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2 PUBLIC SCOPING MEETING RE:

3
4 INTENT TO PREPARE ENVIRONMENTAL IMPACT STATEMENT
5 NOTICE OF FLOODPLAIN AND WETLANDS INVOLVEMENT
6 BAJA CALIFORNIA POWER, INC., AND SEMPRA ENERGY RESOURCES
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12 El Centro, California
13 November 20, 2003
14 12:00 P.M. to 3:00 P.M.
15

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18 RAYNBO COURT REPORTING, LTD.
19 3625 West Gailey Drive
20 Tucson, Arizona 85741
21 520/744-2293
22

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24 Reported by: Joyce L. Davenport, RPR, CCR
Certified Court Reporter No. 50685
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1 PANEL:
2 ANTHONY COMO, Department of Energy
3 LYNDA KASTOLL, Bureau of Land Management
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11 The above hearing was held at the CITY HALL OF
12 EL CENTRO, 1275 West Main Street, in the City of El Centro,
13 County of Imperial, State of California, before
14 Joyce L. Davenport, RPR, CCR, Court Reporter No. 50685, in

15 and for the County of Pima, State of Arizona, on the 20th
16 day of November, 2003, commencing at the hour of 12:08 p.m.

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1 MR. ANTHONY COMO: My name is Tony Como. I'm with
2 the U.S. Department of Energy.

3 I'm just going to go through the format of this.
4 This is an informal meeting. And don't let the presence of
5 the court reporter suggest a formality that isn't here. We
6 just have her here so that we don't miss anything that is
7 said today.

8 I will try to keep my opening remarks to five,
9 six, or seven minutes, if I can get away with that. Then
10 we're here to listen to you. We have the room until 3
11 o'clock this afternoon. Based on the number of people that
12 have asked to speak already, it doesn't appear we're going
13 to have a timing problem. But at least the first time
14 around if you could limit your dcomments to something less
15 than ten minutes, that assures everybody will be able to
16 speak, even if somebody changes their mind later on.

17 With me today is Lynda Kastoll from the Bureau of
18 Land Management. The Bureau of Land Management is a
19 cooperating agency on what we're here for. I will explain
20 that in a minute. And also one of my colleagues in the front
21 row, Rich Ahern. He's an attorney with the U.S. Department
22 of Energy.

23 In the back of the room is a representative from
24 Sempra Energy Resources. If any one of you care to talk
25 with them over like during the coffee breaks, they indicated

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1 their willingness and ability to do that. At least at the
2 moment, I don't see representatives from the other applicant
3 InterGen -- I'm sorry -- there you go.

4 Why are we here? The Department of Energy has the
5 authority to issue something called a Presidential permit.

6 And you need a permit any time you want to build an electric
7 transmission line that crosses the U.S. International
8 border.

9 About February of 2000, I think, Sempra Energy
10 Resources and InterGen, those are colloquial names, they
11 probably have more formal names Baja California Power,
12 Federal Electrica de Mexicali. Everybody knows them as
13 Sempra and InterGen. They came to us for two basically
14 identical applications to build transmission lines,
15 double-circuit 230,000-kV transmission lines that will cross
16 the International border and connect to two separate
17 electric power plants that each of them were building in
18 North Baja, California.

19 When we got the application, we prepared an
20 Environmental Assessment. We had a limited distribution on
21 that assessment. We got some comments. And we ultimately
22 prepared a Finding of No Significant Impact. Based on that
23 finding, the Department of Energy issued two Presidential
24 permits, one to Sempra, one to InterGen. And the Bureau of
25 Land Management issued right-of-way grants.

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1 Now, I should say the two transmission lines start
2 at the Imperial Valley Substation, San Diego Gas & Electric
3 Company, about 6 miles worth of Federal land inside the
4 United States and they extend approximately another 3 miles
5 into Mexico. So they needed these right-of-way grants from
6 the Bureau of Land Management to be able to construct the
7 lines within the United States.

8 Subsequent to our issuance of the two permits and
9 BLM's true rights-of-way grants, the Border Power Plant
10 Working Group filed suit in Federal Court alleging the
11 variety of violations of the National Environmental Policy
12 Act and the Administrative Procedures Act, among other
13 things. Ultimately, the judge ruled partially in the
14 plaintiff's favor and ordered the Department of Energy and
15 Bureau of Land Management to basically do additional
16 environmental work, leaving it up to us to decide whether we
17 just revise the Environmental Assessment or prepare an
18 Environmental Impact Statement. And that's why we're here
19 today. We decided to prepare an Environmental Impact
20 Statement.

21 The first step in doing any EIS is to conduct
22 scoping. We do scoping in a variety of ways. We get

23 comments by paper and Fax and e-mail. We also come out,
24 like we're here today, to conduct these open meetings.
25 These are meetings, they're not hearings, to collect
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1 comments. We're really here to listen to the issues that
2 you think should be addressed when we prepare our
3 Environmental Impact Statement. That's about as simple as
4 that.

5 What kind of schedule are we on? We'll start
6 preparing the Draft Environmental Impact Statement after the
7 close of scoping. We will be getting a draft document
8 published and distributed to all of you. And by the way,
9 the only way we can do that is to encourage you to sign in,
10 in the back of the room. If you don't want to speak, please
11 sign our mailing list, that way we will be sure that you
12 will get a copy of the draft document when it is available
13 in a couple of months. After we prepare the draft, we'll be
14 back here again to conduct then we'll call it a hearing that
15 looks identical to this. So while during this session, you
16 are here to tell us what issues we should be studying. When
17 we come back in a couple of months, after you've had a
18 chance to review the draft of your Environmental Impact
19 Statement, you will be able to tell us how well we addressed
20 those issues or whether we missed anything or any
21 alternatives and the like.

22 Following the collection of those comments, we
23 will then publish a Final Environmental Impact Statement.
24 And in that final document, every comment that was made,
25 either a meeting like this verbally, pieces of paper,
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1 e-mail, every comment that was made will appear verbatim in
2 the Final EIS with an indication of how we have addressed
3 your comment, whether it's comment noted, or we've revised
4 the table on page such and such, or you were absolutely
5 right, we totally revised this analysis. You will see
6 exactly what we've done.

7 After we publish the Final Environmental Impact
8 Statement, something in excess of 30 days after that,
9 certainly no sooner than 30 days after that, the Department
10 of Energy and separately the Bureau of Land Management will
11 be able to render a record of decision.

12 Now, there is other court dates involved that
13 maybe many of you sitting in the audience are probably

14 better versed on that than I am. I'm not an attorney. Like
15 I said, I wouldn't presume to make a guess at what the legal
16 or the court proceeding may be from that point on from here.
17 Right now we're only here to get a good, solid Environmental
18 Impact Statement prepared and distributed and into all of
19 your hands.

20 So with that, I'm going to start asking people to
21 come up. And if you would, we have a small room, but if you
22 come to the podium -- oh, I'm sorry. I'm getting ahead of
23 myself.

24 We do have a court reporter. And in deference to
25 her, we ask that at least the first time you get up, if you

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1 could say your name slowly and spell it for her. It's
2 entirely possible that you may want to say something else
3 later on, but every time you do get up, if you could please
4 indicate your name for the court reporter. Speak slowly and
5 distinctly so she can understand you and take down
6 everything. If you use any technical terms or terms of art,
7 if you could spell it out for her. She may not be familiar
8 with it. And at any point, if she doesn't understand
9 something that any of us say, she will raise her hand and
10 ask to repeat it again. And the only other time I'm going
11 to be opening my mouth will be to call the next speaker or
12 maybe if I don't understand something you say and ask that
13 you clarify it also.

14 I have a bunch of names written down here. I'm
15 sort of looking at it cold and please forgive me if I happen
16 not to call you in order of hierarchy and the like because
17 it doesn't imply anybody is more important than the other.
18 It's the way they presented it to me.

19 Joe Maruca who is Chairman of Imperial County
20 Board of Supervisors.

21 MR. JOE MARUCA: For the record, it's Joe Maruca.
22 Thank you for having me. I'm the elected chairman of the
23 County Board of Supervisors.

24 And I have before me a prepared statement which
25 was agendized and approved by our Board, which I will read

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1 into the record and give you a copy, which you may do with
2 it as you like. And after that, I will make a few personal
3 comments as a parent and a citizen of the county.

4 The Imperial County Board of Supervisors and

5 Imperial County Air Pollution Control District and the
6 Imperial County Planning Department have received a copy of
7 the Federal Register, Volume 68, No. 210, dated Thursday,
8 October 30, 2003, regarding the above Notice of Intent.

9 While we appreciate the fact that the Department
10 of Energy is ultimately preparing an EIS on the transmission
11 line portion of the project, we are concerned that it took
12 court action to compel the Federal Government to follow the
13 same laws that it expects the private sector to follow. In
14 light of the court order dated July 2003, we would hope that
15 the Department of Energy will prepare a comprehensive and
16 legally adequate document and seriously consider all
17 environmental and other concerns.

18 Since early 2000, the county has been extremely
19 concerned with the impacts associated with the then proposed
20 Sempra and Intergen power plants and related facilities
21 located in Mexico, including but not limited to the natural
22 gas pipeline and the transmission lines. From one of the
23 first meetings held on June 15, 2000 through numerous
24 subsequent meetings, the county has repeatedly requested
25 that a full Environmental Impact Statement and an

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1 Environmental Impact Report be prepared for the project as a
2 whole, including the pipeline, et cetera, and the plants.
3 The project as a whole, meaning the pipeline, the power
4 plants, and the transmission lines.

5 The county had, and continues to have, significant
6 concerns with the project's impact on the following: air
7 quality; the health and safety of the residents; visual
8 resources; natural resources; tourism; endangered species;
9 growth-inducing impacts on the coastal plains that currently
10 have a known lack of water resources; and potential homeland
11 security issues.

12 While county staff will file a more detailed
13 response to your proposed NOI, the Board of Supervisors
14 specifically requests that a comprehensive health risk
15 assessment and homeland security risk assessment be
16 provided.

17 Finally, further request that your office work
18 closely with our staff; that you take their comments into
19 full consideration as if written by the Board; that you keep
20 the county of Imperial fully informed of all meetings; and
21 that the staff be given adequate time to review the Draft

22 EIS.

23 Now as a parent of a 5 year old who has big
24 breathing problems and as an ex-school administrator after
25 37 years, I feel that the DOE was almost criminally

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1 negligent by not doing this.

2 If you walk into an elementary school in this
3 county, you will see cupboards full of asthma medicines. We
4 have one of the highest rates of asthma in the United States
5 and certainly the highest in California.

6 And we put those four poison producing plants on
7 that border. And we were told it would have no significant
8 impact on our air quality. Only a fool would believe that,
9 only a fool. They say they have the highest in best
10 restraints for ozone and other things. Well, even a little
11 bit into our air is too much. Our instrumentation done by
12 Air Pollution Control District clearly indicate as you move
13 further from the border going from south to north, the air
14 quality lessens.

15 The air quality improves on that border when all
16 that -- when the power plants combine with the issues of
17 Mexicali air pollution, it's devastating.

18 We asked from the very beginning when that
19 pipeline went through there, do a full study. It fell on
20 deaf ears.

21 We feel that if you try to put that pipeline
22 through San Diego County on the San Diego border, you will
23 have hell to pay. We were chosen because we are a poor
24 community; we have little political impact; and we're highly
25 minority. And that's their MO. That's how they operate.

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1 They don't go to big cities. We asked that, why don't you
2 put it in San Diego? That's where the power is going. It
3 couldn't be done. You would have a firestorm over there.
4 We were chosen. And the hell with Imperial County. And the
5 hell with the children of Imperial County. We'll just
6 contribute more to their asthma.

7 And I think you guys ought to do all that you can,
8 do a full, complete study, Environmental Impact Assessment.
9 And let us off the hook. Close those damn things down if
10 you have to. Because I don't care what you put on them,
11 they're still going to poison our air and we don't deserve
12 it.

13 Thank you.

14 MR. ANTHONY COMO: Thank you, Mr. Maruca.

15 Hank Kuiper.

16 Mr. Kuiper is, I think I got it right, is the

17 Supervisor of District 2 of Imperial County Board of

18 Supervisors.

19 MR. HANK KUIPER: Yes.

20 Good morning. My name is Hank Kuiper. And I am

21 the elected member of the County Board of Supervisors

22 representing District 2 where these transmission lines are

23 located.

24 I have a prepared statement and some copies for

25 you when I get done, sir.

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1 I am here to urge you to reject the preferred

2 alternative and instead, to consider the fourth alternative.

3 When the initial FONSI, that's Finding of No

4 Significant Impact, was filed in response to the original

5 Environmental Assessment, there was little thought given to

6 the effect that the power plants in Mexico would have on the

7 air and water quality of the Imperial Valley.

8 Part of the rationale for not considering air and

9 water impacts was that the transmission lines were thought

10 to be independent projects from the power plant projects.

11 The power plants were under construction in Mexico and were

12 being built to Mexican standards under the Mexican

13 permitting regime.

14 I strongly suggest that this full NEPA review

15 consider the total impact of the transmission lines and the

16 power plants on the environment of our region, as they are

17 inexorably linked to one another.

18 Intergen has told us and the state legislature

19 that they have the option of selling their power into either

20 Mexico or the United States. In fact, we don't think they

21 do.

22 The Mexicali Valley is an isolated electricity

23 market from the rest of the state of Baja and the Mexican

24 mainland in terms of their ability to transmit electricity.

25 They do not even have transmission line capability from

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1 Mexicali into the San Felipe coastal region, which is part

2 of Mexicali. San Felipe's electricity must come from the

3 Pacific side of Baja due to the limited transmission

4 infrastructure in and out of the Mexicali Valley. Surplus
5 electricity from Mexicali's generation has historically been
6 exported through the Imperial Substation, and their imports
7 have come from connections with the Imperial Irrigation
8 District.

9 Since the original InterGen plants were proposed,
10 Mexicali's demand for electricity has remained constant or
11 even declined due to the flight of numerous maquiladoras
12 from Mexicali to Asia. In other words, there will be very
13 limited demand for new power from these plants in Mexico.
14 We can expect all of the power from the Sempra plant and up
15 to 75 percent of the generation from the InterGen plant to
16 be produced specifically for export into the United States.

17 I mention all of this to make the point that
18 without the transmission lines under consideration in these
19 studies, the Mexican power plants would have no market and
20 no reason to operate.

21 It is not the purpose of the people of Imperial
22 County to deny urgently needed power supplies to the rest of
23 California. It is, however, our intention to protect the
24 health and environment of this very poor and largely
25 minority population.

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1 We expect you to do this first by finding that the
2 operation of the power plants is dependent on the
3 construction of these transmission lines and therefore it is
4 logical to consider a requirement that the increased
5 pollution from these plants be fully mitigated as a
6 condition of approval of the lines.

7 Because of the proximity, we're talking about
8 3 miles, of these plants to the Imperial County, and the
9 fact that, but for the transmission lines, the power plants
10 would necessarily remain idle for lack of an alternative
11 market for the power, the pollution from the plants must be
12 considered as a direct result of the construction of these
13 lines. CEQA, NEPA, and the Clean Air Act all require that
14 the additional pollution be mitigated.

15 We also heard reports that the companies who own
16 the existing power plants, InterGen and Sempra, as you
17 suggested, are planning to build two additional power plants
18 in Mexicali. We believe this should be investigated and any
19 final permit to operate the transmission lines should
20 necessarily include a requirement to fully mitigate any

21 additional pollutants from future power plants that may be
22 built with the expectation of exporting power on these
23 lines.

24 Imperial County took this issue to the state
25 legislature and they are in the process of considering
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1 legislation, which is known AB 151, that would establish a
2 mitigation fund to enable the Imperial County Air Pollution
3 Control District to acquire mitigation offsets to accomplish
4 this objective. Given the uncertainty of the legislation
5 and given your legal obligation to propose mitigation for
6 adverse environmental or health consequences resulting from
7 a proposed project, alternative four appears to be the most
8 appropriate choice in this process.

9 We believe that even with the selective catalytic
10 converters that are proposed for the InterGen plant, that
11 there will still be a significant increase in measurable
12 pollutants that will cross into the county's air shed. In
13 fact, the InterGen plant will have no carbon monoxide
14 controls and Calexico is already classified as nonattainment
15 for CO.

16 If these plants were built in the United States,
17 the operators would be required to obtain mitigation offsets
18 for every new pollutant that is introduced into the
19 environment. Because these transmission line projects are
20 totally reliant on the production of electricity at the new
21 power plants, it is within the power of the Department to
22 require that acquisition of full mitigation offsets for
23 these plants.

24 These offsets should be measurable, enforceable,
25 and preferably located in the United States portion of the
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1 shared air basin. If the offsets are obtained in Mexico,
2 the Imperial County Air Pollution Control District should
3 have the ability to inspect and verify that the offsets are
4 real and permanent.

5 Given the recent decision of the Ninth Circuit
6 Court of Appeals that overruled an EPA decision that waived
7 certain air standards in Imperial County due to the fact
8 that we have no control over emissions that originate in
9 Mexico, yet pollute our skies, it is imperative that these
10 new sources of PM-10s, carbon monoxide, NOx, and other
11 contaminants be mitigated to the full extent that would be

12 required if they were built on our side of the border. This
13 is the right thing to do, and I urge you to do it.

14 Thank you.

15 MR. ANTHONY COMO: This is going to be one of
16 those rare times that I open my mouth.

17 Getting back to Mr. Maruca's idea of working
18 together. There's been a variety of circumstances both
19 while we were preparing the original Environmental
20 Assessment, during the court proceedings, and now today
21 where we've heard, and it's a little bit anecdotal, about
22 additional power plant construction within Mexico. We
23 looked through literature to the extent that if any of you
24 here or any of the rest of you, especially the county and
25 state officials that are involved in and interested in this
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1 project, if you are privy to any information along lines
2 like that, whether it's power plant, construction area, we
3 could use hardcore, real information. So that would be at
4 the very least one of ways of helping us craft a decent
5 document.

6 MR. JOE MARUCA: Okay. Thank you.

7 MR. ANTHONY COMO: Mike Giorgino.

8 MR. MIKE GIORGINO: For the record, Mike Giorgino.

9 I would like to thank the Department of Energy for
10 being here today conducting this meeting. And I'm also very
11 glad that you're going to be conducting an environmental
12 study.

13 I'm taking a very close interest in the Federal
14 oversight of these power plants down in Mexicali. And I
15 drove out here today in particular because I'm very
16 concerned about the impact of pollution here in Imperial
17 Valley as a result of these plants.

18 Earlier in the year, Congressman Duncan Hunter got
19 involved in this issue and pressure was brought to bear.
20 And one of the plants agreed to adhere to U.S. pollution
21 standards. And that plant had not planned on doing that
22 before. And that just goes to show that the U.S. Congress
23 and our Federal Government can change the course of behavior
24 here on the part of these plants.

25 Now I agree completely with the position of the
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1 Board of Supervisors here in Imperial Valley that there's a
2 tremendous impact as a result of the building of these

3 plants. There is a serious crisis in Imperial Valley with
4 regard to children with asthma. It's the highest in the
5 state of California. It's one of highest in the nation.
6 And there has to be some offset, some mitigation, the same
7 way as if these power plants were being built in Calexico as
8 being opposed to being built in Mexicali. And I believe
9 that the standard must be that just because businesses are
10 being built by private companies as part of NAFTA south of
11 the border within close proximity to our populations here in
12 the United States, that should not exempt them from the same
13 exact requirements and standards that U.S. companies north
14 of the border must adhere to.

15 So I'm going to be watching this very closely. I
16 have signed up for a copy of this report.

17 And again, I thank you for conducting this study.
18 And I'm very interested to see what it's going to say.
19 Thank you.

20 MR. ANTHONY COMO: Thank you.

21 Jurg Heuberger.

22 MR. JURG HEUBERGER: Good afternoon. I'm Jurg
23 Heuberger. I'm the Planning Director for the county of
24 Imperial.

25 And you've already heard two of my bosses,

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1 Mr. Kuiper and Mr. Maruca talk and outline the concerns the
2 county has.

3 I won't read into the record our 76-page submittal
4 that we're going to hand to you. I think you can read and
5 address it. And we'll be looking forward to reading your
6 responses in the documentation for it.

7 Let me make just a couple of brief comments.

8 First of all, we have responded to, I believe, each of your
9 documents over the years that this project has been going on
10 since the onset of the proposal of the power plants, the gas
11 line, and now the transmission line. I believe you'll find
12 it if you look in your records, we have previously responded
13 and commented on those and felt the full documentation and
14 full EIS and full EIR should have been prepared from the
15 onset for the project as a whole. In each case so far, it
16 has been a piecemeal effort. The way we look at it, you've
17 looked at the pipeline; you didn't look at the power plants,
18 now you're looking at the transmission line. It's our
19 position they're an integral part. We believe that, you

20 know, the project has been piecemealed and that the project
21 is all three components and not individualized as you have.

22 Since I'm the Planning Director, and most of you,
23 I think, understand that term, I'm the designated regulator
24 for the county of Imperial on projects that the private
25 sector wants to do. So it's my charge to make sure that

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1 when a project comes to the county of Imperial, that it
2 follows all the regulations that are set forth by Federal
3 Government, by the state government, and of course, by the
4 local government as well.

5 So I find it a little disheartening and difficult
6 when the government that promulgated the regulations for the
7 private sector, doesn't follow its own rules. I've always
8 been a supporter, what's good for the public is also good
9 for those who created the laws in the U.S. Government.

10 Lastly, you alluded to some power plant questions
11 a minute ago. I'm not sure how familiar you are with this.
12 However, in Imperial County we have a large geothermal
13 resource that currently produces quite a few kilowatts and
14 has a capacity of producing in excess of 2000 megawatts of
15 power. So we question why we continue to support fossil
16 fuel plants that pollute the atmosphere when, in fact, we
17 have a renewable energy source that is quite capable of
18 producing a lot of power. I think that should be taken into
19 consideration when you consider these types of projects.

20 So with that, I will just simply submit the
21 document. And, again, I appreciate your being here today
22 and for listening to the public. And I will look forward to
23 seeing the documentation. Thank you.

24 MR. ANTHONY COMO: Aida Gates here?

25 (No audible response.)

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1 MR. ANTHONY COMO: Steve Birdsall.

2 MR. STEVE BIRDSALL: Good afternoon.

3 Steve Birdsall. I'm the Imperial County Air
4 Pollution Control Officer.

5 And I, as my previous speakers, would like to
6 thank you and welcome you to Imperial Valley. We created a
7 great, very beautiful day for you, by the way too.

8 A lot of my comments are going to mirror what was
9 said previously, but I think it's important that we continue
10 to impress upon you how important this issue is.

11 Since 2002, the Imperial County Air Pollution
12 Control District along with the Federal EPA and the
13 California Air Resources Board and concerned Imperial County
14 cities and community groups have been assessing, reviewing,
15 and commenting on the proposed Presidential permits and the
16 potential adverse impacts the two projects will have on
17 residents of Imperial County and Mexicali. We hope that
18 this new EIS will effectively and thoroughly address all of
19 our concerns as previously submitted and as I'm now going to
20 recap.

21 We feel very strongly that the operation of these
22 two power plants and their associated transmission lines
23 will have an adverse impact on the air quality for the
24 Imperial/Mexicali regions. The following are some of our
25 continued concerns that we believe should be thoroughly
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1 addressed in the EIS.

2 Imperial County is a nonattainment area for PM10,
3 ozone, and CO for the city of Calexico which borders, as you
4 know, Mexico.

5 Imperial County is also slated to be designated as
6 nonattainment for PM2.5. These projects are emitting
7 enormous amounts of PM10; NOx, which is a precursor to
8 Ozone; carbon monoxide; and ammonia, which is a precursor to
9 PM2.5.

10 Due to the proximity of these projects to the
11 International border and the populated areas of both
12 Mexicali and Imperial Valley, the Imperial County Air
13 Pollution Control District feels that the additional
14 emissions associated with these two projects will adversely
15 impact the region's air quality, exacerbate the exceedances
16 of emission standards in both the U.S. and Mexico, and will
17 impact the health and population of the region.

18 In order to make a realistic air quality impact
19 analysis on the level of significance of all emissions, the
20 EIS should contain a full impact analysis of not only the
21 construction and operations of the two project facilities
22 but also the associated transmission lines and should also
23 analyze the cumulative impacts of these two projects.

24 The District requests that the analysis encompass
25 the impact of air quality in the county as well as the

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1 community of Mexicali and the surrounding areas.

2 The analysis also should identify specific control
3 measures that will be applied to control all emissions from
4 the two plants as well as methods for securing the
5 appropriate offsets.

6 The District requests the EIS make full impact
7 analysis from all of the units for the first phase of the
8 operation and up to and until such time as the proposed
9 additional controls are installed purportedly during the
10 first quarter of 2006. That's from the InterGen plant.

11 The District requests that the EIS include a
12 comprehensive health risk assessment that thoroughly
13 identifies all emission pollutants and the cumulative health
14 risks that they impose on residents of both sides of the
15 border.

16 We request that this comprehensive health risk
17 assessment include the following: One, the impacts of the
18 two projects for the operating time period from beginning to
19 prior to installment of all controls, again, purportedly in
20 the first quarter of 2006; and secondarily, the impacts of
21 two projects when all units are equipped, in other words,
22 before and after the installation of the SCR on the second
23 two units.

24 We feel that the Best Available Control Technology
25 (BACT) for all pollutants must be installed on all power
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1 generating units located at the two project facilities, the
2 two units at Sempra Energy and the four units at LaRosita
3 i.e., InterGen, immediately, and that offsets for all
4 emission increases associated with the operation of those
5 two projects be secured as per the Federal Clean Air Act or
6 the California Clean Air Act.

7 We look forward to review the Draft EIS. We hope
8 that it includes comprehensive health risk assessments.

9 That's the end of my formal statement.

10 And to answer your question about the two proposed
11 power plants. We just recently learned that ourselves. And
12 we are, through our channels with SIMAR.net (phonetic), I'm
13 trying to verify the fact, if, in fact, they are going to be
14 building that and more details. If and when we do obtain
15 information, we'll be happy to pass that on to you.

16 Thank you.

17 MR. ANTHONY COMO: Thank you very much.

18 Dana Arellano.

19 MS. DANA ARELLANO: Hello. My name is Dana
20 Arellano. And I represent Congressman Bob Filner who was
21 not able to be here today, but he asked me to read this
22 statement on his behalf.

23 Thank you for allowing me to have this statement
24 read for the record on an issue that is critical to our
25 region. We all know that pollution knows no boundaries.

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1 For that reason, what happens in Mexico along the border
2 will necessarily impact air and water quality in the United
3 States. The power plants built in Mexicali have detrimental
4 effects to both water and air quality in Imperial County.

5 After reading the Department of Energy's Notice of
6 Intent for this scoping meeting, I do not agree with the
7 Department of Energy and the Bureau of Land Management's
8 preferred alternative to simply allow the plants to continue
9 operating as they are now. I am in favor of adopting
10 measures similar to Alternative Number 3, which would
11 require stricter, cleaner technologies to be installed on
12 the power plants that would protect the air and water
13 quality around them. I would go even further than
14 Alternative 3 and demand that these technologies be
15 installed before the plants can continue operations and that
16 they be required on any new power plants that might be built
17 along the U.S./Mexico border.

18 The air quality in Imperial County has already
19 been linked to pollution from the power plants in Mexicali.
20 The EPA approved an assessment conducted by the Imperial
21 County Air Pollution Control District which stated that
22 Imperial County would have attained PM10 emissions required
23 to be classified as a moderate nonattainment area if it were
24 not for the pollution coming across the U.S./Mexico border
25 from Mexicali. It is because of this pollution coming

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1 across the border from Mexicali, and the power plants, that
2 Imperial County has such a severe air quality problem.

3 There are many solutions to this problem which
4 includes using cleaner air technologies such as those
5 suggested in Alternative Number 3 in the DOE notice. Until
6 stronger measures to protect our air quality are taken, I
7 plan to reintroduce my bill, the Air Basin Clean Act, at the
8 beginning of this year. The bill will help improve the air
9 quality in the region by prohibiting the importation of

10 electricity into the United States that is produced by
11 polluting power plants along the border.

12 Alternative Number 3 of the Department of Energy
13 Notice also mentions the technology called dry cooling. As
14 I understand it, this technology is less detrimental to the
15 water quality near power plants.

16 Imperial County is a very sensitive area,
17 especially in terms of water quality. The New River is
18 already one of the most polluted waterways in the entire
19 country and the technologies of the power plants will only
20 make it worse. In addition, the Salton Sea, the largest
21 inland body of water in California, is slowly but steadily
22 dying because of the increase salinity of the water.
23 There's great concern that the water used in the so-called
24 wet cooling system now employed at the Mexicali power plants
25 will increase the salinity of the Salton Sea, thus, speeding

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1 its demise and hampering any attempts to save it. Again,
2 the dry cooling option suggested in Alternative Number 3 at
3 the DOE's Notice will prevent this increased salinity and
4 help reduce the amount of pollutants going into the New
5 River.

6 In conclusion, Imperial County already experiences
7 problems of air and water quality caused by pollutants
8 coming from Mexico. These power plants only make the
9 situation worse. The status quo is not acceptable and
10 measures to mitigate the effects of air and water pollution
11 from these power plants must be adopted.

12 Thank you.

13 MR. ANTHONY COMO: Marie Barrett.

14 MS. MARIE BARRETT: Good afternoon. My name is
15 Marie Barrett. I have some brochures I would like to leave
16 with you. I am the Outreach Coordinator for the New River
17 Wetlands Project, a federally funded project developed
18 through the grassroots effort of the Citizens Congressional
19 Task Force on the New River. I am co-chairman of the
20 Colorado River Citizens Forum. I have a Bachelor's of
21 Science Degree in Agricultural Biology from Cal Poly Pomona.
22 I have taught environmental technology for three years at
23 Imperial Valley College. I currently have my own business
24 performing biological surveys in desert regions.

25 I would like to give some background information

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1 regarding the New River Wetlands Project. The New River was
2 formed in the early 1900s when the Colorado River flooded
3 one of the few rivers that flows north and crosses the
4 International border. New River originates in Mexico about
5 20 miles south of the border, flows north across the United
6 States/Mexican border through the Imperial Valley, including
7 the cities of Calexico, Seeley, and Brawley, 60 miles to its
8 designation, the Salton Sea.

9 The New River contains raw sewage, silt, heavy
10 metals, and nutrients from Mexico, nutrients, silt, selenium
11 from the Colorado River and agricultural drainage. There
12 are over 30 serious pathogens found in the water.

13 After years of no action by governmental agencies
14 to address the pollution in New River, in 1997 a concerned
15 local organization, Desert Wildlife Limited, led by Leon
16 Lesicka, looked for a solution in conjunction with U.S.
17 Representative Duncan Hunter, the Citizens Congressional
18 Task Force on the New River was formed.

19 This group composed of concerned local citizens,
20 local organizations, including the county of Imperial,
21 Imperial Irrigation District, state organizations, including
22 California Regional Water Quality Control Board, California
23 Department of Fish & Game, University of California, and
24 federal organizations including U.S. Geological Survey, EPA,
25 U.S. Fish & Wildlife Service, and Bureau of Reclamation

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1 developed the concepts of using wetlands to filter the water
2 of New River.

3 We have monitored the wetlands now for two years
4 and the results have shown the wetlands are doing an
5 excellent job of cleaning New River water. Monitoring has
6 shown that dissolved oxygen has increased by 66 percent;
7 phosphates decreased by over 50 percent; fecal coliform
8 reduced from a count of over 150,000 to 274 which is a
9 decrease of almost 100 percent. Total suspended solids have
10 been decreased from 543 milligrams per liter to
11 23 milligrams per liter, a 98 percent decrease.

12 The New River Wetlands Project has resulted in a,
13 one, a significant reduction of pollutants; two, it's
14 provided a wealth of plant, fish, wildlife, and migrating
15 wildlife at the site; three, it's improved recreation
16 benefits, such as, hunting, fishing, bird watching, hiking,
17 and family outings for recreational activities.

18 The New River Wetlands Project sponsored the
19 Salton Sea International Bird Festival last year with the
20 Wetlands being a major attraction. Over 300 birding
21 enthusiasts from 26 states and two foreign countries
22 attended last year in a county that has 20 to 30 percent
23 unemployment, one of the lowest average incomes in
24 California. This is an economic boom that is very important
25 to Imperial County. We are continuing with the project. We

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1 have received additional monies for future wetlands. We
2 have identified over 40 favorable wetland sites along both
3 the New and Alamo Rivers.

4 We are very concerned with any increase of
5 salinity or decrease in water flow and any other effects
6 from the power plants that might occur to our present
7 Brawley site wetlands and our scheduled future projects.

8 For example, one of the concerns we have, we use
9 bulrushes in our projects. United States Department of
10 Agriculture Plant Guide states: The California bulrush is a
11 fresh water plant species with slight to moderate salt
12 intolerance. The ideal salinity range for establishing and
13 growing California bulrush is zero to 6,000 parts per
14 thousand, or milligrams per liter, of fresh to intermediate
15 habitat. Numerous field trials have demonstrated that
16 California bulrush will tolerate higher pollutants of salt
17 for shorter periods but prolong and frequent exposure to
18 elevated salt water will significantly burn the above ground
19 portion of the plant and under extreme conditions will kill
20 plants.

21 This states that the California bulrush can
22 tolerate continuous exposure to salinity concentration up to
23 6,000 milligrams per liter before damage will be evident in
24 the plants. However, it is probable that plants continually
25 exposed to the higher end salinity tolerance range are being

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1 stressed to some degree by higher salinity.

2 The United States Department of Agriculture Plant
3 Guide does indicate that the salinity is detrimental to
4 bulrush planting. The original planting to our New River
5 Wetlands was done with canal water to ensure that bulrushes
6 would establish successfully. For reestablishment of
7 bulrushes after harvesting at the site, any increase in
8 salinity, as take guide states, could effect the viability

9 of the transplants. It could also seriously effect the
10 plantings of our future planned wetlands.

11 Salinity is not the only agent that will stress
12 the California bulrush and other plants at the existing
13 Brawley site or future sites. There are several
14 environmental stresses that will impact the plants. High
15 water temperature is an issue and can significantly impact
16 plants, as noted in the guide. Additional stress agents are
17 elevated pollutant levels in the river water, high soil
18 salinities. In my opinion, additional stresses such as high
19 water temperatures which could range up to 87 or higher
20 degree Fahrenheit in August; elevated pollutant level, and
21 high soil salinity tends to magnify the effect of increased
22 levels of salinity on bulrushes.

23 In my opinion, it would be beneficial to the
24 existing wetlands and future wetlands to avoid any
25 additional salinity stress. I would ask you not to allow

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1 any increase in salinity or decrease in the quantity of
2 water in New River.

3 Thank you.

4 MR. ANTHONY COMO: Thank you.

5 Larry Grogan.

6 MR. LARRY GROGAN: Good afternoon.

7 I'm not sure if I'm going to be the last speaker
8 but I'll sure as hell be the one you will walk away
9 remembering.

10 My name is Larry Grogan. My mailing address is
11 444 West Main Street, city of El Centro.

12 I've been active in protecting this community from
13 the effect of this pipeline, power plants, and transmission
14 line for about the last two years.

15 I see this project as a project but also as a
16 victim of very special interest both at the federal and at
17 the county level.

18 Okay. Now how can I prove it? I would like to
19 begin with the testimony from San Diego Gas & Electric brief
20 by the Border Generation Group, November 21st, 2001. And I
21 have a copy of which I will leave here with you. The total
22 megawatts that is projected by this Border Generation on
23 Page 8 and 9 is going to be 3800 megawatts electric.

24 And if you notice that we have a newspaper
25 headline dated October 25th as the deadline for the gas

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1 pipeline comments. I would like to refer to Page 10 under
2 the testimony here. It says: That in addition to the
3 25-year power purchase agreement signed by the North Baja
4 Pipeline in Baja, and North Date Pipeline that InterGen at
5 that point as of construction had begun on March 1st, 2001,
6 and that as of September 22nd, 2001, was 17.3 percent
7 complete and they had expended approximately 250 million
8 dollars.

9 Well, I'm always amazed how people can spend
10 \$250 million on a fuel process line that has not yet been
11 approved two months before the closing of the deadline. But
12 that's not by itself. The natural gas agreement was also
13 with Sempra Energy and they began construction on September
14 1, 2001. Again, this is two months prior to the completion,
15 I mean, before the deadline of comments on the pipeline.
16 Now, I don't know what source they were going to use if that
17 pipeline had not been approved. It certainly wasn't going
18 to be coal; it wasn't going to be any other fuel. They had
19 used the terminology, possibly diesel, which is really
20 impossible, I think, at that point to bring it up from
21 central Mexico because they had no pipeline that was big
22 enough for that.

23 So here you have two companies spending millions
24 of dollars, we're not talking about a couple, we're talking
25 something in the neighborhood of three hundred million or

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1 four hundred million on a project that was two months away
2 from being -- that the source of the fuel for that project
3 was not even approved.

4 But I would like to go to Page 17 of this
5 document. Now this is at the same time that everybody is
6 saying they could not afford to install, or at least
7 InterGen was saying that they could not afford to install
8 pollution control. And everybody else was claiming how poor
9 they were. Well, the annual cost in savings from the
10 transmission line at that time was to the San Diego rate
11 payers of 6.8 million dollars based upon 1350 megawatts. But
12 at 2350 megawatts, the economic benefit to San Diego Gas &
13 Electric is 7.24 million per year, and the net economic
14 benefit to the ISO rate payers is \$43 million.

15 Now, we're sitting here looking at just two power
16 plants now and I can assure you for \$43 million a year,

17 let's not kid ourselves, those power plants are going to be
18 built because they need that other 2350 for that \$50 million
19 a year net profit.

20 MR. ANTHONY COMO: Mr. Grogan, just simply for my
21 sake and maybe for the record, could you just be a little
22 more precise about which document you're quoting from? Is
23 it the testimony that you are quoting from, please?

24 MR. LARRY GROGAN: Yes. And here's the whole copy
25 of it.

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1 MR. ANTHONY COMO: Will you be submitting it for
2 the record?

3 MR. LARRY GROGAN: Yes.

4 MR. ANTHONY COMO: That will be fine.

5 MR. LARRY GROGAN: Oh, yes, I've got lots of
6 records.

7 So you'll never convince me that this was a
8 project that was pending upon the pipeline without it
9 already being in the bag.

10 Now, acting in a timely manner. When this
11 project -- when the comment closed on the 25th and it was an
12 expedited process by the Department of Energy, that the
13 cities became involved. Chairman Maruca had tried to bring
14 this before the Board of Supervisors and had failed for a
15 lack of a second. There wasn't any action basically
16 opposing the pipeline and the transmission line I think
17 until the 5th of February, although they had opposed the
18 transmission on the 4th.

19 Now on the 5th of February, by that time the city
20 of El Centro had already taken a position in opposition to
21 vote the pipeline, the power plants, and the transmission
22 line. And Mr. Popejoy will be here shortly to speak about
23 the Chamber. So the Chamber had already taken action. So,
24 obviously, it was wanting to make like you're leading a
25 parade, instead of being run out of town, so there was

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1 basically action taken by the Board at that time. The other
2 thing is that there was resolutions starting to come in from
3 the other cities based upon their same opposition.

4 Now, also, and I have a copy here for you, the
5 Latino Issues Forum, in their Power Against the People,
6 November of 2001, which you have a copy. Again, on Page 4
7 of 16, refers back to that one out of three people of color

8 in Southern California live in a high cancer risk
9 neighborhood. This is basically what we're looking at.

10 On Page 5 out of 16, it says that 16 out of 18 of
11 the plants, or 89 percent, within the study that was being
12 proposed after the power crisis, are within 6 miles of the
13 facilities of 50 percent more -- or the population is
14 50 percent of color, much higher than the state average.

15 Latinos are highly overrepresented among the
16 populations living next to power plants. Approximately 80
17 percent of these plants, the Latino population exceeds 32.4
18 percent. Also, that 15 out of 18 facilities, 83 percent,
19 the average household income of within six miles of these
20 power plants is less than \$25,000 per annum.

21 Let's not kid ourselves why these things are
22 located here. The power line goes all the way over to
23 San Diego. It would be just as easy to build the power
24 plant there and save all the transmission costs. They have
25 a substation there called McGill Substation which they were

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1 also upgrading. But it's much easier to, obviously, put it
2 in down here.

3 Now, among the studies that have been done with
4 the Urban Air Pollution Control, we have also linked to
5 birth defects by the UCLA. And I have copies of this,
6 December 29th, 2001.

7 The Ambient Air Pollution and Risk of Birth
8 Defects in Southern California.

9 Implications of the Observed Effect of Air
10 Pollution on Weight Control.

11 The Effect of Ambient Carbon Monoxide, as you've
12 heard testimony about, the amount of carbon monoxide on Low
13 Birth Weight among Children Born in Southern California
14 between 1989 and 1993.

15 We have close to, I think, 30 studies based upon
16 air pollution and health effects. I made copies of most of
17 them. Some of them I've just made the front page. So if
18 you wish, you could have those copies made.

19 Basically, the citizens of, in this case El Centro
20 or Imperial County, have been treated as second-class
21 citizens. And, you know, I come back to you since you're
22 coming from out of town and you're going to be hauling ass
23 out of here before sunset, would you want to live in a town
24 close to an area with something like this? Would you -- I

25 mean, it's like with these health studies showing the effect
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1 of pregnancy, is this the place where you would want to
2 raise a family? Is this a place a woman would want to get
3 pregnant in? And this is what they've done to us. They
4 can't say that that pollution is not going to come 3 miles
5 north of the border.

6 In the days prior to the resolutions, we had more
7 people down here lobbying this than you could believe.
8 That's the first time I think we ever came on the map for
9 big lobbyist push. And we had InterGen; we had San Diego
10 Gas & Electric; we had Sempra Energy; we had Baja; we had
11 them all down here.

12 I remember a young lady that was talking to me.
13 And she simply said, well, the Board is not going to do
14 anything, so what are you going to do? And I told her that
15 I was going to be a real -- I don't think I need to put
16 expletives, but you get the idea.

17 Welcome. It took you awhile, but you are finally
18 here.

19 Now where do we go from here? We tried to sue in
20 state court based on State Lands Commission. There were
21 four of us that went up there that morning for the state
22 lands permits. In the room, I bet you there were 60 to 80
23 attorneys, environmental people representing these utility
24 companies and the power plants. And if there was ever a
25 graphic illustration of what we as a county is up against,
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1 that was it. I mean, it was like we sat there on a little
2 row with our attorney, I think Gary White was there and
3 Steve Birdsall and myself, and it was just outnumbered,
4 outgunned, and yet not one of those individuals live here.

5 Comparing the profit that these companies are
6 going to make, how does that compare to the cough of a
7 child? I guess only if it's not yours.

8 MR. ANTHONY COMO: Thank you, Mr. Grogan.
9 Nicole Rothfleisch.

10 MS. NICOLE ROTHFLEISCH: Hello. Nicole
11 Rothfleisch with the Imperial County Farm Bureau. I concur
12 with everything that our county officials have said, so I
13 will be brief in my statement.

14 On behalf of Imperial County Farm Bureau, and
15 close to 900 members, I would like to say that we support

16 having a complete Environmental Impact Statement done for
17 the power plants and transmission lines in Mexicali. We
18 also support the Imperial County and the efforts of the Air
19 Pollution Control District.

20 I encourage you as part of the EIS/EIR to
21 thoroughly investigate the potential impact to the Imperial
22 Valley and its prime industry, agriculture. Whatever those
23 impacts may be, they need to be fully mitigated for an
24 offset, if necessary. The Imperial Valley and its farmers
25 have more than enough air quality issues to deal with on
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1 their own without the additional impact we are facing from
2 across the border. We believe that those American
3 facilities operating in Mexico need to comply with the same
4 standards and regulations as they would on this side of the
5 border. After all, the border does not stop their emissions
6 from coming into the Imperial Valley and impacting our air
7 quality and way of life.

8 Thank you.

9 MR. ANTHONY COMO: Thank you.

10 Has Aida Gates come in since we last called her?

11 (No audible response.)

12 At the moment we've sort of run out of names of
13 people who signed up. If anybody wants to speak right now
14 or alternatively, we could take a five-minute break. We
15 have the hall for another hour and forty-five minutes more.
16 If you want to speak now, fine, or we can have a five or
17 ten-minute coffee break, meet and chat. It's up to you.

18 MR. FRANK POPEJOY: I would like to speak.

19 MR. ANTHONY COMO: Please.

20 MR. FRANK POPEJOY: My name is Frank Popejoy,
21 representing the El Centro Chamber of Commerce and Visitors
22 Bureau.

23 We also concur with the county and back them up.
24 We have sent several resolutions on the pipeline and the
25 transmission line connect, been involved several years on
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1 this. And at the same time have supported geothermal or
2 Green Energy. That the idea is pursuing in the
3 hydroelectricity in the Valley to help clean up and improve
4 air quality rather than degrade it.

5 I've lived here for 56 years. I am a product of
6 the asthma that goes around here. I've struggled it with

7 for years. I'm still here but trying to basically improve
8 the air quality as we grow. It's been really, really
9 difficult.

10 As you know, in Mexico, they burn -- they have
11 wood stoves. If you look there at any given morning,
12 especially this time of year, there's an orange cloud on
13 that whole end of the Valley. Sometimes you can't even see
14 what we call Mount Signal over there it is so bad. And to
15 come in here and add power plants to that specific area over
16 there when we already have a problem in Mexico, it is pretty
17 blatant in the reason why they're doing it. And whether it
18 be lack of controls in Mexico or lower standards, they could
19 have just as easily met standards and build them on this
20 side of the line.

21 So, the Chamber strongly urges that you do the
22 full environmental review, look it over, and please come
23 back for more comments.

24 And we appreciate you coming here. Thank you.

25 I'm going to leave a copy of the Resolution that

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1 we previously sent in.

2 MR. ANTHONY COMO: Okay. Thank you.

3 MR. LARRY DAWSON: Good afternoon. Larry Dawson.

4 I'm an attorney in Calexico. I actually live in Calexico.
5 I've lived there for 20 years. And there is just a couple
6 of things that haven't been mentioned or need to be
7 emphasized, in my opinion.

8 My son, who is now 18, had serious problems with
9 asthma when he was growing up. And it should be emphasized.
10 I think for the people that live here, that's something that
11 should be looked at very closely are the asthma-related
12 problems that we all face here as parents in the Valley.

13 Another thing that also, I think, hasn't been
14 mentioned is in the summertime without environmental
15 problems, this area is a very difficult place to live in.
16 It's very convenient that these meetings are typically held
17 with visitors when the weather just so happens to be nice
18 and pleasant and great. But a month ago, you probably
19 wouldn't have wanted to be here. For five months out of the
20 year, it doesn't cool off at night. The temperature is in
21 excess of 90 degrees many nights and doesn't cool off. We
22 have to stay inside, stay in the air conditioning. I think
23 of the analogy to a petri dish. In the summertime, all of

24 us here in the Valley are in a petri dish that is heating
25 up. I'm not an environmental expert by any means but that
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1 certainly cannot benefit the citizens of the Valley, just
2 the temperature alone. So please consider that in making
3 your analysis.

4 I think this is going to take a lot of courage on
5 the Federal Government as far as at this late date to do
6 something about this problem. Because from hearing the
7 comments that have been made here already, it seems like
8 that the fix was in with respect to these power plants
9 before anything happened. And probably the fix is still in.
10 And so it's going to take a lot of courage from people at
11 the administrative level to do something about this before
12 again additional court action has to be taken. And I would
13 hope we could find that courage on people such as yourselves
14 who are looking at this issue and getting the chance to hear
15 perhaps for the first time what our concerns are from a
16 local level.

17 Thank you for your time.

18 MR. ANTHONY COMO: Thank you, Mr. Dawson.

19 MR. JOE MARUCA: Mr. Como?

20 MR. ANTHONY COMO: Yes.

21 MR. JOE MARUCA: I believe I've heard that Sempra
22 and those people are here. Ask them to come up and tell us
23 what their plans are for future plants down there or are we
24 full of baloney?

25 MR. ANTHONY COMO: I'm getting an indication

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1 they're probably respectfully declining to do that at this
2 point.

3 MR. JOE MARUCA: That's interesting.

4 MR. ANTHONY COMO: Does anybody have an objection
5 to us having a ten-minute refreshment break in the back? I
6 would like to meet some of you off the record and then we'll
7 reconvene and many of you can speak again or maybe some of
8 you that haven't will think twice about it and come up.
9 Let's take a ten-minute break. Thanks.

10 (A recess was taken from 1:20 to 1:50 p.m.)

11 MR. ANTHONY COMO: Okay. We're back in session
12 and on the record.

13 I guess I would just like to take a moment to
14 correct something on the record over here. I possibly

15 unfairly put both InterGen and Sempra on the spot. This
16 meeting is never about a dialogue, give or take sessions,
17 stuff like that. We're really here to accept comments is
18 the reason that both companies we're not prepared to address
19 the issue of additional power plant development by either
20 companies. And that was my fault. I took a little bit of
21 liberty with sort of the loose rules that we have in
22 proceedings like this. So any other information that might
23 be presented, it probably definitely is more appropriate
24 that it is submitted on the record through the paper
25 channels, any information that anyone has, including the two
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1 applicants, on any of the power plants, development,
2 environmental issues, local issues of concern. It's
3 absolutely appropriate that all that stuff be brought to
4 bear on the record and provide information to us in
5 comments, in additional submissions at the end of the
6 comment period or any time during the process. I just
7 wanted to correct that.

8 Thank you.

9 During our little break, did anybody either
10 rethink, have another thought about speaking some more or
11 did anyone have any additional ideas? Because you've spoken
12 once, doesn't mean you can't say anything else now.

13 We'll break the rules a little bit again. Does
14 anybody have any questions on the process or the process
15 that's going to be followed from here through the end? And
16 I'm really only talking about our environmental review
17 process. I don't feel qualified to speak about the court
18 proceeding in the Ninth Circuit.

19 Okay. We are probably committed to be here at
20 least until 3 o'clock. For the moment, I'm going to close
21 the record. I'm going to thank all of you for coming out
22 this afternoon. I will also invite you to participate again
23 later this evening. We're going to be in Calexico at
24 Calexico City Hall. We'll be in the city council chambers
25 room just like we are over here. And you're more than
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1 welcome to come and participate there and speak again if you
2 would like or maybe you could pass the word on to some of
3 your neighbors or colleagues who would like to participate
4 down there as well.

5 So with that, thank you for listening to us.

6 Thank you for all your comments. And we'll close the record
7 unless someone in the next hour and five minutes tells us
8 they would like to reopen it.

9 Thank you.

10 (A recess was taken from 1:55 to 2:53 p.m.)

11 (Whereupon the hearing was concluded at 2:53 p.m.)

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1 STATE OF ARIZONA)
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2 COUNTY OF PIMA)
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6 I, JOYCE L. DAVENPORT, Certified Court Reporter in
7 the County of Pima, State of Arizona, certify:

8 That the foregoing Public Scoping Meeting was
9 taken before me at the time and place therein set forth;

10 That the foregoing 47 pages comprise a full, true
11 and accurate transcription of my notes of said Public
12 Scoping Meeting;

13 That I am not of counsel nor attorney for or
14 related to either or any of the parties in this action, nor
15 interested in the outcome thereof.

16 DATED this 2nd day of December, 2003.
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18
19

20 Joyce L. Davenport, RPR, CCR
Certified Court Reporter No. 50685

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