



PLANNING/BUILDING DEPARTMENT

IMPERIAL COUNTY

PLANNING / BUILDING INSPECTION / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, AICP, CEP
PLANNING/BUILDING DIRECTOR

November 17, 2003

Mrs. Ellen Russell
Office of Fossil Energy (FE-27)
U. S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D. C. 20585-0350

SUBJECT: Response to the DOE/BLM's "Notice of Intent to Prepare an Environmental Impact Statement" for Baja California Power, Inc., and Sempra Energy Resources" Transmission Lines

Dear Mrs. Russell:

The County of Imperial (Planning/Building Department) has recently been informed that the U.S. Department of Energy (DOE) and the Bureau of Land Management (BLM) will prepare an "Environmental Impact Statement (EIS)" on the two Presidential permits issued on the above to transmission line projects. The projects are in support of the construction and operation of the natural gas power plants, located west of Mexicali, Mexico, and the two related 230-kV transmission lines to cross the international border from the La Rosita Substation in Mexico to the Imperial Valley Substation in Imperial County.

The Federal "Notice of Intent" was published on October 30, 2003, (Volume 68, Number 210, pages 61796 through 61799 and includes the Executive Order 10485, as amended by Executive Order 12038. The Federal Register, "SUPPLEMENTAL INFORMATION: Background on Transmission Projects, states that a Presidential permit may be issued after a finding that the proposed project is "**...consistent with the public interest, DOE considers the impacts of the project on the reliability of the U.S. electric power system and on the environment in the United States...**" (emphasis added).

The Federal Register notice also indicates that there will be two public scoping meetings to be held in Imperial County at the City Hall in El Centro and the City Hall in the City of Calexico on November 20, 2003. The "Notice of Intent" provides that the deadline for providing any oral or written comments to the DOE/BLM to define the scope of the proposed "EIS" is **December 1, 2003.**

Background:

In early 2000, the proponents of the natural gas pipeline through Imperial County contacted the Planning/Building Department and on June 15, 2000, at 10:00 a.m., a "Pre-Application" meeting was held in the Department's Conference Room regarding the "Ehrenberg to Mexicali Gas Pipeline Project". Representatives from various affected entities, e.g. County Departments, Imperial Irrigation District, BLM/EI Centro and Yuma offices, CALTRANS, PV County Water District, Yuma Marine Air Station, City of Calexico, IVC Museum, U.S. Fish & Wildlife Services, California Department of Fish and Game, U.S. Border Patrol, Quechan Indian Tribe, and two Mexicali officials were invited to discuss the natural gas pipeline and the related power plants. The concerns about the proposed project were clearly stated by County staff.

Since 2000, the County has consistently and comprehensively addressed the various impacts that would be related to the natural gas pipeline, the natural gas power plants and the power transmission lines crossing the international border. The attachments provide the basis for the County's continuing concerns regarding the impacts on the region's air quality and related health risks that are occurring and will continue because of the two Presidential permits and BLM approvals that have been issued for the above two power generation projects.

Commencing in 2001, please note the numerous attached County responses on the pipeline project, the power plants and the transmission lines that have been submitted to the U.S. Department of Energy and the BLM EI Centro Field Office.

The following are a few of the concerns of the Planning/Building Department and we hereby incorporate by reference the attached correspondence into the our written response on the proposed "EIS":

- (1) The County requested in the attached 2001 correspondence that DOE/BLM contact the Airport Land Use Commission so that a public hearing could be scheduled for the "...construction or alternation of a structure (including antennas) taller than 150 feet above the ground anywhere within the County..." (ALUCP, page 2-3, subparagraph Section 3, 3. (d)). To date, the two international 230-kV transmission line towers that exceed the "150 feet" height limit has never been brought to the Commission for a consistency review with the 1996 Airport Land Use Compatibility Plan.
- (2) The County in 2001 raised the issue of the possible re-location of the Imperial County Airport and the establishment of a regional cargo airport and one of the proposed sites is adjacent to the 230-kV transmission lines and Imperial Valley Substation area. The City of San Diego has been reviewing the possible siting of a new regional airport with high-speed rail on or south of Interstate 8 and the transmission lines could limit future airport re-location efforts by the County in this area.
- (3) The previous "EA" did not identify any specific emergency mitigation measures in Mexico or in Imperial County in the event of a military, border patrol, CHP aircraft or private aircraft accidentally crashing into one of the

towers or lines, the two substations, impacts on the existing 500-kV SDG&E transmission line, and regional impacts to the grid system if this were to happen. According to the "Notice of Intent" the "EIS" to be prepared is to identify the impacts on the environment in the United States. The lack of a coordinated emergency effort to address the above possibility is a fatal error and should be corrected. The preparation of an International Emergency Response Plan for both north and south of the border should be prepared and coordinated as part of the "EIS" preparation if it hasn't already been done.

- (4) Air quality impacts should be addressed not only for the existing air emission impacts but also for those "cumulative" follow-on projects, e.g. future numerous identified power plants, expansion of farming west of Mexicali, new economic development projects, new businesses that would be generated from these new sources of electrical energy. The existing and future power plants and projects contribute "prima facie" to the existing air quality non-attainment in the Salton Sea Air Basin. Please refer to the Imperial County Air Pollution Control District's letter also.
- (5) The health risk and air pollution impacts on local low-income and minority residents of both the Imperial and Mexicali valleys are significant. Imperial County experiences the highest childhood asthma rates in California. Many low-income residents on both sides of the border cannot just pick up and leave the area because of respiratory infection and air quality-related health problems. With the current job situation and the highest unemployment rates in California, it is imperative that the federal government take into account the considerable public controversy that the natural gas pipeline, the power plants, the transmission lines and future projects have and will cumulative continue to have on the region's air quality. As previously requested in the attached correspondence, it is important for the federal government to prepare a comprehensive health risk assessment for the above projects as well as a review of future "cumulative" projects that will worsen and create greater health risks to the region's population.

It is unnecessary to once again point out all of the outstanding concerns and issues that have been provided to the federal government within the attached documents. However, we would expect all of said issues to be addressed as if listed in this letter.

Please ensure that the proposed "EIS" to be prepared by the DOE and BLM do take into consideration the outstanding concerns which are expressed in the attachments, as well as those issues within the County's CEQA-related litigation.

Since 2001, the County of Imperial has continually indicated to the BLM, DOE and to the Federal Energy Regulatory Commission what the unavoidable, adverse, significant and irreversible damage the above projects will have on local residents in both countries along the international border.

The NEPA "EA" was fatally flawed initially and the U.S. District Court for the Southern District of California agreed and found that the previous federal environmental review, i.e. the "EA" and the subsequent "FONSI" did not comply with NEPA.

We look forward to reviewing the draft EIS and the comprehensive health risk assessment that details the "cumulative" health risks being imposed on local residents on both side of the Mexican border.

In the event the final environmental document does not disclose, or comprehensively mitigate the identified human and other risks, the County reserves the right to review options necessary to insure adequate environmental and health concerns have been resolved.

If you have any questions on the above, please contact Jurg Heuberger, AICP at (760) 482-4236, ext. 4310, or at jurgheuberger@imperialcounty.net.

Sincerely,



JURG HEUBERGER, AICP, CEP
Planning Director

Attachments

cc: Robertta Burns, County Executive Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Asst. Planning Director
Tim Jones, Public Works Director
Steve Birdsall, Ag. Commissioner/APCO
Joe Buzo, Fire Protection Services/OES
Mark Johnston, Environmental Health Services
Jesse Silva, Manager, Imperial Irrigation District
Greg Thomsen, BLM/EI Centro Field Office
DOE Correspondence File
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MAR 22 2002

JURG HEUBERGER, AICP, CEP
PLANNING/BUILDING DIRECTOR

Certified Map 75000-05-000-0021-8750-7783
County Supervisor
Imperial, CA 92243-3867

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COUNTY EXECUTIVE
OFFICE

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March 22, 2002
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MAR 22 2002
COUNTY COUNSEL

PUBLIC WORKS
Bisson

Assistant Director
Renewable Resources and Planning
U.S. Dept. of Interior, BLM
Washington, D.C. 20240

Greg Thompsen
BLM
El Centro Office
1661 South 4th Street
El Centro Ca 92243

SUBJECT: Official Appeal of the BLM's Revision Re: the North Baja Pipeline Project and Issuance of a Right-of-Way for the North Baja Pipeline (NBP) through the County of Imperial, California

Dear Mr. Bisson & Mr. Thompsen:

The County of Imperial on March 12, 2002, received your response to the County's protest letter, dated February 7, 2002, regarding the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the BLM Land Use Amendment for a natural gas pipeline from Ehrenberg, Arizona, to tie-in with Sempra Energy International (SEMPRA) at the Mexican border. The Bureau of Land Management, El Centro Field Office, is attempting to utilize the Final EIS/EIR to approve the "Proposed Action" for the two "Record of Decisions" and amend the 1980 California Desert Conservation Plan to reflect modified utility corridor alignments and related issues discussed hereinafter.

You indicated that the County's response has been received and has "...met..." the federal protest requirements.

We have asked the BLM for the "process" to file the appeal, but no assistance to date. Therefore, consider this as our official appeal.

With regard to your letter and the three (3) issues that you have addressed, please find below the County's response:

Issue 1: As previously stated, the County received the Final EIS/EIR and in its capacity as a "Responsible Agency" under the California Environmental Quality Act (CEQA) continues to have a number of vital concerns on the NBP project.

We previously stated that "...Under NEPA, the federal law requires that all connected actions shall be considered in a single environmental document to avoid "piece-

mealing" a project (40 C.F.R. Sec. 1508.25). The Final EIS/EIR indicates that the power generation plants are not related to the natural gas pipeline. However, the contracts that are now in place with the Mexican government requires that the new power plants be fueled by natural gas from the NBP project (EIS/EIR, p. 3-1)..."

You have failed to respond to the above comment as to the contracts that exist between the project proponents and the Mexican government.

We also previously stated that "...NEPA also requires an environmental review for all major federal actions that take place entirely outside of the United States that may have environmental effects within the United States. (*Sierra Club v. Adams* (D.C. Cir. 1978) 578 F.2d389; *NORML v. Department of State* (D.D.C. 1978) 452 F.Supp. 1226)..."

For some reason, you omitted a response to the County's legal review as provided above.

The County continues to claim that the air quality analysis fails to conform to NEPA mandates regarding federal actions "...outside the United States that may have environmental effects within the United States..." (see reference above).

Issue 2: As the County stated previously, "...The County of Imperial, General Plan's "*Geothermal and Transmission Element*" outlines the proposed utility corridors, Figure D-2, page D-16, that were originally based on the 1980 CDCA Plan's federal planning corridors (J, L, M, and N). According to the 1980 CDCA Plan when issued, the BLM planning corridor for utilities was approximately two to five miles in width and generally along existing pipeline and transmission line routes. The CDCA was modified later to designate several additional corridors. The 1980 CDCA intent for utility corridors was to limit future disturbance and future land use designations to "...**previously disturbed areas already carrying utilities...**" (emphasis added)...Thus, it appears that NBP is being provided a **special privilege** that would not be applicable to any future utility proposed within the CDCA Plan and that would limit a future proponent to site its utilities only in "...**previously disturbed areas already carrying utilities...**"

...This appears to set a precedent for this one utility project, i.e. NBP, which other utility proponents could not also utilize in the future. This patent and unfair proposal to allow deviations for NBP and apparently not allowed for other transmission providers or utilities in the future should not be allowed to stand...The Final EIS/EIR states that the BLM's land use plans and amendments must be "...consistent with officially approved or adopted resource-related plans of...local governments to the maximum extent practicable, given that the BLM's land use plans must also be consistent with the purposes, policies, and programs of the FLPMA..." (Federal Land Policy Management Act)...

...The text within the Final EIS/EIR for the proposed deviations from the CDCA planning corridor in East Mesa is not internally consistent nor is it consistent with the utility planning corridor in the County's General Plan, *Geothermal and Transmission Element*, policy, goals and guidelines as provided above...

...The Final EIS/EIR discusses the NBP project as a separate and therefore a "precedent setting" action for the proposed natural gas transmission line within the BLM planning corridor. In other words, the planned pipeline is apparently not intended by BLM to be used by any future utility proponent through the East Mesa area. This is inconsistent with the Final EIS/EIR that indicates that the

reasons for the pipeline deviations are to avoid Big Horn Sheep habitat and also to avoid the many washes that intersect the proposed pipeline route through East Mesa..."

The County continues to claim that there is a special privilege being granted that sets a precedent within the CDCA Plan.

Issue 3: The County previously claimed that the Bureau of Land Management intends to utilize the Final EIS/EIR for the approval of two separate federal "Record of Decision (ROD)" actions and that due to the fact that all BLM NEPA documents must address "critical elements" of the human environment, here air quality.

The County previously stated that, "...Since the existing air emissions from Mexicali, Baja California, currently already adversely impact Imperial County's Salton Sea Air Basin, the County and the APCD are very concerned that the new power plant emissions are not adequately addressed nor adequately mitigated in the Final EIS/EIR. The BLM's NEPA document therefore falls far short of the federal BLM Manual guidance and laws relating to the air quality concerns for "critical elements of the human environment..." in the Mexicali and Imperial Valley area...

...The proposed power plant projects should not be allowed to significantly impair the health of "humans" residing within the Salton Sea Air Basin and Mexico...

...The "Project" will contribute prima facie to existing air quality non-attainment in the Salton Sea Air Basin, but the need for additional power sources should not limit close environmental scrutiny because the power plants are located a few miles south of the United States border in Mexico...

...Until the "Project" has been fully and comprehensively analyzed as to the adverse air quality impacts that the region faces, the County hereby protests any action by the BLM to issue either of the above ROD's to the NBP proponents. It is imperative that an informed and balanced decision by BLM be reached, e.g. the NBP is constructed entirely within the existing designated utility corridor, or in the alternative, that the NBP project is simply denied by BLM.

The County maintains that the NBP project should not move forward and implement the CDCA Plan Amendments and that the BLM not issue the right-of-way authority for the NBP project until the above concerns have been legally addressed.

Your letter indicates that any appeal may be made to the Interior Board of Land Appeals (IBLA) "...at the time the action is to be implemented..."

Issue 4: On March 5, 2002, the County Department of Public Works received the attached letter from Magalie R. Salas, Secretary of the Federal Energy Regulatory Commission on the North Baja Pipeline, L.L.C., for an "Order Granting Rehearing for Further Consideration". This Order on the NBP by the FERC states that "...The Commission anticipates issuing an order on the merits in this proceeding by April 1, 2002..." (emphasis added).

However, on March 14, 2002, the County received the two attached letters from the FERC to the North Baja Pipeline, L.L.C., dated February 28, 2002, and March 1, 2002, that allows the NBP project to "...begin the pre-construction soil stabilization...does not

authorize the commencement of construction of the North Baja pipeline..." and also to "...begin pre-construction tree clearing at selected locations..." At this time, the County is has not been advised and is unaware of any approvals of the proposed CDCA amendments by the BLM El Centro Field Office. It is unclear from the attached letters where exactly the proposed "...tree clearing..." activities will be located, i.e. on private lands, state lands, and the only reference is that "...No activities may proceed on Federal lands unless authorized by the Bureau of Land Management..."

Which BLM office is this referring to, i.e. BLM El Centro Field Office, California BLM State office?

These "pre-construction" approvals by the FERC prior to the April 1, 2002, re-hearing date appears to be an "implementation" of the NBP project prior to the CDCA approvals being granted by the BLM, El Centro Field Office.

If so, please consider this letter as a commencement of our IBLA appeal due to implementation of the NBP project at the local level because public re-hearings are continuing on the project at the federal level, i.e. FERC on April 1, 2001, and is in fact at this time actions that are being "...implemented..." on the NBP under 43 CFR Part 4 as stated in your letter.

The County has not been informed of local actions by the BLM; however, we seek to cooperatively review the NBP project as it relates to impacts on private lands in Imperial County.

If you have any questions on the above, please contact me at (760) 482-4236, extension 4310, or at jurgheuberger@imperialcounty.net.

Sincerely,


JURG HEUBERGER, AICP, CEP
Planning Director

Attachments

cc: Board of Supervisors
Ann K. Capela, County Executive Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Assistant County Counsel
Darrell Gardner, Assistant Planning Director
Tim Jones, Director, Department of Public Works
Joe Buzo, County Fire/Office of Emergency Services
Tom Wolf, Environmental Health Services/Health Department
Linda Hansen, Interim District Director, CA Desert District
Greg Thomsen, BLM/El Centro Field Office
10.100, 10.105, 10.124, 10.130, 10.133, 10.142, 10.938

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PLANNING/BUILDING DEPARTMENT

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JURG HEUBERGER, AICP, CEP
PLANNING/BUILDING DIRECTOR

February 7, 2002

BLM Director
Attn: Protest Coordinator
w-o - 210
1849 C Street NW
Washington, D.C. 20240

BLM Director
Attn: Protest Coordinator
1620 L Street NW, Suite 1075
Washington, D.C. 20036

SUBJECT: Response to BLM's Proposed Amendment to the 1980 California Desert Conservation Area (CDCA) Plan for the Issuance of a Right-of-Way for the North Baja Pipeline (NBP) through the East Mesa Area, County of Imperial, California

Dear Protest Coordinator:

Background:

The County of Imperial on July 23, 2001, received the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the BLM Land Use Amendment for a natural gas pipeline from Ehrenberg, Arizona, to tie-in with Sempra Energy International (SEMPRA) at the Mexican border. The North Baja Pipeline project traverses approximately 80 miles through the eastern portion of Imperial County. The natural gas pipeline is a joint venture between San Diego's SEMPRA and Pacific Gas & Electric Corporation of Bethesda, Maryland.

The size of the natural gas pipeline is proposed at thirty (30) inches that will have the capacity to deliver 500 million cubic feet per day of natural gas to Mexicali, Baja California, for use in Mexicali power generation plants and also proposed to be transported via an Arizona/Baja California pipeline under construction by Gasoducto Bajanorte to Tijuana, Baja California, Mexico.

The Bureau of Land Management, El Centro Field Office, is attempting to utilize the Final EIS/EIR to approve the "Proposed Action" for the two "Record of Decisions" and amend the 1980 California Desert Conservation Plan to reflect modified utility corridor alignments as discussed below.

On January 7, 2002, the County received the Final EIS/EIR and in its capacity as a "Responsible Agency" under the California Environmental Quality Act (CEQA) continues to have a number of vital concerns on the NBP project.

Findings:

(1) The County has prepared a General Plan in conformance with Government Code, Title 7, Division 1, Section #65301 (a), that states:

"...(a) The general plan shall be so prepared that all or individual elements of it may be adopted by the legislative body, and so that it may be adopted by the legislative body for all or part of the territory of the county or such and such other territory outside its boundaries which in its judgment bears relation to its planning..." (emphasis added).

The proposed natural gas pipeline, the power plants envisioned, and the transmission lines transporting the electricity to California is in fact a "**planning**" concern and in the County Board of Supervisors "**judgment**" the project should be opposed even though the power plants are "**outside its boundaries**" as existing state law provides above.

It is in the County's judgment and for the public's health and safety that the County has previously provided to federal and state agencies a number of submittals regarding the significant, adverse environmental air quality impacts to human health from the proposed SEMPRAs and PG&E natural gas pipeline and power plant development in the County's airshed.

The EIS/EIR describes the proposed project only as a natural gas transmission pipeline, consisting of an underground pipeline, a natural gas compressor station, two meter stations and related facilities (EIS/EIR, p. 2-1.). This project description fails to properly identify the total project, that of a pipeline delivering natural gas to power plants that do not meet environmental standards required in the United States, failing to describe the "**whole of the project**" as required by federal and state law.

For example under CEQA, "...A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project alternative') and weigh other alternatives in the balance..." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3rd 185, 192-193).

Under NEPA, the federal law requires that all connected actions shall be considered in a single environmental document to avoid "piece-mealing" a project (40 C.F.R. Sec. 1508.25). The Final EIS/EIR indicates that the power generation plants are not related to the natural gas pipeline. However, the contracts that are now in place with the Mexican government requires that the new power plants be fueled by natural gas from the NBP project (EIS/EIR, p. 3-1).

NEPA also requires an environmental review for all major federal actions that take place entirely outside of the United States that may have environmental effects within the United States. (Sierra Club v. Adams (D.C. Cir. 1978) 578 F.2d389; NORML v. Department of State (D.D.C. 1978) 452 F.Supp. 1226)

The Final EIS/EIR relies on an assumption that the "Project" represents a net decrease in air emissions because without it, the power plants would burn other, more polluting fuels. On the other hand, the EIS/EIR ignores the impact on air quality of the emissions from burning the natural gas provided by the pipeline.

It is therefore not logical to rely on emissions from the power plants and discuss a "net reduction" in emissions while at the same time finding that the power plants are not part of the "Project" and thus, emissions from the new power plants do not need to be considered in the federal environmental document. The table 5.13.1-4 indicates that the power plants could have emissions of close to 1,000 tons of PM-10, and close to 2,000 tons of NOX; however, the EIS/EIR does not identify these emissions as a significant impact.

The lack of a cumulative impact assessment of the "Project" is inadequate in the mandate to "...alert interested members of the public to any arguable cumulative impacts..." from the power plants in this case. (Coalition on Sensible Transportation, Inc. v. Dole (D.C. Cir. 1987) 826 F.2d 60, 70-71).

Without properly describing the "whole of the project" this leads to failures to identify adverse air quality impacts, not preparing legally adequate mitigation measures to limit such air quality impacts, not identifying cumulative air impacts and therefore the alternatives (including the 'no project' alternative) for the project are correspondingly limited.

NEPA's standard of reasonableness on "alternatives" isn't limited to mitigation that the agency preparing the EIS/EIR can possibly adopt. (Natural Resources Defense Council v. Morton (5th Cir. 1971) 458 F.2d 827, 834.) The environmental document is not only for the permitting and regulatory agencies but also for establishing guidance to decision-makers providing them with both the "Project" and reasonable "alternatives" for consideration prior to making an informed decision.

The cumulative impacts portion of the EIS/EIR provides a table that the Department of Energy prepared depicting the results of dispersion modeling. The analysis does not include a quantification of the emissions from the power plants that could have revealed the appropriate thresholds of significance. This table is legally insufficient for both NEPA and CEQA purposes because it fails to show how the power plant emissions will affect the Imperial County Air Pollution Control District's ability to reach EPA's attainment status for PM-10 and Ozone. Without the quantification of the emissions from the "Project", the environmental document is woefully inadequate as an informational document to federal and state decision-makers.

The Council on Environmental Quality has defined what a "cumulative impact" is, as follows, "...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions..." (40 C.F.R. Sec. 1508.7)

The Salton Sea Air Basin of which Imperial County is a part, is currently designated as "moderate" non-attainment for PM-10 (particulate matter of 10 microns or less) and Ozone, which nitrogen oxides is a precursor pollutant. Calexico, the border town with Mexicali, is also designated as "moderate" non-attainment for CO (carbon monoxide). The EPA recently found that the Imperial County portion of the Salton Sea Air Basin would have attained the national ambient air quality standards for PM-10, "**but for**" emissions emanating from Mexico (66 Fed. Reg. 53106).

Imperial County has the distinction of having the highest childhood asthma rate in the State of California and the additional cumulative pollutant loading from the Mexican power plants will only aggravate this situation.

The EIS/EIR document only discusses "air quality" in two sentences and fails to show that 257 tons per day of particulate matter is currently being generated in Mexicali, Baja California, Mexico that seriously degrades the air quality in the Basin (66 Fed. Reg. 41287). Thus, without this critical information and the cumulative impacts of the existing and proposed power plants using natural gas, the federal and state decision-makers cannot weigh the benefits versus the adverse environmental impacts/costs of the NBP project.

Also, please refer to the attached Air Pollution Control District letter, dated January 17, 2002, that outlines the very significant air impacts the proposed power plants will have on those residing in the Mexicali and Imperial County region.

(2) The County of Imperial, General Plan's "*Geothermal and Transmission Element*" outlines the proposed utility corridors, Figure D-2, page D-16, that were originally based on the 1980 CDCA Plan's federal planning corridors (J, L, M, and N).

The 1980 CDCA planning corridors were identified in the Final EIR/EIS as having followed the existing electric transmission lines in the East Mesa area from Palo Verde south to Interstate 8. Figures 4.1.1-1 "Geologic Map of the Pipeline Route" and Figure 4.2.1-1 "STATSGO Soil Units" show that the proposed natural gas pipeline avoids natural rock and mountain formations.

The County's, Geothermal and Transmission Element, policies and goals, for any future utility projects within the County corridors are as follows:

- (1) The County's policy for electrical transmission systems are to:
 - a. To recognize the necessity for transmission corridors within and through Imperial County;
 - b. To plan for the least disruptive corridor routing; and,
 - c. To formalize the County's input to the appropriate public and private entities in terms of goals, policies, routing criteria and specific corridor location plans.
- (2) One of the primary County goals for these policies are as follows:
 - a. To participate in State and Federal licensing procedures for the location of transmission lines, towers and related substations where it is deemed that such participation would serve the best interests of the County.
- (3) One of the main guidelines regarding transmission routing is as follows:
 - a. Transmission rights-of-way, including the towers and lines, be located adjacent to existing roads, canals and property lines...

According to the 1980 CDCA Plan when issued, the BLM planning corridor for utilities was approximately two to five miles in width and generally along existing pipeline and transmission line routes. The CDCA was modified later to designate several additional corridors. The 1980 CDCA intent for utility corridors was to limit future disturbance and future land use designations to "...previously disturbed areas already carrying utilities..." (emphasis added).

However, the proposed natural gas pipeline route proposes to deviate from the CDCA's designated utility corridor at "...three segments of its route based on recommendations from Federal agency staff to reduce or eliminate conflict with existing resources or to minimize resource damage. These three segments are referred to as Palo Verde Mountains, Powerline North, and Powerline South...(which include five locations on BLM-managed land within the CDCA Plan area)..." The proposed pipeline route crosses two special management areas administered by BLM, i.e. the CDCA and Milpitas Wash Special Management Area.

A CDCA Plan amendment is needed for the five locations in the CDCA totaling 19.8 miles of BLM-managed lands crossed by the pipeline route outside the designated utility corridor within the CDCA. The corridor amendments would "...only accommodate the North Baja Pipeline project..." and the Final EIS/EIR states that this would not conflict with the CDCA Plan. Thus, it appears that NBP is being provided a special privilege that would not be applicable to any future utility proposed within the CDCA Plan and that would limit a future proponent to site its utilities only in "...previously disturbed areas already carrying utilities..."

This appears to set a precedent for this one utility project, i.e. NBP, which other utility proponents could not also utilize in the future. This patent and unfair proposal to allow deviations for NBP and apparently not allowed for other transmission providers or utilities in the future cannot be allowed to stand.

The regulations for modifying the CDCA is found in Title 43 CFR Part 1600 and the CDCA amendment is environmentally analyzed through the National Environmental Policy Act (NEPA) process.

The Final EIS/EIR states that the BLM's land use plans and amendments must be "...consistent with officially approved or adopted resource-related plans of...local governments to the maximum extent practicable, given that the BLM's land use plans must also be consistent with the purposes, policies, and programs of the FLPMA..." (Federal Land Policy Management Act).

The text within the Final EIS/EIR for the proposed deviations from the CDCA planning corridor in East Mesa is not internally consistent nor is it consistent with the utility planning corridor in the County's General Plan, *Geothermal and Transmission Element*, policy, goals and guidelines as provided above.

Further, the County has not been presented with the proposed BLM "Land Use Amendment" document for a review and determination of consistency with both federal law and the County's planning documents. It is unclear whether or not the Final EIS/EIR is intended to be the Land Use Amendment itself and the only federal environmental document that discusses the environmental impacts of the proposed CDCA "Land Use Plan Amendment", or if another BLM document has been prepared that has not been submitted for public review and comment. Which is it?

The Final EIS/EIR discusses the NBP project as a separate and therefore a "precedent setting" action for the proposed natural gas transmission line within the BLM planning corridor. In other words, the planned pipeline is apparently not intended by BLM to be used by any future utility proponent through the East Mesa area. This is inconsistent with the Final EIS/EIR that indicates that the reasons for the pipeline deviations are to avoid Big Horn Sheep habitat and also to avoid the many washes that intersect the proposed pipeline route through East Mesa.

The County as the local land use authority and CEQA "Responsible Agency" is opposed to the proposed "Land Use Amendment" to the CDCA based on the lack of consistency within the federal environmental document with FLPMA and the lack of consistency with the above policies, goals and guidelines of the County's General Plan.

(3) The Bureau of Land Management intends to utilize the Final EIS/EIR for the approval of two separate federal "Record of Decision (ROD)" actions:

- (1) The amendment of the 1980 California Desert Conservation Area Plan to revise the federally-designated utility corridors and the Yuma District Resource Management Plan for the construction of the pipeline through the Milpitas Wash Special Management Area; and,
- (2) Issuance of the federal right-of-way authorization across approximately 48 miles of federal land.

The Final EIS/EIR states on page 5-65, that "...Pipeline construction activities such as clearing, grading, trench excavation, backfilling, and the movement of construction equipment along the right-of-way may directly and indirectly impact resources protected by a special management area. In addition, these same activities and the associated impacts on resources may be inconsistent with the management plans implemented for these areas...About 42.2 miles of the proposed pipeline route with the CDCA are managed by the BLM...On these lands, "new gas, electric, and water transmission facilities and cables for interstate communications may be allowed only within designated corridors" (BLM, 1980)...Due to the deviations from designated utility corridors, **the proposed project would conflict with the CDCA Plan...**" (emphasis added). The NBP project does not follow the designated corridors and conflicts with the CDCA Plan according to the federal environmental document.

Prior to approving the above actions, the BLM must determine whether the natural gas pipeline is in conformance with all federal requirements for NEPA, Title 40 CFR Part 1506.3 and the planning regulations under 43 CFR Part 1610 for revision of the CDCA utility corridors.

The Federal Land Policy Management Act directs that full coordination for joint federal, state and local environmental review and regulatory activities occur and the law requires that the Secretary of the Department of the Interior "...shall by regulation otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands..." (U.S.C). Other factors the BLM must take into account prior to issuance of a federal right-of-way are applicable "impairment" standards found the Federal C.F.R. and U.S.C. for the BLM "Proposed Action".

After reviewing the submitted federal documents by BLM, the County maintains that the proposed NBP project is not in conformance with applicable federal laws and regulations.

As the local land use and environmental agency having permitting and oversight for all environmental projects in Imperial County, whether within or outside its planning jurisdiction, it is imperative that any federal and state environmental document that is prepared, i.e. the joint Environmental Impact Statement/Report (EIS/EIR), adequately avoid or mitigate any significant, adverse environmental impacts.

The Final EIS/EIR discusses on page 5-1, **5.0 ENVIRONMENTAL CONSEQUENCES**, states, "...In accordance with BLM Manual guidance (H-1790-1), all BLM NEPA documents must address the following "critical elements of the human environment": 1) **air quality**..." (emphasis added).

Since the existing air emissions from Mexicali, Baja California, currently already adversely impact Imperial County's Salton Sea Air Basin, the County and the APCD are very concerned that the new power plant emissions are not adequately addressed nor adequately mitigated in the Final EIS/EIR.

The BLM's NEPA document therefore falls far short of the federal BLM Manual guidance and laws relating to the air quality concerns for "critical elements of the human environment..." in the Mexicali and Imperial Valley area.

The proposed power plant projects should not be allowed to significantly impair the health of "humans" residing within the Salton Sea Air Basin and Mexico.

Need for CDCA Plan Amendments:

The Final EIS/EIR states on page 1-30, that after "...consultation with local BLM representatives, the route would primarily follow or abut other previously disturbed corridors established by roads (rather than utilities) such as SR 78 or Ogilby Road..."

On page 5-66, it states "...NBP submitted a right-of-way grant application to the BLM on November 16, 2000, and would need to receive the BLM's approval in order to locate the pipeline on BLM lands. It would also be BLM's responsibility to amend the CDCA Plan and the Yuma District Plan...The plan amendments would avoid conflict with the CDCA Plan and Yuma District Plan and would, therefore, not be a significant impact. The amendments would only accommodate the North Baja Pipeline Project and would not create a new corridor or modify existing corridors..."

If BLM issues the necessary "right-of-way" authority, it appears to provide the NBP project a special grant of authority not being offered or provided to other future utilities carriers.

Why did "local BLM representatives" deviate from the 1980 CDCA planning corridors for the proposed NBP natural gas pipeline that is outside of the Plan's designated utility corridors that should have been located within "...previously disturbed areas already carrying utilities...?"

The BLM's choices within the Final EIS/EIR if the "...plan(s) are not amended are:

- (1) Authorize installation of the project within existing corridors only; or,
- (2) BLM may deny the project.

The County's Position:

The "Project" will contribute prima facie to existing air quality non-attainment in the Salton Sea Air Basin, but the need for additional power sources should not limit close environmental scrutiny because the power plants are located a few miles south of the United States border in Mexico.

Until the "Project" has been fully and comprehensively analyzed as to the adverse air quality impacts that the region faces, the County hereby protests any action by the BLM to issue either of the above ROD's to the NBP proponents. It is imperative that an informed and balanced decision by BLM be reached, e.g. the NBP is constructed entirely within the existing designated utility corridor, or in the alternative, that the NBP project is simply denied by BLM; the NBP project should not move forward due to the above-identified reasons that directly relate to the public's health, safety and welfare in the region.

Please provide the County with any other procedural rules necessary to protest or appeal any BLM approvals or issuance of the rights-of-way in a timely manner in order that any other appropriate legal actions may be taken.

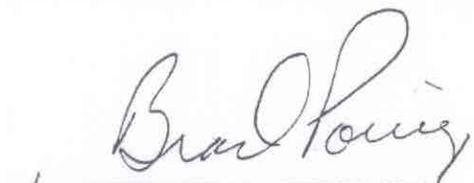
We respectfully request that the BLM not issue the right-of-way authority for the NBP project until the above concerns have been address in their entirety.

If you have any questions, please contact me at (760) 482-4236, extension 4310, or at jurgheuberger@imperialcounty.net.

Sincerely,



JURG HEUBERGER, AICP, CEP
Planning Director
County of Imperial



STEPHEN L. BIRDSALL
Air Pollution Control District
County of Imperial

Attachment

cc: Board of Supervisors
Ann K. Capela, County Executive Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Assistant County Counsel
Darrell Gardner, Assistant Planning Director
Tim Jones, Director, Department of Public Works
Joe Buzo, County Fire/Office of Emergency Services
Tom Wolf, Environmental Health Services/Health Department
Linda Hansen, Interim District Director, CA Desert District
Greg Thomsen, BLM/EI Centro Field Office
10.105

AIR POLLUTION CONTROL DISTRICT



January 17, 2002

Mr. David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First St., N.E. Room 1A
Washington, DC 20426

Mr. Goodyear K. Walker
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA. 95825-8202

Re: APCD Response to Final Environmental Impact Statement/Environmental Impact Report
and Proposed Land Use Plan Amendment for the North Baja Pipeline Project. Docket No.
CP01-22-000.

North Baja Pipeline, LLC (NBP) proposes to construct and operate a new natural gas transmission pipeline system in Arizona and California. Facilities for this system would be used to provide natural gas service to customers in the southwestern United States and northern Mexico. According to NBP, the primary purpose of its proposal is to provide access to natural gas supplies for new gas-fired electric power generation serving the power grids in Baja California, Mexico and southern California. The North Baja Pipeline Project would transport up to 500 million cubic feet per day (MMcfd) of natural gas from a proposed interconnect with an existing El Paso Natural Gas Company pipeline in Ehrenberg, Arizona to the United States/Mexico border where it would interconnect with a new pipeline, Gaseoducto Bajanorte, currently under construction by Sempra Energy Mexico.

The Imperial County APCD has concluded its review and analysis of the Final Environmental Impact Statement/Environmental Impact Report and Proposed Land Use Plan Amendment for the North Baja Pipeline Project and continues to have numerous concerns regarding the impact on the regional air quality from this project.

1. Section 1.5 Nonjurisdictional Facilities and Related Actions (page 1-16)

Section 1.5, states the following: " various commenters on the draft EIS/EIR, including EPA, indicated that our evaluation of the environmental impacts of the North Baja Pipeline Project may not sufficiently disclose the full scope of what they assert are related actions and related environmental impacts. In particular, they question whether our evaluation of the North Baja Pipeline Project should also examine the environmental impacts of the La Rosita, the Energia de Baja California (EBC), and the Termoelectrica de Mexicali (TDM) electric

generating stations in Mexicali, Mexico, as well as two cross-border electric transmission lines. The EPA and other commenters focus in particular on the air quality impacts of the Mexican electric generating stations."

This Final EIS/EIR concluded these power generating facilities in Mexico are non-jurisdictional and non-related to the NBP Project. The Imperial County APCD continues to believe that the NBP Project is directly related to the construction of these power generating facilities based on the fact that approximately 95% (table 1.1-1 Draft EIS/EIR) of the natural gas from the NBP will be dedicated to fuel the power plants in Mexico and that the infrastructure in Mexico to provide natural gas to these power plants does not currently exist. It can be concluded that the construction of these new power plants are currently dependent on the NBP Project and the air emissions from these power plants are clearly a consequence of the construction of the NBP Project. Therefore, according to CEQA guidelines, under which Imperial County is a responsible agency, the environmental impacts of the full scope of the North Baja Pipeline (NBP) Project including the new power plants in Mexico should be addressed in this document.

2. Section 3.1 No Action or Postponed Action (page 3-1)

Section 3.1, states that as a consequence of denying or postponing NBP's application for construction of the natural gas pipeline, the power plants proposed for construction would need to use alternative fuels such as oil, propane, or coal. Please be advised that the three electrical projects proposed for construction in Mexicali: Termoelectrica de Mexicali, Central Termoelectrica de Ciclo Combinado "La Rosita," and "Energia de Baja California" were authorized by the Mexican Government to operate only with natural gas. Therefore, the usage of other fuels such as oil, propane, or coal should not be an argument for the "No Action or Postponed action" alternatives. The District believes that the construction of the new Mexican power plants is entirely dependent on the NBP Project and that without the NBP Project these power plants and their resultant air emissions will not occur. The Imperial County has never been opposed to the economical development of this border region. Furthermore, this County is in favor of substantiated economical development. However, this County is strongly opposed to those projects which would jeopardize the well-being of the residents of this border region.

3. Section 5.13.1 Cumulative Impacts (page 5-113)

Section 5.13.1 Cumulative Impacts states that the power plants projected to be constructed in Mexico and which will receive natural gas from the NBP must demonstrate compliance with Mexican ambient air quality standards and generally these standards are the same as, or more stringent than, those of the United States. This implies that the impacts from these power plants in Mexico would also be acceptable in the United States. Please be advised that the ozone and PM10 California ambient air quality standards are far more stringent than

those in Mexico. Additionally, the emission mitigation requirements imposed for the construction of power plants in Mexico are considerably less stringent than those of the U.S. so this assumption is incorrect. For example, if these power plants were sited on the U.S. side of the border, these facilities would be required to be constructed using California Best Available Control Technology (BACT) and also to provide offsets to mitigate emissions to its full extent. The power plants proposed for construction on the Mexican border are not required by any regulatory entity to meet these limits.

This document states that a DOE's dispersion modeling indicates that the emissions from the Mexican power plants generation units exporting electricity to the United States would not increase NO_x, CO, and PM₁₀ concentrations in the United States above the EPA-defined significant impact levels. Due to the fact that the air emissions from the Mexican power plants would equally impact the air quality on both sides of the border, the District totally disagrees with the determination to analyze the impact on the regional air quality only from those units exporting electricity to the United States.

It is known that these power plants will be constructed with some level of air emission control. La Rosita Power Complex project will consist of four turbines, two of which will be fitted with selective catalytic reduction (SCR) technology for NO_x control (merchant units) and two will be uncontrolled. None of these turbines will utilize carbon monoxide control systems. The two Sempra Energy Resources turbines will be fitted with SCR for NO_x control and carbon monoxide catalyst technology. Despite this level of technology, it is estimated that the La Rosita Power Complex will emit 1,907 tons per year of NO_x, 2,100 tons per year of CO, and 857 tons per year of PM₁₀. Additionally, Sempra will produce 187 tons per year of NO_x, 181 tons per year of CO, and 237 tons per year of PM₁₀. These emissions would represent an increase of 10% of the NO_x emission inventory for Mexicali and an increase of 6.5% for the total air basin. Additionally, a 1% increase of the CO emission inventory for the air basin is expected.

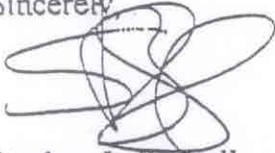
Imperial County is currently designated as a non-attainment area for PM₁₀ and ozone, of which nitrogen oxide is a precursor pollutant. Calexico, the border town with Mexicali, is also designated as a non-attainment area for CO. The concentrations of PM₁₀, CO, and Ozone in Mexicali have exceeded the Mexican standards many times. Contrary to all the statements in this document, the District feels that these emissions would have a significant adverse impact on the air quality for the Imperial County/Mexicali air basin, if unmitigated, due to the fact that these emissions will exacerbate the non-attainment ozone and PM₁₀ status of the Imperial County/Mexicali border region. Additionally, due to the proximity of these power plants to the border, the carbon monoxide (CO) emissions from these power plants will have an adverse impact on the non-attainment status for Calexico if these emissions are not mitigated.

4. Section 7.1 Conclusions and Recommendations (page 7-1)

The District disagrees with the Final EIS/EIR conclusion that if the project is constructed as modified and in accordance with NBP's proposed mitigation and this document's recommendations, it would be an environmentally acceptable action. The Imperial County APCD restates its position and requests that this EIS/EIR address a comprehensive evaluation of the emissions that will be produced by the Mexican power plants to be constructed as a result of the NBP project, and also the impact of these emissions on the air quality for this region. The Imperial County APCD continues to request that the NBP Project incorporate measures for full mitigation of these emissions.

If you have any questions regarding this letter, please contact Mr. Brad Poiriez at (760) 482-4606.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Birdsall". The signature is stylized with several overlapping loops and a horizontal line across the middle.

Stephen L. Birdsall
Air Pollution Control Officer

cc: Imperial County Board of Supervisors
Ann K. Capela, CEO, Imperial County
Jurg Heuberger, AICP, Planning Director, Imperial County
Greg Thomsen, BLM/El Centro Field Office



SEP 25 2001
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PLANNING/BUILDING DEPARTMENT
COUNTY EXECUTIVE OFFICE
IMPERIAL COUNTY

SEP 25 2001
SEP 25 2001 MM
COUNTY COUNSEL

PLANNING / BUILDING / COUNTY COUNSEL / PLANNING COMMISSION / A

JURG HEUBERGER, DIRECTOR
PLANNING/BUILDING DIRECTOR

RECEIVED
SEP 25 2001

Certified Mail 7000-0520-0021-8750-7677

Clerk of the Board
of Supervisors
County of Imperial, CA

September 26, 2001

Ellen Russell
Department of Energy
Office of Fossil Energy, FE-27
1000 Independence Avenue S.W.
Washington, DC 20485

RECEIVED
SEP 25 2001
PUBLIC WORKS



SUBJECT: Response to the Draft Environmental Assessment by the U.S. Department of Energy, Office of Fossil Energy and the Bureau of Land Management for Two Separate 230-KV Transmission Lines from Mexico to the Imperial Valley Substation from the La Rosita Substation in Mexico

Dear Ms. Russell:

The County of Imperial received on September 18, 2001, the Draft Environmental Assessment (EA) for the Baja California Power, Inc., and SEMPRA Energy Resources transmission lines project through Imperial County to the Imperial Valley Substation owned by San Diego Gas & Electric Company (SDG&E). The proposed project is part of the approval of the proposed natural gas pipeline by PG&E from Ehrenberg, Arizona, through Imperial County with a tie-in with SEMPRA Energy International at the Mexican Border, west of Winterhaven, California.

We have previously provided our concerns on the natural gas pipeline project sent Certified Mail on September 11, 2001, to the Federal Energy Regulatory Commission.

The Department of Energy is the lead federal agency with BLM as a cooperating agency for the issuance of two 120-foot-wide Rights-of-Way on lands to be leased by the BLM, El Centro Field Office, in order to construct two double-circuit, 230-kV electrical transmission lines running six miles parallel to and east of the existing SDG&E Imperial Valley Substation to the Mexican border all on federal lands.

The deadline for public comments on the Environmental Assessment is on or before October 9, 2001.

Background:

On February 27, 2001, a Presidential Permit was filed with the Department of Energy (DOE) by Baja California Power, Inc. (BCP), and on March 6, 2001, by Sempra Energy Resources (SER). For project approval, the California Public Utilities Commission (CPUC) must issue a modification of the existing "Certificate of Public Necessity and Convenience" if the DOE/BLM Environmental Assessment satisfies "...all..." of California Environmental Quality Act (CEQA) requirements.

On September 4, 2001, SDG&E filed a petition with the California Public Utilities Commission, for the modification of CPUC Decision 83-10-004, dated October 5, 1983. The 1983 Decision approved SDG&E's construction of a 230-kV transmission line connecting the Imperial Valley Substation with the La Rosita Substation in northern Mexico.

Specifically, SDG&E now seeks to eliminate conditions that prohibit the stringing of a second circuit on the vacant positions on the existing towers without a contract for purchase of power with the Comision Federal de Electricidad. The proposed second circuit would increase the rated capacity of the SDG&E transmission line from 800 MW's to 1,600 MW's.

Also, SDG&E has been requested to re-locate six existing support structures along the IVS-to-La Rosita line to make room for the two proposed 230-kV transmission line projects by BCP and SER currently being environmentally reviewed under both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act.

SDG&E is seeking to construct their proposed second circuit transmission line to meet a target in-service date of the summer of 2002.

Specific Comments on the Proposed Environmental Assessment:

The following are some of the County's environmental comments and concerns with the two separate 230-kV transmission lines that are approximately six miles in length from Mexico into Imperial County. The County continues to be concerned with the potential significant, adverse environmental impacts as they relate to transmission line safety, the possibility of terrorist acts in Mexico and the United States against all transmission lines, and for future air quality impacts in the region.

(1) **Table of Contents:** On page two, Section 5.0, **Agencies, Persons, and Institutions Consulted**, provides on that page 105, those affected agencies that were contacted as part of the preparation of the Environmental Assessment. After a review of pages 105 and 106, neither the County Board of Supervisors, nor any County Department's are identified as being contacted by either the Department of Energy or BLM staff. Also, after reviewing the "Glossary of Acronyms and Abbreviations" on page iv, once again the only reference to "Local Agencies" is "IID Imperial Irrigation District".

On page 7, Section 1.4.1.2, **Bureau of Land Management (BLM)**, the statement is made that "...The BLM will review this EA to determine if the action is consistent with the...Federal Land Policy and Management Act of 1976..."

Under this Act, it directs BLM to prepare land use plans. The following summarizes only a few of the BLM policies that must be part of all land use plans prepared under the Act:

- d) Consider the impact of Federal actions on adjacent or nearby federal lands;
- e) Comply with applicable pollution control laws, including State and Federal air, water, noise, and other pollution control standards and plans.
- f) To the extent consistent with public laws, coordinate with the resource planning and management efforts of other governmental agencies.
- g) Provide the public with early notice and frequent opportunities to participate in the preparation of plans.

The initial filing of the Presidential Permit by Sempra with the Department of Energy occurred on March 6, 2001, and by the Baja California Power, Inc., on February 27, 2001.

On page 40, Section 3.1.2.2, Local Jurisdictions, County of Imperial, the EA makes the statement "...The proposed project is located on federally-owned land managed by the BLM within Imperial County and is under the jurisdiction of the BLM. The land use plans and policies of the County of Imperial do not apply to BLM-managed land..."

The Airport Land Use Commission, staffed by the Planning/Building Department, is empowered by State law to review land use "actions" involving a question of airport/land use compatibility and their potential environmental impacts relating to air crash hazards due to any new "...structure..." that are 150 feet in height or greater anywhere in Imperial County.

Specifically, the Airport Land Use Compatibility Plan, page 2-3, states as follows:

"...Section 3, 3. *Other Project Review* – State law empowers the Commission to review additional types of land use "actions...For purposes of this Plan, the specific types of "actions...shall review include...:

- d) **Any proposal for construction or alteration of a structure (including antennas) taller than 150 feet above the ground anywhere within the County..."**

On page 19, Figure 2.7, **Steel Lattice Tower**, the "Dead End or Deflection Tower" is listed at a total height of "157" feet and the "Suspension Tower" is listed at "160.5" in height.

Prior to the construction of these two separate 230-kV transmission lines, a review by the Airport Land Use Commission must occur and be reviewed by the appropriate military bases utilizing the County's airspace, applicable federal agencies, e.g. the Border Patrol, state agencies, e.g. the California Highway Patrol aerial operations, and the County agricultural aerial applicators, consistency with the Airport Land Use Compatibility Plan.

(2) **References:** On page 107, Section 6.0, the EA only mentions one County reference document for the proposed EA, i.e. "Imperial, County of General Plan, 1997". The County General Plan was originally adopted on November 9, 1993, and amended in 1996, not in "1997."

It does not state what specific Elements of the County's General Plan were utilized in the consultant's review of the proposed transmission line project and whether or not the Conservation/Open Space Element was reviewed for consistency with wildlife policies. Please correct this apparent "1997" typo in the Final Environmental Assessment.

(3) **Appendices:** On page 4, it states that there are four (4) documents that are appendices to the EA that are "(bound separately)". These four appendices include the Project Description, Air Quality, Biological Resources, and Cultural Resources portions of the document. The text of the EA refers to the four appendices in the text for reference purposes, and it is unfortunate that the appendices were not included for full review by the County.

(4) **Mexico's Review and Public Safety:** In our previous correspondence to the FERC and BLM, El Centro Field Office, the County had requested specific mitigation for the potential rupture of the proposed natural gas line relating to seismic activity and how the public would be safeguarded from failure and potential explosions and fire impacts. On page 3, the EA states, "...**Only the SER and BCP transmission lines north of the international border are part of the project that is subject of this Environmental Assessment (EA)...**" and furthermore, on page 11, the statement is made that "...**The information in the following sections of the EA is based on preliminary plans...Most of the information of the information on project features in this EA is based on information supplied by BCP and SER...**" (i.e. the project proponents).

On page 96, Section 4.10, **Operational Impacts**, the EA does not identify any specific emergency mitigation measures in Mexico or Imperial County by either BCP or SER in the event of a military, border patrol or private aircraft accidentally hitting one or more of these new 230-kV transmission lines and/or crash hazards and subsequent impacts to the existing SDG&E 500-kV transmission line. Since the EA only reviews the environmental impacts "...north of the international border...", what will the emergency response be if an aircraft hits the line in Mexico?

As stated previously, the EA does not identify any military facilities that have been contacted for potential impacts on military operations in the area and how they would be impacted by the proposed transmission line project, e.g. Naval Air Facility, El Centro, Yuma Marine Air Station, Yuma, Arizona, and March Reserve Air Base, Riverside, utilizing low-level training routes in Imperial County.

There are no border patrol contacts listed for identifying border patrol flights that monitor the Mexican and United States border and potential impacts on their operations.

Also, the California Highway Patrol local office and its aerial flights monitoring traffic on Interstate 8 and State Route 98 apparently has not been contacted for potential impacts.

Also, the County prepared a review of the entire County regarding the re-location of the existing Imperial County Airport and a number of locations were discussed. Two of the proposed re-location sites for the County Airport were south of Interstate 8 and south and east of Ocotillo and Nomirage. With these two new 230-kV transmission lines being added to the existing transmission line, this would limit future airport re-location efforts by the County in this area.

(5) **Visual Impacts:** On pages 85 through 92, Section 4.7, **Visual Resources**, the document indicates the potential visual impacts by local residents, travelers on State Route 98 and recreational areas. The statement is made, "...No scenic quality impacts would result..."

After reviewing the photographs provided by Intergen (project proponent) to RECON, BLM's consultant, Figure 4.7.1 through Figure 4.7.5, the photographs depicting the view with the proposed new transmission lines do not appear to be accurate and "washed out". Without accurate photographic depictions of the existing and the two new transmission lines, the above statement is unsupportable.

(6) **Socioeconomics:** On page 92, Section 4.9, Socioeconomics, 4.9.1 Population, the EA makes the statement, "...The project would have no effect on local population growth, and would cause no related businesses or other developments to be started in or relocated to the local area..." Since a significant portion of the energy to be generated by the numerous power plants will be used in Mexicali as well as the continuing expansion of the farming colonias moving westward, please refer to page 2, Figure 1.1, Overall System, General Area Map, e.g. Colonia Centinelo.

With an increase in new energy in the area, there would be an effect on local population and there would also be an increase in air emissions from new farming enterprises, new businesses, and other related developments. The Final EA should clarify the above statement on the lack of population growth in the Mexicali Valley due to this new source of electricity from the proposed power plants.

(7) **Air Quality:** As indicated in the attached letter from the Air Pollution Control District, there may be PM-10 emissions and ozone pre-cursors due to fugitive dust generated by these projects resulting in exceedances of the California Ambient Air Quality Standards.

On page 104, Section 4.12, **Summary**, the EA states, "...Mitigation measures committed to by the applicants are designed to protect biological, cultural, and paleontological resources. Significant impacts on land use; air quality; geology, soils, and seismicity; visual resources; paleontological resources; and socioeconomics are not anticipated.

The proposed project would not result in: unavoidable adverse significant effects, irreversible or irretrievable commitments of resources, short-term benefits at the expense of long-term environmental degradation, or conflict with the intent of any Executive Order relative to NEPA compliance..."

This transmission line project is the direct end result of the proposed natural gas pipeline and "but for" the construction of the pipeline and the construction of the power plants and other economic development projects resulting therefrom, the new **transmission lines** would not be proposed.

Thus, the cumulative impacts of all of the effects of the natural gas pipeline, the power plants, future economic development projects, can be directly related to air quality degradation in the Mexicali and Imperial Valleys.

(8) **Seismic:** The EA states that Imperial County is one of the most seismically active regions in the nation and the construction of the transmission lines need to meet or exceed seismic zone 4 classification requirements. In the event of a significant earthquake or other ground disturbance, the proposed transmission lines in both Mexico and United States should conform to these construction standards. Since the environmental document only reviews those structures north of the international border, what are the construction standards for the new transmission lines in Mexico?

(9) **Hazards Due to Line Failures:** This project proposes to build a two separate 230-kV transmission lines and an additional circuit by SDG&E on their existing transmission line with no proposed safeguards in the event of line failure caused by a significant earthquake event occurring at the same time as a 100-year flood in the Pinto Wash or by destruction by terrorist activities. If any one of the three transmission lines fail, there could be a disastrous "domino effect" upon the ISO-controlled grid system in Southern California and the western United States. The project needs a comprehensive emergency management and response plan with other appropriate emergency response agencies, e.g. Imperial Irrigation District and the County's Fire/Office of Emergency Services Department in the event of a future disaster.

CONCLUSION:

The environmental document lacks the following review by the Airport Land Use Commission and appropriate military bases and related agencies for air traffic and crash hazards; the analysis of the potential for earthquake and flooding impacts on the proposed and existing transmission lines and resultant impacts to the ISO-controlled electrical grid in Southern California and Western United States; the lack of an identified emergency response plan by Mexico and the United States in the event of an aircraft accident hits and destroys one or more of the transmission lines; and the analysis of cumulative human health risks due to fugitive emissions from any new power plants, heavy industrial, and commercial projects from the proposed natural gas and transmission line projects.

BOARD OF SUPERVISORS REQUESTED ACTION:

The County Board of Supervisors hereby requests that because the environmental document states "...Prior to issuing a Presidential Permit, DOE must also obtain concurrence from the Secretary of State and the Secretary of Defense...", all of the above identified cumulative impacts of the two new separate transmission lines be fully addressed, studied and answered prior to any approvals being granted.

As previously requested on September 11, 2001, to the Federal Energy Regulatory Commission (attached hereto for reference purposes), the County requests that a comprehensive health risk assessment for toxic emissions and impacts on human health be completed for reviewers to make intelligent and informed decisions on the cumulative impacts of the natural gas pipeline and the proposed transmission lines prior to approvals granted.

Under NEPA, all federal agencies are directed to carry out their regulations, policies and programs in accordance with the Act's environmental protection policies. One policy requirement is that every federal agency must prepare an "Environmental Impact Statement" for any major federal action significantly affecting the quality of the human environment (42 U.S.C. 4332, et seq. and 40 C.F.R. 1500.2, et seq.).

The County of Imperial reserves its right to provide input on the federal and state process and appear before public hearing bodies reviewing the proposed transmission projects.

If you have any questions on the above concerns, please contact me at (760) 482-4236, ext. 4310, or at jurgheuberger@imperialcounty.net.

Sincerely,



JURGHEUBERGER, AICP
Planning Director

Attachments

cc: Board of Supervisors
Ann K. Capela, County Executive Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Asst. Planning Director,
Tim Jones, Public Works Director
Steve Birdsall, Ag. Commissioner/APCO,
Joe Buzo, County Fire/OES
Tom Wolf, Environmental Health Services,
Greg Thomsen, BLWEI Centro Field Office
Linda Kastoll, BLWEI Centro Field Office,
Jesse Silva, Imperial Irrigation District
Jay von Werthof, IVC Museum,
DOE/EA Presidential Permit
File/10.105

JH/DG/RC/JMBT/sm/ResponseEAPresidentialPermit

AIR POLLUTION CONTROL DISTRICT



September 26, 2001

Ms. Ellen Russell
U.S. Department of Energy
Office of Fossil Energy, FE-27
1000 Independence Ave. S.W.
Washington, D.C. 20485

Re: Imperial County Air Pollution Control District (ICAPCD) Comments on Draft
Environmental Assessment (EA) Reference Nos. CA-42892 and CA-42893.

Sempra Energy Resources and Baja California Power, Inc. have applied to the U.S. Department of Energy for Presidential permits to construct, operate, maintain, and connect the electrical generating plants that are being constructed in Mexico with the electrical power grid operated by SDG&E in southern California. The purpose of this project is to import electrical power into the United States. Each facility proposes constructing separate new double-circuit, 230 kV, transmission lines extending approximately six miles south of the Imperial Valley substation to the U.S./Mexico international border.

Based on our preliminary review and analysis of the Environmental Assessment report for Presidential Permit applications for Baja California Power, Inc. and Sempra Energy Resources, the ICAPCD suggests the following issues should be addressed in this document:

1. Section 3.2.2 Existing Air Quality(Page 41)

Section 3.2.2, states that the SSAB is a non-attainment area for PM10. This EA states that particulate matter levels in Imperial County are mostly due to local sources which include a combination of windblown dust from natural and disturbed land areas, with the primary source being vehicles, including off-road vehicles, that use paved and unpaved roads. Construction and agricultural also contribute to particulate levels.

Please be advised, that due to the non-attainment status of Imperial County with the National Ambient Air Quality Standard for PM10, the District is currently updating the State Implementation Plan (SIP). Imperial County is facing the possibility of being "bumped-up" to a serious non-attainment designation for PM10, thereby forcing Imperial County to impose rigorous and costly control measures upon the regulated community. Based on the analysis of the data collected by air sampling monitors located in Imperial County and Mexicali, and the Cross Border PM10 Transport Study (Chow and Watson,

1997), the District's proposed PM10 attainment plan demonstrates that Imperial County would have been in attainment with the PM10 National Ambient Air Quality Standard "but for" international transport of PM10 emissions across the Mexico border. Please correct section 3.2.2 according to this information.

2. Section 4.2.1 Air Quality/Construction Period (page 72)

Use of heavy equipment and earth moving operations during project construction generate fugitive dust and combustion emissions that may have substantial temporary impacts on local air quality. In order to make a realistic impact analysis of the level of significance of **all** emissions, this document should include a daily and annual emission inventory from construction and grading activities; as well as identify the specific control measures that will be applied in order to control these emissions.

3. Section 4.2.4. Power Plants Impacts (page 74)

Section 4.2.4. states that two of La Rosita Power Complex turbines and the two Sempra Energy Resources generating power for export into the U.S. will utilize combustion technologies and emission control equipment to reduce air emissions below the Mexican and World Bank NOx emission standards. This document states that the increase in ambient concentrations of air pollutants in the United States resulting from air emissions from the generation facilities tied to the transmission lines would not exceed significant impact levels.

This document evaluates the impact on the air quality only for those four turbines exporting power into the U.S. Please be advised that the District feels that the transmission line projects are a direct result of the construction of the power plants in Mexicali and the air emissions from these units will impact the air quality on both sides of the border. In lieu of this, the District believes the impact analysis should encompass the emissions from **all** units of these power plants; **not** just the emissions from the merchant units which are designated for exporting of power to the U.S..

La Rosita Power Complex project will consist of four turbines, two of which will be fitted with selective catalytic reduction (SCR) technology for NOx control (merchant units) and two will be uncontrolled. None of these turbines will utilize carbon monoxide control systems. The two Sempra Energy Resources turbines will be fitted with SCR for NOx control and carbon monoxide catalyst technology.

It is estimated that the La Rosita Power Complex and Sempra Energy Resources turbines (six total) will produce 3,367 tons per year of nitrogen oxide and 2,132 tons of carbon monoxide (Attachment A); and approximately 700 tons per year of PM10. According to the estimates presented in the EA, the nitrogen dioxide emissions could be reduced to 618 tons per year (for all six units) if selective catalytic reduction technology would be utilized.

A considerable reduction on the carbon monoxide emissions for these turbines could be achieved by installing control technology at all the La Rosita Power Complex turbines.

Imperial County is a non-attainment area for PM10 and ozone, of which nitrogen oxide is a precursor pollutant, and concentrations of PM10 and ozone in Mexicali have exceeded the Mexican standards many times. Contrary to all the statements in this EA, the District feels that these emissions would have a significant adverse impact on the air quality for the Imperial County/Mexicali air basin, if unmitigated, due to the fact that these emissions will exacerbate the non-attainment ozone and PM10 status of the Imperial County/Mexicali border region. Additionally, due to the proximity of these power plants to the border, the carbon monoxide (CO) emissions from these power plants will have an adverse impact on the non-attainment status for Calexico if these emissions are not mitigated.

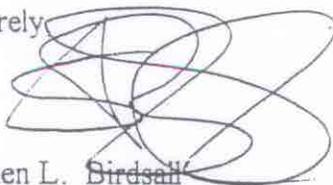
The District requests that this EA address a comprehensive evaluation of all the emissions that will be produced by these power plants. The District requests to incorporate into this document measures for full mitigation of all emissions.

In conclusion, as directed by the Imperial County Air Pollution Control Board, the District urges the U.S. Department of Energy to delay a decision to grant a Presidential Permit for the construction of the proposed power lines until such time as all the following mitigation measures are addressed in this Environmental Assessment report:

- a) That all the turbines at the La Rosita Power Complex are equipped with selective catalytic reduction (SCR) technology for nitrogen oxides control and carbon monoxide control technology.
- b) That Sempra Energy Resources and Baja California Power, Inc. compromise to offset all emission increases associated by the operation of these power plants for nitrogen oxides, carbon monoxide, and PM10.

If you have any questions regarding this letter, please contact myself or Brad Poiriez at (760) 482- 4606.

Sincerely,



Stephen L. Birdsall
Air Pollution Control Officer

enclosure

MEXICALI POWER PLANT ISSUES

UPDATE

The following is a preliminary evaluation of the potential impacts to air quality for the Mexicali/Imperial Valley air basin due to the construction of two new power plants in Mexicali.

The Mexican authorities had already approved the construction of three electrical projects: Termoelectrica de Mexicali (Sempra), 500 MW, Central Termoelectrica de Ciclo Combinado "La Rosita" (Intergen), 750 MW, and "Energia de Baja California" (Intergen). This last facility will be constructed contiguous to "La Rosita" project and it will be built on two phases. The first phase will consist of a simple cycle turbine, 181 MW, and at the second phase the project will be modified to a combine cycle, 329 MW. The plants will be installed in Colonia Progreso, Mexicali, 2.5 Km apart from each other, and approximately 20 Km Southwest of Calexico, California. The three electrical projects are projected to be in operation by 2003. Table No. 1 summarizes the design and air emissions information for these power plants.

Additionally, the District has received information regarding possible construction of another three electrical projects: American Electric Power, 257 MW; Energia Industrial Rio Colorado (located in San Luis Rio Colorado, Sonora, Mexico), 940 MW, and EnviroPower, 500 MW. All these facilities will burn natural gas as a primary fuel with exemption of EnviroPower which will be a coal burning facility.

Due to the significant air emissions and the potential impact that these power projects will have in the air quality for the Mexicali/Imperial County air basin, the District invited Sempra and Intergen to discuss their projects at a Board of Supervisors meeting on April 17, 2001.

Sempra committed to install controls on its turbines which will meet California Best Available Control Technology (BACT). Selective catalytic reduction systems (SCR) will keep NOx emissions at 2.5 ppm and CO at 4.0 ppm. Sempra has also committed to installing Continuous Emission Monitors (CEMs). These are voluntary controls and compliance with these limits in the future is voluntary, as Sempra is not required by any regulatory entity to meet these limits. If these units were sited on the U.S. side of the border, both the Sempra and Intergen units would be required to meet these emission limits, and to document compliance with these limits. In addition, these units would be required to provide offsets to mitigation emissions, which is not currently being done. The NOx and CO emission limits for combustion equipment in the Mexican regulations are not as stringent as the US standards. The Mexican regulations allow NOx emissions up to 375 ppmv @ 25% O2 with no limit for CO compared with the 2.5 ppmv @ 15% O2 and 4.0 ppmv CO required by US BACT.

During the Board of Supervisors meeting Intergen agreed to meet with the ICAPCD to share environmental information and, where possible, address our concerns about what effect emissions from their plant would have on air quality and the health of citizens on both sides of the border. However, they did not commit to apply US BACT to control NOx emissions. Intergen had no plans to install SCR controls at their "La Rosita" power plant. According to their environmental documents, "La Rosita" power plant will be constructed with low NOx burners which will control

NOx at 25 ppm @ 15% O2. At this rate the NOx emissions from La Rosita will be, at best, 10 times (2,380 tons/yr) greater than those from Sempra's plant. A major concern of the ICAPCD is that while Intergen is saying that they will emit NOx at 25 ppm there is nothing in Mexican law to prevent much higher emissions.

Several follow-up meetings have been held between Intergen and the District. The District explained to Intergen its serious concerns regarding the impact that their emissions will have in the Imperial-Mexicali Air Basin and urged Intergen to install controls equivalent to those that would be required on the U.S. side of the border. During the follow-up meeting of June 27, 2001, Intergen presented its Expanded Sustainable Development Program and commented about the expansion of their electrical project with the installation of a fourth turbine. This new project will be called "Energia de Baja California" and has been described above. Intergen is proposing to construct the new turbine with low NOx burners and SCR controls in order to reduce NOx emissions down to 4.5 ppmv @ 15% O2. Also, Intergen is proposing to install SCR to one of the turbines at the "La Rosita" power plant to control NOx emissions to 4.5 ppmv @ 15% O2. Intergen expects to reduce total NOx emissions from both facilities by approximately 40%. This will represent a reduction of the NOx emissions from 3,178 tons/year to 1,907 tons/year. However, it is important to note that these NOx emission levels, are on average, 60% higher than that which would be permissible on the U.S. side of the border. The SCRs are projected to be in full operation by Summer 2003. Intergen is also proposing to offer governments on both sides of the border seed money to initiate a VOC Reduction Program to begin to address regional ozone problems.

A program to improve the air quality for Mexicali for the years 2000-2005 is under development by the Mexican authorities. This program includes a 1996 emission inventory for Mexicali. Since the submittal of emission inventory information is not mandatory in Mexico, the 1996 stationary source inventory is presumed to be underestimated. The following table compares the nitrogen oxides and carbon monoxide emissions for Mexicali as well as Imperial County for the three main categories:

Category	Carbon Monoxide (tons/year)		Nitrogen Oxides (tons/year)	
	Mexicali	Imperial Valley	Mexicali	Imperial Valley
Stationary Sources	5,199	475	1,692	3,066
Area Sources	20,863	15,367	2,294	110
Mobil Sources	267,696	34,055	16,439	9,855
TOTAL	293,758	49,896	20,425	13,031

The stationary source category includes sources such as: electric utilities, manufacturing industries, food and agricultural processing, etc. The area source category includes sources such as: waste burning, residential fuel combustion, etc. The mobile source category includes emissions from vehicles, trucks, aircraft, trains, etc.

Based on the emissions information contained in the previous tables, the District evaluated the potential impact on the emission inventory due to the construction of the three power plants:

	Carbon Monoxide	Nitrogen Oxides
Total Emissions from the Three Projects (Based on Limits Proposed in the Environmental Impact Report) (tons/year)	2,132	3,367
Projected Growth in the Stationary Source Emissions for Mexicali due to the Power Plants (tons/year)	7,331	5,661
Percent Increase in the Stationary Source Emission Inventory for Mexicali due to the Power Plants	41.0 %	199.0 %
Percent Increase in the Total Emission Inventory for Mexicali due to the Power Plants	0.72 %	16.5 %
Percent Increase in the Total Emission Inventory for the Air Basin due to the Power Plants	0.62 %	10.0 %

Note: This evaluation was made based on the 1996 emission inventory for Mexicali. It is the only information available at this time.

A similar evaluation of the impact on the emission inventory was made by assuming that the power plants would emit pollutants at the emission limits allowed by the Mexican regulations. Mexican regulations allow a maximum of 375 ppmv nitrogen oxides emissions at 25°C and 25% O₂, with no limit known for carbon monoxide emissions. It may not be possible for these plants to emit pollutants at these levels. However, if the burners are not maintained, or natural gas is not used, it is entirely possible that the emissions will be higher than those listed in Interger's environmental documents.

	Carbon Monoxide	Nitrogen Oxides
Potential Emissions from the Three Projects (Based on limits allowed by Mexican Regulations) (tons/year)	Unknown	25,718
Potential Growth in Stationary Source Emissions for Mexicali due to Power Plants (tons/year)	Unknown	27,410
Percent Potential Increase in the Total Emission Inventory for Mexicali due to the Power Plants	Unknown	125.9 %

Mexico adopted ambient air quality standards that are very similar to the United States EPA standards. The Mexican standards are as follows: 11 ppm (8 hour averaging time) for carbon monoxide, 0.11 ppm (1 hour averaging time) for ozone, and 0.21 ppm (1 hour averaging time) for nitrogen dioxide.

According to the 1998 Report of Air Quality for the Mexican Cities published by INE/SEMARNAP, the carbon monoxide standard was exceeded 77 days in Mexicali with a maximum concentration of 37 ppmv. The ozone standard was exceeded 30 days with no violations of the nitrogen dioxide standard.

Recommendations:

As presented in this evaluation, the increase in the emission inventory at the level proposed by the power plants will likely have an adverse impact on the air quality for the air basin. Imperial County is a non-attainment area for ozone and concentrations of ozone in Mexicali have exceeded the Mexican ozone standard many times. The District believes that further modeling and risk assessment analysis is necessary to determine the impact of the emissions from the three power plants operating simultaneously, not only in the concentration of nitrogen oxides but also in the ozone production.

Each air shed has a limited capacity for absorbing pollutants before the air quality degrades to unacceptable levels. The Intergen power plants, if constructed without SCR controls, will reduce any future emission allowances for the region. As a result, no future industrial growth (and increase in the emission inventory) would be possible without a serious impact in the air quality for the region. Years of gains in stationary source NO_x reductions in Imperial County will be lost if emissions from these plants are not controlled.

The District commends Intergen for their decision to install SCR at one of the "La Rosita" power plants and its decision to install SCR at the "Energia de Baja California" power plant and encouraged them to install full SCR control, complete with monitoring, reporting and maintenance at both of the Intergen facilities. The District also encouraged them to review their current plans for SCR on the two units that they have offered to evaluate whether the NO_x emissions could be further reduced to bring them in line with U.S. standards, 60% below their currently offered levels.

During the follow-up meeting of August 2001, Intergen mentioned its desire to install SCR NO_x control systems for all the turbines at "La Rosita" power plant. However, they explained that this project is conditioned up to a change in Mexican regulations which would require electrical facilities to install SCR controls. This change in the Mexican regulations will allow them to renegotiate their contract with CFE, the Mexican buyer of the electricity which will be generated by the two uncontrolled turbines.

The District supports the idea of an upgrade in the Mexican regulations which would require the electrical projects in the border region to be constructed employing the best available control technology for mitigation of NO_x, CO, SO_x, and PM₁₀ emissions. However, the District considers that a change of this magnitude in the Mexican regulations could require several years to take effect. By then, all the proposed facilities will be in operation and it will be more costly to retrofit them if not exempted of these requirements.

The District encourages Intergen to propose other alternatives which accelerate the process to apply the best available control technology for mitigation of NOx and CO at the "La Rosita" power plant which will guarantee protection of the health of the people in this region.

The District is encouraging the Department of Energy, Bureau of Land Management, California Energy Commission, Sierra Club and all other interested parties to comment on the environmental evaluation for the Intergen Presidential Permit application for transmission lines. We are requesting that the impacts from the power plant itself be included in that environmental evaluation.

Table No. 1

The following table summarizes the profiles and potential air emissions for the three projects that are currently under construction:

Name of Project	Termoelectrica de Mexicali S.de R.L.	Central Termoelectrica de Cielo Combinado "La Rosita"	Central Termoelectrica "Energia de Baja California"
Owner	Semprea Energy de Mexico y Sempra Energy de España	Intergen Aztec Energy	Intergen Aztec Energy
Address	Carretera Mexicali-Tijuana, Km. 14 West of Colonia Progreso	Carretera Mexicali-Tijuana, Km. 11.5, Colonia Progreso	Carretera Mexicali-Tijuana, Km. 12.5, Colonia Progreso
Capacity	500 MW (Net), 600 MW Maxima	750 MW	1 st P hase 181 MW, 2 nd Phase 329 MW
Fuel	Natural Gas	Natural Gas and Diesel	Natural Gas and Diesel
Technology	Combined Cycle units consisting of 2 combustion turbine generators, 1 heat recovery steam generator, and 1 Steam Turbine.	Combined Cycle units consisting of 3 Combustion Turbine Generators each with heat recovery steam generator, and 1 Steam Turbine	1 st Phase, 1 Combustion Turbine Generator, 2 nd Phase, 1 recovery steam generator, and 1 Steam Turbine
Controls	Low NOx Burners, SCR	Low NOx Burners	Low NOx Burners
Air Emissions (limits as proposed in the Environmental Impact Reports)	NOx (2.5 ppm @ 15% O2)	NOx (25 ppm @ 15% O2)	NOx (30 ppm @ 25% O2)
	Carbon Monoxide (CO)	Carbon Monoxide (CO)	Carbon Monoxide (CO)
Air Emissions (Based on limits allowed by Mexican Regs)	NOx (375 ppm @ 25% O2)	NOx (375 ppm @ 25% O2)	NOx (375 ppm @ 25% O2)
	Carbon Monoxide (CO)	Carbon Monoxide (CO)	Carbon Monoxide (CO)
	1,036 lb/day 189 ton/yr	13,040 lb/day 2,380 ton/yr	4,372 lb/day 798 ton/yr
	1,030 lb/day 188 ton/yr	7,986 lb/day 1,458 ton/yr	2,662 lb/day 486 ton/yr
	44,141 lb/day 8,055 ton/yr	72,587 lb/day 13,247 ton/yr	24,196 lb/day 4,416 ton/yr
	No Limit	No Limit	No Limit



PLANNING/BUILDING DEPARTMENT

IMPERIAL COUNTY

PLANNING / BUILDING INSPECTION / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, AICP, CEP
PLANNING/BUILDING DIRECTOR

CERTIFIED MAIL #7000 1670 0011 5374 5595

September 12, 2001

David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E. Room 1A
Washington, DC 20426

**SUBJECT: Response to Draft EIS/EIR for the North Baja Pipeline Project
Draft Land Use Plan Amendment/SCH No. 2001011020 (7/2001)
Docket No. CP 01-22-000**

Dear Mr. Boergers:

Imperial County on July 23, 2001, received the Draft Environmental Impact Statement/Environmental Impact Report, Draft Land Use Plan Amendment, for the above referenced (Federal Energy Regulatory Commission (FERC), Bureau of Land Management, Bureau of Reclamation, and State Lands Commission) project through Imperial County. We have submitted previous correspondence to you dated January 9, 2001 and February 7, 2001 and others regarding the proposed PG&E construction and operation of the North Baja Pipeline (NBP) natural gas pipeline from Ehrenberg, Arizona, through Imperial County with a tie-in proposed with Sempra Energy International (SEMPRA) at the Mexican Border.

This response meets your deadline for public comment, which is on or before October 25, 2001.

Background:

The FERC is the designated National Environmental Protection Act (NEPA) "lead agency" for the project as it crossed federal lands in the County. The Bureau of Land Management, El Centro Field Office, indicates it will utilize the Final EIS/EIR for the federal "Record of Decision", and as a result amend the 1980 California Desert Conservation Plan (CDCA) to reflect the modified utility corridor alignments. The FERC will also utilize the environmental document to determine whether to issue a "Certificate of Public Convenience and Necessity" on the proposed project determining

that it is (or is not) in the public's interest. While concurrently with the NEPA requirements, the California State Lands Commission (CSLC) is designated as the California Environmental Quality Act (CEQA) "lead agency" for the project as it crosses public and private lands in Imperial County. The draft EIS/EIR, page 1-16, states that the CSLC is "...required under CEQA to consider the environmental effects of an entire project, including associated actions such as non-jurisdictional facilities..." (emphasis added). The CEQA analysis must address both on-site and off-site environmental impacts, including but not limited to air quality, health risks, and public safety considerations that are associated with the pipeline and the resulting projects that follow.

In February 7, 2001 and January 9, 2001, Imperial County submitted written comments to the FERC relating to the following environmental concerns:

- (1) compliance with federal and state environmental quality act regulations; impacts on local roads;
- (2) impacts on existing wildlife and wildlife habitat; impacts to sensitive flora within the pipeline corridor;
- (3) impacts to historical sites; impacts on vehicle traffic pattern and changes;
- (4) impacts on flooding within the flood zone;
- (5) impacts on Palo Verde irrigation system;
- (6) impacts on cultural resource impacts possible natural gas tie-in with local entities;
- (7) impacts on sand and gravel resources;
- (8) impacts to pipeline from seismic events;
- (9) impacts on regional air quality issues.

As stated in previous correspondence, the County continues to be concerned with the potential significant, adverse environmental impacts as they relate to pipeline safety, the possibility of terrorist acts against the pipeline, growth inducing impacts from the increased electrical capacity, the transmission lines transporting power out of Mexico, and in particular to future air quality in the Imperial County and the potential health risks to all its residents as follows:

"...Since air emissions from Baja California and Mexicali currently adversely impact Imperial County, any new power plant emissions should be comprehensively addressed and mitigation measures proposed in the joint EIS/EIR..." (emphasis added).

Environmental Impacts to the Region and Its Residents:

Imperial County, in its capacity as a "responsible agency" under CEQA, has reviewed the July 2001 Draft EIS/EIR and as has been the case of our previous correspondence (noted above) we have a number of concerns regarding the environmental review and the projects impacts on, public safety, wildlife and habitat, and regional air quality.

Public Safety:

(P-1) Hazard: In our previous correspondence, the County had requested specific mitigation for the potential rupture of the gas line, that would include explosions related to seismic activity and pipeline failure. Within the Draft EIS/EIR, on page 7-44, Table

7.1-1, outlining the Mitigation Monitoring Program, the document states, "...The transportation of natural gas by pipeline involves some risk to the public in the event of an accident and subsequent release of gas..." The specific mitigation measure states "...The pipeline and aboveground facilities associated with the North Baja Pipeline Project would be designed, constructed, operated, and maintained in accordance with DOT Minimum Federal Safety Standards in 49 CFR 192. NBP proposes to exceed DOT standards between MPs 0.0 and 11.7 of the pipeline route..." What precautions, if any, "besides meeting minimum standards" are proposed? What type of emergency response efforts will there be? What cost recovery mechanisms are there for response by local providers should they be needed?

This project proposes to build a 79.9 mile pipeline capable of transporting 500 million cubic feet per day of highly flammable and hazardous natural gas, with little to no proposed or explained safeguards in the event of pipe rupture, explosion caused by one of the valleys numerous seismic events, by a malfunction in the pipeline or by a domestic or foreign terrorist action. The Draft EIS/EIR discusses safeguards only in the form of block valves. The Draft EIS/EIR states that their portion of the pipeline traveling through the County is a "...Case 1...", which calls for sectionalizing block valves only in 10-mile intervals. The project proposes 57.5 miles of pipeline in the County that means 5 to 6 block valves. Additionally, if the pipeline can transport 500 million cubic feet per day and there are 79.9 total miles, that equates to 6,257,822.28 million cubic feet per day per mile. For a 10-mile section of pipe, that equates to 62,578,222.78 million cubic feet of natural gas travels through the section per day. If a day is identified as 24 hours that means that the same 10-mile section would have 2,607,425.95 million cubic feet per hour or 43,457.10 thousand cubic feet per minute. In the event of a rupture at a minimum of 43,345.10 thousand cubic feet of natural gas will be released. There is no apparent emergency plan other than the block valves. Additionally, the remote area does not lend itself to a quick emergency response. If the rupture is explosive in nature there could be a "domino-effect" along the pipeline affecting several additional sections creating an even greater hazardous disaster. The project needs an adequate and comprehensive emergency management and response plan, including at a minimum provisions for additional on-site, safety apparatuses and procedures to reduce the hazardous disasters and funding for local preparedness plans.

(P-2) Seismic: Imperial County is one of the most active seismic areas in the nation with seismic events occurring on a daily basis. The Draft EIS/EIR appears to down play this only listing the 36 seismic events recorded that were of a magnitude of 5.0 on the Richter scale. The proposed pipeline is going through an area where a majority of land is undisturbed and an under explored area of the County, and where little or no seismic data exists. The under grounding of a 36-inch natural gas pipe in this seismic sensitive County needs to take special care to ensure that all construction, materials, and ground preparation not only meet but exceed Zone 4 classification requirements. The soil type in the majority of the County lends itself to liquefaction. In the event of an earthquake or other ground disturbance the 500 million cubic feet per day of natural gas pipeline will have to be able to withstand liquefaction, elevation changes, and subterranean rock impacts.

Also, in a number of places in the draft environmental document statements are made, e.g. on page 5-2 "...Although no active faults or fault zones would be crossed by the proposed pipeline facilities, seismic ground shaking would be a potential hazard to the pipeline facilities...the pipeline route is located in a seismically active region and damage to the proposed facilities associated with an earthquake would be possible, the probability for strong ground accelerations in the immediate vicinity of the pipeline is **very low**. Furthermore, the potential risk of damage would be mitigated by NBP's compliance with DOT regulations and other standard pipeline industry design, construction codes, and specifications...and are vulnerable only to very large and abrupt ground displacement..." (emphasis added).

On page 4-5, Figure 4.1.3-1, *Seismic Hazard Map*, depicts the various faults located in Imperial County as well as the proposed natural gas pipeline location to the east of the faults in the County. However, the same Figure also shows that at least one of the major faults continues southward into Mexico and into the Mexicali Valley. The proposed pipeline route when it reaches Mexico will turn westward towards Mexicali and then continue still further westward, approximately 20 kilometers, to the proposed power plant sites. The pipeline will then have to cross at least one major fault that has produced a significant earthquake in the past 100 years.

A copy of the General Plan, *Seismic and Public Safety Element*, Appendix A, pages A-5 through A-12, is attached hereto that gives a historical perspective on past Imperial and Mexicali Valley earthquake events. As the "Seismic History of Imperial Valley" shows, the relative probability of another great earthquake occurring in the near future in both Imperial and Mexicali Valley is **very great** and not "...very low..." as stated in the Draft EIS/EIR.

Further, the document on page 5-74, 5.12 RELIABILITY AND SAFETY states, "...The transportation of natural gas by pipeline involves some risk to the public in the event of an accident and subsequent release of gas. The greatest hazard is a fire or explosion following a major pipeline rupture..."

Although the document further provides that the NBP project will have DOT design, construction and operational standards that are to be met in the United States, **nowhere in the draft EIS/EIR does it state what the construction and monitoring standards are to be in Mexico.** Further, on page 5-76, it states "...each pipeline operator must also establish an emergency plan that includes procedures to minimize the hazards in a natural gas pipeline emergency...NBP would, in accordance with Part 192, develop an emergency response plan, which would be coordinated and tested (through drills and exercises) with local fire/police departments and emergency management agencies. This plan would also be reviewed by the DOT OPS and is subject to DOT rules and regulations..."

Since the emergency response plan is only intended to include "local fire/police departments", in the event of a pipeline rupture just across the border in Mexico, what then? The residents in Imperial County subject to potential gas inhalation, explosions and fire due to a pipeline rupture in the event of an earthquake will then be unprotected due to the lack of a coordinated U.S. and Mexican response?

Wildlife and Habitat:

(W-1) Wildlife: Within the Draft EIS/EIR, there are portions of the pipeline corridor that are designated as "Desert Bighorn Sheep" habitat and also areas identified as "probable wildlife corridors" for the Desert Bighorn Sheep. On page 5-38, the statement is made, "...Although unlikely, movements of bighorn sheep through these corridors could be temporarily disrupted during construction of the project..."; however, no specific mitigation measures to avoid or minimize impacts to the Desert Bighorn Sheep are provided in the document.

(W-2) Cultural Resources: The County's General Plan, Conservation and Open Space Element, "*Sensitivity Map for Cultural Resources*," designates a majority of the pipeline corridor as "Very Sensitive" with regard to cultural resources. However, on page 5-67 of the Draft EIS/EIR, it states that "...all historic properties and resources have not yet been identified..." Will there be additional surveys done in Imperial County prior to actual construction of the gas pipeline?

A typical County condition for similar projects is a recommendation that a monitor be present to inspect any areas when construction results in ground disturbance for a cultural survey. The monitor shall be certified (State or otherwise) to perform the given task. In the event of a discovery of any cultural resources, all disturbing work shall cease and proper agencies shall be notified for appropriate review.

(W-3) Soils: The Draft EIS/EIR, Appendix D, discusses the remediation of the pipeline disturbance and has prepared the required "...Construction Mitigation and Restoration Plan..." essentially stating that during the construction phase, the topsoil will be stockpiled for up to four months with no apparent care or maintenance to ensure healthy and reusable seed bank. Upon completion of the pipeline, the site will be graded using some excavated soil and the topsoil. However, there is no mention of any photographing, cataloging or other documentation of the pre-disturbed area as a reference during the remediation process or new seeding program. They provide a one, two and five year study of the remediation process.

A potential impact to the remediation process not addressed is the continued operation periodic and emergency maintenance of the pipeline. Page 2-5 of the Draft EIS/EIR states that "...NBP has stated that it has no plans to maintain an improved permanent right-of-way for operations and maintenance of the pipeline facilities. However, NBP would have to maintain access to all portions of the permanent right-of-way by four-wheel drive vehicles in order to conduct emergency and periodic maintenance..." This statement implies that the operator will access any and all parts of the pipeline at anytime resulting in the destruction of the fragile biological habitat trying to reestablish itself. What cautions or considerations will be used to ensure the safe and continued remediation of the habitat? Additionally, with no defined maintenance routes the number of four-wheel drive vehicle created access points will be unlimited, and could even result in encouragement of other public off-road vehicles from using these access points and further damaging the desert habitat.

The project proposes to construct a 79.9-mile natural gas pipeline using 36-inch to 30-inch diameter pipes. The overall magnitude of the project, coupled with displacement of the gas pipe and limits of soil re-compaction will result in a significant amount of surplus aggregate material. During the "clean-up" phase as described on Page 2-12, Draft EIS/EIR states that "...Surplus construction material and debris would be removed and disposed of at sites approved by appropriate agency..." This section fails to explain the amount of surplus material anticipated, where it is going to be relocated, what transportation route will be utilized, and what type of dust suppression will be supplied. Additionally, NBP will need to meet applicable Surface Mining and Reclamation Act (SMARA) regulations for the relocation of said aggregate.

(W-4) Ground Water: The Draft EIS/EIR denotes 579 dry washes that the pipeline will transverse. The document on Page 2-13 proposes to use "...conventional cross-county construction...", but fails to explain what that type of construction is or how it will impact the natural washes. The Draft EIS/EIR does not appear to adequately address the impacts to these dry washes, or the steps to be taken to ensure that in the event of a flash flood, which not uncommon in Imperial County's desert areas will not erode the re-compacted and disturbed wash bottom and banks, and change the course of the wash, which could cause significant damage to the biological habitat, or worse washing-out (undermining) the pipeline causing damage or even rupture. Certainly, 579 dry washes are quite substantial and without a considerable amount of engineering and construction quality control, could result in significant damage to the desert's fragile biological environment, and significant aesthetics value. The Draft EIS/EIR makes the statement on Page 5-13 that "...none of the dry washes that would be affected have recognized recreation/high quality visual resource value..." which, makes the statement that there is in the author's opinion no value to the washes in any regard.

Regional Air Quality:

After a review of the text of the "AIR QUALITY" sections of the Draft EIS/EIR, the following statements are made therein:

"...Indirectly, the North Baja Pipeline project could result in a cumulative impact on the region's air quality...The burning of natural gas in new or expanded power plants could increase ambient pollutant concentrations in the regional air shed..." (emphasis added).

However, in reviewing the proposed mitigation measures proposed in the Draft EIS/EIR environmental document, **there are no mitigation measures** for the "...cumulative impact on the region's air quality..." as we requested previously. Furthermore, after reviewing the Draft EIS/EIR text, there are no federal or state air quality mitigation measures for any future long-term health risks to Imperial County and Mexicali area residents.

There have been numerous meetings between the two companies proposing to construct the identified natural gas power plants in Mexicali and the Imperial County Air Pollution Control District (APCD). Any mitigation measures that are negotiated between the APCD and SEMPRA and/or InterGen should be identified in the Final EIS/EIR. Also, the County has previously requested that the environmental document prepared for these power plants in Mexicali using natural gas be "...comprehensively addressed and mitigation measures proposed in the joint EIS/EIR..." (emphasis added); but again the requested comprehensive mitigation for potential air quality impacts do not appear in the Draft EIS/EIR document nor are any human health risks discussed.

The size of the natural gas pipeline is proposed at thirty (30) inches which will have the capacity to deliver 500 million cubic feet per day of natural gas to Mexicali, Mexico, and the Draft EIS/EIR states that "...a new 500 megawatt (MW) power plant...will be required every 3 to 4 years to serve the growing demand..."

However, the environmental document does not identify in a "worst case scenario" what the total number of power plants and future heavy industrial, commercial and economic development projects can be constructed and operated and subsequently the potential long term air quality deterioration and human health impacts on Imperial and Mexicali Valley residents. There are currently only two (2) identified power plant proponents coordinating and negotiating air quality mitigation measures with Imperial County APCD, what about the future heavy industrial uses that may not bound by the agreements now being negotiated between Imperial County APCD and with SEMPRA and InterGen, have stated or addressed in this Draft EIS/EIR?

The stated purpose of the natural gas pipeline is to build a number of new power plants, and "but for" these power plants, there would be no gas pipeline proposed at this time. Thus, without the proposed gas pipeline, the County would not be concerned because if these same type of uses were proposed in the United States they would be strictly regulated by the Environmental Protection Agency, the California Air Resources Board, and the Imperial County APCD, among others.

The County is within a regional air basin, i.e., the Salton Trough that is part of the Southeast Desert Air Basin (SEDAB) including Coachella Valley, from Banning Pass to the Salton Sea, Imperial County, and extending southeast from the Salton Sea to the border with Arizona and the Federal Republic of Mexico. The SEDAB is designated as in attainment for all criteria pollutants except for PM-10 (particulate matter less than 10 micrometers in diameter) and Ozone (key pollutant in smog). Ozone (O3) is not emitted directly from cars, factories, and other sources, but is formed in the presence of sunlight from two "precursor" pollutants that are emitted from these sources, i.e. oxides of nitrogen (NOX) and reactive organic gases (ROG). Exceedances of the state ambient air quality standards for ozone occur occasionally in Imperial County.

The causes of ozone in Imperial County are not clear, but local emissions contribute to ozone exceedances as well as the pollutant transport from "...Mexicali, Mexico, South Coast Air Basin, and possibly San Diego County (CARB, 1989a, Proposed Identification of Districts Affected by Transported Air Pollutants Which Contribute to Violations of the State Ambient Air Quality Standard for Ozone, 1989)..." The California Air Resources Board is responsible for enforcing state air pollution regulations, but delegates the actual rule-making, permitting and enforcement activities for stationary sources to the Imperial County Air Pollution Control District.

In the baseline air quality analysis for the Final EIR for the Mesquite Regional Landfill project, the following statements are made regarding ozone emissions from Mexicali:

"...CARB (1993a) states that Mexico is also a source of the O₃ and precursors transported into Imperial County, which are monitored at Calexico-Grant and El Centro. Such transport means that control of O₃ in Imperial County should be coordinated with control of O₃ in the SOCAB and Mexico, especially Mexicali, (just across the international border from Calexico). A possible result of such coordination is that attainment of the CAAQS for O₃ may have to be delayed from 1994 to beyond 2010, when SCAQMD will reduce emissions in SOCAB enough to attain the federal O₃ standard. Even then, the O₃ CAAQS may not be attained in Imperial County if Mexicali sources of O₃ precursors are not sufficiently controlled by that time...(page 3-89)"

Also, in the Final EIS/EIR on transport of ozone from outside the area, it states:

"...The primary source during the summer appears to be the large city of Mexicali with a population of 800,000 (in comparison with about 120,000 for all of Imperial County), located just south of the United States of America/Federal Republic of Mexico International Border. For example, Figure 3-25 shows the daily O₃ concentration cycle for El Centro on October 9, 1992, when a light wind was blowing from the southeast. This plot shows a "background" concentration well below standards, but a midday peak when the state standard was exceeded from 1:00 p.m. until 4:00 p.m. The most plausible explanation for this peak is transport from traffic and industrial activities in Mexicali..."

Wind data show that the regional normal wind pattern is a westerly flow, especially during afternoons when the wind is well developed by daily heating. The southerly flow is associated with the summer monsoon. Air drawn into the low-pressure zone includes the southeast flow from the Gulf of California. From October through May, prevailing "Santa Ana" winds are from the west and northwest with low humidity.

The July and August weather patterns are often dominated by a heating-induced low-pressure area, that forms over the hot interior deserts, drawing air from the Gulf of California and northern portion of Mexico with high humidity. The months of June and September are transition months between the two seasonal patterns.

Since the proposed siting, construction and operation of the new power plants are southwest of Mexicali, significant PM-10 emissions due to fugitive dust emissions generated by vehicles traveling on Mexican unpaved and paved roads and PM-10 transport northward towards Imperial County could result in exceedances of the California Ambient Air Quality Standard for this pollutant. The same transport of criteria pollutants, e.g. PM-10 and ozone, could occur within Mexicali from any new

heavy industrial, commercial, and economic development projects resulting from the new power plants.

The concerns of the Imperial County Public Works Department are attached hereto regarding the need for a County Encroachment Permit and the County right-of-way, potential archeological, cultural and other historic resources within the County right-of-way, additional reviewing and approval agencies not shown, impacts to the All-American Canal, impacts to the County Palo Verde solid waste facility, and the need for actual anticipated traffic volumes for construction activities for this project.

Comments from the APCD are transmitted under separate cover.

Un-addressed Project Alternatives:

In neither the project review or the project alternative sections of the Draft EIS/EIR address the possibility of nationalization of the power plants built as a result of this pipeline project. Nationalization could result in a reduction on pollution controls, resulting in an increase in the air, ground, and water pollution impacts. This contingency should be at least addressed under the project alternatives section of the Draft EIS/EIR.

Additionally, the recent Maquiladora closures in the area, has drawn attention to the possibility of alternate uses of the nature gas in the event that electrical power generation is no longer an economically viable use (i.e. it is cheaper to generate power elsewhere). The environmental document has not addressed alternate uses of the natural gas pipeline and the gas product it transports. The project as proposed has a narrow use that of providing a fuel source for power plants for the sole purpose of electrical power generation. There is no discussion or analysis for other uses such as factories, refineries, other industrial businesses and governmental uses. The Draft EIS/EIR needs to address this contingency as well, possibly in the project alternative section of the document.

Mitigation:

The environmental document needs to identify and address offsets for air pollution, growth-inducement in the Mexicali Valley, such as explanation of businesses and residential and other uses, as well as other impacts identified in the Draft EIS/EIR caused both directly and indirectly (secondary impacts) by the project. There needs to be some sort of off-set identification in the document, that will lessen the impacts on Imperial County in both the near and long term as well as a secondary impacts caused by the project. Such long-term off-set programs could include the reduction of air impacts to the valley through the applicant and associated parties, paving county dirt roads equivalent to the worst case scenarios of air impacts of the project and its growth induced secondary air impacts.

Additionally, the environmental document needs to identify and designate where Imperial County and all other applicable jurisdictions/agencies will have control over the remediation of offsets and recourse to the project impacts. The document needs to further identify all laws and permitting processes (i.e. process, procedure and timeframes) governing utilities that pertain to the placement, construction and operation of the natural gas pipe line.

Conclusion:

The document lacks mitigation for non-DOT standards for the pipeline in Mexico, the potential earthquake impacts on the proposed pipeline, the lack of an identified and coordinated response from Mexican authorities and U.S. emergency response agencies, and lacks a study of the cumulative assessment of human health risks due to future air emissions for PM-10 and ozone precursors from the proposed and new gas power plants, new heavy industrial, and/or commercial projects resulting from the proposed pipeline. Thus, the final environmental document will be fatally flawed without knowing the full implications of the potential health risks posed by the pipeline and the resultant impacts to those residents in the Imperial and Mexicali Valley. This is particularly true for residents in the region who may not have the resources to adequately respond to these potential threats to their health.

Also in our previous contacts, the County requested the status of the FERC, "Presidential Permit", but in the Draft EIS/EIR no significant discussion of when or how input will be allowed and is hereby once again requested. Without a full disclosure of the procedures for an administrative review or appeal of the pipeline project, the document fails to fulfill the mandates under federal and state environmental law to fully consider the "cumulative environmental effects" of the entire pipeline project, including those future projects that will significantly impact the SEDAB airshed.

We look forward to the Final EIS/EIR on the natural gas pipeline project, any proposed mitigation measures for above potential impacts and the comprehensive health risk assessment that comprehensively details all health risks being imposed on local residents. In the event the final environmental document does not disclose, or comprehensively mitigate the identified human and other risks, the County reserves the right to review options necessary to insure adequate review and that appropriate mitigation measures have been included prior to any subsequent federal and state approvals.

On pages A-10 and A-11 of the Draft EIS/EIR, **County Government Agencies**, Imperial County, CA, a number of "typos" should be corrected as follows: Niel Jordenson, should be spelled "Neil Jorgenson"; Jesus Silva, General Manager is not an Imperial County employee, but works for the Imperial Irrigation District; Byron Turner, "Asst.", Planning Department, should be designated as "Planner II".

Board of Supervisors Requested Action:

The County Board of Supervisors hereby requests that, because of the increased potential for the identified public safety, wildlife and habitat concerns and air quality deterioration addressed herein due to the construction of the proposed natural gas pipeline and potential for increased emissions of criteria pollutants and PM-10 emissions from new plants and future heavy industrial, commercial and/or economic development projects in the Mexicali Valley area, a comprehensive health risk assessment of toxic emissions from these sources should be prepared at this time as part of the review of the Final EIS/EIR prior to any decisions being made by the federal and state reviewers in order to make intelligent and informed decisions on the cumulative impacts of the pipeline as mandated by law.

In addition, the Board requests all items listed herein be addressed, studied and answered before any approvals are granted.

Thank you for the opportunity to comment. If you have any questions on the above, please contact Jurg Heuberger, AICP at (760) 482-4236, ext. 4310, or at jurgheuberger@imperialcounty.net.

Sincerely,


Jurg Heuberger, AICP
Planning Director

Attachments

cc: Board of Supervisors
Ann K. Capela, County Administrative Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Asst. Planning Director
Tim Jones, Public Works Director
Steve Birdsall, Ag. Commissioner/APCO
Joe Buzo, County Fire/OES
Tom Wolf, Environmental Health Services
Goodyear K. Walker, State Lands Commission
Greg Thomsen, BLM/EI Centro Field Office
Jay von Werlhof, IVC Museum
PG&E/North Baja File
Gas Group 1, PJ-11.1
10.105

AIR POLLUTION CONTROL DISTRICT COUNTY EXECUTIVE
OFFICE



September 10, 2001

SEP 13 2001 MM

COUNTY COUNSEL

Mr. David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First St., N.E. Room 1A
Washington, DC 20426

PUBLIC WORKS

SEP 13 2001

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IMPERIAL COUNTY
E.M.S.

Re: APCD Comments on Draft EIS/EIR Reference Docket No. CP01-22-000.

This is in response to our preliminary review and analysis of the draft Environmental Impact Statement/Environmental Impact Report and Draft Land Use Plan Amendment for the North Baja Pipeline (NBP) project. We suggest the following issues should be addressed in this document:

1. Section 3.1 No Action or Postponed Action (page 3-1)

Section 3.1, states that as a consequence of denying or postponing NBP's application for construction of the natural gas pipeline, the power plants proposed for construction would need to use alternative fuels such as oil, propane, or coal. Please be advised that the three electrical projects proposed for construction in Mexicali: Termoelectrica de Mexicali, Central Termoelectrica de Ciclo Combinado "La Rosita," and "Energia de Baja California" were authorized by the Mexican Government to operate only with natural gas. Therefore, the usage of other fuels such as oil, propane, or coal should not be an argument for the "No Action or Postponed action" alternatives. Please make the corrections accordingly.

2. Section 5.11.1.1 General Impact and Mitigation (page 5-68)

Use of heavy equipment and earth moving operations during project construction generate fugitive dust and combustion emissions that may have substantial temporary impacts on local air quality. In order to make a realistic impact analysis of the level of significance of these emissions, this document should include a daily and annual emission inventory from construction and grading activities as well as identify the specific control measures that will be applied in order to control these emissions.

3. Section 5.13.1 Cumulative Impacts (page 5-86)

Section 5.13.1 Cumulative Impacts states that the power plants projected to be constructed in Mexico and which will receive natural gas from the NBP must demonstrate compliance with Mexican ambient air quality standards and because generally these standards are the same as or more stringent than those of the United States this implies that the impacts from

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SEP 13 2001

Clerk of the Board
of Supervisors
County of Imperial, CA

AIR POLLUTION CONTROL DISTRICT



September 10, 2001

Mr. David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First St., N.E. Room 1A
Washington, DC 20426

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the power plants in Mexico would also be acceptable in the United States. Please be advised that while the Mexican ambient air quality standards may be similar to the U.S. federal air quality standards, the emission mitigation requirements imposed for the construction of power plants in Mexico are considerably less stringent than those of the U.S. so this assumption is incorrect.

If these power plants were sited on the U.S. side of the border, these facilities would be required to be constructed using California Best Available Control Technology (BACT) and also to provide offsets to mitigate emissions to its full extent. The power plants proposed for construction on the Mexican border are not required by any regulatory entity to meet these limits.

It is estimated that the three power plants that have been authorized for construction in Mexicali will produce 3,367 tons per year of nitrogen oxide and 2,132 tons of carbon monoxide (Attachment A). By comparison a similar power plant in California has nitrogen oxide emissions that are 142.5 tons per year and carbon monoxide emissions are 111.5 tons per year. Also, in California the nitrogen oxide emissions are required to be offset (Attachment B). Imperial County is a non-attainment area for ozone, of which nitrogen oxide is a precursor pollutant, and concentrations of ozone in Mexicali have exceeded the Mexican ozone standard many times. These emissions would have a significant adverse impact on the air quality for the Imperial County/Mexicali air basin if unmitigated.

The District requests that this EIS/EIR address a comprehensive evaluation of the emissions that will be produced by the power plants to be constructed as a result of the NBP project, and also the impact of these emissions on the air quality for this region. The District requests to incorporate into this document measures for full mitigation of these emissions.

If you have any questions regarding this letter, please contact Steve Birdsall or Brad Poiriez at (760) 482 4606.

Sincerely,

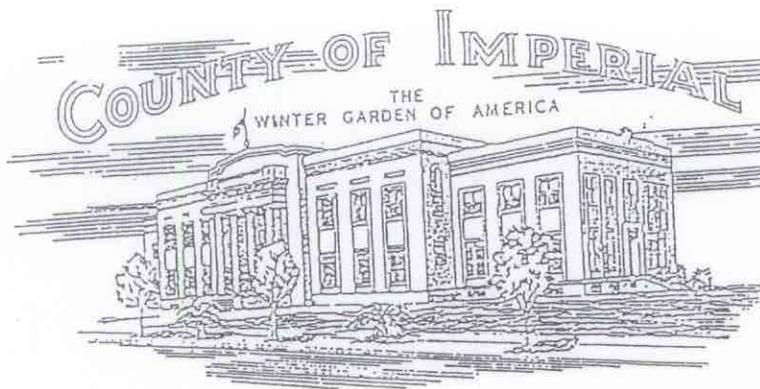


Tony P. Tirado, Chairman
Imperial County Air Pollution Control Board

c.c. Goodyear K. Walker, State Lands Commission

enclosure

TIMOTHY B. JONES
DIRECTOR OF PUBLIC WORKS
COUNTY ROAD COMMISSIONER
COUNTY SURVEYOR
COUNTY ENGINEER
SOLID WASTE OPERATIONS
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DEPARTMENT OF PUBLIC WORKS

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August 21, 2001

AUG 21 2001

IMPERIAL COUNTY
PLANNING, BUILDING

David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First St. N.E, Room 1A
Washington, DC 20426

SUBJECT: Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and Draft Land Use Plan Amendment for North Baja Pipeline Project

Dear Mr. Boergers:

This letter is in response to the above mentioned EIS/EIR dated July 2001 and received July 23, 2001. The Public Works Department has reviewed the document and the following items should be addressed:

1. The applicant must apply for and be granted an Encroachment Permit prior to commencing work in County road right of way.
 - A. An in-depth review of any submittal for an Encroachment Permit is contingent upon the execution of presidential permits awarding the applicant the right to provide natural gas to Mexico.
 - B. The applicant must provide documentation from the Bureau of Land Management/ El Centro field office that they reviewed the project with respect to potential impacts to Desert Tortoise, Flat Tailed Horned Lizard and any other impacts species and their habitat on federal lands. This specifically applies to County roads where the federal government is the underlying fee owner.
 - C. The applicant must provide documentation from the Southwest Desert Information Center Office of Historic Preservation, Imperial Valley College Desert Museum that they reviewed the project with respect to potential impacts to local archeological, cultural and other historic resources in Imperial County road right of way.
2. Section 1.0, "Introduction", second paragraph indicates a TGN pipeline extends from Rosarita, Mexico to San Diego. It is believed the city is "Rosarito" not Rosarita.

3. Table 1.7-1 "Major Permits, Approvals and Consultations for the North Baja Pipeline Project"; It is our understanding that the following agencies and/or permits will also need to be addressed which are not shown in the above mentioned table:
 - A. USA International Boundaries and Water Commission
 - B. SILA – Mexican equivalent to Boundaries and Water Commission
 - C. Document of Authorization by the California Public Utility Commission
 - D. Local Franchise fee (Imperial County)
 - E. Presidential permit from Mexico
4. Section 2.3.1, "General Pipeline Construction Procedures"; under Hydrostatic testing (page 2-12) it states that hydrostatic test water would be discharged into the All American Canal. The applicant should check with the Imperial Irrigation District to ensure this is a safe practice from the standpoint of contamination to the All American Canal.
5. The pipe material and specifications are not disclosed. Is it a plastic or metal type pipe? Conformance to County minimum standards will need to be addressed in the "Encroachment Permit" stage of development.
6. This Department is concerned with the inordinate Right of Way requirements as it relates to County mentioned roads. Road closures will not be permitted unless alternate routes can be made acceptable via detours. No work within County maintained roads right of way will be permitted that will stress the integrity of the existing road structural section without appropriate mitigation's as required by the Director of Public Works as part of the Encroachment Permit. This could include provision and compensation for a full time County Inspector, testing of backfill materials, structural section and resurfacing remediation.
7. The County of Imperial operates a solid waste facility that lies in the route of where the proposed natural gas line is to be located. Without viewing construction level drawings we cannot ascertain impacts (if any) to our facilities. We would require that access to the Solid Waste Site in Palo Verde be maintained and that no operations occur within the existing Solid Waste Site boundary located off Stallard Road.
8. Section 5.8.3.1, "Transportation General Impact and Mitigation". There is no actual anticipated traffic volumes provided due to construction activities, which would include but not be limited to equipment and material deliveries, mobilizations and workmen. It is difficult to provide a thorough review without this important information. This department reserves the right to provide additional comments as this draft EIS/EIR develops.

Mr. David Boergers

-2-

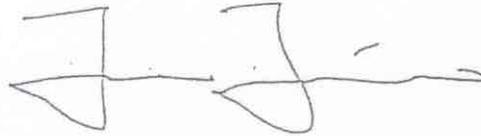
August 9, 2001

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this EIR/EIS.

Sincerely yours,

Timothy B. Jones
Director of Public Works

BY:

A handwritten signature in black ink, appearing to read 'F. Fiorenza', written over a horizontal line.

Frank Fiorenza
Deputy Director of Public Works-Engineering

as

CC: Goodyear K. Walker, California State Lands
Commission 100 Howe Avenue, Suite 100 South
Sacramento, CA 92825
Jurg Heuberger, County of Imperial Planning Director

its opposite wall counterpart. In a quake, most of the load previously carried by both walls, will be absorbed by the stronger, stiffer wall, and it may fail while the weaker, more flexible wall, remains intact.⁴

An aspect of building design is building orientation. In Imperial County, faults all trend northwest to southeast and fault movement is mostly strike slip. The waves from an earthquake can be expected to be stronger in the northwest/southeast direction. Wise residents in earthquake country are known to take such basic precautions as anchoring furniture, water heaters, and breakables such as china cabinets, in order to diminish hazards. Architects and engineers can apply this knowledge of predominant seismic wave orientation to building and site design.

The foregoing discussion on building design is not meant to suggest design alternatives, as much as to illustrate the necessity to think in terms of "trade offs" and cost versus risk. We cannot prevent earthquakes. We can build resistant characteristics into structures and avoid building those which are particularly susceptible to the effects of earthquakes.

Seiches

"A seiche is a to and from vibration of a body of water in its own natural tempo like the slopping of water in a jolted basin. Once started, the water body will continue to oscillate independently with its own proper period. Seismic sea waves are only one of the many causes of seiches which often occur also in lakes and ponds."⁵

While there have been a number of seismic events since the formation of the Salton Sea, to date seiches have not occurred to any significant recorded magnitude. There is, however, no guarantee that under specific circumstances one could not occur.

Although "the San Andreas Fault is known to be quite active in the Salton - Imperial Basin, it is difficult to define and almost impossible to trace."⁶ In addition to the San Andreas fault, the San Jacinto Fault lies west of the Salton Basin and, on the east side of the Salton Sea, another fault trace is recognizable near Durmid, where sandstone and shale beds on the southwest side of the fault have been opened and contorted near the fault.⁷

Nevertheless, it is reasonable to believe that close proximity of these faults to the Salton Basin implies that the Salton - Imperial Basin could be subjected to an occurrence of significant seismic ground shaking in the future, thus, possibly inducing a seiche.

SEISMIC HISTORY IN IMPERIAL VALLEY

Reliable accounting of earthquakes began around the turn of the century when Imperial County became inhabited. What evidence exists, suggests that earlier seismic activity was similar to recent activity. Generally only events of intensity V or greater are included here.

The following accounts, (through 1970), are taken largely from *An Earthquake History of the United States* by the U.S. Department of Commerce. The accounts for after 1970 are compiled from a variety of sources, all listed in the reference section.

1853 November. Based on reported effects in distant towns, a large earthquake is believed to have occurred in the northern Salton Trough, probably in the Imperial Valley. A magnitude of 6.5 is estimated for this event.

1853 December. Fort Yuma. Many shocks. Possibly of destructive force.

1868 May. Los Palmas, east and north of Salton Sea. One source states that a long fissure opened in the earth. (If this is true, the intensity was IX, perhaps X).

1871 (Month Unknown). Imperial Valley. Halfway between Los Palmas and Yuma, the shock rolled men over who were sleeping on the ground.

1877 June 11. Imperial County. Violent vibrations preceded volcanic eruption in the mountains near Flowing Well Station, about 60 miles northeast of Yuma.

1892 February 23. Northern Baja California. The intensity of this shock probably reached X near the epicenter, which was apparently in the uninhabited region of northern Baja California. It was felt strongly along the Pacific coast of Baja California, as far as San Quentin, Mexico and as far north as Vislia, California. At Carrizo, all adobe buildings were destroyed; at Jamul, walls of stone kilns cracked. At Campo, there were 155 shocks in 12 hours. After shocks were numerous for several days.

1903 January 23. Baja California. A strong earthquake, centering in the uninhabited region south of Imperial Valley, was felt throughout southern California, southern Nevada, and western Arizona. A similar shock under present conditions in the Imperial Valley would cause damage. Recorded by distant seismographs. Magnitude 7+.

1906 March 3. Southern California. Felt widely in southern California. Origin south of border. Recorded by distant seismographs, which indicates moderately destructive power.

1906 April 18. Brawley, Imperial Valley. Chimneys fell. Banks of New River caved in; water tanks destroyed at Cocopah in Baja California. The published information is very limited, but H. O. Wood, on the basis of verbal information, reported this to be a very severe shock. Magnitude 6+. It came just hours after the great San Francisco quake and most probably was related.

1915 June 22. El Centro, Calexico, and Mexicali. Two destructive shocks, nearly 1 hour apart. Heavy damage (about \$900,000) in southern Imperial Valley was caused as much by poor quality buildings as by the intensity of shock. In El Centro, well constructed buildings merely suffered cracks. At Mexicali, Mexico, people returned to buildings after the first shock; six were killed and many were injured by the second earthquake. Though a few cracks were formed in the alluvium, the irrigation ditches and works were damaged very little. The unstable banks of the New and Alamo Rivers slid down in many places. Several farmers observed that after the shocks, one-third more water was required for irrigation because of the cracks in the soil. Despite the rather high local intensity, the total energy was moderate. Magnitude 6 1/4 for both shocks.

1915 November 20. Baja California. A shock, revealed by seismograms to have been considerably greater than that of June 22, occurred in the Volcano Lake region south of the Mexican boundary. In the Imperial Valley, the highest intensity was at Calexico; at Volcano Lake, levees and damp ground were cracked. Magnitude 7.1.

1917 May 27. Imperial Valley. Seems to have been most severe in open country. Walls were reported cracked at Brawley.

1918 April 30. Calexico, Plate glass broke. Felt over an area of about 100 mile radius.

1919 September 29. Baja California. Levees slumped and many longitudinal cracks were formed in the Volcano Lake region south of Imperial Valley. Reported intensity distribution suggests that more than one shock occurred. A few fore shocks and numerous after shocks.

1919 October 1. Baja California. A shock similar in location and energy to that of September 29.

1921 September 8. South of Imperial Valley. Duration at Calexico 30 seconds, than a second shock of same duration. Felt over a large area; probably of destructive intensity in the epicenter area.

1923 November 5. Calexico. The epicenter was probably near Calexico where a hotel shifted several inches on its foundation and other buildings sustained minor damage. Intensity was about the same at El Centro.

1923 November 7. Baja California. Intensity VII at Calexico. Damage caused by the shock of November 5 was increased, and one fire resulted. A stronger shock than that of November 5. Epicenter appears to have been in Baja California, south of Calexico.

1925 April 15. Calexico. Plaster was shaken from walls; inhabitants fled to the streets. Again, the epicenter probably was a short distance south of the border.

1926 April 19. Baja California. Volcano Lake region. Light at Calexico, duration 20 seconds. Seismograms indicate energy sufficient to be destructive over a small area. Felt as far as San Diego.

1927 January 1. Imperial Valley, near Mexican border. Two heavy shocks about an hour apart began a long earthquake series, though none of the latter exceeded VI in intensity. In Calexico and Mexicali many buildings were damaged, water mains broke, and some fires ignited. Between 15 and 20 persons were injured. At Heber, El Centro, and Imperial, slight damage was reported. At Heber, telephone service was interrupted. Magnitude $5 \frac{3}{4}$ and $5 \frac{1}{2}$, respectively. The after shock of February 12, 00:59, was farther north and was felt as strongly at Brawley as the main shocks. Hundreds of aftershocks occurred.

1930 February 25. Imperial Valley. At Westmorland, walls cracked, chimneys toppled and inferior buildings were damaged. Mud craterlets were found a few miles east of Westmorland. Several fore shocks and many after shocks. Magnitude 5.0.

1930 March 1. Imperial Valley. This shock was of smaller magnitude than that of February 25. At Brawley, brick buildings were damaged, chimneys were thrown down, and plate glass shattered. Structural damage included falling of cornice sand walls, severe cracks in walls, and displacement of roofs. Well-constructed buildings sustained little damage. Magnitude 4.5.

1934 December 30 and 31. South of Calexico. Two separate main events, the first, magnitude 6.5 and the second 7.1. It is difficult to determine which event caused what damage. Railroad bridges were damaged and tracks twisted. Surface cracks appeared. Water sprouted in dry river beds. Adobe houses were wrecked and a large water tower was thrown down. Irrigation ditches were damaged, roads buckled and communication systems disrupted. It was felt strongly in Tijuana. Chimneys and walls were thrown down at Calipatria. Intensities XI and X in Baja, VI and VII in Imperial Valley.

1940 May 18. Imperial Valley. Sixty thousand square miles affected in the United States (including Arizona and Nevada) and an unknown area in Mexico. The epicenter was located southeast of El Centro, but there was surface slipping with surface rupture over a known distance of 40 miles. The existence of the Imperial Fault was revealed for the first time. The horizontal displacement reached 19 feet near the border. Vertical displacements up to 4 feet were observed. There was damage at all towns in the Imperial Valley and canals were damaged with serious interruption to water service.

The Alamo Canal (still in use) was opened by the displacement causing a local flood south of the border.

At Imperial, the city water tanks collapsed and 80% of the buildings were damaged. At the more heavily populated town of Brawley, there was greater total damage but less percentage of loss. Possibly 40% of the buildings were damaged, but the percentage was higher in business buildings.

At Holtville, the city's water tank collapsed, but the damage was not great. Damage at Calexico and at Mexicali, Mexico was not as extensive as might have been expected. The principle loss in Mexicali was fire set by a short circuit.

Indirect loss of crops was considerable; direct earthquake loss in the United States was 6 million dollars. Nine lives were loss. Magnitude 7.1, intensity X.

Again, the rest of the decade was relatively quiet. There were eight quakes of magnitude 5 or greater in the area. Six of these came in 1942, with five of these on October 21-22. A landslide damaged the SD&AE railroad bridge in Carrizo Gorge and some cracked plaster was reported throughout the Imperial Valley. A 5.4 event centered south of Borrego, January 8, 1946, caused no damage.

1950 July 29. Imperial Valley. Strongest of the series of shocks centering near Calipatria on July 27, 28 and 29. Fifty thousand dollars in damage resulted, chiefly from merchandise being thrown from the shelves in the Calipatria, Westmorland, and Niland areas. In Calipatria, concrete standpipes broke and a small railroad bridge shifted six to eight inches. There was considerable plaster damage. In the outskirts, sand boils appeared and irrigation ditch banks sloughed. In Westmorland, reinforced concrete walls of the post office building cracked and window broke at the

City Hall and at the Food Center Building. Also felt at Parker and Yuma, Arizona. Magnitude 5.4. A 4.7 aftershock August 1, caused sand boils and ground fissures around the North End Dam.

1951 January 23. Near Calipatria, cracked Westside Main canal. Magnitude 5.6, intensity VII.

1953 June 13-13. Brawley-Westmorland area. Landslides at Tamarack Road and the New River. Windows broken and plaster cracked. First event and aftershock of 5.5, intensity VII.

1954 November 12. A 6.3 event in Baja was strongly felt in the Imperial Valley.

1955 December 16. Brawley area, magnitude 5.4, intensity VII.

1957 April 25. South end of Salton Sea slight damage in El Centro, Brawley and Westmorland, magnitude 5.2, intensity VII.

1958 November 30. Main shock of a series caused minor damage at Calexico and Seeley. Magnitude 5.8, intensity VII.

1963 June 11. A 5.8 event in Baja was felt widely in Imperial Valley.

1965 June 15. A 4.5 main event in a series. Slight damage to buildings, broken windows, and "residents alarmed" in Brawley and Westmorland.

The history of seismic events is also a history of improvements in recording earthquakes and in understanding of seismic phenomena. Two events at this time are notable more for what they revealed about earthquakes than for damage that occurred.

1966 March 4. Imperial. Magnitude 3.6. This quake caused virtually no damage, but did cause surface rupture and horizontal displacement. It is the smallest known earthquake to do so. (Some authorities question these effects.)

1968 April 9. South of Ocotillo Wells. The main shock of a series was felt over a large area of California, Arizona, and Nevada. Minor ground cracking and displacement occurred on the Coyote Creek Fault, and Highway 78 was cracked and adjacent to Ocotillo Wells. Ground cracking, minor building damage, and power disruption occurred in some areas of Imperial Valley. A 200-foot long, 2 inch wide crack occurred in a road 6 miles west of Imperial. Minor damage was also sustained at Calexico, El Centro, Los Angeles, San Diego, and Yuma Arizona. Magnitude 6.5. Intensity VII. Later an aftershock of magnitude 5.2 was widely felt. The significant feature of this earthquake was the triggering of minor ground ruptures on neighboring Superstition Hills Fault, Imperial Fault, and the Banning Mission Creek portion of the San Andreas Fault. A 4.7 aftershock at Calexico knocked down plaster. A 4.4 event, listed as an aftershock, occurred at Salton City on May 22.

1969 May 19. A 4.5 quake near Borrego Springs was felt in San Diego, Riverside and Imperial Counties. There was no damage.

1971 September 30. Superstition Hills area, magnitude 5.1. No known effects.

1975 January 23-25. Eight events from 4.0 to 4.8 in the Brawley are. The smallest, on January 23 was assigned the highest intensity VII, but there was no significant damage recorded.

1975 June 20. Two events at Mexicali of 4.1 and 4.2.

1976 November 4. Eight events from 4.0 to 4.9 in the Calipatria area with no recorded significant effect.

1977 October 20 to November 14. Eight events from 4.0 to 4.3 southeast of El Centro, but with no recorded damage or effects.

Seismic activity from 1940 to 1979 was characterized by "earthquake swarms" with little or no damage. These were in addition to and sometimes associated with the individual events and series of events listed above. They occurred in 1950, 1955, 1966, 1973, 1975 and 1976. For example, eighty-two separate tremors were reported felt in Brawley between December 16 and 20, 1955. The 1975 Brawley swarm was studied in detail by C.E. Johnson and revealed complex interaction between the Brawley and Imperial Faults. These "swarms" were composed of dozens, and sometimes hundreds, of events in the range of 2.0 to 4.0.

Seismic monitoring arrays installed by Chevron and Union Geothermal Companies, to assist in their exploration of the geothermal reservoirs and to determine what effects their operations might cause, have sensitivities of 1.0 Richter magnitude. They frequently reveal hundreds of events daily. There is no easy way to tell if these "swarms" and "microseismicity" (events less than 2.0 Richter magnitude) are normal to the Valley and not recorded in earlier years, or are a change in the normal pattern.

1979 October 15. The earthquake occurred at 4:16 p.m. (PDT). The epicenter was on the Imperial Fault approximately 12 miles south of the Mexican border and 12 miles east of Mexicali. It was widely felt throughout Southern California, and was assigned a magnitude of 6.6 ML (Richter). Two aftershocks of 5.0 or greater occurred by 9:00 p.m.

Approximately 100 persons were reported injured; two were hospitalized. The six story County Services Building, the largest building ever built in Imperial County, suffered the most notable damage resulting in its subsequent demolition and total loss. It was occupied by 400 persons at the time of the quake. None were seriously injured. Commercial damage was widespread, particularly in the older sections of Imperial, Calexico, Brawley, El Centro, and Mexicali. Sixty percent of the commercial buildings in Imperial were subsequently condemned. Windows and bottle goods were the major loss. One hundred and three mobile home units in El Centro were knocked from their piers. Throughout the quake area (in Imperial County) two homes were destroyed and 1,565 damaged. Broken windows, cracked plaster, and collapsed brick chimneys were typical.

One 30,000 gallon gasoline tank (among 18 at the Southern Pacific Tank Farm at Aten and Clark Roads) were ruptured and began leaking 100 gallons per minute. It was controlled by the next morning. All roads within one mile were closed and ten families in the area were evacuated.

There were 15 ruptures of water mains in El Centro and a temporary loss of ninety percent of the fire fighting capability. The Southern Pacific Railroad tracks were offset nine inches where they cross the Imperial Fault. Traffic was halted for 30 hours. Interstate 8, Routes 98 and 80 were damaged where they crossed the fault. The New River Bridge west of Brawley suffered serious damage by an aftershock about midnight. The west end of Runway 26 at the Naval Air Facility settled. The runway was closed 62 days for repairs. Sewage treatment plants in El Centro, Brawley, and Imperial were seriously disrupted. Clarifiers at all three were knocked out, pumps at Imperial were misaligned and subsequently burned out, and miscellaneous other damage occurred. All exceeded their holding capacity and dumped raw sewage into the drainage system. Normal service was not restored for from 2 to 6 months. Estimates of sewer main ruptures have never been summarized.

The All American Canal suffered major slumping to its embankments on both sides for an eight mile stretch in the vicinity of the Imperial Fault. There were extensive slope failures in many of the other canals. The IID immediately reduced flow to about fifteen percent and later shut the entire irrigation system down for several days for inspection and repairs. (Although media accounts, and the "staff report" state this, the system never was completely "shut down".) There was extensive drainage tile damage in fields crossed by the fault.

Electrical power was out in parts of the Valley for 3 to 4 hours. Several key emergency generators failed to function - one for the County fire station and control tower at the Imperial Airport and another at a local hospital. All hospitals remained otherwise functional with only minor damage. Students were not in class at the time of the quake. Schools remained closed the following day to assess damage. It was all non-structural -- estimated at \$345,000, "County-wide". Telephone and telegraph facilities were undamaged, but became inoperative due to overload of attempted calls for up to 18 hours in certain areas. This seriously interfered with emergency analysis and response. Local radio and television (including designated Emergency Broadcast Station) were off the air for about an hour. Total loss was estimated at \$30,000,000.

1981 April 27. Westmorland. Magnitude 5.6 Intensity VII. There was more damage to Westmorland than resulted from the October 1979 quake. Several commercial buildings and 16 homes were substantially damaged. The water tower, and the water and sewage treatment plants received \$500,000 damage. A quarter mile of the concrete lined Vail Canal was broken up. An eight inch crack opened in Lack Road. There were no injuries, nor significant damage reported elsewhere in the valley.

The swarm of thirty quakes (seven between 3.0 and 4.1) occurred over a 12 hour period three days before the main quake. More than three dozen quakes (over 3.0) occurred in the 24 hours afterwards.

This quake apparently ruptured underground gasoline storage tanks, which was revealed months later with fumes and seepage into surface waters.

1985 May 8. An earthquake measuring 5.2 on the Richter Scale, rocked a large uninhabited area of the Mexican desert 65 miles southwest of Calexico, but there were no reports of damage or injuries, authorities said.

The quake was followed by a series of aftershocks, including one that registered 4.3 on the Richter Scale, according to a spokesman for the California Institute of Technology at Pasadena.

1986 July 8. A quake struck 12 miles northwest of Palm Springs measuring 5.9 on the Richter Scale of ground motion. It did an estimated \$5.75 million damage and injured 40 people. Numerous aftershocks, some measuring as high as 4.0 on the Richter scale; have jostled the area since then.

1986 July 13. A 5.3 earthquake epicentered 28 miles southwest of Oceanside in the Pacific Ocean. The quake was felt as far away as Yuma, AZ, 160 miles east of San Diego, but caused no reported damage or injuries in Imperial Valley.

1987 February 6. A strong earthquake shattered windows and disrupted power in Mexicali and briefly interrupted phone service in the Imperial Valley but there were no reported injuries, authorities said. The trembler registered 5.6 on the Richter Scale and was centered 19 miles southeast of Mexicali according to a spokesman of Caltech in Pasadena.

The quake was felt as far east as Yuma, about 60 miles from the epicenter and as far west as San Diego.

1987 November 23-24. Two strong earthquakes, which registered 6.0 and 6.3 on the Richter Scale, caused widespread damage, but few injuries were reported. The Calexico area was apparently the hardest hit by the trembler, which was centered near Westmorland.

Two bridges, on Forrester Road over the New River and on Worthington Road over the New River were damaged according to the County Public Works Department. The California Highway Patrol also reported that Keystone Road between Forrester and Highway 86 is closed because of bridge damage.

1988 January 25. A large earthquake struck Baja California, Mexico, shaking some Californians awake but triggering no immediate damage reports either north or south of the border, officials said.

The quake registered 5.3 on the Richter Scale was centered in a sparsely populated area about 45 miles east of the resort city of Ensenada according to a spokesman of the California Institute of Technology in Pasadena. The U.S. Geological Survey in Golden, Colorado, measured the quake at 5.0. There were no reports of damage in Imperial County.



PLANNING/BUILDING DEPARTMENT

IMPERIAL COUNTY

PLANNING / BUILDING INSPECTION / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, ACP, CEP
PLANNING/BUILDING DIRECTOR

CERTIFIED MAIL NO. 7000-0520-0021-8750-6724

February 7, 2001

David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E. Room 1A
Washington, DC 20426

SUBJECT: Response to FERC Filing, CP01-22-000, Natural Gas Pipeline
under Natural Gas Act in California and Arizona

Dear Mr. Boergers:

Background:

The Planning/Building Department has had two meetings with representatives wishing to construct a natural gas pipeline through Imperial County. The first meeting with federal, state and consultants was on June 5, 2000, in the Department Conference Room. The second meeting was held with PG&E representatives on September 5th in the Department Conference Room. The Planning/Building Department on November 14, 2000, received your letter regarding the proposed PG&E construction and operation of a new natural gas pipeline from Ehrenberg, Arizona, through Imperial County with a tie-in proposed to Sempra Energy International at the Mexican Border. According to your letter, an application was filed with the Federal Energy Regulatory Commission (FERC) on October 31, 2000, by North Baja Pipeline, LLC (NBP) for the proposed gas pipeline project.

On November 16th, an E-Mail Memorandum was sent to the County Board of Supervisors as well as to various County Departments and staff for a response to the above proposal. On November 20th, the pipeline proposal was hand-delivered to four County Departments for review and input. Attached is a copy of the response from Imperial County Public Works Department for your review.

Also, please find attached a copy of a letter from Goodyear K. Walker, Division of Environmental Planning and Management, California State Lands Commission, received via facsimile on December 11, 2000. The State Lands Commission wishes to be the CEQA "lead agency" for the project as it crosses state lands in Imperial County. On the federal level, the FERC will be the NEPA "lead agency" for the project as it crosses federal lands in the County.

On December 15th, the FERC submitted the attached "Notice of Intent/Preparation to Prepare a Joint Environmental Impact/Report for the Proposed North Baja Pipeline Project" for review.

Environmental Concerns:

For private lands and roads within the permitting and regulatory jurisdiction of the County of Imperial, the joint federal and state environmental document, must address all of the following concerns.

The environmental resources and issues needing to be resolved include, but are not limited to, the following, as further outlined below: appropriate compliance with federal and state environmental quality act regulations, traffic impacts and mitigation measures impacting local roads during construction and operation; impacts on existing wildlife and wildlife habitat and mitigation within the project corridor, impacts to any sensitive flora in the pipeline corridor and mitigation, floodway and floodplains and mitigation within the pipeline corridor, historical sites and mitigation within pipeline corridors, vehicle traffic pattern changes and mitigation during construction, regional air quality issues and mitigation measures for those air emissions from new natural gas plants from Mexicali and/or Northern Mexico, seismic impacts to the gas pipeline and mitigation, and other appropriate project mitigation as required by the responsible agencies.

The County has reviewed the State Lands Commission letter and its determination to be the CEQA "lead agency" for this project. As the local land use and environmental agency having permitting and oversight for environmental projects in Imperial County, it is imperative that any federal and state environmental document that is prepared, (i.e. a joint Environmental Impact Statement/Report (EIS/EIR)) be coordinated through the Planning/Building Department of Imperial County as outlined below.

For any joint NEPA/CEQA document prepared, the following comments are submitted, but the County reserves the right to comment more fully when the (draft) joint environmental document is received:

- (1) The Map identifies the crossing of the Colorado River and the U.S. Fish and Wildlife Service and the State Department of Fish and Game should be contacted and would be able to provide your agency with appropriate comments on the impacts of any crossing alternatives on the Colorado River and any "wetlands" which may be affected. For "wildlife habitat" impacts on the Colorado River environs, Palo Verde Irrigation District canals and drains, and Palo Verde County Water District system, these agencies should be contacted.
- (2) The proposed pipeline corridor includes areas that are within the "Zone A", 100-year flood area, as identified in the adopted FEMA Flood Insurance Maps, dated March 15, 1984, and any construction of the pipeline should include applicable building permit applications and appropriate flood control structures and should be addressed in the joint EIS/EIR environmental document.
- (3) The new air quality emissions and their impacts can be addressed through contacts with the Imperial County Agricultural Commissioner's Office and the Air Pollution Control District Officer, who handles the regulation of air quality as the Air Pollution Control District and any "regional air quality" impacts to the County can be addressed through the District's review and permitting process.

- (12) The proposed project is initially designed to carry 500 million cubic feet per day of natural gas. As designed, the new pipeline system will be available to serve existing and planned power plants in Baja California that will in turn serve the electric power demand in the northern Baja. Since air emissions from Baja California and Mexico currently adversely impact Imperial County, any new power plant emissions should be comprehensively addressed and mitigation measures proposed in the joint EIS/EIR.
- (5) The proposed pipeline construction can impact transportation and the County's Circulation/Scenic Highways Element should be referenced for this pipeline project and any encroachment permits or traffic impacts to County roads shall be coordinated through the Imperial County Public Works Department.
- (6) The County is within the Seismic Zone 4 area and "seismic exposure" is a critical concern for any proposed pipeline project anywhere in Imperial County and should be addressed in the joint EIS/EIR. Pursuant to Board direction, please provide specific mitigation for the potential rupture of the gas line during an earthquake and how PG&E will safeguard the public in such an emergency.
- (7) With regard to modifying or changing any irrigation canals or drain or water systems, the Palo Verde Irrigation District and the Palo Verde County Water District should be contacted for possible impacts to their systems within the pipeline corridor.
- (8) There may be historic properties known to exist within the pipeline corridor and the Imperial Valley Museum and Southeast Desert Information Center should be contacted for their review and input on this project. Also, a cultural resources study by a qualified archaeologist should be undertaken in the event pre-historic or historic resources are found along the pipeline corridor.
- (9) The Bureau of Land Management's "Federal Transmission Planning Corridors" (Figure D-2) in the East Mesa area is attached hereto and will need to be revised to reflect any new changes to BLM's planning corridor due to this pipeline project.
- (10) The joint EIS/EIR needs to address how "fill" (soil, sand and gravel) will be obtained for the construction of the proposed pipeline and where it will come from to the pipeline site. In the event PG&E plans to contract out the construction of the proposed natural gas pipeline, adequate time must be provided for these contractors to obtain any necessary permits that may be required from the Bureau of Land Management or Imperial County:
- (11) The Board of Supervisors also would like the joint EIS/EIR to discuss the "feasibility" of a "tie-in" to the proposed gas line by a local entity such as the Imperial Irrigation District for use in their power plants or in the alternative can PG&E provide additional pressure volume through their existing gas pipelines to IID's power plants and/or to the "Gateway to the Americas" project (east of Calexico) for economic development purposes.
- (12) Has a "Presidential Permit" been served? If so, when and if not when will the process allow input?

Thank you for the opportunity to comment on this proposal and when the joint EIS/EIR is received other comments may be submitted.

We look forward to reviewing the proposed joint EIS/EIR prepared by the FERC contractor and State Lands Commission staff on the proposed natural gas pipeline project. Please provide five copies of the draft to Imperial County Planning Department.

If you have any questions, please contact me at (760) 482-4236, extension 4310, or at, jurgheberger@imperialcounty.net.

Sincerely,


JURG HEUBERGER, AICP, CEP
Planning Director

Attachments Letter from Public Works
Minute Order from Board of Supervisors

cc: Board of Supervisors
Ann K. Capela, County Administrative Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Asst. Planning Director
Tim Jones, Public Works Director
Steve Birdsall, Ag. Commissioner/APCO
Joe Buzo, County Fire/OES
Tom Wolf, Environmental Health Services
Goodyear K. Walker, State Lands Commission
Greg Thomsen, BLM/EI Centro Field Office
PG&E/North Baja Project File
10.105

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PLANNING/BUILDING DEPARTMENT

IMPERIAL COUNTY

PLANNING / BUILDING INSPECTION / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, AICP, CEP
PLANNING/BUILDING DIRECTOR

CERTIFIED MAIL NO. 7000-0520-0021-8750-6731

February 7, 2001

Goodyear K. Walker
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento CA 95825

SUBJECT: Response to FERC Filing, CP01-22-000, Natural Gas Pipeline
under Natural Gas Act in California and Arizona

Dear Mr. Walker:

Background:

The Planning/Building Department has had two meetings with representatives wishing to construct a natural gas pipeline through Imperial County. The first meeting with federal, state and consultants was on June 5, 2000; in the Department Conference Room. The second meeting was held with PG&E representatives on September 5th in the Department Conference Room. The Planning/Building Department on November 14, 2000, received your letter regarding the proposed PG&E construction and operation of a new natural gas pipeline from Ehrenberg, Arizona, through Imperial County with a tie-in proposed to Sempra Energy International at the Mexican Border. According to your letter, an application was filed with the Federal Energy Regulatory Commission (FERC) on October 31, 2000, by North Baja Pipeline, LLC (NBP) for the proposed gas pipeline project.

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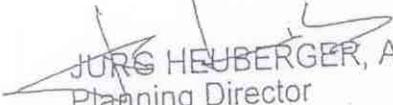
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We look forward to reviewing the proposed joint EIS/EIR prepared by the FERC contractor and State Lands Commission staff on the proposed natural gas pipeline project. Please provide five copies of the draft to Imperial County Planning Department.

If you have any questions, please contact me at (760) 482-4236, extension 4310, or at, jurgheuberger@imperialcounty.net.

Sincerely,


JURG HEUBERGER, AICP, CEP
Planning Director

Attachments Letter from Public Works
Minute Order from Board of Supervisors

cc: Board of Supervisors
Ann K. Capela, County Administrative Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Asst. Planning Director
Tim Jones, Public Works Director
Steve Birdsall, Ag. Commissioner/APCO
Joe Būzo, County Fire/OES
Tom Wolf, Environmental Health Services
Goodyear K. Walker, State Lands Commission
Greg Thomsen, BLM/EI Centro Field Office
PG&E/North Baja Project File
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PLANNING/BUILDING DEPARTMENT

IMPERIAL COUNTY

PLANNING | BUILDING INSPECTION | PLANNING COMMISSION | A.L.U.C.

JURG HEUBERGER, ACP, CEP
PLANNING/BUILDING DIRECTOR

CERTIFIED MAIL NO. 7000-0520-0021-8743-9022

January 9, 2001

John Cassady
Manager, Environmental and Land
PG&E Natural Energy Group
1400 SW Fifth Avenue
Suite 900
Portland, OR 97201

SUBJECT: Response to FERC Filing, CP01-22-000, Natural Gas Pipeline
under Natural Gas Act in California and Arizona

Dear Mr. Cassady:

Background:

The Planning/Building Department has had two meetings with representatives wishing to construct a natural gas pipeline through Imperial County. The first meeting with federal, state and consultants was on June 5, 2000, in the Department Conference Room. The second meeting was held with PG&E representatives on September 5th in the Department Conference Room. The Planning/Building Department on November 14, 2000, received your letter regarding the proposed PG&E construction and operation of a new natural gas pipeline from Ehrenberg, Arizona, through Imperial County with a tie-in proposed to Sempra Energy International at the Mexican Border. According to your letter, an application was filed with the Federal Energy Regulatory Commission (FERC) on October 31, 2000, by North Baja Pipeline, LLC (NBP) for the proposed gas pipeline project.

On November 16th, an E-Mail Memorandum was sent to the County Board of Supervisors as well as to various County Departments and staff for a response to the above proposal. On November 20th, the pipeline proposal was hand-delivered to four County Departments for review and input. Attached is a copy of the response from Imperial County Public Works Department for your review.

Also, please find attached a copy of a letter from Goodyear K. Walker, Division of Environmental Planning and Management, California State Lands Commission, received via facsimile on December 11, 2000. The State Lands Commission wishes to be the CEQA "lead agency" for the project as it crosses state lands in Imperial County. On the federal level, the FERC will be the NEPA "lead agency" for the project as it crosses federal lands in the County.

On December 15th, the FERC submitted the attached "Notice of Intent/Preparation to Prepare a Joint Environmental Impact/Report for the Proposed North Baja Pipeline Project" for review.

Environmental Concerns:

For private lands and roads within the permitting and regulatory jurisdiction of the County of Imperial, the joint federal and state environmental document, must address all of the following concerns.

The environmental resources and issues needing to be resolved include, but are not limited to, the following, as further outlined below: appropriate compliance with federal and state environmental quality act regulations, traffic impacts and mitigation measures impacting local roads during construction and operation; impacts on existing wildlife and wildlife habitat and mitigation within the project corridor, impacts to any sensitive flora in the pipeline corridor and mitigation, floodway and floodplains and mitigation within the pipeline corridor, historical sites and mitigation within pipeline corridors, vehicle traffic pattern changes and mitigation during construction, regional air quality issues and mitigation measures for those air emissions from new natural gas plants from Mexicali and/or Northern Mexico, seismic impacts to the gas pipeline and mitigation, and other appropriate project mitigation as required by the responsible agencies.

The County has reviewed the State Lands Commission letter and its determination to be the CEQA "lead agency" for this project. As the local land use and environmental agency having permitting and oversight for environmental projects in Imperial County, it is imperative that any federal and state environmental projects in Imperial County, it is imperative that any federal and state environmental document that is prepared, (i.e. a joint Environmental Impact Statement/Report (EIS/EIR)) be coordinated through the Planning/Building Department of Imperial County as outlined below.

For any joint NEPA/CEQA document prepared, the following comments are submitted, but the County reserves the right to comment more fully when the (draft) joint environmental document is received:

(1) The Map identifies the crossing of the Colorado River and the U.S. Fish and Wildlife Service and the State Department of Fish and Game should be contacted and would be able to provide your agency with appropriate comments on the impacts of any crossing alternatives on the Colorado River and any "wetlands" which may be affected. For "wildlife habitat" impacts on the Colorado River environs, Palo Verde Irrigation District canals and drains, and Palo Verde County Water District system, these agencies should be contacted.

(2) The proposed pipeline corridor includes areas that are within the "Zone A", 100-year flood area, as identified in the adopted FEMA Flood Insurance Maps, dated March 15, 1984, and any construction of the pipeline should include applicable building permit applications and appropriate flood control structures and should be addressed in the joint EIS/EIR environmental document.

(3) The new air quality emissions and their impacts can be addressed through contacts with the Imperial County Agricultural Commissioner's Office and the Air Pollution Control District Officer, who handles the regulation of air quality as the Air Pollution Control District and any "regional air quality" impacts to the County can be addressed through the District's review and permitting process.

- (12) The proposed project is initially designed to carry 500 million cubic feet per day of natural gas. As designed, the new pipeline system will be available to serve existing and planned power plants in Baja California that will in turn serve the electric power demand in the northern Baja. Since air emissions from Baja California and Mexico are currently adversely impacting Imperial County, any new power plant emissions should be comprehensively addressed and mitigation measures proposed in the joint EIS/EIR.
- (5) The proposed pipeline construction can impact transportation and the County's Circulation/Scenic Highways Element should be referenced for this pipeline project and any encroachment permits or traffic impacts to County roads shall be coordinated through the Imperial County Public Works Department.
- (6) The County is within the Seismic Zone 4 area and "seismic exposure" is a critical concern for any proposed pipeline project anywhere in Imperial County and should be addressed in the joint EIS/EIR. Pursuant to Board direction, please provide specific mitigation for the potential rupture of the gas line during an earthquake and how PG&E will safeguard the public in such an emergency.
- (7) With regard to modifying or changing any irrigation canals or drain or water systems, the Palo Verde Irrigation District and the Palo Verde County Water District should be contacted for possible impacts to their systems within the pipeline corridor.
- (8) There may be historic properties known to exist within the pipeline corridor and the Imperial Valley Museum and Southeast Desert Information Center should be contacted for their review and input on this project. Also, a cultural resources study by a qualified archaeologist should be undertaken in the event pre-historic or historic resources are found along the pipeline corridor.
- (9) The Bureau of Land Management's "Federal Transmission Planning Corridors" (Figure D-2) in the East Mesa area is attached hereto and will need to be revised to reflect any new changes to BLM's planning corridor due to this pipeline project.
- (10) The joint EIS/EIR needs to address how "fill" (soil, sand and gravel) will be obtained for the construction of the proposed pipeline and where it will come from to the pipeline site. In the event PG&E plans to contract out the construction of the proposed natural gas pipeline, adequate time must be provided for these contractors to obtain any necessary permits that may be required from the Bureau of Land Management or Imperial County:
- (11) The Board of Supervisors also would like the joint EIS/EIR to discuss the "feasibility" of a "tie-in" to the proposed gas line by a local entity such as the Imperial Irrigation District for use in their power plants or in the alternative can PG&E provide additional pressure volume through their existing gas pipelines to IID's power plants and/or to the "Gateway to the Americas" project (east of Calexico) for economic development purposes.
- (12) Has a "Presidential Permit" been served? If so, when and if not when will the process allow input?

Thank you for the opportunity to comment on this proposal and when the joint EIS/EIR is received other comments may be submitted.

We look forward to reviewing the proposed joint EIS/EIR prepared by the FERC contractor and State Lands Commission staff on the proposed natural gas pipeline project. Please provide five copies of the draft to Imperial County Planning Department.

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