results of this meeting?

24 MR. KOPKA: Well, in the final environmental
25 impact statement everybody that the court reporter has

1 taken down will be in that and we will address comment
2 by comment and refer you back to the document where it
3 --

4 AUDIENCE SPEAKER: Is FERC also in charge of
5 fuel too?

6 MR. KOPKA: No.

7 AUDIENCE SPEAKER: Okay. I have one question
8 for you about eminent domain are you saying now that the
9 oil pipeline can use eminent domain to get the land? I
10 want an explanation because I was under the impression
11 it had to be for non profit and this company is for
12 profit.

13 MR. KOPKA: Well, I'm not a lawyer and I'm no
14 expert on eminent domain but they have to follow the
15 laws of the United States and of Wisconsin in obtaining
16 eminent domain and they would have to go through the
17 court to enforce the eminent domain.

18 AUDIENCE SPEAKER: Are you going to testify on
19 their behalf at the court hearing.

20 MR. KOPKA: We don't get involved. They may
21 enforce the certificate but we don't -- I don't
22 personally get involved at all.

23 AUDIENCE SPEAKER: The impact on the people,
24 that don't count?

25 MR. KOPKA: It will be addressed in the

PM3-15 Eminent Domain proceedings, if necessary to obtain easements for the pipeline, would be conducted in accordance with all applicable federal laws and the laws of Wisconsin.

1 environmental impact statement. I know it is farm land
2 and we are working with the state about crossing farm
3 land. We will be monitoring during construction.

4 AUDIENCE SPEAKER: In the state of Wisconsin
5 they can't use eminent domain because they are for
6 profit.

7 MR. KOPKA: I'm not an expert on that and that's
8 maybe the case. I don't think it is.

9 AUDIENCE SPEAKER: This ain't right.

10 MR. KOPKA: And at some point Guardian will have
11 to get a certificate that is required and if it goes to
12 eminent domain at that point you would have a complete
13 --

14 AUDIENCE SPEAKER: I hope every one of you
15 landowners out there contact a lawyer and go to eminent
16 domain and tie this up in court for the next 25 years
17 and let's see how long they -- and what they do with
18 their gas line then because they are going to approve
19 exactly what they have in that book right now and I'm
20 willing to put my life and give any one of you the gun
21 here and pull the trigger if I'm wrong -- anyone here
22 because I will put my life stating that they are lying
23 to us right now and this is what is going through and
24 there is no changes going on except for the Indians. We
25 are third-rate citizens in this country right now and

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1 I'm sorry. That is exactly where we stand and I think
2 you owe these people an apology.

3 MR. KOPKA: Would you please come to the
4 microphone?

5 SPEAKER CATHY: My name is Cathy and my husband
6 is Gene. I have a question and my question is when you
7 negotiated with the Indians, were they offered the same
8 as we were?

9 MR. KOPKA: I don't know. That's Guardian's.

10 SPEAKER CATHY: Were the Indians offered to be
11 paid a fair price and turned it down?

12 MR. KOPKA: I don't know what they were offered.
13 I'm not involved in negotiations. Is there anyone else?
14 Okay. Well, thank you for coming tonight. Let the
15 record reflect that the meeting concluded at 8:27 p.m.

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STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

I, Amy K. Wallow, a Notary Public in and for the County of Milwaukee, do hereby certify that the above meeting was recorded stenographically by me and was reduced to typewriting under my personal direction; and that the foregoing transcript of the said meeting is a true and correct transcript of the testimony given by the said witnesses at the time and place previously specified.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing proceeding and caption named, or in any way interested in the outcome of the cause named in said caption.

In witness whereof, I have hereunto set my hand and affixed my seal this 20th Day of May, 2007.


Amy K. Wallow