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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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Ruby Pipeline, LLC : Docket No. CP09-54-000
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Draft Environmental Impact Statement
PUBLIC COMMENT MEETING

Hilton Garden Inn
3650 East Idaho Street
Elko, Nevada
Tuesday, July 28, 2009

The public hearing, pursuant to notice, convened at 7:05
p.m. before a Staff Panel:

DAVE SWEARINGEN, Environment Project Manager,
FERC

MARK MACKIEWICZ, U.S. Bureau of Land Management

JOHN MUEHLHAUSEN, Merjent

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COMMENTERS

Bernice Lalo, Western Shoshone Tribe	8
Mike Miller, Western Shoshone Tribe	10
Steve Brady	11
Norman Dianda, President, QND Construction	12
Sheri Eklund-Brown, Commissioner, Elko County	13

P R O C E E D I N G S

1
2 MR. SWEARINGEN: My name is Dave Swearingen and I
3 am an environmental project manager with the Federal Energy
4 Regulatory Commission, or FERC. To my far left is John
5 Muehlhausen with Merjent, an environmental consulting
6 corporation. Merjent is assisting us with the preparation
7 of the environmental document. Christine Allen of FERC and
8 Peg Boden with Merjent were at the sign-in table as you came
9 in. Also here tonight, to my immediate left, is Mark
10 Mackiewicz with the U.S. Bureau of Land Management. The BLM
11 is a cooperating agency in the preparation of the
12 environmental analysis.

13 On behalf of the FERC I want to welcome you all
14 here tonight. Let the record show that the Elko public
15 comment meeting began at 7:05 p.m. July 28, 2009.

16 The purpose of this meeting is for the FERC and
17 the BLM to get your comments on the Draft Environmental
18 Impact Statement, or EIS, that we recently released. In a
19 moment I'm going to give a brief overview of the FERC
20 process, and then Mark with the BLM will say a few words
21 about his agency's involvement.

22 Where we are in the process. We are in the midst
23 of a 45-day comment period on the Draft EIS, and that
24 comment period ends on August 10th. All comments that we
25 receive within the comment period will be addressed in a

1 final EIS. I want to make the point that this meeting here
2 tonight, the main purpose of this meeting is for you to be
3 able to provide whatever comments that you wish on the
4 environmental document. If you wish to speak tonight, there
5 will be an opportunity for you to do so, and you had a
6 chance to sign in at the table if you wanted to give verbal
7 comments tonight.

8 We also have some forms where you could write
9 written comments down; and you can either turn those in to
10 us tonight or you can mail them in to the FERC, or you can
11 use your computer to use the Internet filing system. It
12 doesn't matter to me how you get your comments to me;
13 spoken, filed electronically or in the mail, it's all the
14 same, we will give them the same consideration no matter how
15 you get them to us.

16 The main purpose of the meeting is for you to
17 give your comments on the Draft Environmental Impact
18 Statement so that we can revise and update that to issue the
19 final. So the more specific your comments are to resource
20 of concern, the more helpful it will be.

21 If you received a copy of the draft EIS, you're
22 automatically on the mailing list to receive a copy of the
23 final, and you don't need to do anything else. If you're
24 not sure if you're on the mailing list or you want to add
25 your name to make sure that you're on the list if you didn't

1 get a copy of the draft, there is an opportunity to do that;
2 one of the sheets at the sign-in table as well.

3 Once we've finished the Final EIS, published it
4 and issued it, what we -- when I say 'we' I mean FERC's
5 environmental staff -- will forward that on to the FERC
6 Commission. The EIS does not make a decision on whether or
7 not to approve the project; that's what the FERC Commission
8 does. The EIS presents conclusions and recommendations to
9 the environmental analysis. the FERC Commission will take
10 the environmental analysis into consideration along with a
11 whole host of non-environmental factors such as the markets,
12 rates, tariffs, design and costs, engineering and other
13 regulatory matters.

14 So the Commission will balance the environmental,
15 the non-environmental factors to make an ultimate decision
16 on whether or not to approve the project.

17 Now I want to turn the meeting over to Mark
18 Mackiewicz with the BLM. He'll say a few words about his
19 agency's role.

20 MR. MACKIEWICZ: Thanks, Dave. Again, my name
21 is Mark Mackiewicz, and I'm National Project Manager for
22 BLM's Washington, D.C. office.

23 The Bureau of Land Management is the lead federal
24 agency charged with granting right-of-way across all federal
25 lands; that includes lands managed by the Forest Service,

1 Bureau of Reclamation, and in some cases the U.S. Fish &
2 Wildlife Service. We have been working locally with our BLM
3 office here in Elko as well as our Forest Service Office in
4 other states, and Reclamation offices and their resource
5 specialists trying to identify resources and issues that the
6 proposed project would have on federal lands we manage.

7 And as Dave mentioned, we are a cooperating
8 agency along with the Forest Service in preparing this Draft
9 Environmental Impact Statement. We will use this document
10 in determining whether we should approve or not approve a
11 right-of-way across federal lands authorizing construction
12 of the Ruby Pipeline project.

13 And for everybody's edification, the authorized
14 officer for this project is the state director for the BLM
15 here in Nevada. He is the authorized officer, and he'll
16 issue the right-of-way if the project is approved, in the
17 States of Oregon, Nevada, Wyoming, and Utah. Thank you.

18 MR. SWEARINGEN: Are there any questions about
19 the process part before we move on to the comments?

20 Yes, sir.

21 AUDIENCE: Who is the State Director?

22 MR. SWEARINGEN: The question was, who is the
23 State Director?

24 MR. MACKIEWICZ: The State Director, the
25 gentleman's name is Ron Wenker. He is the top man here in

1 Nevada, and in charge of the BLM office in Nevada and in
2 charge of all the field offices in the State of Nevada.

3 MR. SWEARINGEN: Any other questions?

4 Yes, sir.

5 AUDIENCE: If you don't have a copy of the EIS,
6 is it on line to review?

7 MR. SWEARINGEN: The question, if you didn't have
8 a copy, is it on line to review. Yes, it is; and after I
9 close the meeting, I will give more information about the
10 FERC website and everything; but it is on line to review.

11 You will notice that there are folks from Ruby
12 here tonight. After I close the public part of the meeting,
13 the folks from Ruby will be glad to stay around, as will I,
14 and Mark with the BLM as well, to answer specific questions.

15 If you had a question about a particular tract of land; and
16 they've got maps back there, that they can answer some of
17 those questions for you as well.

18 The folks at Ruby also brought some cookies and
19 drinks, and so there's some refreshments in the back. After
20 the public part of the meeting is over, please help
21 yourselves to those.

22 You'll notice, on my far left, on your right side
23 we have a court reporter. This is a public meeting and the
24 transcript of this meeting is an official transcript and it
25 will be posted on the FERC website at some point. That's

1 the reason we have the microphone set up and everything, so
2 we make sure we get everything on the record.

3 We have three people who signed up to make
4 comments, and have those three people have had their say,
5 what I'll do is I'll open the floor to anybody else who
6 might feel inspired, wishes to come up and make comments.
7 I'd ask that when you come up, to state your name, if you
8 are with some organization or tribe or affiliated with
9 something, to go ahead and state that as well, and spell
10 your name for the record so that we can get an accurate
11 representation.

12 With that, I'll go to the speaker's list. The
13 first person who signed up is Bernice -- and I'm not sure of
14 the last name.

15 MS. LALO: Lalo.

16 MR. SWEARINGEN: Yes, ma'am.

17 MS. LALO: Let the party begin.

18 (Laughter)

19 MS. LALO: (Greeting in native language)

20 I'm Bernice Lalo, Western Shoshone, coming from
21 Battle Mountain. I would say that I represent some Western
22 Shoshone, and the future Western Shoshone.

23 The reason we're here is because we'd like to
24 know, even though we've met with some of the people, we'd
25 still like to know more about what's going to happen. We

1 are interested in some of the things that are happening on
2 the land; and of course -- and you've heard this before,
3 we're on original Western Shoshone territory; and you
4 probably have in your offices the maps that go from Idaho
5 down to Death Valley, and probably from Fort McDermott onto
6 Utah line.

7 So Western Shoshone territory does cover the same
8 75 percent of Nevada that BLM says they own. So we're at a
9 little crossroads here, but that's okay. And that's the
10 reason why we're here; we're here because we are interested
11 in the project, we want to be involved in it. Later on
12 we'll meet with FERC, but what we wanted to do was to
13 negotiate some fine points about mitigation, about human
14 remains, about cultural items and the kinds of things that
15 are attached to us in our culture; and that's one of the
16 reasons why we're here.

17 We have an interest in what you all call the
18 artifacts and the human bones, so we'd like to know what it
19 is and how it is that FERC, when we are with them, will be
20 disposing or addressing those kinds of things. The other
21 part is, in the future we'd like to negotiate for some real
22 things, tangible things; but that's a little bit up the
23 road. We'd like to negotiate for monitors, because we want
24 to be on the ground, we want to know what's happening. We
25 want to know how it's going to affect us, not just

1 presently, but in the future.

2 The other thing is that since I'm first, I
3 figured other people will go behind me, I want to tell a
4 joke -- no.

5 (Laughter)

6 Just kidding. That's the crux of my
7 presentation. So if other people want to join in and they
8 didn't sign up, better go sign up. Thank you very much.
9 And it's Bernice Lalo, L a l o, Western Shoshone.

10 MR. SWEARINGEN: Thank you, Ms. Lalo.

11 Next person we have signed up is Mike Miller.

12 MR. MILLER: I'm over here. I was more into the
13 questions I wanted to ask about your EIS.

14 MR. SWEARINGEN: Okay. If you would, this
15 microphone will be picked up by the stenographer, so it
16 would be helpful if you would come up. And I can answer
17 maybe a few questions of a procedural nature. Questions of
18 substance, you can present them and we'll address them in
19 the file.

20 MR. MILLER: My name is Mike Miller (spelling)
21 from Elko, Nevada, Western Shoshone. I just came here, an
22 interested party, on what's happening throughout our state
23 with mining, with the pipeline you've proposed and a lot of
24 other projects that are going through the Western Shoshone's
25 treaty territories.

1 As I said before, my reason for speaking wanted
2 to be more along the lines of asking questions pertaining to
3 your draft on your pipeline project; and other than that I
4 really have nothing to say, so I'll turn it over to
5 whoever's next.

6 MR. SWEARINGEN: The next person we have is
7 Steven Brady.

8 MR. BRADY: My name is Steve Brady (spelling).

9 Two years ago I heard about this pipeline right
10 here in this room. We were told that the natives were going
11 to be a part of it; and then just a week and a half ago I
12 find out the EIS report is done. We're not involved, we
13 don't know what's going on, we want to know where the
14 artifacts are, where they're going to be stored. We'd like
15 our own monitors to find out what is going on out there.

16 Like I said, this EIS draft, you never involved
17 the Indians whatsoever. We're always the last to know, and
18 BLM doesn't even exist to us. They never talk to us, they
19 have paperwork that we're supposed to sign; signatures;
20 there's nothing signed on any EIS reports, from all the
21 tribes. So we want to be a part of this, not be left out
22 again. Thank you.

23 MR. SWEARINGEN: Thank you, Mr. Brady.

24 I can explain the process a little bit. The
25 meeting that was here a couple years ago was most likely an

1 open house sponsored by Ruby, and -- am I correct in that,
2 Ruby folks? Was there an open house? Right.

3 So that was an introduction of the project in
4 open house forum. The EIS is an environmental review, and
5 it does not I guess make promises or represent the pipeline
6 company in a way probably that you were thinking.

7 The EIS process, the environmental review
8 process, is one that we scope for comments for anybody -- I
9 was in Elko last year looking for, you know, soliciting
10 public comments. There's a parallel process, and that is
11 the process of tribal consultation and cultural resources,
12 and the questions about artifacts and remains and things.
13 That is touched upon in the EIS, but the EIS is not
14 comprehensive to that effort. There's an entirely different
15 process that runs parallel to that; so the publication of
16 the draft EIS is by no means the last bit of information
17 regarding the cultural issues on this project.

18 We can -- hopefully somebody from Ruby will talk
19 with you after the meeting and answer some more of your
20 specific concerns.

21 Those are the three people who actually signed up
22 to speak; however, like I said, I will open the floor. If
23 anybody else wishes to come up and make comments.

24 Yes, sir. In the back.

25 MR. DIANDA: Yes. I'm Norman Dianda, President

1 and Owner of QND Construction. (spelling)

2 I'm here to speak on behalf of the construction
3 industry. After all the environmental issues are addressed
4 and addressed properly, this is an important project in
5 America today. With the downturn in the economy that we
6 have seen, the last year, this project is very important to
7 put people back to work. I used to employ 1152 people.
8 Today we're down to 480, and by wintertime we'll probably be
9 down to 275.

10 So after all the issues are addressed, the
11 importance to me is putting the hard working people of
12 America back to work on a project such as this, is really
13 important. Thank you.

14 MR. SWEARINGEN: Thank you, Mr. Dianda.

15 The floor is open. Anybody else?

16 Yes, ma'am.

17 MS. EKLUND-BROWN: Sheri Eklund-Brown, Chairman
18 of the Elko County Commission. I think I've been to about
19 all of these, whether they were hosted by FERC or Ruby
20 Pipeline. And speaking for the Commission, we have
21 supported this project wholeheartedly, along the way, based
22 on economic development, opportunities that aren't there
23 without the pipeline, the energy corridor going up from
24 Vegas to Idaho that will correlate with this, opportunities
25 for that, 1 for energy development, tied into the two lines.

1 And just wanted to state that we have also had
2 that conditioned upon no impacts to our ranchers, their
3 allotments, things like that; I think you've taken that into
4 account with BLM. I know working with BLM here, the Elko
5 office, are very aware, cognizant and involved the tribe at
6 every project I've ever been involved in, and I'm a liaison
7 to them, I'm on their RAC, I have spent a lot of time with
8 them for seven years, so I know their level of involvement
9 with the tribe.

10 But I would also ask you and Ruby to consider
11 their requests in the area that they're -- one of the areas
12 that I'm aware of that they're talking about; some very
13 high-level sacred grounds that they would like to preserve.
14 And so areas like that that we would like to support the
15 tribe in their request to you.

16 And I thank you. We're very supportive of the
17 project, again, but as we pursue this, you know, diligently,
18 looking at all the environmental issues along the way and a
19 deviation of route, in the long run will be better for
20 everyone. So thank you.

21 MR. SWEARINGEN: Thank you.

22 Anyone else who wishes to make public comments
23 tonight?

24 (No response.)

25 Okay, if not what I'll do is I'll go ahead and

1 close the public part of the meeting. I'm not going to
2 leave quite yet, the folks from Ruby aren't going to leave;
3 you're welcome to ask questions and help yourself to some
4 refreshments as well.

5 Anyone wishing to keep up with the official
6 activity associated with the Ruby Pipeline Project can use
7 the FERC website. That's www.FERC.gov. When you go to the
8 website, click on the link that says e-Library. In e-
9 Library, once you get there, you type in the docket number
10 for the project, which is on the mail that you received;
11 it's on the piece of paper here in the back. It's CP09-54,
12 or if you find the text field you can just type in "Ruby
13 Pipeline," and what that will do is that will pull up all
14 the public information on the project, including information
15 that's been submitted by Ruby and information that has been
16 issued by the FERC, including the environmental impact
17 statement.

18 So on behalf of the Federal Energy Regulatory
19 Commission and the BLM, I want to thank you all for coming
20 here tonight. Let the record show that the Elko comment
21 meeting concluded at 7:25 p.m. Thank you.

22 (Whereupon, at 7:25 p.m., the scoping meeting
23 concluded.)

24