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STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

- - - - - X
IN RE: :
SUMMIT CARBON SOLUTIONS, : Docket No.
LLC : HLP-2021-0001
- - - - - X



TRANSCRIPT OF HEARING
VOLUME 22
PUBLIC TRANSCRIPT

Cardiff Event Center at
Fort Frenzy
3232 First Avenue South
Fort Dodge, Iowa 50501
Thursday, October 5, 2023

Met, pursuant to order, at 8:00 a.m.

BEFORE: THE IOWA UTILITIES BOARD
ERIK M. HELLAND, Board Chair (Presiding)
JOSHUA J. BYRNES, Board Member
SARAH MARTZ, Board Member

(Pages 6434 to 6597)

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15	(phonetic) indicates a phonetic spelling.		
16	{sic} indicates the text is as stated.		
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1 P R O C E E D I N G S

2 BOARD CHAIR HELLAND: It's 8:00, Thursday,
3 October 5. We're ready to go back on the record.

4 Mr. Jorde, if you want to call your first
5 witness.

6 MR. DUBLINSKE: Your Honor, just a brief
7 bit of housekeeping, if I may.

8 In Mr. Jorde's October 2nd updated Notice
9 of Witness Availability for the week, he had a section
10 at the end of that, landowners who had agreed to forgo
11 testifying in exchange for admission of their prefiled
12 testimony and exhibits, and I believe it's eight
13 witnesses.

14 And Mr. Jorde and I have conferred, and,
15 for what it's worth, Summit has no objection to
16 admitting those eight people and waiving
17 cross-examination of those eight.

18 BOARD CHAIR HELLAND: Thank you for
19 everybody getting along.

20 Ms. Gruenhagen.

21 MS. GRUENHAGEN: I just wanted to check
22 with Mr. Jorde if he had located the testimony for
23 Georgene Simms at this point?

24 MR. JORDE: No, it doesn't look like
25 prefiled testimony was uploaded for her.

1 MS. GRUENHAGEN: Thank you.

2 BOARD CHAIR HELLAND: Any other updates?

3 Mr. Jorde.

4 MR. JORDE: And, at a break later sometime,
5 I'll just offer all those exhibits, but I don't have
6 them in front of me right now.

7 BOARD CHAIR HELLAND: Thank you.

8 MR. JORDE: I believe Alan Laubenthal
9 should be online.

10 BOARD CHAIR HELLAND: Did you say
11 Laubenthal?

12 MR. JORDE: Laubenthal.

13 BOARD CHAIR HELLAND: Go ahead and raise
14 your right hand.

15 ALAN LAUBENTHAL,
16 called as a witness by Jorde Landowners, being first
17 duly sworn by Board Chair Helland, was examined and
18 testified as follows:

19 BOARD CHAIR HELLAND: Mr. Jorde.

20 MR. JORDE: Thank you.

21 DIRECT EXAMINATION

22 BY MR. JORDE:

23 Q. Good morning, sir. Brian Jorde here.

24 Can you please state your name?

25 A. Alan Laubenthal.

1 Q. And, Mr. Laubenthal, do you own real
2 estate, real property, that is being targeted by
3 Summit Carbon Solutions for their proposed hazardous
4 pipeline?

5 A. I do.

6 Q. And what county is that in?

7 A. Kossuth County.

8 Q. And, sir, did you cause to be prepared and
9 filed in this matter what's known as prefiled written
10 testimony with certain exhibits and attachments?

11 A. I did.

12 Q. And, if we were to go through all of those
13 same questions that were posed to you in your written
14 testimony, would your answers here today be
15 substantially similar?

16 A. Similar, yes.

17 Q. As you sit here right now, do you have any
18 material changes or corrections or updates that are
19 necessary for the Board to know?

20 A. I do actually.

21 Q. Go right ahead.

22 A. Thank you. It has been almost two and a
23 half months since my prefiled testimony was filed. I
24 think July 27th -- July 21st, excuse me, is when it
25 was filed. And, obviously, the last two and a half

1 months have posed a lot of changes in my life and
2 possibly changes going forward. And so I've done a
3 lot more digging, studying and have a lot more
4 information available to myself that I didn't have on
5 July 21st.

6 One of them, unfortunately, I have to make
7 sure that the IUB understands -- because it's
8 impossible to put in a prefiled testimony exactly the
9 emotions and work, sacrifices, and everything involved
10 that my parents went through in the late '80s to
11 actually purchase this property.

12 I would have been in my teen years at that
13 time. And it was always my dream to come home and
14 farm sometime. And, unfortunately, the '80s in
15 farming was not great, and so my parents struggled
16 through the '80s making sure that they paid for this
17 land.

18 And I remember that very well. And I want
19 to make sure that the IUB Board members understand
20 that. Because, unless they're in my shoes and lived
21 that, they're not going to understand that.

22 So that's where I'm going to start off with
23 this. Excuse me for my emotions.

24 So I want to make sure that everyone
25 understands that I have worked my butt off to make

1 sacrifices. As well as what my parents did to make
2 sure that I and my wife were able to purchase this
3 land as well.

4 So, past that, I just read in the
5 Processors Journal, Volume 2, Number 3 issue, that
6 there are other options available for CO2 capture.

7 In that article, it estimates that every
8 ethanol plant --

9 MR. LEONARD: Objection, Your Honor.

10 BOARD CHAIR HELLAND: State your objection.

11 MR. LEONARD: My understanding is this is
12 the time for corrections or updates to the prefiled
13 written testimony. I believe the witness is now going
14 to tell us about some article that he read, which I
15 don't think comes under the definition of updates or
16 corrections to prefiled testimony.

17 BOARD CHAIR HELLAND: Mr. Jorde.

18 MR. JORDE: Well, I think that objection is
19 premature. If it's information that has come to light
20 after his deadline, I think that is certainly an
21 update.

22 BOARD CHAIR HELLAND: We went over this
23 last night. Corrections are to be corrections, not
24 broad updates. If the witness would like to make some
25 concise updates or corrections. But this is not the

1 time to bring in new testimony.

2 BY MR. JORDE:

3 Q. So the rule allows for corrections and
4 updates, sir. But, if you can phrase these more in
5 terms of corrections to your testimony, that would
6 probably be best.

7 A. Okay. I will do so. On page 17 of my
8 prefiled testimony -- I have to find the exact writing
9 in here. It's in regards to the state economy and
10 poses a threat. I think that \$160 million worth of
11 income -- if they put on their own CO2 capture and
12 create methanol, the estimation was is each ethanol
13 plant will generate \$160 million worth of income.
14 Each. Per year.

15 And, in my opinion, the 13 plants in Iowa
16 would do a greater good for the state economy by
17 generating close to \$2 billion worth of income
18 annually than what this pipeline would ever do for our
19 state's economy.

20 Also, I don't think I went into description
21 enough on what I do as far as farming practices on my
22 land that do more for carbon sequestration than what
23 CO2 capture and pipeline will ever do. And that is I
24 practice no till and cover crop on all my acres as
25 well as this piece here.

1 And, when it comes to digging a pipeline in
2 the proposed route, I don't think there's any way that
3 even a local contractor that actually cares about me,
4 let alone somebody else from somewhere else, really
5 cares on how the land is put back in place after they
6 would propose to put this in. There's no way that
7 they can return it to the current state that my soil
8 is in. It took me almost ten years to get to the
9 state that it's in.

10 MR. LEONARD: Objection, Your Honor.

11 BOARD CHAIR HELLAND: State your objection.

12 MR. LEONARD: Unless this witness started
13 no tilling after July of 2023, I don't believe this is
14 an update.

15 BOARD CHAIR HELLAND: Mr. Jorde.

16 MR. JORDE: Well, again, we run into the
17 problem where Summit is trying to neuter and silence
18 all landowners from anything after the July 20th
19 through 24th deadline from what was said in these
20 proceedings.

21 And so I think they can respond certainly
22 to claims made during these proceedings. I mean, it
23 would just be kind of outrageous if the landowners
24 can't reply to Summit's testimony where they claim
25 these benefits on the record, but yet then Summit has

1 the right to come back and rebut everything that the
2 landowners testified to. That wouldn't make any
3 sense.

4 So I think this witness is addressing
5 information that was testified to during the pendency
6 of these proceedings, which would have been after the
7 deadline for prefiled testimony.

8 BOARD CHAIR HELLAND: Mr. Leonard.

9 MR. LEONARD: A couple things there, Your
10 Honor.

11 Number one, the testimony and exhibit
12 deadlines are meaningful deadlines. They're set by
13 the Board and they're supposed to be respected.

14 Second of all, unlike the Jorde Landowner,
15 and several others, Summit did not put its witnesses
16 up here live and ask them direct questions for
17 landowners to now need to respond to.

18 If the questioners cross-examined Summit's
19 witnesses and things came out, that doesn't entitle
20 the landowners to then come and respond to their own
21 attorney's cross-examination of Summit's witnesses.

22 Secondly, landowners had an opportunity,
23 every adverse party had an opportunity, to respond to
24 Summit's prefiled testimony. And they did.

25 This is not a time to now start talking

1 about historic farming practices on a given
2 landowner's parcel where that certainly could have
3 been included and described, and, in fact, in many
4 cases is described, in Jorde Landowner' prefiled
5 testimony.

6 BOARD CHAIR HELLAND: Okay. The objection
7 is sustained. 7.10(2) does allow for updates that
8 needed to be filed three days prior to the hearing.

9 Mr. Jorde, if we can move into
10 cross-examination, that would be wonderful.

11 MR. JORDE: Okay. I guess, before we do
12 that, was there any specific correction that you
13 haven't gotten to? As in, sir, something in the
14 testimony that you believe was incorrect, an answer
15 you gave that needs to be changed. If not, we'll move
16 on, and other folks might have questions for you.

17 THE WITNESS: I have a lot to say, but
18 nothing that pertains to that.

19 MR. JORDE: Very good.

20 With that, I'll pass the witness for
21 cross-examination.

22 BOARD CHAIR HELLAND: So we want to clarify
23 real quick. Sandra has already testified. So
24 Mr. Laubenthal is availing himself for cross as it
25 relates to agronomy, soil.

1 Is that correct?

2 MR. JORDE: Yes. Agronomy, soil, which he
3 was trying to get into, effects to the land, and then
4 the overall financial impact.

5 BOARD CHAIR HELLAND: Okay. Thank you.

6 Mr. Taylor.

7 MR. TAYLOR: Thank you for that
8 clarification. I might have gone down the wrong
9 track.

10 BOARD CHAIR HELLAND: We're here for you.

11 MR. TAYLOR: Well, I don't know about that
12 sometimes.

13 CROSS-EXAMINATION

14 BY MR. TAYLOR:

15 Q. Mr. Laubenthal, do you see the map on the
16 screen there?

17 A. Yes, I do.

18 Q. In order to clarify your written testimony,
19 I'd like to ask you some questions using this map.

20 Does that appear to be your parcel?

21 A. It does.

22 Q. And south of your parcel is some sort of
23 structures.

24 What is that?

25 A. That is where I and my wife currently live

1 and where our farming operation is based out of.

2 Q. During Summit's testimony, Micah Rorie
3 talked about working with landowners to make
4 adjustments in the route, as needed.

5 Did you discuss with any Summit agent why
6 that route veers north when it crosses your property?

7 A. I never asked them specifically why it
8 veers north. I did specifically ask them why it
9 didn't veer farther north to avert our land and our
10 home where we live. That was actually back in
11 November of '22.

12 Mr. Michael {sic} Schovanec came to my
13 place. I was actually harvesting the field that is
14 right around my home. To the southwest of that. He
15 came to my field and rode in the combine with me for
16 three hours that day. I think it was on November 9th
17 or 10th. One or the other.

18 When he sat in the combine, he explained to
19 me how he flew from Oklahoma City to Sioux Falls and
20 then drove from Sioux Falls to my farm to talk to me.
21 For three hours in the combine. And I told him I did
22 not want the pipeline that close to my residence. And
23 he expressed willingness to move it farther north.

24 And my rebuttal to that is -- and you'll
25 see the building site to the northwest of my home, is

1 the farther away you move it from my facility, my
2 home, the closer you move it to my neighbor's home.
3 And who am I, or who is he or Summit or anyone else,
4 to say that my life is more valuable than theirs.

5 Q. So, given Mr. Rorie's testimony that Summit
6 was trying to work with landowners, what has been your
7 experience?

8 A. I'm not exactly sure how to say that
9 without being extremely negative. But, you know, they
10 contacted me a lot. I will say that. Maybe
11 relentless.

12 I just took a look at the list of
13 communication with me earlier this morning. And holy
14 moly. A lot of phone calls, a lot of voicemails.
15 Some of them are not accurate. Some of them aren't
16 even on there. Like Michael {sic} Schovanec's visit
17 with me isn't even on the list of contacts.

18 So, I don't know, if they can't even get a
19 list of contacts right, how in the hell are they going
20 to get anything else done right?

21 So, yeah, it's a concern.

22 Q. So you're going to talk about agronomy and
23 the soil.

24 Did you discuss any of that with Mr. Rorie
25 or Mr. Schovanec or any land agent?

1 A. I did not. I may have said something to
2 Michael Brewer about it. He is the one I spent most
3 of my discussion with. He was the only one I actually
4 met face-to-face with repeatedly. And I did share my
5 concern over the disruption of my extremely fragile
6 soil. You know, what I've worked so hard to build up
7 in the last 15 years. Really 40, but yes.

8 Q. So what was his response?

9 A. No response at all. Other than that it was
10 going to be restored. But right in the easement it
11 says it does not have to restore it. It will put it
12 back -- it will not be replaced to how it was before
13 it was ever disrupted. I know that. It can't be.

14 You'll actually see -- as long as we're
15 talking about that, you'll actually see a
16 light-colored line that runs from the southeast corner
17 of my property towards the north part of the
18 highlighted area of my parcel. That's an actual
19 24-inch main tile that I and my wife installed back in
20 2006, I think it was.

21 So it's been almost 17 years ago. And, yet
22 to this day, you can still see that strip of where
23 that ground was disturbed. And that was 17 years ago.
24 And that was done by a local contractor that I know
25 very well, and I knew all his workers, and they did

1 their best to make sure that that was put back in the
2 same situation that it was taken out of. And it still
3 shows up 17 years later.

4 Q. Is there a lot of tiling on your property?

5 A. Yes. That farm is completely pattern tiled
6 every hundred foot.

7 Q. Summit witness Roger Ellingson testified
8 that he's been hired by Summit to repair any damaged
9 tile and put it back as good or better than it was
10 before.

11 Do you agree that that can be done?

12 A. I have some very high reservations about
13 agreeing to that.

14 Q. Why?

15 A. My experience is -- and I had another farm,
16 not this one but a different one, that my landlord
17 actually allowed the neighbor to tie into a main that
18 they had ran into the property that I farmed.

19 And they -- specifically -- it wasn't
20 Ellingson, but another tiling company that was a
21 reputable tiling company run their connecting tile
22 into the existing main and went across every one of
23 the tile lines that we had in our property, cut every
24 one of them, 13 to be exact, and did not fix any of
25 them if. And I had to fight with them tooth and nail

1 for a year and a half before they were ever fixed.

2 And I'm afraid that Ellingson -- and I
3 don't even know where they're out of. Not my issue at
4 this point. Is that if there is an issue with any of
5 these repairs that they actually do is how long is it
6 going to take to fix? And am I going to be
7 compensated for the loss of income in the meantime?
8 Because I doubt that's going to happen either.

9 Q. Summit witnesses have testified that this
10 project will be a benefit to farmers because of the
11 price of corn and the ethanol industry being
12 supported.

13 Do you agree with that?

14 A. No, I do not.

15 Q. Why?

16 A. As I was going to mention earlier about the
17 Processors journal, that article I just read, that I
18 think a carbon capture facility at each ethanol plant
19 makes way more sense and way better for the state's
20 economy, as well as my economy, than capturing the
21 CO2 -- which isn't going to capture all of it anyways.

22 Actually, from the information I have found
23 is that it will not actually capture, it actually has
24 a larger carbon footprint than what they actually
25 capture from the ethanol plant with a pipeline. Which

1 makes absolutely no sense at all.

2 I would much rather have an ethanol plant
3 put in their own facility, capture the CO2 themselves,
4 make the methanol, and generate the income and keep
5 that here in this state.

6 Over a ten-year period that's --
7 160 million per plant times the 13 plants that Summit
8 has on board is roughly a billion dollars in extra
9 income every year. And you take that times ten years,
10 it's astronomical. And it makes more sense than what
11 having our 45Q tax credits do to go to a pipeline.
12 It's a net benefit to me. As well as the state's
13 economy. As well as our country's economy.

14 Q. Do you sell your corn to ethanol plants?

15 A. I do. Almost 99 percent of the corn I
16 raise goes to an ethanol facility.

17 Q. But, even at that, you don't feel that this
18 project benefits you as a farmer?

19 A. No, I do not. And the facility that I send
20 most of my grain to has not signed on with Summit
21 either. So that tells me a little bit about the
22 ethanol plant that I provide most of my corn to.

23 Q. For the record, which plant do you sell to?

24 A. I sell most of my corn to a Cargill
25 facility in either Fort Dodge or Fairmont. Fort

1 Dodge, Iowa, and Fairmont, Minnesota.

2 MR. TAYLOR: Thank you. That's all the
3 questions I have.

4 BOARD CHAIR HELLAND: Ms. Kohles.

5 CROSS-EXAMINATION

6 BY MS. KOHLES:

7 Q. Good morning. Mr. Laubenthal? Laubenthal?

8 A. Either one. I've answered to a lot worse.

9 Q. I'm Jean Kohles. Also a landowner. I have
10 a few questions.

11 MS. KOHLES: Can you move out on the KMZ
12 map a little bit farther, please.

13 BY MS. KOHLES:

14 Q. Do you have concern about the construction
15 of this pipeline across your land and your
16 accessibility during construction to the northern
17 portion?

18 A. I do have a driveway on the north end of
19 that field. I'm not near as concerned about the
20 accessibility as what I am visibility. That is four
21 hundred -- actually, at one point, the line was less
22 than 350 feet from my house. And I drive in and out
23 of my driveway countless times per day.

24 I don't even know -- I can't even
25 imagine -- I didn't sleep very good last night when I

1 found out I had to testify because all this stuff
2 keeps coming up in my head.

3 But I can't even imagine how irritated, how
4 frustrated I would be if this pipeline actually went
5 through having to actually watch the construction on
6 my farm. It would -- it just drives me nuts now to
7 even think about it.

8 It's less than four hundred -- I think they
9 did it the other day when my wife testified. Four
10 hundred fifty feet, I think, from our house.

11 Not to mention, you know, that there's
12 500 head of feeder cattle that I feed here as well,
13 some of them custom fed. If there is a rupture --
14 which there will be someday. If it happens to be
15 here, that's \$2 million worth of inventory of cattle
16 just on our facility not counting the grain and
17 obviously the people.

18 Q. Do you have concern, I think you've sort of
19 mentioned it, about the lack of income or the
20 productivity from that land where the pipeline goes
21 and the ability to fix it or reclamation? I'm not
22 saying that well.

23 MR. LEONARD: Objection, Your Honor.

24 BOARD CHAIR HELLAND: State your objection.

25 MR. LEONARD: Asked and answered. Both

1 here today as well as in the direct prefiled
2 testimony.

3 BOARD CHAIR HELLAND: Ms. Kohles.

4 BY MS. KOHLES:

5 Q. What is your concern about how the land
6 will be affected if the pipeline is built?

7 MR. LEONARD: Same objection.

8 BOARD CHAIR HELLAND: Ms. Kohles.

9 BY MS. KOHLES:

10 Q. What is the overall financial hit you will
11 take if that pipeline is constructed?

12 MR. LEONARD: Objection, Your Honor. Same
13 objection. In the prefiled testimony, also in the
14 testimony here today, and perhaps, I don't know, less
15 than three minutes ago, \$2 million worth of cattle
16 inventory.

17 BOARD CHAIR HELLAND: Ms. Kohles.

18 MS. KOHLES: That was in one year. Not
19 forever.

20 BY MS. KOHLES:

21 Q. Okay. You indicated you have extremely
22 fragile soil.

23 What is the composition of that soil?

24 A. There's approximately four feet of heavy
25 black soil on top of clay base underneath.

1 Q. Are you concerned --

2 A. Highly susceptible to erosion. Hence the
3 reason that we no till and use cover crops to make
4 sure we build as much organic matter back in the soil
5 to feed the microbes in the soil hopefully to reduce
6 the fertilizer usage on the farm.

7 Q. So you're automatically using a CO2
8 mitigation to keep it in the soil and to use it when
9 it's needed.

10 Correct?

11 A. I am. I am.

12 Q. Did they explain to you why the pipeline
13 jogs up and then goes back down?

14 MR. LEONARD: Objection, Your Honor.

15 BOARD CHAIR HELLAND: State the objection.

16 MR. LEONARD: Asked and answered. The
17 witness testified about Erik Schovanec riding in the
18 combine with him for three hours, the adjustment of
19 the route to the north there of the property, and his
20 question about why it's not moved even further north
21 of where it is right now. It's asked and answered.

22 BOARD CHAIR HELLAND: Ms. Kohles.

23 MS. KOHLES: Sorry. I'm being shut down.

24 No further questions.

25 BOARD CHAIR HELLAND: Ms. Gruenhagen.

1 CROSS-EXAMINATION

2 BY MS. GRUENHAGEN:

3 Q. Thank you for testifying today,
4 Mr. Laubenthal. I just have one follow-up question.

5 You mentioned that you have pattern tile in
6 that farm about 100 feet apart.

7 Do you know how deep that tile is buried?

8 A. It ranges anywhere from a 4- to a 24-inch
9 main that goes kitty-corner across that field that in
10 places is 18 feet deep. So anywhere from 4 feet to
11 18 feet deep is the range of depth of tile on that
12 parcel.

13 Q. So you have a tile main going through there
14 as well?

15 A. There's actually four mains that actually
16 run through that property. There's a 24-inch main
17 that I installed since I and my wife have owned the
18 property. There's also a county main that runs
19 through it. And then there's two additional mains
20 that my father and an adjoining landowner went in
21 together to take care of the surface water that comes
22 across there in a large rain event.

23 Q. Are you able to describe in words
24 approximately where those four mains are located?

25 A. Well, if I reference that white angle in

1 the KMZ -- I'm going to call it red-shaded area that
2 runs from the southeast corner of that parcel up to
3 the northwest corner of that parcel, it would be up in
4 the top of the shaded area -- you can see that --
5 right there. So that is where my 24-inch main
6 actually stops is right there.

7 About ten feet to the west of that is the
8 12-inch main that my father and adjoining landowner
9 put in together. There's another 8-inch main that
10 they put in together, oh, it was probably 15 to 20
11 years ago, and then there is also a county main that
12 runs through the same area as well. That's the lowest
13 part of the farm and where the water always wants to
14 pond.

15 Q. So, when you say it stops there on the
16 northwest corner, approximately, of that red-shaded
17 parcel, does it start from down by your farmstead or
18 does it start from the parcel north of there?

19 A. So the tile actually starts where the
20 cursor was just located up in the north end of the
21 shaded area. It actually ends just south of my -- if
22 you scroll down on the KMZ map, there is a bulkhead to
23 the dredge ditch just south, and that tile main dumps
24 in -- you'll see where that tree line is. There's a
25 bulkhead to a drainage ditch at the road intersection

1 just south of my building site.

2 Q. So the tile travels from the northwest
3 corner, approximately, of the red-shaded area, travels
4 to the southeast to the parcel that is to the
5 southeast of the red-shaded area.

6 A. Yes. So it goes up to -- the 24-inch main
7 that I installed comes up to where my lane enters
8 50th Avenue, the road there, and then it actually runs
9 on the west side of 50th Avenue parallel to the road
10 down to where the bulkhead for the drainage ditch is
11 located just on the west side of 50th Avenue.

12 And that's where all the county mains
13 actually dump into is right there. All the tile mains
14 dump into the creek located there at the bulkhead.

15 The 24-inch main ends up in my parcel. All
16 the other -- and the 12-inch and the 10-inch that my
17 father put in. But the county main actually continues
18 on to the north and northwest farther north than my
19 parcel and to the adjoining landowners to the north.

20 Q. But, if I understand you correct, all four
21 tile mains then outlet to that drainage ditch?

22 A. That is correct, yes.

23 MS. GRUENHAGEN: Thank you. I have no
24 further questions.

25 BOARD CHAIR HELLAND: With no other

1 questions, Mr. Jorde for redirect.

2 MR. JORDE: Yes. Thank you.

3 REDIRECT EXAMINATION

4 BY MR. JORDE:

5 Q. Now, sir, you were asked a couple questions
6 about if Summit mentioned why the proposed route jogs
7 at an angle coming into your property and then
8 exiting, but I want to ask a little different question
9 of you.

10 In your discussions that you referenced,
11 did Summit ever tell you why they couldn't go further
12 south of your property?

13 A. It was never mentioned.

14 Q. Do you see any impediment -- other than, of
15 course, you're opposed to this whole concept, but if
16 we can possibly set that aside, do you see any
17 impediment of going further south and missing your
18 property?

19 A. No, my sisters actually own that property
20 south of my location. I know they're not at all for
21 this either. As well as the landowner to the east
22 across the road. I and my brother farm that across
23 the road to the east. We also farm the parcels a mile
24 west. That my two sisters own a mile west. And
25 they're not for it either.

1 Q. Okay. So the property we're seeing
2 immediately to the west of the red-shaded, your
3 targeted parcel, you're saying you also farm that and
4 it's owned by someone who has not signed an easement?

5 A. Directly to the west they actually have
6 signed an easement, but I and my brother farm that
7 land.

8 Q. I see. Okay. And then do the folks who
9 signed an easement to the west, do they own that
10 entire property north to south? So the portion of
11 ground immediately to the west of your home and grain
12 bins?

13 A. They do.

14 Q. Okay.

15 A. And they own it from there all the way to
16 40th Avenue to the west. They and their sister.

17 MR. JORDE: Can we zoom out please just to
18 get a better perspective here. Just a little bit
19 more.

20 A. So that darker color there -- the two red
21 ones farther west are the pieces my two sisters own,
22 and the darker green piece on the east of 40th Avenue
23 that runs all the way a half mile north and south is
24 one landlord that I and my brother farm. And then the
25 lighter crop that comes up to my parcel is owned by

1 the property owner that resides on 180th Street just
2 north of that.

3 BY MR. JORDE:

4 Q. And I'm sorry. Your sisters. Do they own
5 property that we're looking at right now that's
6 designated in red or some different ground?

7 A. No, it's in red.

8 Q. To the farther west of the screen? Those
9 parcels?

10 A. That is correct, yes.

11 Q. For the record, what's your sister's last
12 name?

13 A. My sister Ann is Laubenthal. And I have a
14 sister Amy Laubenthal Gallagher, that owns the --
15 well, that's actually designated as three parcels on
16 there.

17 Q. And, just to be sure, you're saying they
18 haven't signed and they're opposed?

19 A. That is correct.

20 Q. Then you said you sell about 99 percent of
21 your corn to Cargill. And I think you said in Fort
22 Dodge and Fairmont.

23 So you truck corn from Kossuth County down
24 to Webster; is that right?

25 A. That is correct. I think it's 47 miles if

1 I know for sure. I've made the trip plenty of times.

2 Q. Do you know in any of your discussions with
3 anyone at Cargill, if they are in talks with Summit or
4 considering potentially trying to be on this proposed
5 route at all?

6 A. The people I've discussed with at Cargill
7 have not given me any indication that they have any
8 intention of signing on with any carbon pipeline.

9 Q. And, if they did, would you be looking for
10 alternative markets for your grain?

11 A. Absolutely. Because Valero's ethanol plant
12 is right next door to Cargill's in Fort Dodge. And I
13 say "next door." It's right across the street. And,
14 ever since this carbon pipeline has come up, I have
15 ceased selling any grain to Valero. None.

16 Q. And that was because of their relationship,
17 or at least prior relationship, with the proposed
18 Navigator pipeline.

19 A. That is exactly correct.

20 Q. Would you agree if enough farmers, corn
21 growers such as yourself, essentially boycotted
22 selling corn to ethanol plants, as you say you would,
23 if those plants participate in pipeline method of
24 carbon capture, that the entire premise of which
25 Summit bases its application would fall apart?

1 A. I would completely agree with that, yes.

2 Q. And I don't know if you've been listening
3 in, but are you aware that other folks that have
4 testified have shared that same feeling you have and
5 are committed to either not growing corn anymore
6 and/or not providing it to any participating ethanol
7 plants?

8 A. I have heard that. And I commend them.

9 And I still think it's funny that on top of
10 wanting to take my land, now they want to take my
11 water too.

12 Q. Well, and that's something new that's come
13 up recently. Did Mr. Schovanec, when he was trying to
14 woo you in on this project, ever mention that they
15 were going to be intense water users as well?

16 A. Absolutely not.

17 Q. And, although I take it you were already
18 opposed to the entire concept for many reasons, had
19 you also known about the water issue would have that
20 made you even more opposed?

21 A. Absolutely. I have a hard enough time --
22 there's a sand vein that -- you can't really tell on
23 this aerial imagery, but it kind of loops around and
24 follows the same location as what the county main does
25 that comes through. And I have a hard enough time --

1 in 2012, last year, and this year, that sand vein has
2 a hard time producing anything.

3 Last year it was about 300 yards wide where
4 it just didn't produce hardly anything in corn. And
5 this year even the beans were in the 30-bushel range
6 that I harvested just last week.

7 I can't imagine what that would do to
8 further production -- if you take, by my estimation,
9 somewhere around 400 million gallons of water that
10 they want to consume, I can't imagine that that would
11 anywhere near improve my cropland facilities. And
12 production.

13 Q. But what if Summit were to say, "Don't
14 worry about it. If you can prove that something we
15 did caused you damage, if you can convince us of that,
16 don't worry, we'll pay you some money," would that
17 make you feel any better?

18 A. Yeah, I don't think so. No. Absolutely
19 not.

20 Q. And that's, I take it, based on -- the
21 first reason probably is because it has to do with
22 reliance on them, working with them, and using your
23 time and energy to try to prove to them what you think
24 they contributed to.

25 A. Yeah, absolutely. They haven't tried

1 moving the line all that hard. Because a half mile
2 east of my place there's a landowner that's signed on
3 as well. And they own the property a half mile north
4 of my place. So I don't know why they wouldn't sign
5 an easement with them.

6 Summit Ag put a hog site on their farm that
7 they just bought two years ago. So I don't know why
8 they wouldn't go sign with them and just route it
9 another half mile north.

10 There's no residence up there anywhere. I
11 don't know why they wouldn't just try to go through
12 there. It's a whole mile of no residents. Actually,
13 almost two miles.

14 MR. JORDE: Can we Zoom out so we can see
15 it and kind of pull it down a little bit. There we
16 go.

17 BY MR. JORDE:

18 Q. Sir, just so we can close the loop on that
19 statement, you said Summit Ag has a hog barn or
20 facility to the north of you?

21 A. They actually have three of them that you
22 can see on the map the way it is. There's one a half
23 mile north of me and a little bit east, and that one
24 was just put --

25 Q. Let me just stop you because, again, we're

1 not actually recording this video for the record.

2 So, in the darkest green 40-acre parcel, is
3 that a Summit facility where the hand is? Which would
4 be, yes, like you said, one parcel north and east of
5 you?

6 A. Sorry. I think I lost you there for a
7 second.

8 Q. Yep. It looks like you're back now, I
9 think.

10 A. Yes. I had a phone call come in on my
11 phone and I think it disrupted. I'm on a hotspot
12 because I couldn't get an internet connection this
13 morning.

14 That will never happen with the gate
15 valves, will it.

16 Q. I might come back to that. But, to finish
17 this area of inquiry, Summit Ag, you're stating, owns
18 the two hog barns that we can see immediately to the
19 north and east of your targeted parcel on the very
20 dark 40.

21 A. Correct. Yep. And that was just put up a
22 year, year and a half ago. That site was. And they
23 purchased the one -- a mile farther east on the road,
24 they just purchased that one from the landowner of
25 that, oh, between six and eight months ago.

1 Q. And are there two barns shown just south of
2 that road and then two parcels to the east? Is that
3 what you're referencing?

4 A. That's exactly right. So the L shape, the
5 darker one, from where I live -- so in between -- that
6 L-shaped one that the cursor just went over. So that
7 landowner signed an easement. And the landowner
8 directly to the east that has that other hog site on
9 it has also signed. So that is a father-son. And the
10 grandfather actually owns the parcel where the new
11 site was put up a year and a half ago across the road
12 kitty-corner to the northwest.

13 Q. I see. So, if this were, for some reason,
14 approved, you would state that given Summit Ag's
15 interests and given the willingness, for whatever
16 reason, for these other folks to sign easements or
17 participate in the project generally, that moving the
18 route north away from your ground would be a potential
19 alternative route?

20 A. Well, it's a heck of a lot better than
21 being 350 feet from my house. I know that.

22 Q. And --

23 A. So yes. I would say, yes, I would agree
24 with that.

25 Q. And you said the Summit Ag hog facilities

1 immediately to the northeast were put up, you said,
2 like a year and a half or two years ago?

3 A. Yes, two years ago.

4 MR. LEONARD: Objection, Your Honor.

5 BOARD CHAIR HELLAND: State the objection.

6 MR. LEONARD: I don't know -- there's no
7 tie here to any cross-examination questions. This is
8 a discussion about moving the line a half mile north
9 and where various hog facilities are located having
10 nothing to do with any of the cross-examination
11 questions that were asked.

12 BOARD CHAIR HELLAND: Mr. Jorde.

13 MR. JORDE: I would totally disagree with
14 that. There were questions asked about what
15 discussions were had about moving it or not moving it
16 and why any restrictions were given and I'm going into
17 that.

18 And, also, it's relevant to consider
19 reroutes. That's one of the, I think, five questions
20 the Board asked other folks.

21 So I think it's very relevant for potential
22 and likely reroutes that are available.

23 BOARD CHAIR HELLAND: Did you have a
24 response?

25 MR. LEONARD: Yeah, just briefly. The

1 information about Summit Ag's hog facilities is
2 something this witness volunteered in response to
3 Mr. Jorde's question, not any cross-examination
4 question.

5 BOARD CHAIR HELLAND: Mr. Jorde, go ahead,
6 get to your question and move on, please.

7 MR. JORDE: Okay.

8 BY MR. JORDE:

9 Q. So, if Mr. Rastetter and company at Summit
10 Ag, who it's no great secret are involved in this
11 project, are so behind it, I think, to sum up, why not
12 just put the pipeline near their facilities rather
13 than impact you as an unwilling participant; correct?

14 A. Correct.

15 Q. Then you said you had tile at 4 feet to 18
16 feet deep? Did I get that right? 1-8? 18?

17 A. That is correct, yes. Where that
18 main actually, that 24-inch main, crosses my lane
19 coming into my facility off of 50th Avenue, it is
20 approximately 18 and a half feet deep right there.

21 It's cheaper to put the pipe in deeper --
22 when I put that pipe in, it was cheaper to put it in
23 deeper than it was to route it around the west side of
24 my facility a lot shallower. Because you cut down on
25 the number of feet.

1 And I'm sure that's exactly the same reason
2 that Summit wants to run this pipeline absolutely as
3 straight as what they can. Because it's cheaper to
4 dig deeper than what it is to add footage.

5 Q. So, given you have tile 18 feet deep that's
6 existing, and given Summit has testified they want to
7 stay 12 inches or one foot away from any existing
8 lines, would you say that, again, if this were
9 approved for some reason, that Summit should go at a
10 minimum depth of 19 feet below your property and tile?

11 A. That would be ideal. If -- you know, given
12 the assumption that it's actually approved and
13 actually comes through our land.

14 Q. Sure. And, dealing with Mr. Schovanec, who
15 rode around with you for three hours and, again,
16 discussed, I'm sure, how wonderful he thought the
17 project was and wanted to quote-unquote work with
18 landowners, did you take it from that conversation
19 that Summit would be certainly willing to go to
20 19 foot or deeper on your property to accommodate
21 concerns?

22 A. Absolutely. And to evenly space it between
23 our location and my neighbor's place so it would
24 actually be equidistant between the two of us.

25 MR. JORDE: Okay. Very good. Sir, I don't

1 have any more questions for you. I appreciate that.

2 BOARD CHAIR HELLAND: Thank you for your
3 testimony, Mr. Laubenthal. We appreciate it.

4 Mr. Jorde, your next witness.

5 MR. LEONARD: Your Honor, just as a
6 housekeeping matter, if I could inquire of Mr. Jorde
7 how many witnesses he believes he might have today.

8 MR. JORDE: Yes. Good question.

9 So I'm told we have got Craig Huntoon, I
10 hope, on the line virtually. Okay. Good. That's
11 one. And then Debra Wheeler is here in person. And
12 then I've got Joan Centlivre that I hope will be
13 virtual after Ms. Wheeler. And then I've kind of got
14 a question mark. But if I can check back in with
15 folks after that. Because we're trying to see if any
16 other people could hop on virtually.

17 BOARD CHAIR HELLAND: Thank you.

18 MR. JORDE: Thank you. At this time, we
19 will call Craig Huntoon.

20 MR. HUNTOON: Can you hear me?

21 BOARD CHAIR HELLAND: Yes, we can. Can you
22 hear us okay, Mr. Huntoon?

23 MR. HUNTOON: Yes.

24 BOARD CHAIR HELLAND: Thank you.

25 Go ahead and raise your right hand.

1 CRAIG HUNTOON,
2 called as a witness by Jorde Landowners, being first
3 duly sworn by Board Chair Helland, was examined and
4 testified as follows:

5 BOARD CHAIR HELLAND: Mr. Jorde.

6 DIRECT EXAMINATION

7 BY MR. JORDE:

8 Q. Please state your name, sir.

9 A. Craig Huntoon.

10 Q. And, Mr. Huntoon, do you have relation with
11 Huntoon Farms, Ltd.?

12 A. Yes, I do.

13 Q. And does Huntoon Farms, sir, own four
14 parcels in Dickinson County, Iowa, that are presently
15 being targeted for the Summit hazardous carbon
16 pipeline?

17 A. Am I supposed to answer what you're showing
18 me in red?

19 Q. Well, first answer if that's your
20 understanding. And then, if we need to clarify, we
21 can zoom in.

22 A. Yes, that's my understanding.

23 Q. Okay. And then what we're looking at on
24 the screen here, there's parcels in red.

25 Do you recognize any of those to be parcels

1 that Huntoon Farms has interest in?

2 A. That is -- yeah, that is part of Huntoon
3 Farms.

4 Q. And I just wanted to be clear. I said
5 four.

6 A. Yes.

7 Q. Very good. And, during this process, sir,
8 did you on behalf of Huntoon Farms cause to be created
9 and filed what's known as prefiled written testimony
10 with questions and answers and certain exhibits
11 attached?

12 A. Speak the first part of that question
13 again.

14 Q. Yes. Did you, as a part of this process,
15 cause to be filed what's known as prefiled testimony
16 with certain questions and answers and then documents
17 attached to support your opposition?

18 A. Yes.

19 Q. And, if we were to walk through all of
20 those same questions that were posed in your written
21 prefiled testimony, would the answers you provided
22 there be substantially similar to the answers you
23 would give us today?

24 A. Substantially similar, yes.

25 Q. And do you have any material corrections or

1 updates you believe are necessary for the Board to
2 know at this time?

3 A. Maybe under updates as far as -- you know,
4 I feel like we don't -- I've been watching some of the
5 proceedings, and I just still feel like we don't know
6 what we don't know as far as the risks that are
7 involved.

8 And it's hard to answer fully all the
9 questions here. Because it just seems like there
10 could be so many different changes with this process
11 going forward.

12 Q. So I think maybe, to sum that up, is what
13 you're saying is when prefiled testimony is prepared,
14 and you're asking yourself questions essentially, you
15 can only ask the questions of information that you
16 even comprehend or are aware of at that moment; is
17 that right?

18 A. That is correct.

19 MR. JORDE: Sir, I'm going to offer into
20 evidence your Exhibit 301, which is your prefiled
21 testimony plus any attachments you provided back in
22 July.

23 THE WITNESS: Okay.

24 BOARD CHAIR HELLAND: Are there objections?

25 MR. LEONARD: I guess just a clarification.

1 On that very last part, the Huntoon Farms, Ltd., Craig
2 Huntoon Initial Prefiled Testimony looks like it was
3 filed on September 11th of '23. I don't have any
4 objection to the testimony. I just want to make sure
5 there's not something different that was filed in
6 July.

7 MR. JORDE: That's a fair clarification.
8 If the filing date was not in July, I'm still offering
9 that same exhibit. The prefiled testimony of Craig
10 Huntoon and Huntoon Farms.

11 BOARD CHAIR HELLAND: With no objection,
12 the Board will admit the testimony filed on
13 September 11 and give it the weight due.

14 MR. JORDE: And then, sir, if you've been
15 watching, at this time I will pass you for
16 cross-examination from other parties.

17 Okay?

18 THE WITNESS: Okay.

19 BOARD CHAIR HELLAND: Mr. Taylor.

20 MR. TAYLOR: Thank you.

21 CROSS-EXAMINATION

22 BY MR. TAYLOR:

23 Q. Mr. Huntoon, I'm Wally Taylor. I represent
24 the Sierra Club. And I just want to clarify the KMZ
25 map.

1 There are two red areas there separated by
2 a green area and it looks like maybe a county highway
3 or something.

4 Are both of those red areas the parcels
5 that we're talking about?

6 A. That's my understanding. Yeah, the red
7 areas are the areas that Huntoon Farms owns.

8 Q. So who owns the area between those two red
9 parcels?

10 A. Between the two parcels, just to the north
11 of the highway there or the road there, that was part
12 of Huntoon Farms. We sold it to my tenant -- my
13 cousin, Jeff Jones, sold it to his daughter, Caila,
14 and her husband, Andy Corcoran.

15 And, as far as just to the south, I don't
16 know who owns that.

17 Q. Okay. It's just a little unusual for us to
18 have two separated parcels like that.

19 I note that you have some wind turbines on
20 your properties?

21 A. Yes.

22 Q. How long have those been there?

23 A. I'm not really for sure. I would -- was it
24 back in '08? Maybe '07, '08 is when they were
25 installed. Right around that time frame.

1 Q. And you notice the path of the pipeline
2 going down the west edge of your north parcel and then
3 diagonally through your south parcel.

4 Is that where you understood the pipeline
5 route would be?

6 A. I understand that's where -- the proposed
7 pipeline, yes.

8 Q. If there's been testimony from Summit
9 witnesses that they have worked with landowners and
10 moved the pipeline, when possible, at the request of
11 landowners, has that been your experience dealing with
12 Summit?

13 A. My experience dealing with Summit has been
14 very minimal. I think the only thing I've had
15 communication with was Tanner McDonald on some texts.
16 And, after further discussion with the lawyer, I've
17 ceased any discussion with them.

18 Q. Well, do you feel if you had continued
19 discussion, you might have worked out an alternative
20 route or some other terms?

21 A. Absolutely not.

22 Q. Why not?

23 A. Because I do not want the pipeline going
24 through Huntoon Farms.

25 So whether it cuts through there or to the

1 far west, far east, irregardless, we still don't want
2 it. Especially with the risks that are involved and
3 what's being offered for it, the reward, it's way too
4 little.

5 And, even if it was substantially more,
6 it's just not worth it for us. So we don't want it at
7 all.

8 Q. Summit witness Roger Ellingson indicated
9 that -- let me ask you this first: Is there tiling on
10 your property?

11 A. Yes. According to my tenant and my mother,
12 I know they tried to -- they improved the farms pretty
13 much every year with tiling. So, year over year, it's
14 been a substantial investment.

15 And I believe it's every 60 feet we have
16 some tiling and some type of crossing there. So we
17 have substantial tiling throughout the property.

18 As far as the exact locations, I don't
19 know. I know we hire it out to some professional who
20 comes in each year and adds to it to improve.

21 Q. Summit witness Roger Ellingson indicated
22 that he's been hired by Summit to repair any broken
23 tile that's broken during construction and that he'd
24 repair it in better or at least as good a shape as it
25 was before.

1 Does that raise any concerns you might have
2 about your tiling?

3 A. Better? I think that's kind of funny. No,
4 from my understanding, it will never be the same.
5 Once you disrupt what's there, it will never be the
6 same as far as the tiling is concerned. And that's
7 from the person who does our tiling.

8 Q. Do you have any experience that leads you
9 to that conclusion that it couldn't be repaired?

10 A. No. I mean, that's -- I'm not a
11 professional in tiling. So I have to defer to the
12 professionals who do it for a living. So I have to go
13 off their word.

14 So I don't have any personal experience
15 with it. So I just have to go with their word.

16 Q. I think you mentioned risk. There's been
17 testimony in the record here in this hearing that the
18 risk is minimal, if any, and that perhaps landowners
19 are being misinformed about the nature of the risk.

20 Do you agree with that?

21 MR. LEONARD: Objection, Your Honor.

22 BOARD CHAIR HELLAND: State the objection.

23 MR. LEONARD: Asked and answered. This
24 witness's prefiled testimony talks extensively about
25 his concerns about the risks, incorporates phrases

1 regarding "risks" at least 22 times in the testimony.

2 BOARD CHAIR HELLAND: Mr. Taylor.

3 MR. TAYLOR: I'm asking about his response
4 to testimony that's come out at this hearing. I think
5 that's something that's come out after his prefiled
6 testimony and something that he is entitled to respond
7 to.

8 MR. JORDE: I would join in that.

9 BOARD CHAIR HELLAND: Okay. The objection
10 is sustained, but you may rephrase your question.

11 BY MR. TAYLOR:

12 Q. How close would the nearest emergency
13 response personnel be from your property?

14 MR. LEONARD: Objection, Your Honor.

15 BOARD CHAIR HELLAND: State the objection.

16 MR. LEONARD: That was asked and answered
17 of Caila Corcoran. It was also asked and answered of
18 Mr. Wahl yesterday.

19 BOARD CHAIR HELLAND: Mr. Taylor.

20 MR. TAYLOR: Well, I'm not sure this is
21 exactly the same area of Dickinson County.

22 MR. LEONARD: Well, Ms. Corcoran testified,
23 as did this witness, that she and her husband Andrew
24 own the parcel just south of the northern Huntoon
25 Farms parcels. Daniel Wahl testified that he owns the

1 parcel just north of the northern Huntoon Farms
2 parcels.

3 BOARD CHAIR HELLAND: Mr. Taylor.

4 MR. TAYLOR: I'll ask another question.

5 BOARD CHAIR HELLAND: Thank you.

6 BY MR. TAYLOR:

7 Q. Summit witness Rod Dillon said that he
8 would be training local emergency personnel.

9 Do you have any indication whether local
10 emergency personnel have the proper training or not?

11 A. I do not have any knowledge of that.
12 Whether they have training or not.

13 Q. Summit witnesses have said that this
14 project would be a benefit to Iowa farmers.

15 As an Iowa farmer, do you agree with that?

16 A. Do I agree it would be a benefit? My
17 feeling on that is that the farmers -- if this is
18 forced upon them, that they are left with pennies on
19 the dollar. That whatever they're offering to give us
20 is so slight that it -- I don't even know if laughable
21 is quite the right word, but it's -- again, I go back
22 to the risk-reward.

23 The risk that's involved for us, the
24 liability that's involved for us, and what's being
25 offered is just not there. I just don't see the

1 overall benefits.

2 I think there's other ways to go about it.

3 I've heard some other people's testimony. I don't

4 have intimate knowledge if that would -- the validity

5 of it, if it would work or not. I just know with this

6 stuff, from my research, I just don't see the clear,

7 overall benefit. Especially for the farmers.

8 Q. Do you sell your corn to ethanol plants?

9 A. So I don't have direct control over that.

10 My tenant does. Jeff Jones. With our contract, he

11 controls where it's sold.

12 But it's my understanding, due to the

13 pipeline, he sells it to places -- he doesn't sell it

14 to the ethanol plant because of this. He doesn't want

15 to support it. He is emphatically against it. So I

16 believe he sells it to one of the -- Superior Co-op, I

17 believe.

18 Q. So do you feel that any alleged benefit to

19 the ethanol industry benefits you as a farmer?

20 A. I'm sorry. Could you state that one more

21 time?

22 Q. Sure. Do you feel that any alleged benefit

23 to the ethanol industry from this pipeline project

24 benefits you as a farmer?

25 MR. LEONARD: Objection, Your Honor.

1 BOARD CHAIR HELLAND: State the objection.

2 MR. LEONARD: First, asked and answered
3 just prior to this question.

4 Second, the witness just testified he's not
5 the farmer. His cousin Jeff Jones is.

6 BOARD CHAIR HELLAND: Mr. Taylor.

7 MR. TAYLOR: Well, I think he gets income
8 from the farm obviously. And I don't recall any
9 similar question just before this. I think it's a new
10 question and it's a fair statement based on the
11 allegations Summit's witnesses have made in this
12 proceeding.

13 MR. LEONARD: I believe perhaps two
14 questions ago, if not the immediately preceding
15 question, was whether or not he agreed that this is a
16 benefit to Iowa farmers.

17 BOARD CHAIR HELLAND: So three minutes ago
18 you asked, Mr. Taylor, you asked, "Summit witnesses
19 have said this project would be a benefit to Iowa
20 farmers. As an Iowa farmer, do you agree with that?"

21 MR. TAYLOR: And my question now is
22 specifically related to the ethanol industry. It's a
23 more specific question.

24 BOARD CHAIR HELLAND: The witness may
25 answer if he would like.

1 THE WITNESS: So you're going to have to
2 ask that again.

3 MR. TAYLOR: Sure. Maybe the reporter
4 could read it back?

5 (The requested portion of the record was
6 read.)

7 A. No.

8 BY MR. TAYLOR:

9 Q. Why not?

10 A. I think it benefits the ethanol industry.
11 I just don't think it benefits me. I think the -- the
12 pipeline going through there, the disruption of the
13 soil, being compensated three years for the
14 disruption, it's -- I don't see it compensating enough
15 for it.

16 With the wind turbines -- you can see
17 around the wind turbines we were promised the same
18 thing. Where when they were put in, yeah, they're
19 going to return the soil the same way it was supposed
20 to be that it was before. Putting the topsoil back.

21 You know, I know farming is down to a
22 science now where they can see within, like, every
23 cubic foot or meter or something like that the yield
24 on it. And, even then -- you don't even have to see
25 it. I've seen it with my own eyes. The yield around

1 the turbines where the soil was disrupted is
2 substantially less productive. I mean, the corn going
3 just up to your waist when it comes harvest time.

4 And that was done -- what did I say, back
5 in '07, '08? So 15 years ago. And still the soil is
6 not productive there.

7 So it seems like the same promises that
8 were done before with the wind turbines is being done
9 with this one. So, you know, I have hard evidence of
10 the same promise being done where the yield just
11 doesn't come back.

12 And three years, that's absolutely
13 ridiculous. You would have to take -- it's more like
14 a lifetime, a person's lifetime, as far as the yield.
15 You know, if this is forced upon us -- which we don't
16 want. But, if it is forced upon us, the lost revenue
17 for that easement has to be substantially more.

18 MR. TAYLOR: Thank you. That's all the
19 questions I have.

20 BOARD CHAIR HELLAND: Ms. Kohles.

21 CROSS-EXAMINATION

22 BY MS. KOHLES:

23 Q. Good morning, Mr. Huntoon. I'm also a
24 landowner.

25 I'm really curious. It's very unusual when

1 you own a block of land like that to sell off part of
2 it. And then when I look at the diagonal of where the
3 proposed pipeline is and some of the topography, did
4 you have any motivation? Was that a recent sale?

5 MR. LEONARD: Objection.

6 BOARD CHAIR HELLAND: State the objection.

7 MR. LEONARD: Ms. Caila Corcoran testified
8 the other day that her and her husband Andrew
9 purchased that piece of property on the southern
10 boundary of the northern Huntoon Farms parcels. She
11 testified extensively about plans for a house there
12 and various other things.

13 So it's an asked and answered question.

14 BOARD CHAIR HELLAND: Ms. Kohles can reply
15 first, and then we'll get to you, Mr. Jorde.

16 MS. KOHLES: Well, it just seems highly --
17 BY MS. KOHLES:

18 Q. So was she part of the Huntoon Farms, Ltd.?

19 BOARD CHAIR HELLAND: Let's let Mr. Jorde
20 weigh in here.

21 MR. JORDE: It sounds like she might be
22 moving on, but, if not, the fact that one party to a
23 transaction may have responded has nothing to do with
24 this witness. And the question was his motivation and
25 reasons. And I think she was getting at if it had to

1 do with the pipeline.

2 So, in any event, I think it is appropriate
3 from this witness's perspective.

4 BOARD CHAIR HELLAND: Mr. Huntoon, you can
5 answer that question.

6 And then, Ms. Kohles, let's move on.

7 A. Yeah, that's why I was trying to raise my
8 hand. Because she is -- I saw her testimony and I saw
9 her intent, but my intent was not stated.

10 So the intent there was never to sell part
11 of the land. And I made it quite clear to them
12 saying, "I don't want to sell the land."

13 However, this is a generational thing.
14 This was a generational decision. My cousin farms the
15 land now. I plan on handing my portion of the land
16 down to my kids, and then I want Jeff and his
17 siblings, so Caila and Andy and -- well, Caila's
18 siblings to farm the land.

19 So it was a generational decision. Not
20 just for us. My kids, my kids' kids. That was the
21 decision behind it.

22 So it wasn't for sale just for anybody. It
23 was very specific. And my mother and I went back and
24 forth on it, and that's why we decided to sell it.
25 Because we see her as the future tenant.

1 BY MS. KOHLES:

2 Q. You mentioned safety. Who lives on the
3 parcel just to the north of the lower -- the southern
4 section?

5 A. So, to the north of the lower section just
6 south of the road, I don't know them. I've heard
7 their name, but I do not know them.

8 Q. So it's not your cousin.

9 A. No. He does not live there. He lives to
10 the northwest of me.

11 Q. Do you have any confidence in a company
12 building and constructing a CO2 pipeline with having
13 the experience to do it safely?

14 A. Do I have confidence? I don't have
15 complete confidence, no. Not just in the initial
16 construction, but my concern is also more long term as
17 far as maintaining it. Or, if something were to
18 happen to them, let's say the industry goes bust and
19 they go bankrupt, then who is maintaining it, who is
20 owning the easement, who else could come in there and
21 start using that easement for something else.

22 It just seemed like the -- from my
23 understanding is somebody else could come in there
24 later on and start pumping something else through
25 there. And then we have no say on it.

1 MS. KOHLES: You answered my second
2 question. Thank you very much.

3 THE WITNESS: Thank you.

4 BOARD CHAIR HELLAND: Mr. Leonard.

5 MR. LEONARD: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. LEONARD:

8 Q. Just a couple of questions for you,
9 Mr. Huntoon.

10 First, I just want to make sure I have the
11 familial relationships straight here. So Jeff Jones
12 is your first cousin and then Caila Corcoran is his
13 daughter; is that right?

14 A. That is correct.

15 Q. Thank you. When Huntoon Farms sold that
16 parcel to Caila and her husband Andrew, was that in
17 the spring of this year? 2023?

18 A. Yeah, I believe it was closed in the
19 spring. Yes.

20 Q. That was sort of one of my questions. I've
21 heard various dates. Either March or May of '23.

22 Do you recall which one it was?

23 A. No, I don't have the documentation in front
24 of me. No, I do not.

25 Q. Prior to selling that parcel to Caila and

1 Andrew, did you, or anyone at Huntoon Farms, have a
2 conversation with Caila and Andrew about this proposed
3 pipeline and its location on that parcel?

4 A. Did we have a discussion? Definitely with
5 her father we've had discussions over a period of
6 time. Ever since the beginning of this we've had
7 discussions.

8 As far as with Caila directly and Andy? I
9 don't remember if we did. I can only assume that we
10 probably had some discussions that it could be an
11 issue.

12 MR. LEONARD: Thank you, sir. I don't have
13 any other questions.

14 BOARD CHAIR HELLAND: Mr. Jorde for
15 redirect.

16 REDIRECT EXAMINATION

17 BY MR. JORDE:

18 Q. Picking up on that, where Mr. Leonard was
19 asking about Caila and the Joneses and the potential
20 pipeline, you would certainly agree there would be no
21 reason to locate a hazardous CO2 pipeline immediately
22 next to or under Caila Corcoran and Andy's home that
23 they built; correct?

24 A. Correct. That is my greatest concern.
25 With the loss of life, the liability to go along with

1 that.

2 Q. And you understand what we are doing here,
3 regardless of how many weeks it's taking us or how
4 important Summit feels like making money is, that this
5 is all a theoretical project and there's zero
6 restrictions whatsoever for Caila and Andy to
7 construct whatever they want near a proposed,
8 possible, hypothetical hazardous pipeline.

9 Do you understand that?

10 A. Yeah. Whether it goes through there or the
11 hypothetical is it going to be there or do they get
12 the easement and it can move wherever they choose to
13 have it if it's granted. Yeah, that's a huge concern
14 of mine.

15 Because, like I said, I see them as my
16 future tenants. And I don't want to -- not just being
17 family, but also as a business. I see them being the
18 ones that I trust to farm the land.

19 So I'm concerned with their safety.

20 Q. And you discussed the phrase "generational
21 decision." Meaning you're not thinking in terms of
22 years, you're thinking in terms of multi-generations
23 into the future.

24 And would you agree that a project that is
25 based on a foundation of possible 12-year tax credits

1 is the antithesis of how you view your planning and
2 property as generational?

3 A. That's correct. Yeah, I don't think in
4 today or just tomorrow. I think about my kids, their
5 tomorrow. My kids' kids tomorrow. When I do my
6 planning, when I do my thinking, that's what I think
7 of.

8 Q. And you would agree, would you not, that it
9 would be irresponsible to grant a forever easement on
10 a project that has no proven potential to be existing
11 into the future or even perhaps more than 12 years?

12 A. Correct. Yeah, a forever easement -- even
13 with -- like the wind turbines, I think it was a
14 30-year or 50-year contract. It's a limited contract,
15 it's a limited easement, where they can come in and
16 have the turbines there.

17 But, yeah, forever? To give that up? It
18 sounds like you're just selling it to them and giving
19 them carte blanche of wherever they want to put it and
20 whatever part of the parcel that they want to have.

21 MR. JORDE: Thank you, sir. I don't have
22 any more questions. I appreciate it.

23 BOARD CHAIR HELLAND: Thank you,
24 Mr. Huntoon. We appreciate your testimony.

25 THE WITNESS: Thank you.

1 BOARD CHAIR HELLAND: Mr. Jorde.

2 MR. JORDE: Landowners will call Debra
3 Wheeler who will testify live.

4 BOARD CHAIR HELLAND: Go ahead and move the
5 microphone around.

6 MS. WHEELER: Can you hear me?

7 BOARD CHAIR HELLAND: Go ahead and raise
8 your right hand, please.

9 DEBRA WHEELER,
10 called as a witness by Jorde Landowners, being first
11 duly sworn by Board Chair Helland, was examined and
12 testified as follows:

13 BOARD CHAIR HELLAND: Mr. Jorde.

14 DIRECT EXAMINATION

15 BY MR. JORDE:

16 Q. Good morning. Would you please state your
17 name?

18 A. Debra Wheeler.

19 Q. And I understand you're nervous. And I
20 just want to let you know everyone has survived thus
21 far.

22 Ms. Wheeler, are you an owner of property
23 in Page County, Iowa, that Summit Carbon Solutions is
24 targeting for its proposed hazardous pipeline?

25 A. Yes, I own the land with my brother and

1 sister.

2 Q. And, as a part of this process, ma'am, have
3 you caused to be filed what is known as prefiled
4 written testimony as well as some attachments and
5 exhibits?

6 A. Yes.

7 Q. And, if we were to go through the same
8 questions posed in your prefiled written testimony
9 here today, would the answers you provided there be
10 substantially similar to what you would tell us today?

11 A. Yes.

12 Q. Do you have any material updates or
13 corrections that you believe are necessary for the
14 Board to know at this time?

15 A. Since the July 24th filing of my prefiled
16 testimony, I've heard a lot of information about water
17 usage that has been added to my prefiled testimony.
18 And I just want to make sure that it's in there.

19 Q. Okay.

20 A. As an exhibit.

21 Q. Thank you. And when you say "added," I
22 think that you have caused to be filed a couple
23 hearing exhibits, and it would be your request that
24 those would be offered into evidence; is that right?

25 A. Yes.

1 MR. JORDE: With that, we would offer
2 Exhibits 318 through 333 as well as 627 and 638.

3 MR. DUBLINSKE: No objection.

4 BOARD CHAIR HELLAND: With no objection,
5 the Board will admit, give it the weight due.

6 MR. JORDE: Ma'am, with that, I'm going to
7 pass you to other folks for questions.

8 THE WITNESS: Thank you.

9 BOARD CHAIR HELLAND: Mr. Taylor.

10 MR. TAYLOR: Thank you.

11 CROSS-EXAMINATION

12 BY MR. TAYLOR:

13 Q. Ma'am, I'm Wally Taylor. I represent the
14 Sierra Club.

15 A. Good morning.

16 MR. TAYLOR: Could staff bring up the KMZ
17 file, please?

18 BY MR. TAYLOR:

19 Q. In order to clarify your written testimony,
20 I just want to ask, first of all, does that red area
21 appear to be your property?

22 A. Those are the two parcels that are
23 impacted. We own all six parcels to the highway and
24 down. But two parcels are impacted by the proposed
25 route. They're in red.

1 Q. So you own that whole section there.

2 A. Six parcels, yes.

3 Q. And there are some structures just
4 southeast of your property on the north side of that
5 road.

6 A. Yes.

7 Q. What are those structures?

8 A. The one to the far southeast is the
9 homestead that my grandparents bought in 1945. That's
10 where my father lived in his high school years. And
11 it's very special to us. That's where we spent all
12 our Sunday evenings playing cards with all the
13 grandkids. That's where we got our family values.
14 It's very special.

15 There's now another family that lives
16 there. And they were not aware of the information
17 about the pipeline going through when they purchased
18 that land. They have a seven-month-old baby.

19 The home right beside that, a friend of my
20 father's, Carl, approached my father and asked if he
21 could buy that piece of land to build his home.
22 Because it's a fantastic location. That is a
23 hard-surface road going west to east. It's called
24 130th Street. Or J14.

25 And it also has Highway 59 going north and

1 south. That's the main road that gets you out of
2 Shenandoah to anywhere you want to go. So it's an
3 ideal location.

4 He knocked on my dad's door and asked if he
5 could buy a little piece of property, and my dad sold
6 that little piece of property to him. He and his wife
7 have passed away and now that property is owned by his
8 son.

9 Q. So are both of those homesteads occupied?

10 A. Yes.

11 Q. And then it looks like to the east of the
12 red part, which is still on your property it looks
13 like, there are some more structures.

14 What are those?

15 A. Going -- oh. This way?

16 Q. There.

17 A. That's not our land.

18 Q. I'm sorry. I misunderstood what you said.

19 A. Maybe I said the wrong direction. I did
20 say east. I'm sorry. Going west of the homestead in
21 the southeast corner was the property that was
22 purchased by my dad's friend.

23 Q. So, back to the structures east of your
24 property, what are those?

25 A. East of our property?

1 Q. Right there, yeah.

2 A. Is not our land.

3 Q. Right, but --

4 A. I think it's just a barn and some trees.

5 Q. So it's not a residence?

6 A. It's Avenue A, but I'm not for sure.

7 Q. So it's not a residence?

8 MR. DUBLINSKE: Objection, Your Honor.

9 BOARD CHAIR HELLAND: State the objection.

10 MR. DUBLINSKE: Lack of foundation. The
11 witness has said repeatedly it's not her land, she's
12 not aware of what those are. She answered what she
13 thought those were. So it's also asked and answered.

14 BOARD CHAIR HELLAND: Mr. Taylor.

15 MR. TAYLOR: I'm just following up. I just
16 asked her if she knew if anybody lived there.

17 A. I'm uncertain.

18 BOARD CHAIR HELLAND: Okay. Sounds like we
19 can move on.

20 BY MR. TAYLOR:

21 Q. How and when did you first learn of this
22 pipeline project?

23 A. We got a letter in the mail, I think it was
24 August of 2021, giving us information about this.
25 Right away I was very concerned and tried to find

1 information about it. There was little information
2 about.

3 There were informational meetings provided.
4 One was October 14th at 12:00 in Shenandoah. I'm
5 working. So that's not an okay time at 12:00.

6 So I found an earlier meeting October 6th
7 in Oakland. I attended that meeting. It was held in
8 a gymnasium where the people that attended were
9 sitting in the bleachers and it wasn't really
10 conducive to the age of the crowd attending.

11 It was a big video presentation. There was
12 some questioning, but, at that time -- or questioning
13 was allowed, but, at that time, we really didn't know
14 enough about it to ask questions. So I was hoping it
15 would be more of a presentation giving us information
16 and not just a video.

17 So, after that, I didn't feel like I really
18 had much information, still wasn't able to gather
19 much, so I attended another meeting that was exactly
20 the same video again in Red Oak on October 14th.

21 Q. Following that informational meeting, did
22 you talk with Summit land agents or representatives?

23 A. They began calling my brother and I at
24 work. We asked multiple times to please not call us
25 at work.

1 My brother works with power lines. And he
2 has to answer his phone because he's on call. He
3 would often have hot wires in his hand, and so he
4 numerous times said, "You cannot call me. I have to
5 answer my phone. You're endangering me." I would be
6 called during my work. And we would constantly say,
7 "Please stop calling us at work."

8 We did have land agents visit us. And, as
9 I was going through trying to update some of my notes,
10 I found one of the visits on January of '22 where JR,
11 our first agent, and Tom Bray came to my house, and I
12 just thought it was weird, because I had made some
13 notes about it.

14 And I had asked something about I did not
15 want the hazardous pipeline on our land, and Tom Bray
16 responded -- and I know this is what he said because I
17 actually put it in quotation marks. He said, "You are
18 misinformed." Then, in quotation marks again, he
19 said, "It's not a hazardous pipeline." And then, in
20 quotation marks again, he said, "CO2 is what we
21 exhale."

22 And I was very intimidated, because I was
23 home by myself, and the information I was learning was
24 that it was hazardous and he was telling me it was
25 not.

1 Q. Summit's witnesses have said that the
2 Summit representatives have worked in good faith with
3 landowners regarding easement terms and routing
4 issues.

5 Was that your experience?

6 A. No. Every day we had contact with our land
7 agent, and we've had four of them, my brother would
8 say, "We don't want it. If we have to have it, please
9 move it as close to 59 as possible to run north and
10 south so that it does not interfere with our land as
11 much or impact our renter farming that land." I said
12 the same thing.

13 Every single time we met them we would say,
14 "Please move this along 59 to try to keep our farm
15 more intact."

16 It would also put it away from those two
17 homes, one of them having a seven-month-old baby. We
18 don't want -- they don't have a voice, they don't own
19 the land, so they don't get to come and talk in front
20 of you all. We feel like we are their voice.

21 Q. So what was the response when you visited
22 with the land agents?

23 A. My last land agent would always start the
24 conversation, "It's too late to change. I'm sorry
25 your first landowners {sic} were not helpful." He

1 would always apologize for how we were treated by the
2 first landowners {sic} in not trying to accommodate
3 the proposed route that would help our farm stay
4 intact.

5 Q. So is it fair to say that the Summit
6 representatives made no effort to accommodate you on
7 an alternative route?

8 A. From day one, they would say no. I asked
9 Richard Love at a Shenandoah meeting if that could be
10 moved along Highway 59. And he did a little quick
11 math on his laptop and said, "That would cost us a
12 million dollars."

13 And I wish I would have been thinking
14 because I would have responded, "It's your million or
15 our million. If you keep it where it is, you are
16 impacting \$2.7 million."

17 Q. Did you talk with the land agents and did
18 they give you any response regarding any concerns you
19 had about safety?

20 A. Yes. You know, the conversation we had
21 about hazardous. When they denied that it was even a
22 hazardous pipeline. Other information about plume
23 studies, modeling, all that, has not been released to
24 us. They are not discussing, they are not forthcoming
25 to make us aware of possible things that could happen

1 to us as landowners and as renters and as our
2 neighborhood and our community we're trying to
3 protect.

4 I might add when you asked about contact
5 with landowners, in the contact list that everyone is
6 talking about, on May 9 of '22 at 2:50 Kristina Battle
7 met with me in person. However, I was at work.

8 On Thursday, May 26 of '22 at 12:50,
9 Kristina Battle met with me again in person, but I was
10 at work.

11 On Monday, June 6 at 9:42 Kristina Battle
12 met with me in person. I have never met Kristina
13 Battle. I could not tell you what she looks like.

14 Also, on Thursday, January 27th of '22 at
15 8:48 a.m., JR called me by phone. I would have been
16 at work.

17 On Tuesday, January 25, 2022 at 9:04 JR
18 called me again. I would have been at work.

19 I could go through the list and those
20 contacts -- I mean, they're not contacting -- they're
21 not accurate is what I should say.

22 They also double. We have two parcels so
23 all those contacts are listed on the first parcel and
24 then they go through the second parcel. So it looks
25 like we have a lot.

1 Q. And so is it your experience that Summit
2 has made no good-faith effort to work with you on
3 easement terms or routing?

4 A. On routing, no. They will not move it.
5 On -- was it easement terms?

6 Q. Easement terms.

7 A. We have added -- or, I'm sorry, Summit has
8 added some items to our Exhibit C list, but, when we
9 got the Exhibit H paperwork, I believe in July, all of
10 the Exhibit C items have been removed.

11 So we are back to a 24-inch pipeline. Even
12 though in Exhibit C it says that it's an 8-inch
13 pipeline. And, at one point, it was a 6-inch. But
14 now it's moved to an 8-inch. All those
15 clarifications. Feet under -- you know, depth of the
16 pipe, all of that has been removed and we're back to
17 Exhibit H.

18 MR. TAYLOR: Thank you. That's all the
19 questions I have.

20 BOARD CHAIR HELLAND: Ms. Kohles.

21 CROSS-EXAMINATION

22 BY MS. KOHLES:

23 Q. Good morning, Ms. Wheeler.

24 A. Good morning.

25 MS. KOHLES: Would you please bring up the

1 KMZ map? Can you move it a little to the east, or
2 left, please.

3 BY MS. KOHLES:

4 Q. You indicated that you owned six parcels,
5 but only two parcels were affected.

6 Do you own the section to the west of
7 there? Or where are the other four parcels?

8 A. The road running north and south is
9 Highway 59. We own the parcels to the east. There
10 are six parcels. And then the last two in red is
11 where our property ends. So the highway to the red.
12 There's six parcels.

13 Q. Can you use the pointer? Because, to me,
14 that's west.

15 A. Oh, I can do that.

16 Q. Thank you.

17 A. This is Highway 59 running north and south.
18 We own all this. And for the note-taker, I'm just
19 circling these six parcels.

20 Q. So you do own the section to the west then
21 as I'm looking at this.

22 A. We own to the highway, yes. We own all
23 this.

24 Q. Do you have any existing easements on your
25 property?

1 A. Yes, we do. In 1979, we had a rural water
2 easement come through. And it's right inside of our
3 fence line going east and west on the southern part of
4 our property.

5 We are very supportive of that easement.
6 Because, as you know, rural water is something that
7 our family needs, these neighbors need, it takes the
8 water on west to my aunt, it's good for the community.

9 In 1975, the Department of Transportation
10 approached my grandfather and grandmother and they
11 wanted an easement to build this road. 130th. Or
12 J14. My grandpa was very upset. Because he was going
13 to lose his hard-earned acres.

14 But we also did some investigating, and
15 48 years ago he was paid \$2,997.68, but, since that
16 time, for the last 40 years our family has not been
17 able to farm five acres. And you can kind of see down
18 here on the southern part we're not able to farm that.
19 So, not only for five {sic} years have we lost five
20 acres, we haven't been able to cash rent, our renter
21 has lost out on five acres.

22 But, again, that is an easement that we
23 support. It has increased the value of this whole
24 community. Because, as I said, this Highway 59 is how
25 you get in and out of Shenandoah. This hard-surface

1 road here gets you into Essex. It's a great cause for
2 everyone in that community.

3 It also has improved the value of our land.
4 Because, as I said, people are approaching us because
5 you are surrounded by two hard-surface, divided
6 highways. It's a very ideal location to continue
7 selling easements. Or the hope of my brother and
8 sister and I that we talk about often is our
9 retirement home. Acreages. There's a lot of use that
10 we could do.

11 Q. So this pipeline is affecting your future
12 plans for the property?

13 A. Exactly.

14 Q. Where would you have built or have you
15 decided yet? Your homes for retirement.

16 A. This is the homestead. We hope -- my
17 brother, sister, and I are hoping that -- we very much
18 value this young family with the seven-month-old baby
19 that is living there. We're very excited they get to
20 experience that like my father and all the grandkids
21 did. If that should ever sell, we're going to grab
22 it.

23 But to the west of this acreage all along
24 this road would be perfect. Perfect spots for more
25 development.

1 But the pipeline is going right through
2 there. Would I want to do that? No. It's impacting
3 my brother and sister and I's dreams, our children's
4 dreams, of how we can continue to use the land the way
5 we want to use it.

6 Q. Thank you on the section. Because now I
7 understand your conversation pertaining to it's
8 cutting your farm in half.

9 A. Our renter is going to be forced to -- I
10 had a conversation with him Sunday. I said, "How are
11 you going to farm this?"

12 He said it's going to be a lot of back and
13 forth, back and forth. He's not going to be able to
14 follow the contour of the land.

15 Summit has told us that it impacts five
16 terraces. When we count, we think it's more like
17 seven terraces that it's busting through. And you
18 know the impacts when you bust through a terrace.

19 There are three tiling projects -- as soon
20 as my dad got the land when my grandparents passed
21 away in 2010, he began tiling projects. There's a
22 tiling project in '91, '93, 2002, and 2003.

23 Q. So you have spent a lot of money with
24 tiling and terracing and you have great concern about
25 how this will impact erosion in the future, for

1 example?

2 A. Exactly. Uh-huh. And our next future
3 plan -- we have a little waterway through here. Our
4 next plan -- or our next tiling plan is tiling right
5 through in here. There's some tiling now, but we want
6 to extend it to make this even better for our renter.
7 The renter is my cousin.

8 My dad, his dream was to support young
9 farmers. Because, even though this was his homestead
10 when he graduated from high school and went to the
11 service for two years, when he came back there wasn't
12 enough land for him to farm. So he set out on his
13 own. He knows what it's like as a young farmer to
14 have to rent land and build up your equipment and all
15 the cost involved as a young person.

16 So, prior to his passing, for five years he
17 did rent to a very young farmer, got him going. That
18 young farmer inherited some other land, got him on his
19 way, and then right before his passing he signed a
20 contract with my cousin to rent that land.

21 My cousin grew up right around this farm.
22 So he was on this farm every day. It's such an
23 emotional tie for him as it is for us. He walked
24 beans on this farm. And now, since 2010, he's been
25 farming it. We kept the same renter.

1 But it's my dad's passion to help young
2 farmers get started. And he's helped two. That is
3 what my sister, brother, and I talk about often. We
4 want to continue to help young farmers and give them a
5 spot to farm.

6 When my cousin is no longer able to farm
7 this, then we would go and pursue another young farmer
8 to give them that opportunity.

9 Q. So you also have -- do you have great
10 concern about your cousin operating equipment --

11 A. Yes.

12 Q. -- and working around the pipeline?

13 A. Yes. My brother, sister, and I have talked
14 about what are we going to do. We've talked with him
15 too. Sometimes I call him "renter," sometimes I call
16 him "cousin."

17 But we have talked about putting it into
18 CRP. We don't want anybody to be in danger. We've
19 talked about not leasing that section of the land, of
20 the pipe land, but that totally adds so much time to
21 how he'll farm the land. It's going to add more gas,
22 it's going to add more time. How is it feasible for
23 him?

24 He has shared with us that right now he
25 does not want to farm over that part of the pipeline.

1 He is my age, he's raised his own three children, and
2 now he's gone down and adopted two school-age
3 children. How can we put him in danger now?

4 But, for him not to farm that little piece,
5 it impacts his income, it impacts our rental income.
6 We're going to have to lessen the rent.

7 Q. So you're willing to take your land out of
8 production because of the risks and hazards of
9 operating a pipeline going through that area.

10 A. We have discussed that. The risk is too
11 much.

12 Q. And that would probably create a huge
13 financial burden for your family?

14 A. Yes. And, to pass this on to our children,
15 it's a ticking time bomb. How would they ever survive
16 if something happened?

17 This used to be an asset and it's turned
18 into a liability. Our children, there's five between
19 the three of us, they are young enough that -- I mean,
20 we thought it was an asset we were passing on. And
21 they would be legally, financially responsible if
22 something happened. How do we pass that risk on to
23 our kids? And you can tell how devoted we are.

24 Q. A question: Have you attempted to get
25 liability insurance?

1 A. Yes. I've talked to my insurance person so
2 many times that he just kind of laughs. But the
3 clause being is that, sure, they'll insure me, but, in
4 case of an incident, then who would be determined at
5 fault.

6 And we all know that means hiring a lawyer,
7 time off work, stress involved, trying to prove who
8 did what, waiting for a settlement -- hiring a lawyer,
9 waiting for a settlement. You might be many, many
10 years down the road trying to get answers to that. Or
11 trying to get clarification for that.

12 MS. KOHLES: Thank you. No further
13 questions.

14 BOARD CHAIR HELLAND: Ms. Hayek.

15 CROSS-EXAMINATION

16 BY MS. HAYEK:

17 Q. Hello, Ms. Wheeler. I'm Chris Hayek. I'm
18 a landowner as well. Just a couple questions.

19 What's the closest ethanol plant from your
20 land?

21 A. Eight miles. We are eight miles from
22 Shenandoah. And Green Plains is the ethanol plant in
23 Shenandoah. It is hooked on to that singular
24 connection plant that comes from Ida County, crosses
25 seven counties 140 miles upsetting land and people's

1 lives and their livelihood and their dreams to go down
2 for one singular connection to that plant.

3 And that plant is doing phenomenal. It is
4 expanding right now. It has projects. It's doing
5 very, very well.

6 Q. That's a high concern of yours then.

7 A. Very, yes. Why are we going all the way
8 down there and endangering more land that's profitable
9 and productive and people's homes? As well as
10 livestock.

11 Q. Sure. And you're concerned of the water
12 usage at the ethanol plant?

13 A. Yes. That is something that's come up.
14 Part of the paperwork is in my prefilled testimony.

15 Shenandoah, on August 24th, issued a
16 voluntary water restriction. Since September of 2022,
17 they have been in a moderate to severe drought
18 since -- I'm sorry. Since September of '22.

19 So they are voluntarily asking people to
20 conserve water now. The town is becoming abuzz
21 because now it's hitting their hearts. They need to
22 do what they can to reserve their water source.

23 And, as me, you say, "Hey, how does that
24 impact you eight miles north? But it does. That's my
25 community. It's our restaurants. If they have to

1 limit their hours or even shut down. We have
2 hospitals there, we have nursing homes there, we have
3 a swimming pool. We have schools.

4 In my community, 30 miles away, at one
5 point we had to truck in bottled water at the high
6 school. We had to put port-a-potties outside of the
7 high school to conserve water for flushing.

8 I don't want my community of Shenandoah to
9 be involved of losing their water supply. Water is a
10 public service. We have to keep it safe for everyone,
11 and it cannot be taken to a private company for their
12 use. And, as I understand, the water is being used to
13 cool down the equipment that's taking the CO2 out of
14 the ethanol plant.

15 And then that brings up probably the next
16 thing to be worried about is what are you going to do
17 with that contaminated water? Where does that go?
18 What stream does that go into?

19 There's so many questions. And we just
20 keep hearing more and more things that are not being
21 transparent. And then we learn about those things,
22 and it's just such a dangerous, unproven project from
23 a company that hasn't built a pipeline yet. And it's
24 a brand-new company that hasn't proven themselves.

25 Q. Has this taken an emotional toll on you?

1 A. I think you can tell, yes.

2 Q. I do. I'm sorry.

3 A. Thank you.

4 MS. HAYEK: Thank you, dear.

5 THE WITNESS: Thanks.

6 BOARD CHAIR HELLAND: Mr. Dublinske.

7 MR. DUBLINSKE: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. DUBLINSKE:

10 Q. Good morning, Ms. Wheeler. Just a couple
11 of quick follow-up questions.

12 You were talking about the contact list and
13 the number of contacts that that shows.

14 Are you aware that that list shows both
15 contacts and attempts?

16 A. On my list, it says phone -- in person,
17 phone, and email and letters.

18 Q. Right. And what I'm asking is are you
19 aware that that includes attempts that were made, not
20 necessarily just successful contacts?

21 A. It's not denoted on the paperwork.

22 Q. So you're not aware.

23 A. That's not denoted. So, no, I would not
24 know that when they say they phoned me, that really
25 means they didn't phone me. That they just tried.

1 Q. Well, they tried.

2 A. Uh-huh.

3 Q. You were talking a little bit about what
4 you referred to as Exhibit C. And, just to be clear,
5 you and Summit agents had discussed your concerns, and
6 they had provided language in Exhibit C to try and
7 address some of those; is that correct?

8 A. Yes.

9 Q. And Exhibit C is an exhibit to the
10 individual voluntary easement that they were
11 negotiating with you; correct?

12 A. Yes.

13 Q. And you said that those terms were not on
14 the language in the Exhibit H that was filed.

15 Do you understand that the terms in
16 Exhibit H are a uniform set of terms for the Board to
17 approve for all eminent domain parcels along the
18 project?

19 A. Yes.

20 Q. Okay. And so that's different than the
21 individually negotiated terms in a voluntary easement;
22 right?

23 A. It just appears that if they were willing
24 to negotiate things that would make it better for me
25 as a landowner, they would continue those same

1 conditions into the Exhibit H list.

2 Q. But you understand that that is a uniform
3 set of terms that the Board will approve if they
4 choose to do so on a project-wide basis for that
5 particular purpose, not relevant to your specific
6 situation.

7 A. So, in the end, will my Exhibit C items be
8 honored if it should go to eminent domain?

9 I can't ask you questions. Sorry.

10 Q. Correct. Sorry about that. Mr. Jorde
11 can --

12 A. Ask me again. I'm not sure what you're
13 asking me.

14 Q. I'm just clarifying, and I think you
15 already said it, that you understand that the
16 Exhibit H terms are a sort of generic set of terms
17 that Summit is asking the Board to approve on a
18 project-wide basis so it wouldn't necessarily pick up
19 all the individual situations like an Exhibit C would.

20 A. But that would be what I would be under
21 contract for forever is what is in Exhibit H. I would
22 then be a 24-inch pipe versus an 8. So whoever buys
23 that land after Summit is done in a couple years, they
24 can go ahead and tear my land up again and put a
25 24-inch because eminent domain would mean that I had

1 agreed with that.

2 Q. And those sorts of terms were being worked
3 out between you and Summit in your Exhibit C; correct?

4 A. Yes. Uh-huh.

5 MR. DUBLINSKE: No further questions.

6 BOARD MEMBER BYRNES: A quick question.
7 We've heard a lot of conversations the last -- oh.
8 Sorry. Up here.

9 THE WITNESS: Sorry.

10 BOARD MEMBER BYRNES: It's magical voices
11 coming through. I know.

12 We've heard a lot of conversations about
13 water and water usage. Do you know, does -- the
14 ethanol process, does that use water?

15 THE WITNESS: I believe -- what I've tried
16 to read about, because this has only come about for
17 the last two weeks, is that the water is used to cool
18 down the equipment that gets the carbon dioxide out of
19 the plant.

20 BOARD MEMBER BYRNES: My apologies. I'm
21 just talking ethanol production in general.

22 THE WITNESS: Ask me again.

23 BOARD MEMBER BYRNES: To make ethanol at
24 these ethanol plants, do they use water?

25 THE WITNESS: I don't know.

1 BOARD MEMBER BYRNES: Okay. That's all I
2 was asking. Thank you.

3 THE WITNESS: Yes. Sorry.

4 BOARD CHAIR HELLAND: Mr. Jorde for
5 redirect.

6 REDIRECT EXAMINATION

7 BY MR. JORDE:

8 Q. Where to start. So Mr. Dublinske was just
9 having a back-and-forth with you on Exhibit H, which
10 are the restrictions they want the Board to agree to
11 put on every of the 800-plus Exhibit H parcels. And
12 then you were talking about some Exhibit C.

13 But do you understand if eminent domain is
14 granted and they take you to court, the court doesn't
15 renegotiate a single term.

16 Do you understand that?

17 A. That's what I was trying to explain. Not
18 as well as you just did. But my attempt.

19 Q. So the Exhibit C, which were maybe, you
20 know, better terms in a terrible situation, is your
21 point make those available in this uniform set of
22 terms, don't just, you know, here they are, here they
23 aren't type of deal.

24 Is that what you're getting at?

25 A. Exactly.

1 Q. So, if they were sincere about actually
2 doing something that would maybe be a little bit
3 better than the standard, you would say why isn't that
4 showing up in the Exhibit H.

5 A. Yes.

6 Q. And, also, in this talking with Summit,
7 there's been a bit of a narrative throughout the last
8 couple years that I prevent landowners from talking to
9 Summit.

10 Did I ever prevent you from talking to them
11 if you wanted to?

12 A. No.

13 Q. And you're free to do that if you wanted
14 to; right?

15 A. Yes. I have talked to them in person,
16 emailed them. We met with them on the land.

17 MR. JORDE: Can we pull up Exhibit 557,
18 please.

19 BY MR. JORDE:

20 Q. And, while we're doing that, I want to --
21 you said something about the ethanol plant. And I
22 believe that's the ethanol plant you said in
23 Shenandoah approximately eight miles from you; is that
24 right?

25 A. Yes, eight miles.

1 Q. And you said something to the effect that
2 they're doing fine, they're expanding. Is the point
3 of that to say the sky isn't falling in Shenandoah,
4 they're doing fine without a hazardous pipeline? Is
5 that what you're getting at?

6 A. That's exactly right.

7 Q. And have you seen any documentation from
8 Shenandoah that says, "Without this, our" -- I don't
9 know, "Without this, we're going to go bankrupt or
10 close our doors"?

11 A. No. And, also, there is ethanol plants
12 along the way that my renter can use, and he said he
13 will use the other ethanol plants that do not support
14 eminent domain, and that is Atlantic, Council Bluffs,
15 and Corning. They have not signed on.

16 Q. So, basically, you and your tenant have
17 made an economic, financial decision, as many others
18 have, if this is somehow approved, that you will not
19 be providing corn to the participating ethanol plants;
20 correct?

21 A. That is correct. Because they support
22 eminent domain.

23 Q. That's right. And then, if the corn that
24 they think they're going to keep getting, these
25 ethanol plants, no longer is going there, you

1 understand the entire premise of this project is
2 completely destroyed.

3 A. Yes.

4 Q. Now, we're looking at Exhibit 557, and I
5 believe you estimated there to be approximately
6 140 miles from Ida County where --

7 A. To Fremont.

8 Q. Down to Fremont and the Shenandoah plant;
9 is that right?

10 A. The miles are from Mapquest. So it's
11 probably more because it's probably from border to
12 border.

13 Q. So roughly 140 miles.

14 A. Uh-huh.

15 Q. And your point there was that -- I mean,
16 what are we doing even considering eminent domain for
17 140 miles to get to one plant that's doing just fine.

18 A. Exactly.

19 Q. I take it your opinion would be that in the
20 balancing of public convenience and necessity, that
21 it's pretty difficult to justify the 140-plus miles of
22 eminent domain and forever destruction and
23 restrictions for a single business in Fremont County.

24 A. Exactly. Especially when we take on all
25 the risk. At a financial loss.

1 MR. JORDE: If we could pull up the KMZ,
2 please.

3 BY MR. JORDE:

4 Q. Now, I don't think we got the distance.
5 You said there was a home.

6 MR. JORDE: Can we zoom in on those
7 buildings in the southeast -- thank you very much.

8 A. Right here.

9 BY MR. JORDE:

10 Q. Is that the home with the seven-month-old
11 baby?

12 A. This is the home where my father grew up
13 and my parents purchased in 1994. This is the home,
14 all this area, of the friend of my father that
15 approached him because it was such a good location to
16 build an acreage.

17 Q. So, in terms of an occupied residence, the
18 one closest to the proposed route is presently
19 occupied.

20 A. Yes.

21 Q. And the other one just immediately to the
22 east is also occupied.

23 A. Yes. With the baby.

24 MR. JORDE: So can we please get a distance
25 from the nearest home to the proposed hazardous

1 pipeline route.

2 Does that say 787 feet? Okay.

3 A. Summit sent me a map that says 466 feet. I
4 assume they're going from the property line, perhaps,
5 to the pipeline.

6 BY MR. JORDE:

7 Q. And are you aware that as long as you're
8 following the setbacks for residential structures,
9 that a home could be built much closer to the proposed
10 route if someone ever wanted to?

11 A. That would be a risk they would have to be
12 willing to take to be that close.

13 Q. Well, I asked that in a poor way. Forget
14 this pipeline even exists.

15 A. Okay.

16 Q. You're aware that legally the owner of that
17 property, or someone in the future, could construct a
18 structure on the western edge of that acreage.

19 MR. DUBLINSKE: Objection, Your Honor.

20 BOARD CHAIR HELLAND: State the objection.

21 MR. DUBLINSKE: A, it's not in response to
22 anything in cross. And, second, it calls for a legal
23 conclusion.

24 BOARD CHAIR HELLAND: Mr. Jorde.

25 MR. JORDE: Well, it certainly doesn't call

1 for a legal conclusion. The question was
2 foundational. "Are you aware." And she hasn't said
3 yes or no to that.

4 BOARD CHAIR HELLAND: Which portion of the
5 cross did that relate to?

6 MR. JORDE: Well, it all relates to
7 financial impact. And I believe she testified about
8 the potential of other development. I thought that's
9 what she said. There could be other development along
10 that area just north of that road. So I'm picking up
11 on that.

12 BOARD CHAIR HELLAND: You may answer.

13 THE WITNESS: Oh. I'm sorry.

14 A. Yes, that would be our dream. My brother
15 and sister and I have talked about continuing an
16 acreage there. Or several. Or trying to buy this
17 house if it should go for sale. We want our
18 grandchildren to experience the farm life like we did.
19 We want them walking beans and drinking from the
20 hydrant.

21 BY MR. JORDE:

22 Q. But that dream to connect the dots, you're
23 saying you and your family would not make that
24 economic development which would therefore be a
25 negative impact to you and not only the county due to

1 loss of tax revenue and loss of development.

2 A. Yes.

3 Q. We talked a little bit about water. As far
4 as you know, is water used in those residences? Do
5 people use water?

6 A. They're profiting from that easement that
7 we hold on our land for rural water. And the easement
8 that was sold -- this one is rural water. This one
9 has a very good well. The well is right there at the
10 end of the sidewalk. They also use rural water.

11 Q. And your complaint about -- or concern
12 about the water, these hundreds of millions of gallons
13 that Summit would want to use, is in addition to any
14 water that's currently being used, the status quo of
15 the Shenandoah ethanol plant.

16 A. Yes. Jimmy Powell testified that it would
17 take 20 to 120 gallons of water per minute. And
18 someone did the math, and it would be 478 million
19 gallons of water projected to be used in one year for
20 the plants.

21 Some plants are forthcoming to say how many
22 gallons of water per year -- like 55 million. Another
23 one reported 27.6 million. I have not found that
24 information for Shenandoah of how much water they're
25 proposing that they will need. But it certainly

1 impacts us.

2 Q. And what's the road name or number of the
3 one that we're looking at here at the southern
4 boundary of your property?

5 A. It's called 130th. Or J14. It's a
6 hard-surface, divided highway.

7 MS. JORDE: And then can we zoom out and
8 take me to 59th Street?

9 BY MR. JORDE:

10 Q. Ma'am, is that the road all the way to the
11 west there?

12 A. Right there. Yes, north and south.

13 Q. So, if for some reason this was approved,
14 the pipeline was approved, you would say that the
15 route -- the only really -- the least-worst route
16 would be along 59th Street as close as possible.

17 A. Yes. Also, when they gave us our CSR2
18 ratings where this pipeline is, it is 95 and 87
19 productability {sic}. Over here we have some 33 and
20 59 for the CSR2 rating.

21 This is our most productive piece right
22 here. And that's where that pipeline is going.
23 Through the terraces and our tiling. Over here is not
24 as productive. Overall the farm is 80 percent. 80.6.

25 Q. And then you talked a little bit about the

1 contact sheet.

2 On the contact sheet that you were
3 referencing, does it have the word "attempted" on
4 there that you see?

5 A. Oh. That's what we talked about. I did
6 not see "attempted."

7 Q. I mean, like, it doesn't reference these
8 are attempts. It says "Contact Sheet."

9 Right?

10 A. That's what I was trying to explain, yes.

11 Q. And then you stated that the Summit
12 representative told you it's not hazardous and CO2 is
13 what we exhale. And you found out that that's both a
14 lie and misrepresentation; correct?

15 A. Yes. And I was very intimidated when he
16 was telling me those things. Because it was two men
17 at my front door and I was home alone and they had
18 very gruff voices. I was shaken.

19 Q. Well, you understand Summit's directive is
20 to get these easements signed at any cost.

21 Do you know that?

22 A. But that's not what Iowans do.

23 Q. Well -- I'm going to leave that right
24 there.

25 Do you agree that if the interview, so to

1 speak, for this potential hazardous pipeline has been
2 the last two years of lies and misrepresentations,
3 that this application should absolutely be denied?

4 A. Absolutely be denied.

5 MR. JORDE: Thank you, ma'am. I don't have
6 any more questions. Appreciate it.

7 BOARD CHAIR HELLAND: Thank you,
8 Ms. Wheeler. You're excused. Appreciate it.

9 We're going to take a very short 15-minute
10 break and we have it looks like one more; correct?

11 MR. JORDE: Yes. We've got Joan Centlivre
12 who -- Centlivre, I should say, who will be virtual.

13 BOARD CHAIR HELLAND: Thank you.

14 (Recess taken at 10:06 a.m.)

15 (Hearing resumed at 10:28 a.m.)

16 BOARD CHAIR HELLAND: Do you want to
17 officially call your witness, Mr. Jorde.

18 MR. JORDE: Yes. Landowners call Joan
19 Centlivre.

20 BOARD CHAIR HELLAND: Centlivre? Is that
21 how we say that?

22 MS. CENTLIVRE: Yes.

23 BOARD CHAIR HELLAND: Good morning.

24 MS. CENTLIVRE: Good morning.

25 BOARD CHAIR HELLAND: Go ahead and raise

1 your right hand.

2 JOAN CENTLIVRE,

3 called as a witness by Jorde Landowners, being first
4 duly sworn by Board Chair Helland, was examined and
5 testified as follows:

6 BOARD CHAIR HELLAND: Mr. Jorde.

7 DIRECT EXAMINATION

8 BY MR. JORDE:

9 Q. Please state your name.

10 A. Joan Centlivre.

11 Q. And, Ms. Centlivre, are you an owner of
12 property in Kossuth County Iowa that is presently
13 being targeted by Summit's proposed hazardous
14 pipeline?

15 A. Yes.

16 Q. And, throughout this process, did you cause
17 to be created and filed what's known as prefiled
18 written testimony along with some exhibits or
19 attachments?

20 A. Yes.

21 Q. And, if we were to go through those same
22 questions, would your answers be substantially the
23 same as the ones you provided in your written
24 testimony?

25 A. Unfortunately not. If I were -- if I could

1 see better and if I were better at tech, I would
2 probably have changed. Because new information came
3 in in the last month. This was filed early. I think
4 July 20th or whatever.

5 And, since then, you know -- a lot of the
6 stuff in my prefiled said I did not know who the
7 investors were. Well, since then, I've found out that
8 TPG Rise is backed by the Chinese Communist Party.
9 And I also found out that there's 384,000 acres owned
10 by the Chinese that's U.S. Department of Agriculture.
11 So that changes everything.

12 Plus the testimony by Ms. Chow, was that
13 her -- I mean, she nailed it. She talked about just
14 exactly what the Chinese do.

15 So, no, my testimony would be different in
16 many areas. In a lot of it, it would be the same.

17 Q. And, just to establish, and not to
18 embarrass you at all, but you are visually impaired
19 and it is difficult for you to see things clearly; is
20 that fair?

21 A. I'm blind in one eye, the other eye is
22 legally blind. And -- yes. I'm disabled, I'm 76, I'm
23 a widow, I have full-time care. Yes.

24 Q. And so, just to be clear as we go through
25 this process, if people ask you to look at the screen

1 and whatnot, if you're unable to make it out, just
2 please say so.

3 Okay?

4 A. Right. I do have one correction to make,
5 though, before we proceed.

6 Q. Sure.

7 A. I just noticed on Attachment 1 that there
8 is a Hancock County farm following my Kossuth County.
9 The two Kossuth maps are correct, and then there's a
10 Hancock County farm or two that are not mine. That's
11 not my farm.

12 Q. Very good. So I'm just going to take a
13 quick look at that.

14 So Exhibit 288 is your exhibit, and you
15 believe on there there is -- bottom line, if there's
16 reference to any farm in Hancock County, that should
17 be disregarded because that's not associated with you.

18 A. Correct.

19 MR. JORDE: All right. Very good. That's
20 probably the fastest way to deal with that. Okay,
21 ma'am, I would offer Exhibit 288.

22 MR. LEONARD: No objection.

23 BOARD CHAIR HELLAND: Seeing no objection,
24 the Board will admit.

25 MR. JORDE: And, in terms of those updates,

1 or I should say the changes you might have, others may
2 ask you about those, but I'm going to pass you for
3 cross-examination.

4 Okay?

5 BOARD CHAIR HELLAND: Mr. Taylor.

6 MR. TAYLOR: Thank you.

7 CROSS-EXAMINATION

8 BY MR. TAYLOR:

9 Q. Ma'am, I'm Wally Taylor. I represent the
10 Sierra Club.

11 Let me ask you first, do you own this
12 property by yourself?

13 A. Yes, it's part of a trust. But my son is
14 the only other person that is my only descendant.
15 Plus two granddaughters.

16 Q. Have you been the person who has dealt with
17 any agents or representatives from Summit?

18 A. Yes, I'm the sole person. I hear people
19 talk about contact lists. I don't even know where
20 that is. I'm not -- I live in Chicago. So it's
21 doubtful that they would have made any trips here. At
22 peril of their lives.

23 And I talked, I think, twice on the phone.
24 Once at the beginning when Cody Carr first called and
25 I think later on when I picked it up by mistake. But,

1 otherwise, they've all gone to voicemail. Multiple
2 voicemails.

3 Q. Well, Summit witnesses in this hearing have
4 testified that Summit has worked in good faith with
5 landowners to try to work through issues and concerns.

6 Has that been your experience?

7 A. Well, of course, we've had no contact about
8 that. So, therefore, I don't -- I can't really answer
9 that. Because, again, based on one phone conversation
10 with Cody Carr, that was, like, two years ago when the
11 papers went out, and I was furious. I mean, I was
12 just absolutely hopping mad.

13 And I commend everybody else here who has
14 given testimony with such equanimity. Because that
15 isn't me.

16 Because, when I called him, I said, "I'm
17 never signing this. So forget it." And I knew they
18 could probably come on regardless whether I gave them
19 permission for the surveying and there was nothing I
20 could do about it. Because, being an out-of-state
21 landowner, I'm a sitting duck for everything. I
22 really am.

23 The only thing I will say is this land is
24 precious to me. I mean, it's as precious as my
25 grandchildren. I would never do it voluntarily. I

1 will never surrender. Particularly, if the Chinese
2 Communist Party is involved in it as a major
3 investment.

4 I mean, this is outrageous. I mean, you
5 have no idea. I live under it in Chicago. Let me
6 tell you. I know what it's like. Tyranny. The boots
7 in the neck. Believe me. And how you can be targeted
8 if you've got the wrong opinion about anything.

9 So, anyway, I'll get off my soap box.

10 Q. Let me ask another question. Did you ever
11 talk with any Summit agent or representatives about
12 any alternative routes for the pipeline through your
13 property?

14 A. No, but I noticed the previous testimony by
15 Henry Schoenbeck {sic}, Schoenfeld {sic} -- he's like
16 three or four parcels down from me. He proposed the
17 same route that I do. And he's got the same attitude
18 that I do. I'm not signing. You know, over my dead
19 body. Whatever you want to do, I'm not letting it go.

20 But he suggested going south. Which it's
21 easy. You know, you just bore it under the road.

22 My neighbor to the immediate east is --
23 he's very pro pipeline. I'm made to understand that
24 before they even offered it he wanted in.

25 So they could put the bore hole on the east

1 side, go under the road, and go clear across. And,
2 not only that, I think there's probably landowners in
3 between that haven't signed either. You could go that
4 whole thing.

5 And all that I can see is it's Kossuth
6 County conservation ground. And, quite frankly, I'm
7 sorry, but it looked like it was a bunch of weeds the
8 last time I was there. You're not tearing up the most
9 productive farmland on the earth.

10 Are you kidding me? I mean, this is not
11 about the environment. This is about taking the land.
12 And it's taking it and being able to control it.
13 Seriously. I mean, it's outrageous. No. No, no, no.

14 And it's, like, use that. The
15 conservation. Nothing is being disturbed. Nothing.
16 And, like I said, the neighbor would be happy.

17 Q. What did the Summit representatives say
18 about any alternative route? Did they say they could
19 do that or would do that?

20 A. We've never discussed it. So, you know,
21 that's fair enough.

22 Q. Do you think they acted in good faith in
23 dealing with you?

24 A. Throughout this whole thing, nobody has
25 acted in good faith. Not only Summit.

1 I mean, when I first got that paper, I
2 called everybody. I called the NRCS, because I
3 thought surely they know what's going on. They hadn't
4 even been contacted. Then I called FSA. He said,
5 "No, no, we don't know anything about this. We just
6 heard about it hearsay." You know, like somebody got
7 a postcard.

8 And then, finally, I called -- they
9 suggested, "Why don't you call the county board of
10 supervisors." So I talked to the superintendent. The
11 board supervisor. Casey. He was hopping mad too. He
12 said, "They have told us nothing. In fact, we're
13 sending a guy to Mason City because we hear that
14 there's a meeting there. We haven't even been told."

15 Well, that was a real red flag.

16 So then I started calling Farm Bureau
17 thinking for sure they would help me. Oh, no. I
18 mean, I called Farm Bureau and I said, "What is this?
19 What are you going to do about it?"

20 "Oh, well" -- essentially, they told me to
21 go fish.

22 Then it was a matter of insurance. Then I
23 found out I didn't have any liability insurance. And
24 I said, "Are you kidding me? As an out-of-state
25 landowner, they're going to come after me." I mean, a

1 little old lady. Really?

2 So anyhow -- I mean, I was so angry. So I
3 canceled my Farm Bureau. And I would cancel my
4 membership if it weren't for the Iowa Farm Bureau
5 Spokesman newspaper. That's really well done. That's
6 the only reason I'm keeping it.

7 They would not answer my question about
8 liability and yet I went to another insurer who I
9 wasn't even a client of yet and I said -- you know, I
10 gave him the whole spiel about what it is. And they
11 said, "Unfortunately, no, we're not." Well, at least
12 they were honest. The Farm Bureau, again, told me to
13 go fish. So I knew. It's like, well, the fix is on.

14 Well, then I went ahead and I called Joni
15 Ernst and Grassley's office. And I got the same
16 thing.

17 Nobody was there to defend the landowners.
18 I mean, how outrageous is that. The fix was on. I
19 could see it.

20 And, you know, at the time I didn't
21 understand this. It's like -- okay. Believe me,
22 living in Chicago, Illinois, I know about political
23 payoffs and the pay to play. But I couldn't believe
24 it was happening in Iowa of all places.

25 Well, I know different now. Because,

1 again, once I found out about the information just
2 within the last month of the major ownership, then all
3 the dots began to connect.

4 And, if you remember, it was like
5 Ms. Frideres' testimony several weeks ago. She
6 said --

7 MR. LEONARD: Objection, Your Honor.

8 BOARD CHAIR HELLAND: Go ahead and state
9 your objection.

10 MR. LEONARD: I'm going to object to this
11 lengthy narrative which was non-responsive to the
12 question which is whether or not Summit land agents
13 dealt with her in good faith.

14 BOARD CHAIR HELLAND: Mr. Taylor.

15 MR. TAYLOR: I'll ask another question.

16 BOARD CHAIR HELLAND: Thank you, sir.

17 BY MR. TAYLOR:

18 Q. Have you got a tenant who farms your land?

19 A. Yes.

20 Q. Summit witnesses have talked about how
21 they'll restore the land after construction and that
22 any tile will be repaired.

23 Have you talked to your tenant about those
24 issues and his view of that?

25 A. Well, yes, I have. And the thing is where

1 the pipeline is is going -- because that's a gentle
2 slope -- in other words, the property slopes from
3 north to south.

4 So the most productive soil, the black
5 soil, is right where the pipeline is. That's the most
6 productive on the whole farm.

7 There's tile on there, but nobody knows
8 where it is. We don't have any map. But the thing is
9 we do know there's tile there. Because, even though
10 it's the lowest spot, it drains well.

11 And I don't have -- he doesn't have any
12 faith, and I don't either, that this is going to be
13 restored. I mean, put it across the road. You know,
14 it's like you're not destroying anything. But you're
15 impacting my livelihood right there. You know.
16 It's -- it's outrageous.

17 Q. It doesn't look like, from the map, that
18 there are any occupied structures near your land.

19 Is that correct?

20 A. Correct.

21 MR. TAYLOR: Thank you. I think that's all
22 the questions I have.

23 BOARD CHAIR HELLAND: Ms. Gruenhagen.

24 MS. GRUENHAGEN: Thank you, Your Honor.

25

1 CROSS-EXAMINATION

2 BY MS. GRUENHAGEN:

3 Q. Hi. I just have a few questions to clarify
4 your testimony here. My name is Chris Gruenhagen, and
5 I represent the Iowa Farm Bureau Federation.

6 And we've never met before; correct?

7 A. Correct.

8 Q. And we've never had any conversations?

9 A. No.

10 Q. Okay. On page 4 of your testimony, you
11 talk about Dakota Access.

12 A. Yes.

13 Q. And you discuss how farmers have
14 successfully litigated land that was permanently
15 affected by Dakota Access.

16 A. Yes.

17 Q. And then you have "See attachment."

18 Is there a lawsuit that you've attached to
19 that?

20 A. Yes, there was. Janet Holmes of the --
21 senior moment. With Ag out of Algona. She was tasked
22 with the job of putting that together.

23 And, yes, there was a group of
24 landowners -- and the whole thing, that attachment,
25 which, again, I couldn't -- I had to depend on

1 somebody else to upload it, and I don't even know that
2 I got it to the proper office to be uploaded, but,
3 yes, there was a whole -- in fact, I had talked to her
4 preliminary about being an expert witness on my behalf
5 about this very thing. Because it did. You know,
6 they didn't come back, I mean, it did lower the CSR,
7 and that's what's going to happen here.

8 Q. So, ma'am, the source of that information
9 is someone by the name of Janet Holmes?

10 A. Yes. Maybe I can --

11 Q. Is she another landowner?

12 A. No. No. She's -- let me see here if I can
13 find it. Is that helpful if I look for it? Do you
14 want that? I have it here somewhere.

15 Q. Would your counsel be able to help identify
16 if there's an attachment that includes that
17 information?

18 A. This would be the ISU study of DAPL
19 (inaudible due to garbled Zoom connection) property.
20 And this was from Janet Holmes at Ag Advisors.

21 I sent this to Brian -- I hoped it was --

22 Q. No -- thank you. That's very helpful.
23 You're referencing the ISU studies that are attached.

24 But was there any litigation that you've
25 attached?

1 A. I don't know -- I don't think so. I don't
2 think it was an actual case that was put there. But
3 I'm sure we can find it. Because I know the litigants
4 was very generous in saying that anybody can use this
5 if they need it as testimony or evidence for what can
6 happen.

7 Q. Great. And you also talk about the
8 experience with Dakota Access. Are you again
9 referencing those studies or do you have personal
10 experience?

11 A. No, I do not have personal experience.

12 Q. Thank you. I appreciate that.

13 And then you say you reside in Chicago?

14 A. Yes.

15 Q. Do you get to visit Iowa very often?

16 A. Well, I used to come every year and spend a
17 week, but now I can't drive anymore. At least
18 distances like that. So I'm dependent upon my son.
19 We were going to come this year, but things came up so
20 I couldn't come.

21 Q. So have you been in Iowa over the last two
22 years?

23 A. Two years ago I was, yes. Yes. Two years
24 ago.

25 Q. And you testified on page 39 that you

1 actively participated in the past legislative session.

2 A. No, that isn't -- I didn't.

3 Q. Oh, you did not. So that's not correct?

4 A. Yeah, because I thought, well, the most
5 important thing was to get rid of the Hancock farms,
6 you know, that were on there. So I didn't bother with
7 those little things.

8 I mean, if you want to go into other
9 things, no, it was not my parents, it was my
10 great-grandparents. That was in other testimony.
11 But, no, I did not -- I was not there.

12 Q. Thanks for the clarification. And then on
13 the Exhibit H, did you receive a copy of that filing,
14 it would have been in July, from the law firm
15 Fredrikson & Byron?

16 A. Yes.

17 Q. You said yes?

18 A. Yes, I did.

19 Q. In that Exhibit H, it does not list a farm
20 tenant.

21 Did you ever provide the name of your farm
22 tenant to Summit?

23 A. No. They never asked.

24 Q. But you did not provide that.

25 A. No.

1 Q. Did you receive a copy of the informational
2 letter from the Iowa Utilities Board a couple years
3 ago?

4 A. I probably did, yeah.

5 Q. Would it have asked in that letter, or a
6 letter from Summit, would they have asked for that
7 information from you?

8 A. I don't recall. To tell you the truth. I
9 mean, anything that would ask for information
10 typically I responded to. By this time, I had hired
11 legal counsel right away, because I can't -- I've
12 done -- this is not my first rodeo with eminent
13 domain. And I've been through this before in Indiana
14 where I could represent myself. Well, that's not
15 going to happen anymore.

16 So I assumed that whatever would need to be
17 done -- I don't remember, to tell you the truth,
18 whether or not I was ever asked. I would have
19 submitted if I'd known. But, again, maybe I didn't
20 see it. Or, if it was small print, then I'm out of
21 luck.

22 Q. So, on page 45, where you talk about how
23 your tenant was not properly notified --

24 A. Right.

25 Q. -- would you agree that it would be

1 difficult to notify a tenant if they weren't aware of
2 the tenant?

3 A. Yes. Yes. I mean, I don't dispute that.
4 I don't recall, though, being asked by anybody, which
5 I would freely have given it.

6 Q. So would you be willing to do that now?

7 A. Oh, sure. Yes.

8 Q. So who is your farm tenant?

9 A. Ray Ludwig. Ray and Alan Ludwig.

10 Q. Does he farm land in the area as well?

11 A. Yes.

12 MS. GRUENHAGEN: Well, thank you for your
13 time. Appreciate it. I have no further questions.

14 BOARD CHAIR HELLAND: Ms. Kohles.

15 CROSS-EXAMINATION

16 BY MS. KOHLES:

17 Q. Good morning, Ms. Centlivre. I think
18 that's correct. I'm Jean Kohles. Kohles Family
19 Farms. I just have a few questions.

20 Has your tenant mentioned concern about
21 farming around the pipeline?

22 A. No.

23 Q. Is he aware of the pipeline going in?

24 A. Yes.

25 Q. You had mentioned there was a gentle slope

1 from north to south.

2 How much of a slope is that?

3 A. Well, it's not highly erodible, it's just
4 gentle. So, in other words, it just means that over
5 time all -- you know, that it's just richer at the
6 bottom than it is on that slight slope.

7 And, when I asked specifically what that
8 slope might be, my tenant couldn't really say. You
9 know, it was -- you know, it's not highly erodible.
10 Or even close to being. So it slopes down from
11 St. Benedict.

12 Q. Do you have any confidence in Summit
13 building and constructing a pipeline safely?

14 A. No. No, I don't.

15 Q. Do you believe that they can maintain it
16 and operate it safely?

17 A. No -- well, you know, the thing is it's
18 hard to find good help nowadays. Which I guess I've
19 heard other witnesses say that they went through a
20 number of land agents.

21 You know, this is a different world now,
22 and people don't take the same kind of care in their
23 work and pride in workmanship that they did 30,
24 40 years ago. So, no, I don't.

25 And, actually, I don't even necessarily lay

1 that piece on Summit. I just know how people are
2 nowadays. When you try to call them to maintain
3 something or do something, it's -- you know,
4 half-assed. I'm sorry.

5 Q. Do you think this is for the public
6 convenience or benefit?

7 A. There has been nothing that has shown me
8 that it's for either public -- that it is either a
9 public utility or a public convenience. I mean, if
10 this is a public utility, then I'm a public utility.
11 I mean, that's -- you know, I pay taxes. No, I don't.

12 Q. With the area where the pipeline is putting
13 your land out of production for a period of time, is
14 this going to impact your income and support? You
15 mentioned you were disabled.

16 A. Yes --

17 MR. LEONARD: Objection, Your Honor.

18 BOARD CHAIR HELLAND: State the objection.

19 MR. LEONARD: Asked and answered. The
20 ninth question of all these sets of testimony asks
21 about dependency on the income from the land. The
22 reduction in yield and impact to soils are discussed
23 on pages 4, 15, 37, 38, 40, 41, 43, and in
24 Attachments 9 and 10.

25 BOARD CHAIR HELLAND: Ms. Kohles.

1 BY MS. KOHLES:

2 Q. I don't know if -- in your pre-testimony,
3 you mentioned a lot of concern about foreign ownership
4 and in the easement agreement where it gave them the
5 right to transfer or to sell the easement area in
6 perpetuity?

7 A. Oh, yeah. Oh, yeah. I mean, I don't think
8 anybody realizes the impact of that. I mean, it's
9 true, you know, that it can blow up and there can be
10 devastating consequences. But I'll tell you the
11 devastating consequences are when the Chinese take
12 over. 30 percent with 10 percent with South Korea?

13 You think that -- you know, what is it --
14 Mrs. Frideres said, "Why do they need an easement
15 forever and what's the long-term plan?"

16 Well, I can tell you. I've got a Chinese
17 communist cell three miles from where I sit right now.
18 They're putting a \$2 billion factory in Kankakee,
19 Illinois, which people are trying to fight. They're
20 putting a hog processing factory outside of Decatur,
21 Illinois. I mean, this -- this -- I live in a
22 communist state and a communist city. And, I mean, I
23 know what terror tactics are. And what happens when
24 you don't agree. Oh, yeah. Yeah.

25 No, there's a lot of risk here. A lot of

1 long-term risk to our generations. Yes, it's really
2 true.

3 Q. You're concerned about their access to the
4 pipeline of over 2,000 miles through the Heartland?

5 A. Yeah. Well, think about it. The Chinese
6 already own 384,000 and they're increasing all the
7 time. Now, if they get -- thank God Dakota and South
8 Dakota and Illinois -- well, they will cave, but, I
9 mean, it's like they're going to have control over
10 2,700 -- I mean, how many hundreds of thousands of
11 acres in addition to the 384,000 they own will they
12 control? That's what this is about.

13 I mean, the 4Q {sic} tax credits -- I mean,
14 that will make a fast -- you know. Okay. But that's
15 not the long-term planning. That was really evident
16 particularly when I saw that nobody was willing to
17 stand up for farmers. They've all been paid off.
18 Which that's politics. I understand that. But no.
19 It pisses me off.

20 Q. So you have great concern that this will
21 allow someone that is not -- how am I going to say
22 this. You're concerned about some type of terrorist
23 activity happening along the pipeline that could cause
24 permanent destruction or damage to some of our best
25 cropland in the United States?

1 A. Let me be clear. I am now classified as a
2 terrorist. Just so you know. Yeah. Yeah. As a
3 traditional Catholic, according to the FBI, I'm a
4 terrorist. So I guess, by owning this, I'm a
5 terrorist.

6 So I don't look for -- I'm looking for
7 justice. And the only justice that's going to come is
8 from God. Because I've got to tell you, any farmer
9 knows that there's no occupation on earth that depends
10 more upon the grace of God than farming. I mean,
11 everything depends upon that. It's His grace to make
12 it rain and to -- I mean -- no. I mean, the terrorist
13 would be me. Yeah.

14 Yeah, because there's no due process. If
15 you haven't noticed. And there's principles of
16 evidence in courts and it's meaningless now. Every so
17 often you get a nice judge who hasn't been taken, but
18 then it's overturned when you get to higher courts.

19 Q. So I'm getting the impression that you view
20 this pipeline as being similar to a Trojan horse in
21 the center of the United States?

22 A. Yes. It is. Very definitely. Very
23 definitely.

24 MS. KOHLES: Thank you. No further
25 questions.

1 BOARD CHAIR HELLAND: Ms. Hayek.

2 CROSS-EXAMINATION

3 BY MS. HAYEK:

4 Q. Hello. I'm Chris Hayek. I am a landowner.
5 Just a quick question.

6 You talked about the easement and selling
7 it in perpetuity. What is it concerning you with the
8 easement granting access to your land? 50-foot?
9 Unlimited?

10 A. Well, to me --

11 MR. LEONARD: Objection, Your Honor.

12 BOARD CHAIR HELLAND: State the objection.

13 MR. LEONARD: I don't think there was a
14 question asked there. To the extent there was, this
15 prefiled testimony goes on for pages about problems
16 with the easement.

17 BOARD CHAIR HELLAND: Ms. Hayek.

18 MS. HAYEK: If she wanted to clarify in her
19 testimony about that is what I was asking.

20 THE WITNESS: What did you want clarified
21 again?

22 BOARD CHAIR HELLAND: Hold on.

23 MS. HAYEK: About granting access to your
24 land through the easement.

25 BOARD CHAIR HELLAND: Can you clarify what

1 you're looking for from the prefiled?

2 MS. HAYEK: Just her concern of the access
3 to that.

4 BOARD CHAIR HELLAND: Can you narrow your
5 question down? What you're looking for from the
6 prefiled testimony, please.

7 MS. HAYEK: I just wanted a clarification
8 on the easement granting unlimited access to her land.
9 For my clarification.

10 BOARD CHAIR HELLAND: Okay. We're trying
11 not to be harsh --

12 MS. HAYEK: Well, just forget it. Just
13 forget it.

14 BOARD CHAIR HELLAND: Okay. Thank you.
15 If there are no other questions then,
16 Mr. Jorde for redirect.

17 MR. JORDE: Yes.

18 REDIRECT EXAMINATION

19 BY MR. JORDE:

20 Q. So Farm Bureau was asking you to publicly
21 name the identity of your tenant.

22 Do you have any idea why they would want to
23 know the name of your tenant?

24 A. I don't know. I have no idea.

25 Q. And you were asked a question if you

1 actively participated in legislation like eminent
2 domain reform. Obviously you weren't physically in
3 Iowa, but you were certainly supportive of those
4 efforts and participated in various calls around those
5 efforts; is that fair?

6 A. Oh, definitely. Oh, yes. Yes.
7 Definitely.

8 Q. And then, in relation to Janet Holmes, we
9 have a series of photographs of her work on the DAPL
10 pipeline showing basically what was promised and then
11 actually what it looked like.

12 Were you referencing all of that
13 destruction?

14 A. Yes. Plus that there should be -- and I
15 thought -- I'm not sure the court case or the legal
16 proceedings were included in what she gave me, but
17 that would be accessible if it's necessary.

18 Q. And with court proceedings or litigation,
19 were you referencing farmers and landowners on DAPL
20 who were made promises that weren't kept and then had
21 problems trying to get compensated or made whole?

22 A. Yes.

23 Q. And so you've talked to your tenant and
24 your tenant thinks that he might be able to -- I think
25 the phrase was "farm around the pipeline."

1 Is that correct?

2 A. Yes.

3 Q. And then your reference to China. So
4 you're concerned not only about the investors that
5 have been disclosed but also the investors in the
6 investors and the different layers.

7 A. Yes.

8 Q. And I think you were maybe referencing like
9 the People's Republic of China or a Chinese investment
10 fund that has invested kind of surreptitiously through
11 other investors in this project.

12 A. Correct.

13 Q. And, ultimately, I take it from your
14 testimony that you're taking a very long-term view on
15 the future of what you want your land to be like and
16 the state of Iowa generally and don't believe that
17 this project on its stated or alleged purposes or
18 future purposes fits in with your long-term views.

19 A. Oh, absolutely not. I mean, no. There's
20 nothing about this. It doesn't even make sense. It
21 never did. I mean, I know common sense is in short
22 supply nowadays, but, from day one, nothing made sense
23 about this. It just doesn't.

24 MR. JORDE: And then if we can zoom out on
25 that KMZ map, I just want to make sure we're clear --

1 that's probably good.

2 BY MR. JORDE:

3 Q. Ma'am, you had mentioned, like another one
4 of your neighbors who is in opposition, a reroute
5 south. And is that ground immediately south of your
6 targeted parcel that looks pretty wet, lots of water,
7 is that the conservation area?

8 A. Yes, that's my understanding. And I guess
9 clear across there to -- again, Henry -- I don't know
10 how to pronounce his last name. But he has a parcel
11 along there, too, and his route that he suggests was
12 the same one that I'm suggesting. And he specifically
13 mentioned Kossuth County conservation ground. So he's
14 got to be close by there. Because that's what he
15 wanted to do.

16 Q. So essentially going like a half mile or a
17 mile south of you you believe obviously would get it
18 off your property but also others who are opposed.

19 And then do you know if that's a state or
20 federal ground? It must be state.

21 A. Yeah. Again, I didn't think it would have
22 to go a half mile. I thought it looked like it's just
23 across the road. I think that's 180th Avenue? 180th
24 Street? And you bore under the road.

25 And, as I told you, my neighbor to the east

1 is a big proponent of it. So I'm sure he wouldn't
2 mind having a bore hole under his property. It goes
3 clear across.

4 I just don't want it on mine. So, I mean,
5 that's the fair alternative route that's not ripping
6 up the finest farmland on the planet and destroying
7 the food. Which is what this is about. Reducing the
8 food consumption. We're going to eat bugs. Yeah.

9 Q. So, to be clear, it's not like a half mile
10 reroute. It's simply just moving it across the road
11 south of your property.

12 A. Yeah, just across the road. And I think
13 that's what Henry said too. If I recall.

14 MR. JORDE: Well, I appreciate your
15 testimony and clarification. I don't have any more
16 questions for you.

17 BOARD CHAIR HELLAND: Thank you,
18 Ms. Centlivre. We appreciate your testimony.

19 Okay. Hold on real quick.

20 (Brief pause.)

21 Sorry. I guess I should confirm. Do you
22 have any more?

23 MR. JORDE: I was able to -- well, I'm
24 hoping. Yeah, I was able to get one more here kind of
25 last minute. Lance Kleckner. Who is Crawford County.

1 And he would be appearing virtually.

2 BOARD CHAIR HELLAND: Thank you.

3 Go ahead and raise your right hand.

4 LANCE KLECKNER,

5 called as a witness by Jorde Landowners, being first

6 duly sworn by Board Chair Helland, was examined and

7 testified as follows:

8 BOARD CHAIR HELLAND: Go ahead, Mr. Jorde.

9 MR. JORDE: Thank you.

10 DIRECT EXAMINATION

11 BY MR. JORDE:

12 Q. Please state your name, sir?

13 A. I'm Lance Kleckner.

14 Q. And, Mr. Kleckner, do you own property in
15 Crawford County, Iowa, that's being targeted by the
16 Summit proposed hazardous pipeline?

17 A. My wife and I are buying it on contract.
18 Started in 2020.

19 Q. Very good. So you're in the process --
20 well, you're an owner, but you haven't fully closed on
21 your contract yet; is that right?

22 A. Yeah. And my mom, Sharon Kleckner, is the
23 contract seller. So Summit was getting kind of
24 confused with all that. They were contacting my mom a
25 lot about it.

1 Q. Very good. So, in any event, it's in the
2 Kleckner family right now and will be into the future.

3 A. Uh-huh. Correct.

4 Q. And, sir, throughout this process, did you
5 cause to be created and filed some prefiled written
6 testimony with certain questions and answers along
7 with exhibits?

8 A. Yes. A couple months ago.

9 Q. And, if we were to walk through all of
10 those same questions in the written form, would your
11 answers you gave a few months ago be substantially
12 similar as they would be if we asked you those today?

13 A. Yes, overall they are. Yep.

14 Q. Can you think of any necessary correction
15 or specific update that is needed to be made at this
16 time?

17 A. Well, I filed that hearing exhibit. I
18 think it was in the docket yesterday. So that's some
19 of my update corrections there. So if we could pull
20 that up. It's Exhibit 635.

21 MR. JORDE: So just give me a moment, sir.
22 We'll get these into evidence first.

23 We would offer Exhibits 106 through 113 and
24 then 635.

25 BOARD CHAIR HELLAND: Are there objections?

1 MR. LEONARD: No objection, Your Honor.

2 BOARD CHAIR HELLAND: The Board will admit,
3 give it the weight due.

4 BY MR. JORDE:

5 Q. And then, Mr. Kleckner, the Exhibit 35
6 {sic}, that is information that you have to make --
7 well, to correct some of your testimony and make it
8 more specific as to road crossings and gullies and
9 other information you felt was important?

10 A. Yeah, the Exhibit 635. Yeah. Uh-huh. A
11 couple things on there, yeah.

12 Q. What else beyond what I just said is
13 important with that information?

14 A. The 635 is the gullies. Just because in
15 the aerial photos you can't really see it. You just
16 see the tree coverage. And where the pipeline is
17 going, it shows all the gullies kind of going back and
18 forth in there.

19 I had a couple attachments to my prefiled
20 testimony. And I was standing down there and took
21 pictures, but you couldn't really see how it really
22 was.

23 So the LiDAR photo that I have, that's to
24 make it more visible, I guess, for the IUB.

25 Q. And with the ultimate intention to show the

1 challenges and the contours and the slopes of your
2 property?

3 A. Yeah, especially down where they want to go
4 down the ditch. Summit -- they say sometimes they
5 bore under streams and stuff, but they never really
6 told me if they're going to bore under there. So I
7 don't know. I'm just showing that, because, if it's
8 trenched and stuff, it's pretty steep down there.

9 MR. JORDE: All right. Very good. So
10 that's all in evidence now, sir, and so, with that,
11 I'm going to turn you over to some other folks that
12 may have questions.

13 Okay?

14 THE WITNESS: Okay.

15 BOARD CHAIR HELLAND: Mr. Taylor.

16 MR. TAYLOR: Thank you.

17 CROSS-EXAMINATION

18 BY MR. TAYLOR:

19 Q. Mr. Kleckner, I'm Wally Taylor. I
20 represent the Sierra Club.

21 Do you see the KMZ map on the screen there?

22 A. Yes, I see both the parcels affected.

23 Q. So you own both of those red parcels?

24 A. Yep. Correct.

25 Q. And, in the southeast parcel, it looks like

1 there is an acreage that is not part of that parcel,
2 but there may be some structures on there.

3 What is that?

4 A. You mean in the west parcel? The south
5 one?

6 Q. Yeah.

7 A. Yeah, that's an acreage somebody owns. But
8 it's on top of a hill though. So they probably -- you
9 wouldn't worry if a pipeline burst that it would go
10 uphill.

11 Q. But somebody does live there.

12 A. Yeah, correct. And, actually, it looks
13 like -- if you look at this map, it looks -- it's
14 relatively old. Because I have more buildings between
15 my neighbor and between my house. I have buildings
16 between there. So there's a lot of things not updated
17 on here. It seems like an old map.

18 Q. So where is your house?

19 A. You just go to the northwest. All the
20 buildings there.

21 Q. Oh, okay. In that green area.

22 A. Yeah, it's on top of a hill, too, right
23 there.

24 Q. During the hearing procedure here, Summit
25 witnesses have testified that they've worked with

1 landowners in good faith regarding issues that you
2 might have regarding the project on your property.

3 What has been your experience with Summit
4 representatives?

5 A. Well, that's why I updated -- or I guess I
6 corrected my south parcel. Because -- I never even
7 really thought about the south parcel too much
8 because, back in 2021, it wasn't even part of it.

9 It became -- you know, when they started
10 posting those Exhibit Hs, I think in August 2022,
11 that's when I first learned about it. Nobody even
12 told me that it was going to cross the corner there.

13 So, at first, I was -- so I never even
14 really thought about it. And they never even talked
15 about that parcel ever to me either. We always just,
16 I guess, concentrated on the parcel where it's going
17 through more and it's going through my trees. So we
18 were always talking about the woodlands. So we never
19 even ever talked about that south parcel.

20 I guess, according to the IUB and the stuff
21 I read on there, I think they actually consider each
22 parcel when they're thinking about the eminent domain.
23 So I need to talk about it, I guess, more. Because
24 it's actually an individual parcel.

25 So Exhibit 635, if you could put that on

1 there? If somebody could put that on there?

2 MR. TAYLOR: May we put that up?

3 THE WITNESS: I don't know if I can see
4 that when it comes up, but you can tell me when it's
5 up.

6 Okay. Scroll down a little.

7 A. I created that one. That one shows what
8 could be done. In my prefiled testimony, I said they
9 could go in the southeast pasture and just go across
10 there, but they could actually just go across that
11 road right there. Because it's wide enough.

12 It's an easement. So they'd actually have
13 to switch parcels. That southeast parcel is actually
14 their property, but it would actually just go through
15 the road. And, you know, you wouldn't have to
16 actually go through somebody's pasture. My land or
17 anybody's land. You could just go right through the
18 road.

19 And it shows -- when I measured it, it was
20 about 70 feet or so. So, in reality, they could -- I
21 guess they could go through there. They wouldn't even
22 have to probably separate topsoil and stuff like that.

23 BY MR. TAYLOR:

24 Q. Let me clarify just a minute here. So what
25 you're suggesting as an alternative is for the

1 pipeline to go down the east side of that road?

2 A. Yeah, just go right -- because they're
3 going to cross the road 200 feet north anyway. So
4 they wouldn't even have to go through my property.
5 Just that little corner. It's only 200 feet they're
6 going through. So they could just go -- because they
7 got the person -- let's see. Southwest. They got
8 that person already signed. So, if they need any
9 extra space to work going through that road, they
10 could just go right through there. So they wouldn't
11 even have to mess with that property with me.

12 Q. So, on your property, that southwest
13 property, they have what we call a corner clip.

14 Is that a fair statement?

15 A. Yeah. That's just, like, crossing -- and
16 they never had that in the beginning. It just -- when
17 I all of a sudden saw the Exhibit H on it, then all of
18 a sudden I had another property that was under the
19 pipeline threat.

20 Q. Did you ever talk to a Summit
21 representative about that corner clip and maybe
22 changing it?

23 A. They never talked to me about that parcel
24 ever. We just always talked about the woodlands.
25 Because that was just what was always being talked

1 about. I mean, this parcel has never even been talked
2 about.

3 Before the hearing in August, I contacted
4 the land agent, and I asked him what their offers were
5 and stuff. And he finally gave me an offer sheet or
6 something on this southern parcel and then gave
7 like -- you know, like that sample easement contract
8 stuff with that one.

9 Q. Had you ever talked to a Summit agent about
10 the easement terms before that?

11 A. Well, we talked about the other parcel, the
12 north parcel. We talked about that. And it says --
13 basically -- I mean, there's a lot of stuff that
14 favors them, but it says you can't put trees or ponds
15 over -- or buildings over the easement. And this
16 whole property is going to be a tree farm. I'm
17 planting thousands of trees probably about every year.
18 And I'm building ponds every year.

19 So it doesn't make sense. Because that's
20 all there's going to be on this property eventually.

21 Q. Is that on the north section or both
22 sections?

23 A. Everything. Everything is going to be a
24 tree farm. Trees are going to be everywhere. Ponds
25 are going to be everywhere too. Everywhere they can

1 be.

2 Q. How long have you been doing this tree
3 planting and making this into a tree farm?

4 A. I've been planting trees since the mid
5 '90s. So I wasn't even in high school when I started
6 planting trees. And then ponds, I started doing that
7 in 2020. You know, once I bought the farm. I'm
8 putting all that money, capital investment in it, when
9 I actually am buying the farm. So I started building
10 ponds and stuff. I try to build a couple a year.

11 Q. Is any of this property cropland?

12 A. Yeah. Go back to the KMZ.

13 MR. TAYLOR: Can we put the KMZ up again?

14 A. Currently, I have a tenant with an alfalfa
15 field in that north property. You see there's
16 terraces, I guess, in the western side. So, if you
17 zoom in, you'll see the terraces. And then across the
18 road on the east side is in alfalfa, too, right now.

19 My dad -- when they bought the property,
20 they used to have it in corn and soybeans in the '70s
21 and stuff. And then, in the '80s, the Conservation
22 Reserve Program came into being.

23 And my dad, he was a soil conservation
24 engineer, and what he eventually did is he just put it
25 in CRP. And, from there, it went to hay ground.

1 So it will never be in corn and soybeans
2 during my lifetime.

3 BY MR. TAYLOR:

4 Q. Is it CRP ground now?

5 A. No, it's in alfalfa right now. I have a
6 tenant that -- he makes the hay on there.

7 Q. Summit witnesses at this hearing have
8 talked about that the pipeline is safe, that it's
9 going to be regulated.

10 Do you agree with that?

11 A. Well, no, not really --

12 MR. LEONARD: Objection, Your Honor.

13 BOARD CHAIR HELLAND: State the objection.

14 MR. LEONARD: This prefiled testimony talks
15 about safety risks multiple times all throughout the
16 testimony.

17 In addition, Mr. Taylor's preface of each
18 question with "Summit witnesses have talked about such
19 and such at this hearing" is not an entree to do
20 additional direct with this witness. Summit's
21 witnesses testified to that in their prefiled
22 testimony. Which was due before the landowners'
23 prefiled testimony.

24 BOARD CHAIR HELLAND: Mr. Taylor.

25 MR. TAYLOR: But I think if there is Summit

1 testimony that's come out at this hearing subsequent
2 to the filing of the prefiled testimony, that that's
3 fair game to clarify or explain the prefiled testimony
4 in more detail.

5 BOARD CHAIR HELLAND: Do you have a
6 comment?

7 MR. LEONARD: Yes. To the extent he's
8 asking the witness, "Do you agree or disagree with
9 Summit's witnesses," that easily could have been
10 included in the direct testimony. And, in fact, it
11 is.

12 MR. TAYLOR: I'm sorry, I don't mean to
13 belabor it, but more testimony has come out from
14 Summit's witnesses in this hearing beyond what was in
15 Summit's prefiled testimony. And that's what I'm
16 getting at.

17 BOARD CHAIR HELLAND: Mr. Taylor, could you
18 just rephrase your question, please.

19 BY MR. TAYLOR:

20 Q. Have you had an opportunity to hear or
21 review Summit witness testimony that's come out at
22 this hearing?

23 A. Oh, I've seen some of it. I watched some
24 of it.

25 Q. With regard to safety issues, does that

1 change any of your prefiled testimony or add to it?

2 A. Well, something -- after I did do the
3 prefiled testimony --

4 MR. LEONARD: Objection, Your Honor.

5 BOARD CHAIR HELLAND: State the objection.

6 MR. LEONARD: I'm going to object to the
7 extent that Mr. Taylor, with Sierra Club, is asking
8 whether or not this witness wants to add to his
9 prefiled testimony.

10 MR. TAYLOR: That's what this questioning
11 is about is to clarify and add to the prefiled
12 testimony based on new information.

13 MR. LEONARD: No. This testimony is our
14 opportunity to cross-examine adverse witnesses if we
15 choose to. It's not for friendly parties to ask
16 questions to add to the direct testimony.

17 MR. TAYLOR: Well --

18 BOARD CHAIR HELLAND: Go ahead. I just
19 wanted to acknowledge Mr. Jorde wants to weigh in too.

20 MR. TAYLOR: My understanding from what
21 comments the Chair has made previously is that this
22 testimony -- that intervenors can ask questions that
23 clarifies or relates to the prefiled testimony based
24 on the new information that has come to light during
25 this hearing. That's what I heard in previous

1 comments from the Board.

2 BOARD CHAIR HELLAND: Mr. Jorde.

3 MR. JORDE: Yes. Thank you.

4 So we join with Mr. Taylor and have a
5 slightly different take. Just because Summit has
6 prefiled testimony, when they appear here and swear
7 under oath and then testify and add new or additional
8 or expand, totally fine.

9 But, when they did that, we have the right,
10 I have the right, Mr. Taylor, any party has the right
11 to question any other witness and basically challenge
12 them. "Before you said 'x.' This occurred during the
13 hearing. Does that change your opinion? Yes or no."
14 Those are fair questions.

15 MR. DUBLINSKE: Your Honor, if I may, and I
16 apologize for jumping in on Mr. Leonard's witness, but
17 this is a much broader issue not only on other
18 witnesses but surely on witnesses to come.

19 What Mr. Jorde and Mr. Taylor are
20 describing is surrebuttal. And this is the difference
21 between surrebuttal and cross. Somebody has to go
22 last. The fact that our witnesses have said things,
23 whether it's in our final reply testimony or whether
24 it's on the stand, doesn't inherently mean that they
25 get one more shot. This is the time to cross their

1 witnesses in their case.

2 What they're describing is not
3 cross-examination. It's additional affirmative
4 testimony from their witnesses that essentially is
5 giving them a surrebuttal round that was never
6 contemplated in any scheduling order. It would be
7 highly uncommon in this sort of proceeding.

8 And, by that theory, if they raise new
9 things that we get to go and they get to go and we get
10 to go and they get to go, that just can't be how it
11 works.

12 BOARD CHAIR HELLAND: Did you want to add,
13 Mr. Taylor?

14 MR. TAYLOR: Yeah, I'm not sure how to say
15 this, but the Board has said that you want to hear
16 from these landowners. And, in fact, Mr. Kasischke, I
17 think it was, who had filed late-filed testimony was
18 here and Summit objected, and the Board said that you
19 were going to let him testify because he had come here
20 and you wanted to hear what he had to say.

21 If Summit is correct that the only reason
22 for these witnesses to come here is for Summit to
23 cross-examine if they want to -- and they don't want
24 to, they really have no questions, they just want to
25 get this hearing over with -- then these witnesses

1 would not be heard from by the Board.

2 BOARD CHAIR HELLAND: Mr. Jorde, your
3 light's on. Do you have anything to add to that?

4 MR. JORDE: I better just add one more
5 thing. Thank you.

6 Summit's suggestion is that whenever the
7 prefiled testimony date is, then that's it.
8 Landowners are silenced regardless of if there's new
9 information they couldn't have known or that was
10 secretly hidden or that was never brought up so they
11 didn't even think to themselves to even have a
12 response to.

13 And their suggestion is further ridiculous
14 that if their witnesses testify under oath -- and
15 that's what we're examining. They have the sole
16 burden of proof. And, so when they testify in support
17 of this application, the opposing witnesses, who by
18 design come after; i.e., today, should and must be
19 able to address that if asked about it.

20 I mean, I just am dumbfounded how they
21 think that this process -- that it's just over at
22 prefiled testimony and now we're just muzzled. That
23 is not how the rules are intended to work in my
24 opinion.

25 Thank you for letting me be heard.

1 BOARD CHAIR HELLAND: I appreciate your
2 opinion on our rules.

3 Mr. Taylor, I know your dislike of prefiled
4 testimony is well documented. Appreciate that. It's
5 noted.

6 Summit filed their testimony on May 25th,
7 and there was a significant amount of time for
8 landowners to review and file their prefiled
9 testimony.

10 We let in late testimony for landowners
11 because it's not the landowners' fault when they are
12 represented by their attorney that it was late. And
13 so we're not going to fault a landowner because their
14 counsel didn't get it in on time.

15 That is also not us completely opening up
16 the rules to do whatever we want and continue asking
17 open question after open question. We have been very
18 clear the entire time. Cross is intended for the
19 opposing party, according to our rules, to flesh out
20 prefiled testimony.

21 We've been very lenient throughout this
22 hearing. It is a large part of the reason why we are
23 well behind where we would be right now.

24 And so I'm going to respectfully ask,
25 again, that cross be limited to prefiled testimony and

1 proceed forward.

2 MR. TAYLOR: I have no further questions.

3 BOARD CHAIR HELLAND: Ms. Kohles, I think
4 you're next.

5 CROSS-EXAMINATION

6 BY MS. KOHLES:

7 Q. Hello, Mr. Kleckner. Jean Kohles. I'm
8 also a landowner. And, with those new directions, I
9 hope I'm okay.

10 On the KMZ, which is up, you indicated a
11 gully. Can you show me -- can you describe where that
12 might be? Does it intersect with the proposed
13 pipeline on the northeast parcel?

14 A. Yeah, and it would be on the northwest
15 section of it. And you see canopies of trees. It's
16 under there. You can't see it, but -- the trees cover
17 it.

18 Q. Were they going to bore through those
19 trees?

20 A. I hope -- I hope, if they go through there,
21 they bore under it. Chairman Byrnes -- I mean, not
22 chairman, Board Member Byrnes, he actually talked with
23 a Summit guy on here about my property and asked about
24 that. Because it was in my prefiled testimony.

25 And they say that they usually -- they

1 don't normally do that, but -- you know, it's possible
2 that they can bore under it if they had to.

3 But they haven't told me. They don't want
4 to bore under it because it costs too much. So I
5 don't know. They say they bore under streams, but
6 that stream is dry right now. We're in four years of
7 drought, so -- you know.

8 Q. So you have concern about weakness along
9 that gully there.

10 A. Well, you saw in Mississippi where it's
11 kind of like a ditch down there where it fell apart.
12 I mean, I have concerns how they're going to do it.
13 They haven't, you know, made me feel confident about
14 it. Because they haven't really talked about it. The
15 land agents, they just want to get your signature and
16 they just want to keep it going. So they don't really
17 talk about your concerns too much.

18 Q. How close is your homestead?

19 MS. KOHLES: Could they please measure it
20 to the pipeline? The proposed pipeline.

21 A. I think it was a couple -- it might be a
22 couple thousand feet. I'm not so worried about my
23 homestead, because it's up on a hill, you know, but
24 I'm actually in that woods -- every day I'm down
25 there. So I'm kind of worried about if it blows up, I

1 mean, what happens about that. How big a hole it
2 creates, how close you are if you get hurt. Stuff
3 like that.

4 And, also, my neighbor to the north, it
5 gets really close to his property. Because how it
6 works in our county, and probably a lot of counties
7 around here, all the acreages are mostly sold off. So
8 there's little acreages everywhere, and some absentee
9 landowner, or maybe a landowner that farms it or
10 whatever but they don't live on it, they just -- you
11 know, they accept the payment and they don't have to
12 worry about their house close to it.

13 So I think the neighbor to the north is
14 only a little over a hundred feet from the pipeline.
15 And they have no say in it.

16 MS. KOHLES: Can you pull that out so we
17 can view that, please.

18 Oh, wow.

19 A. Yeah. You see how close it is? It's
20 really close to that neighbor to the north. And they
21 have no say.

22 Even my neighbor who signed north of me, he
23 talked to them about it, and they said, well, they can
24 have it as close as -- I don't remember what. They
25 can have it as close as 50 feet. It's legal so they

1 can do it.

2 So he was worried about his neighbor. Even
3 though he signed it, he was worried. "Can you have it
4 that close?" Well, apparently you can.

5 BY MS. KOHLES:

6 Q. Going back to your land on the northern
7 property that's east of the pipeline. You said you
8 have put in over 2,000 trees over the last several
9 years?

10 A. Yeah, I've put in a lot of trees. Where
11 they're having the proposed pipeline, that's mostly
12 all forested already.

13 And the difference between planting trees
14 and having land that's already in woodlands is
15 completely different, because -- I've been planting
16 trees for decades now, and some of the trees, you
17 know, a couple decades from now, they still have grass
18 growing in them, you don't have all those beautiful
19 woodland plants that are flowering. It's just not an
20 ecosystem until you're decades in the future. Until
21 I'm old basically.

22 So here you've got established woodlands
23 right there. And there's probably tens of thousands
24 of plants there. And that's the whole point of my
25 farm is to have this beautiful wildlife cover, and

1 then -- they basically -- and the funny thing is --
2 well, not funny, but it's kind of weird how it goes.

3 I've been against it going through trees.
4 Everybody I've talked to, probably over ten people
5 from the Summit people, contractors, whatever, I
6 always said, "Don't have it go through my trees." And
7 this started in August 2021. And then I think, after
8 the meeting in October, they started contacting me,
9 and I said, "I don't want it to go through my trees."
10 And only one-third of my property is currently in
11 trees.

12 And then, once they did the Exhibit H in
13 2022, they actually changed the line and it's even
14 more into my trees. So they didn't push it out of my
15 trees to my concern.

16 Just because the neighbors, I think,
17 started signing, they favored where the neighbors
18 wanted it. So now it's even more into my trees.

19 Q. It's probably a beautiful area with all
20 those trees.

21 Does it support a lot of wildlife?

22 A. Yeah, I mean, there's a lot of wildlife
23 there. A lot of times people say things like bats and
24 stuff are starting to become endangered and stuff.
25 And there's a lot of bats around. There's a lot of

1 elms, ashes, dying trees like that, that have -- you
2 know, they need roosting areas for it, and they
3 haven't really talked about that.

4 I've seen -- what was it. A Summit witness
5 was talking to Wally Taylor, and they were actually
6 talking about bat habitat and stuff. And they said if
7 they do find roosting areas, they would have to -- I
8 think they have to clear the area maybe in fall or
9 something when they're not roosting there.

10 And Wally was saying but you're taking out
11 habitat. There's not a lot of habitat. So you're
12 taking out the habitat. So where are these animals
13 going to be if the habitat is all gone.

14 The ethanol industry -- since the early
15 2000s, all around me groves of trees are getting
16 knocked out. So you can kind of see how the thing is
17 going. And now, because of ethanol, somehow they're
18 going to -- it used to be, oh, it's the neighbor's
19 property, they can make the decision to knock out the
20 trees.

21 But now the ethanol industry -- because of
22 the ethanol industry, apparently my trees might get
23 knocked out, too, and I have no say apparently.

24 Q. Well, I have groves of trees on my
25 property, and it's rife with deer, pheasants, owls.

1 A. Oh, yeah.

2 Q. So is this an area that you use for
3 hunting?

4 A. My tenant currently hunts it. Someday in
5 the future I might even -- I'd prefer to someday lease
6 it out for, you know, good money -- because you can
7 actually lease out hunting ground. People have a lot
8 of money these days for entertainment.

9 I can actually lease out my farm for
10 hunting for more than I could get for leasing it out
11 for cow pasture. So there's good money in the
12 industry.

13 I was even thinking about where the line's
14 going -- let's see. On that north section -- if you
15 zoom in on that north section in the southwest corner,
16 I was thinking about even having a hunting cabin put
17 there.

18 There's an opening -- there's actually like
19 a gate there that goes from the terraces down to that
20 pond there, and the wildlife always -- you see tracks
21 always going through there. So it's pretty cool.
22 Because they always like to go to the pond, and then
23 they go -- yeah. And then they go through an opening
24 right there to the terraces. There's alfalfa there
25 right now. So the deer love it. I see all these

1 turkeys in there and stuff. So there's a lot of
2 wildlife.

3 I even have quail. A lot of people say
4 quail numbers aren't very good, but my property is
5 doing pretty good with quail too.

6 Q. So this pipeline would prevent you from
7 getting a source of income from hunters or whatever in
8 the future.

9 A. Yeah. Correct. And, even more than money
10 a lot of times, it's just the quality of life, the
11 enjoyment. The whole purpose of this farm is just the
12 enjoyment of my life.

13 So it's not totally about money, but
14 Summit -- I mean, if they're going to destroy my trees
15 and stuff, I want to be compensated for it. And they
16 just throw a number out there?

17 I said, "If you're going to go through
18 there, and that's the only way you can go through
19 there, then you see what's there and see what the
20 value is." And they haven't. They just threw a
21 number out from thin air, I guess, and said, "Well,
22 it's a good amount per acre."

23 But there's more than that just per acre.
24 It's like if they went through somebody's backyard and
25 said, "Well, that's good." Or knocked down somebody's

1 house, and they're paying them \$50,000 for a quarter
2 acre, and they say "Well, that's pretty good."

3 But it doesn't work that way. I want to
4 be -- if my stuff is damaged, I want to be compensated
5 for it so I can -- you'll never be totally
6 compensated. Because some of these trees -- you know,
7 I won't even see them that big. Even if I replant
8 them. But I want to be able to replant them if they
9 destroy my land. You know what I mean?

10 MS. KOHLES: Thank you. No further
11 questions.

12 THE WITNESS: Thank you.

13 BOARD CHAIR HELLAND: With no further
14 questions, Mr. Jorde for redirect.

15 REDIRECT EXAMINATION

16 BY MR. JORDE:

17 Q. You're kind of an interesting and unique
18 guy here on the trees. And the habitats and the
19 ponds.

20 And so I take it that, from your
21 discussions with Summit, they haven't really respected
22 the fact that that's how you on your own property want
23 to continue and develop and improve your property.

24 A. Yeah, they're kind of confused how to deal
25 with me. I guess I assume -- because I see people

1 testifying and it's mostly all cropland. And one
2 person I saw, they wanted to put it into trees.

3 So, you know, trees aren't highly valued in
4 Iowa always. So the Summit people, the interactions
5 I've had, was basically -- one guy -- the last land
6 agent I had was trying to brainwash me into saying,
7 "Oh, it would be a good food plot in there." But I've
8 already got an alfalfa field on the east side. That's
9 where the deer are and stuff.

10 So they're kind of confused how to deal
11 with it. And I was at a county supervisor meeting and
12 I said, "What's your selling point to somebody like
13 me?"

14 I mean, didn't Summit think this through
15 that not just everybody has cropland? "It's going to
16 be good for ethanol. You're going to get more for
17 your corn." I mean, what's the selling point? Nobody
18 has it. They just say, "It's good for the ethanol
19 industry."

20 I want to know why it's good for me. How
21 is it going to help me? That's why I had that
22 Attachment 22 where I said, "Oh, just go through the
23 crop field." Because crop fields, for me, aren't as
24 important. So I would lose the least amount of trees
25 that way.

1 So it's been confusing because they don't
2 know how to deal with it. And maybe they just assumed
3 there would be a few people that they would just deal
4 with eminent domain. Like they figured all the
5 cropland people sign. And somebody with these trees,
6 "We'll get that person through eminent domain."

7 Q. So have they told you, either in writing or
8 orally, that they couldn't go through your cropland if
9 this were to get approved?

10 A. Oh -- yeah. I emailed in August -- he said
11 there was something -- like it's within a certain
12 corridor. So you either have to pick this route or
13 the other route -- they gave me two -- this current
14 one that you see on the KMZ and then they had it kind
15 of just wiggle a little.

16 So, instead of a few thousand trees, it
17 might knock out a couple thousand trees. But it's
18 even more special trees that I've planted that I can
19 never replace.

20 So that's my two options they gave me.

21 Q. Do you find it a bit ironic that allegedly
22 a tangential, unproven benefit is somehow reducing
23 carbon dioxide, but yet they want to cut down
24 thousands of your trees that already naturally do the
25 same thing?

1 A. Well, it's a weird federal program. I
2 mean, they could just increase CRP basically and have
3 tons of people planting trees through CRP, and I would
4 say that would be a lot more benefit to our
5 communities and stuff.

6 You know, especially the highly erodible
7 land. That you'd plant more of that land in trees.
8 That's what the government should be dealing with.

9 Because there's a lot of erosion, the
10 waterways are in a mess, because they are basically
11 farming it out to the stream banks and stuff and
12 knocking out all the trees.

13 Q. And you had mentioned the habitat and the
14 different species and wildlife on your property.

15 Has Summit ever provided you any biological
16 surveys, or any surveys, to alleviate any of those
17 concerns?

18 A. No, they've never talked -- and when I
19 talked about wildlife, that's when the land agent --
20 he was talking about, "You could use this as a food
21 plot." Like deer. Basically, when they think of
22 wildlife, they think, well, deer.

23 My enjoyment goes beyond deer. I mean, I
24 like even the old snags that are on my place where you
25 see all the woodpeckers going up there and stuff.

1 When you talk about wildlife, they just
2 think, "Oh. Deer." If somebody's going to hunt it,
3 you're just thinking about deer.

4 But they never gave me any survey on that
5 or anything. I don't know if they even did one or
6 not.

7 Q. Did Summit mention if they could not go
8 through a pond or if the existence of the ponds you're
9 wanting to put there and have started is a particular
10 challenge to them? Or did they act like that's not a
11 big deal to put the pipeline through?

12 A. Well, currently, there's not a pond where
13 they're going to go through, but they wouldn't want to
14 go through no ponds.

15 And trees they don't want to bore under,
16 because the land agent I talked to -- I said, "Well,
17 you can bore under it." Because, in the Dakota Access
18 pipeline, there was -- one of the guys who had trees,
19 well, they bored right under his property. Because he
20 had bats and stuff.

21 And they said they would still have to
22 clear an area of trees so they can fly over it, I
23 guess. That's what they said about boring.

24 But they never talked about boring because
25 it's so expensive.

1 Q. But, for a company that's going to get
2 potentially billions of dollars of taxpayer-funded
3 subsidies, do you think it's your problem that they'd
4 like to return another million or two to their
5 investors?

6 A. No, I'm not worried about that. I'm just
7 worried about my quality of life on this place. I
8 just bought it in 2020. And, since 2020, there's been
9 a fire. Tons of neighbors have accidentally sprayed
10 my trees. Even the road crews have sprayed my trees
11 since I bought the place in 2020.

12 And now, in 2021, I get a thing and I have
13 a company that wants to purposely damage my trees.
14 It's a little different if it's an accident, but,
15 man -- they're saying, "I want to go just right
16 through your trees."

17 I mean, I've got plenty of property that
18 don't have trees, but they don't want to wiggle around
19 it. They want their straight line there.

20 MR. JORDE: All right, sir. I appreciate
21 your testimony. I don't have anything further for
22 you.

23 THE WITNESS: Thank you.

24 BOARD CHAIR HELLAND: Thank you,
25 Mr. Kleckner.

1 THE WITNESS: Thank you.

2 BOARD CHAIR HELLAND: Okay. We don't have
3 any more; correct?

4 MR. JORDE: That's correct. And, when I
5 have an opportunity, I would just offer the exhibits
6 that correspond with the landowners who were going to
7 testify but have agreed in the interest of time and
8 everything to not testify.

9 BOARD CHAIR HELLAND: You're offering that
10 now?

11 MR. JORDE: If I can. It would just take,
12 like, 30 seconds. I just want to get them on the
13 record.

14 BOARD CHAIR HELLAND: No, that's great.
15 Appreciate it.

16 MR. JORDE: And these, again, correspond
17 with the names of the persons on -- I think it was my
18 October 2nd filing that Mr. Dublinske referenced.

19 So Exhibits 235 through 243, that's Janet
20 Miller. Exhibit 216, that's the Marths. Exhibit 233,
21 that's Maureen Allan, A-l-l-a-n. Exhibit 441 is RMT
22 Real Estate, LLC. Exhibit 311 is the Margaret A.
23 Thomas Revocable Trust. And Exhibit 281 covers both
24 the Moore Family Trust and Drews Land Company, Inc.

25 BOARD CHAIR HELLAND: Any objections?

1 MR. DUBLINSKE: No.

2 BOARD CHAIR HELLAND: With no objections,
3 the Board will admit.

4 Okay. Unless there's anything else
5 today --

6 MR. DUBLINSKE: I just have a -- well, two
7 questions, I guess, based on your comment there about
8 anything else today.

9 One, if Mr. Jorde is willing to confirm,
10 deny, or otherwise, we've been trying to track based
11 on Mr. Jorde's updated witness list. With those
12 persons that we have agreed to stipulate in and waive
13 cross and not have them appear, I show somewhere in
14 the vicinity of 25, plus-minus a couple, that are
15 left. And I'm just curious whether or not that is
16 accurate.

17 MR. JORDE: So pretty close. My count is
18 actually 21, but, again, I might be missing someone.
19 And so I guess what I'm looking at is I think it's
20 just probably two days. Obviously, we can get through
21 ten people a day. So I think we're, for planning
22 purposes, looking at two days, and then we're done.

23 BOARD CHAIR HELLAND: Thank you. That's
24 incredibly helpful.

25 MR. DUBLINSKE: And I was just going to ask

1 if we know yet anything about those two days or if
2 that's sort of a TBD.

3 BOARD CHAIR HELLAND: We'll iron it out as
4 quickly as we can and we'll notify via order
5 absolutely as quickly as we can. I suggested
6 tomorrow. And staff's said that was not going to
7 happen. Diligent and wonderful staff I'll add.

8 Mr. Taylor.

9 MR. TAYLOR: Thank you. It was my
10 understanding there might also be several
11 non-represented Exhibit H landowners who are yet to
12 testify.

13 Is that correct or not?

14 BOARD CHAIR HELLAND: We don't have any
15 right now, but we'll address it in the order.
16 Appreciate the question.

17 MR. TAYLOR: Thank you.

18 MR. JORDE: Can I just add I think the
19 comments maybe yesterday -- or maybe it was the day
20 before, I'm losing track -- but was you maybe were
21 looking at the first full week in November.

22 If that's true, I would just respectfully
23 ask for my folks that we look at the 8th, 9th, or
24 10th. That would be Wednesday, Thursday, Friday. The
25 7th is Election Day, and I know there's going to be a

1 lot of people wanting to be out and about.

2 So, in an interest to get this done, if
3 you're looking at that week, I would appreciate you
4 looking at considering the 8th, 9th, or 10th of
5 November or some combination of that.

6 BOARD CHAIR HELLAND: Appreciate that.
7 Thank you. That's helpful.

8 MR. DUBLINSKE: The only thing I would
9 say -- I know I have heard mention in the room about
10 additional landowner testimony. And, like the Board,
11 I was not aware that there were any.

12 But, I guess, if there are people who had
13 requested a date and for whatever reason got missed
14 over the summer, I think that's one thing. I think if
15 there are people who after the start of the hearing
16 have requested, I would have some concern that that
17 becomes sort of a rolling issue and we never get this
18 done. That there really do have to be some deadlines.
19 Which I think the Board had already requested that
20 quite some time ago.

21 So, again, if people were missed, I get
22 that. And we should remedy that. But I don't think
23 that people who have made latent requests should be
24 allowed to extend the length of the hearing.

25 BOARD CHAIR HELLAND: Thank you. Noted.

1 Appreciate it.

2 Okay. We don't have anything else. We
3 will get the order out as quickly as we can. While we
4 iron out some details, it's incredibly helpful to have
5 the number and an estimate on that. Appreciate that.

6 Hold on real quick.

7 (Brief pause.)

8 MR. DUBLINSKE: And I would obviously add
9 that if we can do the first week, full or otherwise,
10 of November, that would be appreciated as well. But I
11 wasn't as clear as Mr. Jorde may have heard on what
12 was said yesterday.

13 BOARD CHAIR HELLAND: Thank you. I
14 appreciate that. We've got a lot of items to schedule
15 around, and so we'll get that out as quickly as we
16 can. Appreciate the patience on that.

17 And we'll see some of you in a month, we'll
18 see some of you Monday.

19 So thank you all. Appreciate it.

20 (Hearing recessed at 11:49 a.m.,
21 October 5, 2023.)

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1 C E R T I F I C A T E

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of Iowa, do hereby certify that
4 I acted as the official court reporter at the
5 proceedings in the above-entitled matter at the time
6 and place indicated; that I took in shorthand all of
7 the proceedings had at the said time and place and
8 that said shorthand notes were reduced to typewriting
9 under my direction and supervision, and that the
10 foregoing typewritten pages are a full and complete
11 transcript of the shorthand notes so taken.

12 Dated this 24th day of October, 2023.

13

14

15

Melissa A. Burns

16

CERTIFIED SHORTHAND REPORTER
Melissa A. Burns, Iowa CSR #527

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