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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
IN THE MATTER OF: : Project Number  
NORTH BAJA PIPELINE EXPANSION PROJECT : PF05-14-000  
- - - - -x

Blythe City Council Chamber  
235 North Broadway  
Blythe, CA

Wednesday, September 28, 2005

The above-entitled matter came on for scoping  
meeting, pursuant to notice at 7:06 p.m.

MODERATOR: DAVE SWEARINGEN, FERC

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

2 MR. SWEARINGEN: Good evening. My name is Dave  
3 Swearingen and I'm the Environmental Project Manager with  
4 the Federal Energy Regulatory Commission, or FERC. And to  
5 my right is Sarah Mongano with the California State Lands  
6 Commission. The CLSC is the state -- agency for the North  
7 Baja Project. And she will present information regarding  
8 the responsibilities of the California State Lands  
9 Commission here in a few minutes.

10 On behalf of the FERC and the California State  
11 Lands Commission, we welcome you here tonight. Let the  
12 record show that the Blythe scoping meeting started at 7:07  
13 p.m., September 28, 2005.

14 The purpose of this meeting is to give you the  
15 opportunity to provide environmental comments specifically  
16 to the North Baja proposed project.

17 Before we get started, I'd like to introduce the  
18 rest of the people here at the table tonight. To my right  
19 here, this is Sarah Mongano of the California State Lands  
20 Commission and at the end of the table to my far right is  
21 Amy Davis and she is with National Resource Group, who is  
22 the environmental contractor who is going to help prepare  
23 the environmental fact statement.

24 To my left is Steve Fusilier with the Bureau of  
25 Land Management. The BLM is a cooperating agency in

1 preparation of the environmental document.

2 We have other representatives from the FERC and  
3 NRG and also the California State Lands Commission and the  
4 BLM and are in the audience tonight. Specifically we have  
5 John Kalish for the BLM and Dian Gomez, also with them.

6 North Baja entered into what we call the FERC  
7 pre-filing process on June 2 of this year. They're  
8 proposing to expand their natural gas pipeline and they're  
9 going to present more specific information here in a few  
10 minutes. You can see some of the boards that they've set  
11 up.

12 We've sent out a Notice of Intent, an NOI and we  
13 issued that on August 30, which opened the scoping period  
14 for this project. The NOI contained an error, I need to go  
15 ahead and make a correction on the record for that.

16 In the NOI, we described the North Baja's  
17 existing system as its presently certificated by FERC, it  
18 should be able to transport 512,500 dekatherms per day in  
19 natural gas, and that the proposed project with 3 billion  
20 dekatherms per day and that is incorrect. It should be 2  
21 billion dekatherms per day.

22 Now the main facilities in North Baja -- its  
23 quite a difference there. The main facilities that North  
24 Baja is considering is about 126 miles of new pipeline. Up  
25 to about 80 miles of this will be loop, which means it will

1 be generally adjacent to North Baja's existing pipeline in  
2 the court order that the Guard established for the first  
3 pipeline.

4 Mostly remaining will be a lateral that will  
5 follow the estimated utility corridor for a portion of the  
6 distance and other rights of way such as roads for yet  
7 additional distance. In a little while, like I said, I'll  
8 ask North Baja to give us -- they'll give us a brief  
9 presentation. They'll be able to describe the loop and the  
10 lateral in a little more detail.

11 Also, the representatives from North Baja will be  
12 available after the meeting is over either at the side of  
13 the room, and in fact, you can look at maps and ask them  
14 some questions as well. They'll be glad to answer any  
15 questions that you may have.

16 Coming down, we'll talk a little bit about the  
17 scoping process from the FERC perspective. In a little  
18 while, like I said, Sarah will talk about the California  
19 State Lands Commission obligations. I'm going to talk about  
20 the FERC obligations.

21 Right now, we've established the docket number  
22 for the project. It's PF05-14 and PF stands for pre-filing.  
23 Once North Baja files an official application with the FERC,  
24 it will get a new docket number.

25 The National Environmental Policy Act requires

1 that the FERC Commission takes into consideration the  
2 environment impacts associated with new natural gas  
3 facilities. Scoping is the general term that we use where  
4 we come out to solicit input from the general public on  
5 projects that we regulate.

6 The idea is to get information from members of  
7 the public, other agencies, elected officials, anybody  
8 that's interested in the project, can give their comments.  
9 So tonight's opportunity, you can give comments by signing  
10 up on the speaker's list and coming up and speaking, you can  
11 send comments in by the mail, you can write comments down  
12 and then give it to us tonight. It doesn't matter how you  
13 give your comment, we look at all comments equally.

14 So whether you don't feel like speaking, you can  
15 write it down and that works just fine. There is also a  
16 manner to file comments electronically and I believe there  
17 is a green sheet in the back on the table that explains more  
18 about filing comments by mail and there is a brochure that  
19 talks about the FERC system for filing electronic comments  
20 also.

21 The official scoping period ends on October 10.  
22 However, that's not the end of public involvement for this  
23 project. That's just -- the scoping is just the first step.  
24 As we go forward in the process and we develop a draft  
25 environment impact statement, there will be additional

1 opportunities for the public to comment on the project.

2 So we open the scoping process last month when we  
3 get you the -- and there is extra copies of the -- on the  
4 back table if you need to pick one up and if you need to put  
5 yourself on the mailing list, you can go ahead and do that  
6 too.

7 So the first step that we need to take is to  
8 determine what environmental concern that you may have. So  
9 these comments or concern that you may have, along with the  
10 other comments that we get in the mail and through the  
11 electronic system and also from the other agencies, we will  
12 take those all under consideration when we prepare the  
13 environmental document.

14 As we finish that for the analysis, we, that is  
15 the FERC and the California State Lands Commission will  
16 jointly publish the draft environmental impact statement and  
17 then it will go out again for another period of public  
18 comment.

19 I need to make an important distinction between  
20 what the FERC Commission does and what the FERC  
21 Environmental Staff does. The Commission, the FERC  
22 Commission is responsible for making the determination on  
23 whether a project, in this case the North Baja Project, is  
24 in the public convenience and necessity, in which case, if  
25 the Commission believes that it is, it will issue a

1 Certificate.

2 The FERC Environmental Staff is charged with  
3 preparing environmental documents. That environmental  
4 document does not make the decision on whether or not the  
5 project is in the public convenience and necessity. It is  
6 one thing that our Commission looks at when it is making  
7 that determination.

8 So they will look at the environmental analysis.  
9 They will also look at a host of non-environmental aspects,  
10 such as the tariffs and the market and the engineering and  
11 other regulatory aspects of the project.

12 So those things put together, then the FERC will  
13 make a decision whether or not to approve the project. And  
14 again, like I said, the California State Lands Commission  
15 has its own process which Sarah will discuss in a few  
16 minutes.

17 So the EIS is used to disclose the environmental  
18 impacts and proposed irrigation and different potential  
19 conditions that may be put on for environmental purposes and  
20 then that's submitted to the Commission.

21 Are there any questions about the scoping process  
22 for the FERC role in this proceeding before I go on?

23 (No response.)

24 Okay, we have some people here tonight that can  
25 translate from Spanish into English, so if any members of

1 the public who want to give comments and you feel more  
2 comfortable giving them in Spanish, that's fine, we can  
3 accommodate that.

4 Okay, that's my overview of the FERC role. Next  
5 on the agenda, Sarah Mongano with the California State Lands  
6 Commission will explain her responsibility.

7 MS. MONAGANO: Can everybody hear me? Thanks  
8 Dave. Good evening. I am Sarah Mongano. I am a Project  
9 Manager with the California State Lands Commission and I  
10 guess I am the project manager for the California  
11 Environmental Quality Policy Act analysis for this project.

12 The California Environmental Policy Act or CEQPA  
13 has very similar requirements to NEPA so it's very common  
14 for federal and California agencies to combine efforts to  
15 product joint documents for a project, so I'm not going to  
16 go over - I'm not going to repeat a lot of what Dave just  
17 said.

18 Few differences in a lot of them are  
19 terminologies. The CEQPA document is called an  
20 environmental impact report or EIR rather than EIS. We have  
21 some more stringent public scoping requirements, but in many  
22 ways the analysis is the same.

23 Once that document has been prepared and  
24 subjected to comments from you, our staff and the Commission  
25 take it before our Commission, which is a Board of three

1 elected officials for consideration.

2 Like the FERC, we are considering mainly the  
3 environmental document but because we are a landowner on  
4 this project, we are also considering other aspects of the  
5 project when it goes forward for approval.

6 If the Commission does approve that document, and  
7 adopts it, it's then used by other California regulatory  
8 agencies in their permitting process and how they consider  
9 this project.

10 It also established the environmental guidelines  
11 and requirements for the project and the requirements that  
12 the applicant work under.

13 California State Lands has an application for  
14 North Baja right now. We were also the lead single agency  
15 for the original pipeline project. So we are familiar with  
16 the issues and we're just working our way through the  
17 process.

18 To reiterate what Dave said, this is the  
19 beginning of the process. It is not the only point of  
20 process where the public will be encouraged to submit their  
21 comments, but we certainly want to hear from you as early as  
22 possible. Thank you.

23 MR. SHERMAN: Thank you Sarah. Next we have  
24 representative from North Baja. We have Henry Morse and he  
25 will be giving the presentation about the project.

1           MR. MORSE: Do I need to speak in the microphone  
2 for recording purposes? Okay. John, can you come over and  
3 point to the maps at the appropriate times then?

4           My name is Henry Morse. I am General Manager for  
5 North Baja pipeline and the Project Manager for this  
6 project.

7           North Baja pipeline is a pipeline that's owned by  
8 Gas Transmission Northwest, a very large pipeline that runs  
9 from Canada to California.

10          Gas Transmission Northwest itself is owned by  
11 TransCanada Pipelines, which owns 25,000 miles of natural  
12 gas pipelines in Canada and the United States.

13          I'd like to take just a second to ask all of the  
14 members of the North Baja team to just raise your hand so  
15 that people will know who to approach and ask questions  
16 after this is over, exactly about half the crowd here.

17          North Baja pipeline was built in 2002 for the  
18 prime purpose of taking gas from traditional natural gas  
19 resources in Texas, New Mexico, Arizona, and Colorado, and  
20 providing a path for which that gas can go to Baja,  
21 California.

22          We take gas off of the El Paso pipeline at  
23 Ehrenberg, just the other side of the river here, and then  
24 down the North Baja pipeline and deliver it at the  
25 U.S./Mexico Border, to Gasoducto Bajanorte, which is a

1 pipeline that's owned by Sempra, which also owns Southern  
2 California Gas Company.

3 Gasoducto Bajanorte serves gas to power plant and  
4 industrial facilities in Mexicali, Tecate, Tijuana, and  
5 Rosarito.

6 When the pipe first went in, it was designed with  
7 the intent to moving gas from north to south, but shortly  
8 after it went in, it became clear that supply sources that  
9 provided gas to southern California and Northern Baja were  
10 declining and it became apparent to various entities that  
11 the opportunity to substitute a new resource, liquefying  
12 natural gas was presenting itself.

13 Liquefied natural gas is plain natural gas that's  
14 been cooled to minus 260 degrees, at which point it  
15 condenses into a liquid. One cubic foot of liquefied  
16 natural gas is the equivalent of about 620 cubic feet of  
17 regular natural gas at normal temperature and pressure.

18 What this does is it creates an opportunity for  
19 natural gas deposits from the other side of the pacific  
20 ocean where they are abundant, but where the demand for  
21 natural gas is not very high, it allows the opportunity for  
22 that gas to be converted into a liquid and shipped to what  
23 in effect is a large quantities and shipped large distances,  
24 delivered to a terminal on the coast and in that terminal its  
25 then re-gasified and put into a pipeline system.

1           I'm going to wonder over here and see how far  
2 this line goes. There are currently under construction the  
3 terminal down here, just north of Ensenada. That terminal  
4 is in the process of trying to get permits for the expansion  
5 and in addition, there are two other parties that have some  
6 of the permits necessary to build other terminals offshore  
7 in the Baja area.

8           The project we are here to discuss tonight really  
9 is an offshoot or as a result of this development of  
10 liquefied natural gas terminals on the Baja coast because  
11 all of the gas that will be delivered there is warm, it can  
12 be consumed in Mexico, therefore the rest of it is going to  
13 be exported to the Unites States and what Gasoducto  
14 Bajanorte and North Baja pipeline have is the most logical  
15 path for the vast majority of that gas to take.

16           The project that we're talking about tonight  
17 really has three components. One is a reversal of the  
18 existing facilities so that gas can flow from the coast to -  
19 -.

20           The second is an expansion which will become  
21 necessary if this terminal under construction expands  
22 further or one of these other terminals goes ahead and gets  
23 construction.

24           And the third is laterals that people are  
25 interested in getting direct access to this re-gasified LNG

1 to facilities that already consume gas.

2 Talking about all three of those components, and  
3 the timing. Reversal of the North Baja system and we are  
4 only talking about tonight -- the North Baja and U.S. there  
5 is a second permitting process that's been undertaken in  
6 Mexico.

7 But the reversal of North Baja would need to take  
8 place in 2007 to accommodate gas flowing out of this  
9 terminal in late 2007, which is the anticipated completion  
10 date.

11 On North Baja, what that means is, an existing  
12 meter station down here near the border needs to be modified  
13 so that it can measure gas going from south to north instead  
14 of just north to south. Our compression station over in  
15 Ehrenberg, needs to be modified because today, that  
16 compressor station takes gas from the El Paso system,  
17 compresses it, pushes it into Mexico.

18 When the flow direction is reversed, it will need  
19 to be able to take gas coming out from Mexico, compress it  
20 and be able to push it into the El Paso system.

21 In addition, we are proposing a pipeline parallel  
22 to our existing line underneath the Colorado River, that  
23 will allow us to push gas from the Ehrenberg station to  
24 Southern California Gas Company system here in California.

25 And finally, we've had a request from the Blythe

1 Energy Project, which is a power plant, that you here in the  
2 Blythe area are familiar with, for a direct connection on  
3 the west side of the river to their existing pipeline that  
4 serves their area.

5 So the facilities that we're looking at here in  
6 the Blythe area are new facilities to the Blythe area, are  
7 new pipeline underneath that will come up between Riviera  
8 Drive and the canal here.

9 About four acre site in that same space between  
10 Riviera Drive and the canal where we will put a meter  
11 station and connect to Southern California Gas Company that  
12 has a major pipeline that runs right to that area, have a  
13 short lateral from the station up to just south of the  
14 freeway where the black energy pipeline rise.

15 That lateral will be a 12 inch pipeline, the  
16 pipeline underneath the river will be either 36 or 42 inch  
17 pipeline. The existing line underneath the river is 36  
18 inches.

19 There will be no emissions producing equipment at  
20 the meter station site. It will only be meters. Everything  
21 else will be place underground and there is nothing there  
22 that will be making noise as well.

23 We will work cooperatively with the city and  
24 others to landscape and make it fit in with the area and  
25 make sure that there is not lighting that occurs there at

1 night that's disruptive to anybody on Riviera Drive.

2 The second portion of the expansion will occur  
3 probably -- the construction probably in 2009 and this  
4 relates to what's necessary -- the facilities that are  
5 necessary if one or more of these LNG terminals or  
6 expansions of the terminal currently under construction take  
7 place, and we do believe that that will occur, and that's  
8 the reason for the impact of the pipeline necessary that's  
9 being included in this environmental review process.

10 That expansion will involve what we in the  
11 industry call looping, which means nothing more than putting  
12 another pipeline next to the one that's already there. You  
13 can think of it similar to putting a couple of new lanes on  
14 a freeway to allow increase in traffic.

15 At this point in time, we're still in the final  
16 negotiations with partners as to exactly how much gas they  
17 want shipped to North Baja, and as a result, we don't know  
18 whether or not that looping will need to be 36-inch pipe, or  
19 42-inch pipe. We will know that within the next few months,  
20 in advance of the timely filed formal application with the  
21 FERC.

22 Most of our right of way is on Bureau Land  
23 Management land, about 80% and we will deal with them in  
24 terms of putting that pipe in the existing right of way.  
25 The existing pipe in the right of way is off center and we

1 will put the other pipe off center on the other side within  
2 the existing road.

3 We also have -- need for increased or parading  
4 new private land easements because we intend to stay in the  
5 same right of way. We will have a need for temporary work  
6 space relating to construction phase and we will be deal  
7 with the private landowners to reach agreements on that.

8 Here in the valley, our current thinking of it is  
9 necessary, if the project gets big enough that it's  
10 necessary for us to loop the canals over to the river, our  
11 current thinking is to do that on -- of the existing project  
12 exists basically putting the mid loop on the south side of  
13 the street, whereas the existing pipeline is on the north  
14 side of the street.

15 We are also contemplating, as a part of this  
16 environmental review process a new route down 22nd Avenue  
17 most of the way and then coming out to the same, once we get  
18 over the eastern side of it coming up to the same existing  
19 right of way, for the last little piece of it.

20 The original line was built three years ago, in  
21 2002 so we have very good knowledge of the environmental  
22 situation along the pipeline route. We have been back out  
23 doing surveys on that route to see if anything has changed  
24 in the last few years, particularly with that one -- and it  
25 looks like we might actually be in the same place years ago.

1 They don't move much.

2 We also have good knowledge of the archeological  
3 sites and we intend to be very cooperative with the state  
4 and federal agencies with regard to environmental issues,  
5 with the local tribes with regard to the archeological sides  
6 and be sensitive to that.

7 There is, in addition to the facilities we  
8 described here in the Blythe area, there is a more extensive  
9 lateral that we expect to receive a permit for to serve a  
10 power plant from the Imperial Irrigation District. That  
11 lateral would take off from down here at the Ogilvy Union  
12 Station and run it over to El Centra.

13 It was not my intent to discuss that in much  
14 detail this evening, but I think we really have to address  
15 it in the scoping meeting tomorrow in El Cento where I  
16 believe the land owners associated along that potential  
17 right of way are more likely to be and if anybody does have  
18 a question on that, we have a map outside in the hallway,  
19 I'll be happy to answer your questions this evening.

20 Finally, at the end talking a little bit about  
21 safety. Safety is an important, very important part of the  
22 whole construction, design and ultimate operation process.  
23 First Canada Pipelines, Gas Transmission Northwest and North  
24 Baja Pipeline, all take safety very seriously.

25 Gas Transmission Northwest has been operating for

1 35 years with no significant incidents and North Baja  
2 Pipeline has been operating for three years with -- knock on  
3 wood- no incidents of any kind of all relating to safety.

4 We can assure you safety will be a very important  
5 part of the design and construction of this pipeline, and  
6 the ultimate operation. Thank you very much and I look  
7 forward to hearing your comments and be included in the  
8 scoping process.

9 MR. SHERMAN: Okay, thank you Henry. As Henry  
10 mentioned, a large majority of the project would be crossing  
11 BLM land, and as I mentioned earlier the BLM here is a  
12 cooperating agency with the FERC and the California State  
13 Lands Commission in the preparation of the environmental  
14 document and tonight we have Steve Fusilier here who will  
15 say a few words on the BLM process.

16 MR. FUSILIER: I'm Steve Fusilier with the Human  
17 Field Office, the Bureau of Land Management and with -- for  
18 Lands and Minerals and we'll be working as the project lead  
19 for the Human Field Office for the North Baja Project.

20 -- with the central field office is the main  
21 project lead for Bureau of Land Management for this project.  
22 With regards to our process, it's basically the same as far  
23 as the environmental document. With FERC, we're doing a  
24 joint environmental document to cover all aspects and we are  
25 a cooperating agency so we will be at the meetings, giving

1 input into their environmental documents and we have the --  
2 with Bureau of Land Management will also be involved in  
3 that.

4 The Bureau of Land Management field office is one  
5 of our primary concerns, they will have to address in the  
6 environmental document and we'll look at is that we have to  
7 not only prevent a right of way, but we also have to do a  
8 plan, a resource management plan, which directs how we  
9 manage the public lands. And that plan will have to be to  
10 allow the pipeline, the second part of the pipeline through  
11 the -- wash, special management area we have, which is just  
12 to the east and southeast of the --.

13 I'll be available for anyone that has questions  
14 after the meeting if you would like to ask anything specific  
15 with regards to Bureau of Land Management process, but as I  
16 said, primarily as part of the environmental document, it's  
17 the same as the FERC's, it follows the same regulations  
18 basically and with some minor requirements in our  
19 regulations that say we have to do certain things.

20 One of the things that we will have to deal with  
21 is when we're doing plan amendment, it requires a governor's  
22 consistency review so we will have to go to the governor of  
23 Arizona when we are the primary agency and she will have to  
24 approve our plan amendment as far as consistency and we will  
25 also coordinate with the governor's office in California as

1 far as that project goes, there is a small plan amendment  
2 that the central field office will probably also have to  
3 take part in.

4 MR. SHERMAN: Okay, thank you Steve. All right,  
5 we now arrive at the part of the evening where we hear from  
6 audience members. I have a sign up sheet which you people  
7 have signed in after these two people speak. If you feel  
8 like you want to say something, I'll open the floor for that  
9 as well.

10 I would ask that when you come up, use the  
11 microphone there at the podium and state your name clearly  
12 and spell it so that the transcriber can get it into the  
13 record.

14 As you notice, we do have a transcription service  
15 here. All your comments and this entire meeting is going to  
16 be part of the public record.

17 Okay, with that, the first person on the list is  
18 David Nowell.

19 MR. NOWELL: My name is David Nowell, N-O-W-E-L-  
20 L. I represent myself.

21 SPEAKER: Please hold the microphone closer to  
22 your mouth so we can hear you? Thank you.

23 MR. NOWELL: If it's all right with you folks I  
24 think I'll read this statement and I'm a little nervous in  
25 front of everybody.

1           In addition to filing written objections to the  
2 proposed pipeline, I would like to include this memorandum  
3 in the record of the public scoping meeting.

4           I have first hand knowledge of the consequences  
5 of allowing North Baja Pipeline to have authority to take  
6 property out of the public domain. In 2002, they were  
7 allowed to have permit to put in a high pressure 36-inch  
8 natural gas pipeline in --.

9           I wouldn't allow this fiasco to happen until the  
10 federal court ruling allowed them to use their power to --.

11           I asked them to go elsewhere, that is use the  
12 Arizona side of the river, which is uninhibited, and would  
13 allow them to go to the south of the valley, inhibited  
14 farmland and -- property.

15           I also advised them that going over my property  
16 would allow them to use established right of ways until they  
17 can turn south and stay along the undeveloped --. With good  
18 reason, individual homeowners along the North Baja Pipeline  
19 proposed route in the city and county, very openly oppose  
20 the pipeline. Is there anybody here -- 2002? Well, they're  
21 not here. Not that they have to be here, but they were  
22 opposed to it very vocally in 2002. Those are people that  
23 live along --. It was in the paper here in -- News.

24           That pipeline run along the edge of the road,  
25 which was also the front yards of the people who live there

1 now. Now I'm thinking about the dangers of the pipeline.  
2 Local environmentalists also made their objections known at  
3 that time. I know the NBP pipe plans were already on paper  
4 and they didn't deviate from the -- before we made our  
5 objections known.

6 So as I've said before, all we got was a pat on  
7 the head and a lot of broken promises. In addition to the  
8 right of way, they needed successively larger work areas due  
9 to mechanical breakdowns. That's when they came under the  
10 river and when they came back up above ground.

11 They haven't taken that into account, or provided  
12 for it. These areas, as well as the 50-foot the court gave  
13 them, are but about half the area they complete demolished.  
14 I don't know if you've seen the area down there, but it was  
15 completely diluted. They did get a lease from me to use  
16 that extra area for building, because that's the only way  
17 they could finish the pipeline.

18 It also is dangerous being in that particular  
19 property because it's sandy and I didn't want anybody get  
20 hurt, so I told them they could go ahead. They didn't have  
21 that conveyed on that particular thing.

22 I contacted North Baja Pipeline and asked them to  
23 help restore the natural desert habitat that they had  
24 destroyed. In addition, I asked them to put a stop to the  
25 off-road vehicles that were ruining my property since they

1 had made the area such an attractive race track type of  
2 nuisance.

3 Mr. Cassidy have some pictures of that area  
4 before they came in, and there was tracks all over the area.  
5 This is from off-road vehicles, four wheels, three wheels,  
6 motorcycles, and such as that. And that was because of the  
7 Southern California Gas Pipeline that was down that area  
8 first.

9 That was what you saw on the pictures of the  
10 area, but since then they've gotten their area now, in  
11 addition. But they -- I also ask them along with the  
12 Southern California Gas Company, to put up a chain link  
13 fence around their easement to keep the public out of this  
14 dangerous area, and they told me no they couldn't do that.

15 This -- it would be interesting for you, if you  
16 had time, to go down there and see my property some time  
17 tomorrow before you leave and you'll see what they've done  
18 with the property. Four wheelers have got the rocks dug  
19 probably about half way down to the pipeline area.

20 I hired a professor of biology to make a study of  
21 the damage North Baja Pipeline caused to the natural -- of  
22 the 50 plus areas of this area where they were on my  
23 property and I forward it to them, along with projected cost  
24 as estimated by the local environmentalists. And what  
25 I was wanting to do is restore that property the way it was

1 before they came in. And, they said no, they didn't do  
2 that. I notified your office of my problems with NBP  
3 because your instruction pamphlet said that the pipeline  
4 company was required to put the area back like it was prior  
5 to construction.

6 I can't build anything on this property, let  
7 along I wouldn't allow the public near VSR high pressure,  
8 very dangerous pipeline. My lawyer contacted FERC lawyers  
9 and tried to get you to help us force NBP to help out in the  
10 restoration project. You couldn't help me, and NBP claims  
11 that they only have to let the area restore itself, and they  
12 said that won't be very long. I don't know what you folks  
13 figure, but Dr. Anderson here, who is probably the ultimate  
14 judge of habitat, says anywhere from fifty to one hundred  
15 years to get it back like it was.

16 So I don't know what you folks have done checking  
17 on the property since then, but I understand that you have  
18 like three years or five years for them to take another look  
19 at that and I'm thinking that it's not going to get done.  
20 You folks are going to end up with your state land and your  
21 BLM land looking like my place down there. Is this getting  
22 too long?

23 MR. SWEARINGEN: No, you're fine. Say what you  
24 need to say.

25 MR. NOWELL: I've got another one. I just read

1       this off in a short time.  Anyway, it's going to be a long  
2       time after I'm dead and gone before the -- and other  
3       beneficial plants re-vegetate to the point of growth that  
4       the North Baja Pipeline destroyed.

5               Not only those in the plant life, we're also  
6       missing --, the part where NBP tore up the habitat areas.  I  
7       don't know, but the FERC says that they put it back like it  
8       was.  They didn't put it back like it was and I don't know  
9       what you folks have said to them, that they have to pay for  
10      or how they have to re-vegetate it in your areas, state  
11      BLM, but I'll have no part of them and they're not going to  
12      have me.

13              What I've said a while ago that I'm not able to  
14      build anything there, I'd like to put it back like a park  
15      for --, but I think they should help.  I don't think they  
16      should come in and be able to tear up something and go off  
17      and leave it and don't let anybody know that they're not  
18      going to do something.

19              I'm in the process, or we're in the process of  
20      developing some homes on that riverfront and this will be  
21      within a reasonable safe distance of the pipeline.  So  
22      another permit in this area would eliminate a great deal of  
23      their expensive property and it would also deny the  
24      residents of Blythe the use of and access to some very  
25      attractive riverfront and the river itself.

1           Any new permits in this acreage will not only  
2           disrupt the new city sewer and water lines, but also  
3           conflict with the public roads and bridge across to Rivera  
4           Drive and Rivera subdivision. Dangerous? You bet.

5           NBP will tell you the pipeline is forever safe.  
6           But how did they control the accidents that causes  
7           catastrophe like the deadly New Mexico explosion and others  
8           like that that you've read in the paper over the last 10/15  
9           years? They won't even help me try to control the people  
10          who might be in that area digging and hit the pipe.

11          I would like to ask you if you would like to  
12          build your house down there between two high pressure gas  
13          lines, and maybe a third, if you go ahead and give them  
14          permit through this area again.

15          NBP promised me that they would closely abut the  
16          existing pipeline so there wouldn't be a situation like a  
17          big wide area for -- or somebody can come in beside myself  
18          or my friends and put houses. So the idea was to keep the  
19          two pipelines as closely together as possible, and they said  
20          they would, but they didn't.

21          We got like close to 200 feet between those. So  
22          I had some nice property with one pipeline, now I've got two  
23          pipelines and I've got couple hundred feet in between and I  
24          wouldn't allow people to be in that area. Not after what  
25          I've seen from the reports in New Mexico.

1                   Public health and safety are being ignored here  
2 just to benefit their pocketbook. The government is  
3 requiring -- the city government and state is requiring to  
4 have another study made by Dr. Anderson.

5                   I've already paid for one study but they want  
6 another one. This study would delineate the habitat on the  
7 whole acreage and then the government officials will notify  
8 me as to what the value of it is, -- or I should say NBP  
9 tore out while installing the pipeline.

10                   This study will again answer the question as how  
11 much it will cost to replace the habitat. Developing the  
12 property will require me to give them an equal amount of  
13 property, and or pay them a replacement value of the  
14 destroyed, that is what NBP in 2002 and anything that I may  
15 misplace in the development process.

16                   They mean now, that's the city and the state,  
17 fish and game, maybe I'll have a talk with them, but I'm  
18 going to have to do this replacement now, not 50 to 100  
19 years down the road so I can -- pipeline.

20                   They're not going to stall you like they had  
21 stalled me while mother nature tries to re-vegetate this  
22 pristine desert river habitat. Like I told you before, Dr.  
23 Anderson says 50 years but there is some brush growing back  
24 there now and quite a bit of noxious weeds also, but nothing  
25 like the mesquite that we had before. There is salt cedar

1       there.  some people don't like salt cedar.  In that  
2       particular are, Dr. Anderson says it's not a bother.

3                They have a 50 foot easement, I've to a 100-foot  
4       wide track there --.  I had a lawyer, my lawyer come down  
5       there and they said no, and we're not going to do anymore.  
6       We know we tore out some extra land there, but we're not  
7       going to help you do that.

8                I think there is a lot more that I could say and  
9       I probably took up too much of your time, but there is  
10      nothing much else I can tell you if you mention it, but this  
11      is a bad deal.  I may sound like sour grapes, and that's  
12      probably true, because I have actually been hurt.  They're  
13      going to do this whether I say so or not but at least I'm  
14      here to tell you folks what happened to me personally on 50  
15      acres down here in --.

16              And I don't know how many people you have to go  
17      down to the desert where they've crossed between here and  
18      the Mexican border, to see what they've done about  
19      replacing.  I know the other test station down there, but I  
20      would want you to take particular care and watch that to see  
21      if that test area doesn't do well, you can believe what  
22      they're going to do with the rest of your place, and also my  
23      place.

24              The other additives now, I understand, the other  
25      power plants are objecting to that.  I don't know exactly

1        what their objection is to this, but it seems strange to me  
2        that their own kindred group would be opposed to them having  
3        more pipeline.

4                    I think the ocean, you have to be worried about  
5        the ocean. They start building all these places there in  
6        Tijuana and Ensenada, and we're going to have oil spills up  
7        the California coast.

8                    The counties of Riverside, the counties up there  
9        are objecting to have power plants on the Mexican side of  
10       the border due to the fact that we have no control over them  
11       and they won't have the same regulations that we have here  
12       in the United States about controlling their emissions. So  
13       it's going to go over into Imperial County and we'll have no  
14       control over that.

15                   I guess that's about all I have to say. I'm  
16       sorry to take so much of your time. It's truly something  
17       interesting to me and very part of me and he said they're  
18       going to put another pipeline. This paper says here that,  
19       can a company place more than one pipeline on my property if  
20       the pipeline and the easement be used for anything other  
21       than natural gas?

22                   The answer to this in your pamphlet, this is  
23       something for negotiation. The Commission grants a  
24       Certificate, and states that -- domain may only be used for  
25       those pipeline and related facilities in the exact locations

1 described and only for the transportation of natural gas.

2 You may agree to all the uses. I have not agreed  
3 to any of the uses. I haven't signed anything that will  
4 allow a second pipeline over there either. It is for one  
5 pipeline and it's supposed to be in one particular place.

6 Now, since I've had some engineering work done  
7 down there, that they are not the precise location that they  
8 have an easement on. In other words, they came up a  
9 different place than what they were supposed to do. I'm  
10 going to be ask that but I guess not a whole lot I can do  
11 about it because it's already been done. But again, it  
12 sounds like their telling us that we're going to put in the  
13 pipeline whether you want it or not on the same easement.  
14 And I'll say the pamphlet says you can't do that.

15 So I'll be like the little old lady in New York,  
16 I'll get out there with my shotgun and say no you don't, and  
17 I'm going to come get you, and I'm going to say hey, this is  
18 your pamphlet here and I'm going to say this is my state and  
19 I'm going to say this is my land for all the people in  
20 California and for all the people in Palo Verde Valley.

21 So again, if you have any questions you'd like to  
22 ask me, I'd be happy to answer them and I'll leave this with  
23 you.

24 MR. SWEARINGEN: Okay, thank you for your  
25 comments. So you're going to leave that with us?

1 MR. NOWELL: Yes.

2 MR. SWEARINGEN: We'll enter that into the record  
3 when we get back.

4 MR. NOWELL: Thank you.

5 MR. SWEARINGEN: Up next on the list we have Joe  
6 Swain.

7 MR. SWAIN: My name is Joe Swain, spelled S-W-A-  
8 I-N. I have recently made a purchase on Riviera Drive,  
9 approximately half mile south of this -- your existing  
10 pipeline that's on there and it will be a residential lot  
11 that we will build a home and as we're doing so, we've  
12 rented a property again just across the street on Riviera  
13 Drive.

14 So coming through Riviera Drive right now it's an  
15 interesting observation. Mr. Nowell made some big comments  
16 there, there is quite a bit of scarring that's on that land.  
17 I don't know what the length and time of re-vegetation will  
18 take, I know that there is different techniques.

19 As he mentioned, Dr. Anderson is actually been  
20 engaged with the State of California on a re-vegetation  
21 project further down on the River, an area known as Goose  
22 Flats. Goose Flats is somewhere between Avenue 16 and  
23 Avenue 22 and this is the first time I've heard that the  
24 pipeline might be coming up Avenue 22 and then probably the  
25 Fisher property, if that's correct, and then I don't know

1        what it would actually turn over here. That is pretty  
2        sensitive habitat, I'm sure you're aware.

3                The biggest concern I have is probably similar to  
4        what Dave said, is the apparent land grab that takes place.  
5        I'm not certain how that works, but probably in the name of  
6        energy and we're all sensitive to that, we should allow a  
7        certain amount of easements to take place and it's good for  
8        America, I think and you probably got my vote.

9                But then he brings up a good point. Why not stay  
10       on the Arizona side on all that undeveloped land and then  
11       make a more logical crossing, and perhaps even on a section  
12       of the river that is not nearly as wide as here.

13               This portion of land, this open area of 50 acres  
14       of whatever the number is, and it seems to be somewhere  
15       around the --, there is not one gas line and there is not  
16       two gas lines, there is three gas lines that exist through  
17       there.

18               He is right, they're at least a couple hundred  
19       feet apart and I think that the all American pipeline from  
20       the North Baja Pipeline and actually, the pipelines  
21       themselves are probably closer to 250 or 300 feet apart,  
22       depending on which way the pigeon toe.

23               But the last time you had a scoping meeting here,  
24       I was able to meet some of you. I had a couple of  
25       conversations with, they all say the experts, and we talked

1 about the possibility of if it had to come, if there was no  
2 where else along the Colorado River that they could go and  
3 it had to cross there, despite the shot gun sir and so  
4 forth, would you consider staying between the two pipelines  
5 that exist there?

6 I think a comment was made, no, we would like it  
7 to be at least 150 feet away from any pipeline. Well,  
8 actually, between the two pipelines, there is about 300 feet  
9 apart at one point and 260 feet in another, which is kind of  
10 about a football field in size. Would that not be a  
11 reasonable request that you would get more than just a gloss  
12 over answer of yeah, we'll look into it, rather than, you  
13 know what, let's see if we couldn't diligently do something  
14 like that or hire a contractor that is competent enough,  
15 where he can hit a target somewhere between 260 to, you  
16 know, I'll say the 50 yard line, and even if we took that  
17 150 foot number that the gentleman that I spoke to.

18 I don't remember if it was Henry or just to your  
19 last meeting here in the City of Blythe, that one of the  
20 major safety, which I think we all agree with that 150 feet  
21 from one side on the external side of that easement, and 50  
22 feet back would probably be within 100 feet, and I'm saying,  
23 if you just went between the two pipeline, you should have  
24 gotten greater than that distance.

25 MR. SWEARINGEN: Okay, just a point of

1 clarification, the last meeting, are you talking about for  
2 the original project or are you talking about meetings that  
3 were here -- open house meetings that were here this summer?

4 MR. SWAIN: It would have been the open house  
5 meeting I believe that you had over at the --

6 MR. SWEARINGEN: Right. I wasn't sure if it you  
7 were referring to --

8 MR. SWAIN: This is only the second meeting that  
9 I've been in attendance of.

10 MR. SWEARINGEN: Okay.

11 MR. SWAIN: But anyway, if you would listen to  
12 that concern, if it's coming anyway, would you stay between  
13 the two easements and that would be my second request. My  
14 first request would be identical to Mr. Nowell's please stay  
15 down on that Arizona side and make a more logical crossing.  
16 Thank you.

17 MR. SWEARINGEN: Okay thank you Mr. Swain.  
18 Nobody else signed up to speak, however, if there is anybody  
19 else who want to give comments, I'll open the floor to  
20 anybody else.

21 (No response.)

22 Okay, then I'm going to go ahead and close the  
23 formal part of this meeting. Anybody who wishes to purchase  
24 a copy of the transcript within the next few days, to talk  
25 with the gentleman who is doing the transcribing. After 10

1 days the FERC will have the transcripts up on the FERC  
2 website and then you can read them or print them off from  
3 there at no charge.

4 There is a pamphlet back there that discusses how  
5 to negotiate the FERC website. Basically, you go to  
6 [www.ferc.gov](http://www.ferc.gov) and you got to the link e-library and you type  
7 in the docket number, again which is PF05-14 and then you  
8 can use that to get access to all -- everything that's been  
9 filed on the record for this project.

10 So on behalf of the Federal Energy Regulatory  
11 Commission and California State Lands Commission and also  
12 the BLM, I want to thank you all for coming here tonight.  
13 Let the record show the meeting conclude at 8:00 p.m. Thank  
14 you.

15 (Whereupon, the scoping meeting adjourned at 8:00  
16 p.m.)

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