Comments on the Draft EIS and Responses

INDIVIDUALS

Unofficial FERC-Generated PDF of 20070613-0174 Received by FERC OSEC 06/11/2007 in Docket#: CP06-459-000

ORIGINAL

June 6, 2007

2007 JUN 11 P 3:55

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. NE; Room 1A
Washington, DC 20426

Re: Docket No. CP06-459-000

Re: Transwestern Pipeline – Casa Grande, Arizona Area
Rodeo & Burris Roads/North Branch of the Santa Cruz River

Ms. Bose:

IND1-1 After attending local meetings and conferring with Transwestern and Cinnabar representatives, I have some serious concerns, questions, and objections to this proposed pipeline, which affects a north/south, as well as an east/west route through our cattle ranch. The east/west route will require removal and replacement of our fence.

This is a riparian area, abundant with wildlife coexisting with our cattle operation. The North Branch of the Santa Cruz River passes through our ranch. We hold a first water right, and the Casa Grande Waste Water Treatment Plant to the south provides a continuous flow of Grade-A effluent discharged into the Santa Cruz, which has created a wetland/riparian habitat with hundreds of species of birds, water fowl, reptiles, bobcat, fox, and much more.

Transwestern is requesting not only a pipeline easement at Burris Road, but temporary workspace, and a permanent road. Burris Road is already a designated section line road. Other gas lines which have gone through this area have been horizontal bore drilled, per the Army Corp of Engineers declaration that the Santa Cruz is considered a navigable waterway. Southwest Gas installed a horizontal drill through this area, and El Paso Gas will be replacing an old line and will comply with a horizontal drill. I believe FERC can request that compliance from Transwestern, also. The easement Transwestern is requesting will clear out more than 100 feet of natural vegetation and habitat, trees that are

IND1-1 Section 4.3.4.2 describes the general mitigation criteria that Transwestern's permit application would need to meet when applying for a permit under the COE section 404 program. Because Transwestern has not yet received its section 404 authorization from the COE, it is unknown whether any specific conditions will be required. The COE has determined, however, that the Phoenix Expansion Project qualifies for an Authorization under the COE's section 404 Nationwide Permit program. A Nationwide Authorization is a general permit authorization issued by the COE for certain activities having minimal impacts and does not regulate aspects of the project design such as specific crossing methods. It is the FERC staff's expectation that Transwestern will work to address the commentor's concerns during the easement acquisition process. The easement acquisition process, which is between the pipeline company and the affected landowner, is discussed in section 4.7.2.

Unofficial FERC-Generated PDF of 20070613-0174 Received by FERC OSEC 06/11/2007 in Docket#: CP06-459-000

IND1-1 (cont'd)

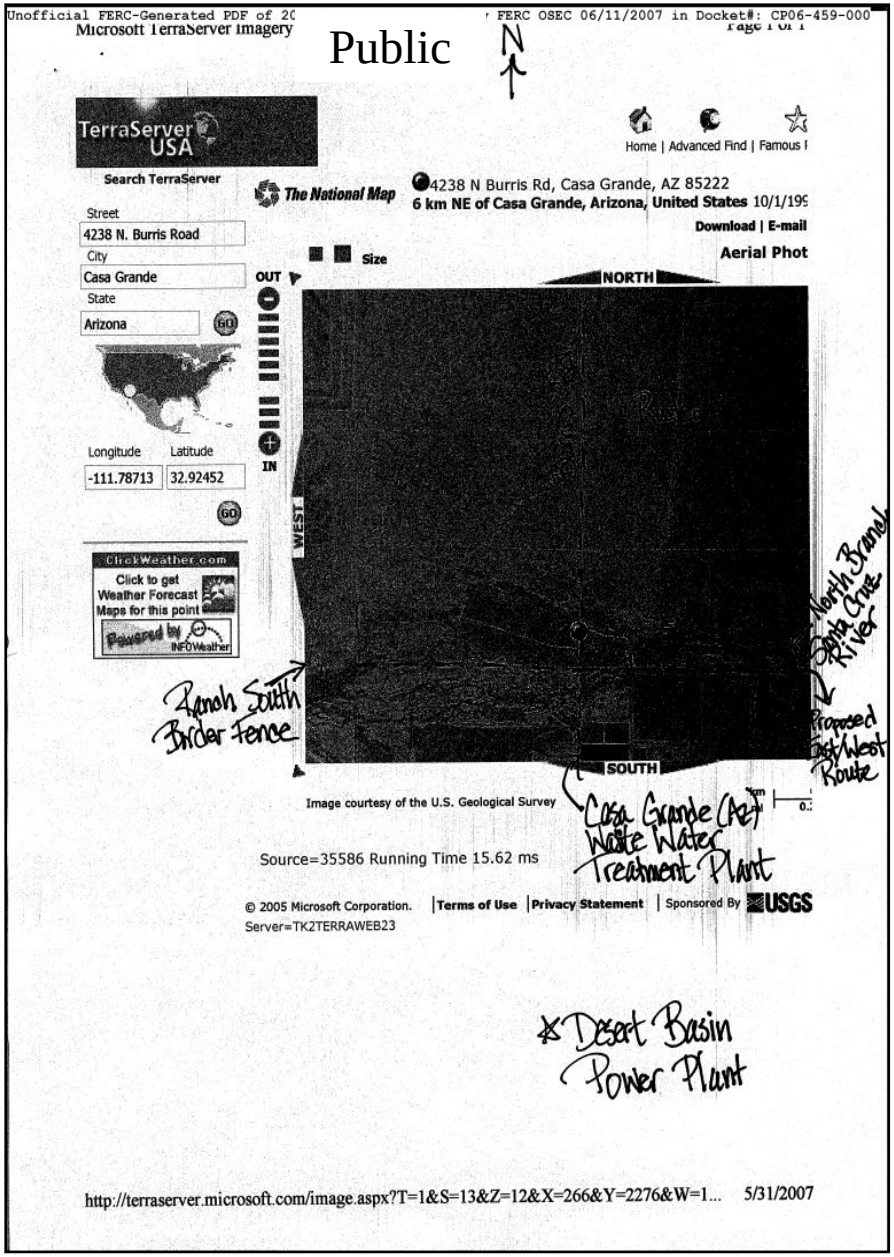
hundreds of years old and totally destroy this area. I can't seem to get a straight, honest answer pertaining to why Transwestern will not horizontal drill, but I guess it basically comes down to cost, at the expense of destroying this area. If FERC is going to approve their route of choice, why not have some stipulations, respect each area on its own merit, and make mandatory requirements regarding how that pipe is installed through a river or wetland? That's compromise, instead of letting landowners just get run over for the "good of the all and not the few." What's wrong with trying to protect areas to accommodate everything involved – wildlife, livestock, and the increasing need to service the overwhelming population?

I don't know how other landowners feel about this issue, but after talking to several city officials, I believe the City of Casa Grande opposes this Santa Cruz route, preferring the use of existing utility easements. The Santa Cruz is a waterway, and runs as a river certain times of the year. Developments have had to comply with regulations regarding natural vegetation, etc., including the city golf course. If water is running and there is a problem or break in the line, what about maintenance, repair, contamination, or worse? I have a list of concerns with Transwestern, and have retained legal counsel to assist us and protect our operation interests at our family ranch we have held since 1954. Obviously, this pipeline can't be stopped, and it seems they are not interested in alternative routes, but allowing them to utilize the Santa Cruz will devastate a lot of areas. I don't think the price tag is a problem for them; they are going to do what they want to do and it seems they have the federal blessing. Using existing utility corridors makes more sense. Thank you for your time and consideration.

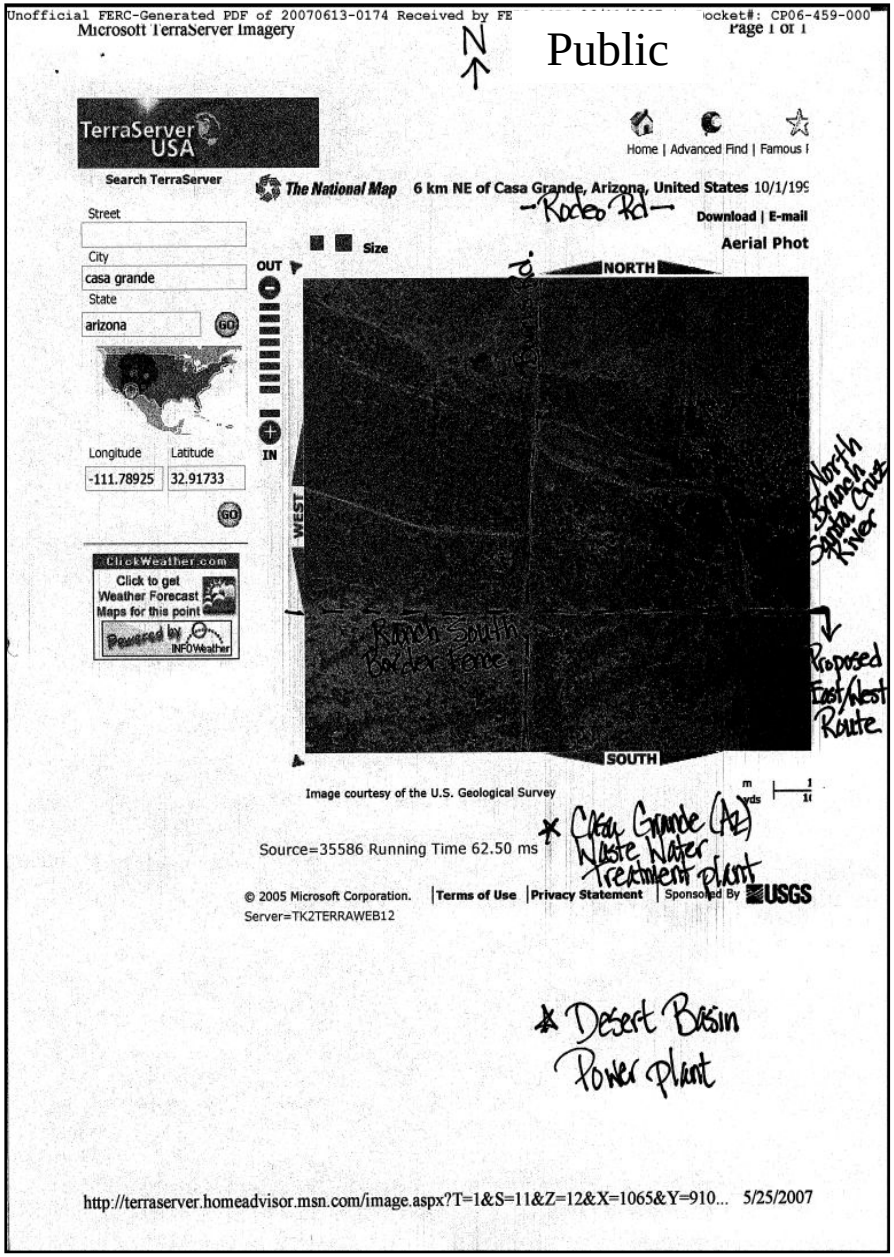
Sincerely,

Jean Simmons

Jean Simmons
P.O. Box 10515
Casa Grande, Az 85230
(520) 836-0492
(520) 709-0841


Unofficial FERC-Generated PDF of 20
Microsoft TerraServer imagery
FERC OSEC 06/11/2007 in Docket#: CP06-459-000
N
TerraServer USA
Search TerraServer
Home | Advanced Find | Famous
The National Map
4238 N Burris Rd, Casa Grande, AZ 85222
6 km NE of Casa Grande, Arizona, United States 10/1/199
Download | E-mail
Aerial Phot
Street
4238 N. Burris Road
City
Casa Grande
State
Arizona
GO
Size
OUT
IN
NORTH
WEST
SOUTH
Longitude
Latitude
-111.78713
32.92452
ClickWeather.com
Click to get Weather Forecast Maps for this point
Powered by INFOWeather
Ranch South Border Fence
North Branch Santa Cruz River
Proposed East/West Route
Image courtesy of the U.S. Geological Survey
Casa Grande (Az) Waste Water Treatment Plant
Source=35586 Running Time 15.62 ms
© 2005 Microsoft Corporation. | Terms of Use | Privacy Statement | Sponsored By USGS
Server=TK2TERRAWEB23
Desert Basin Power Plant
http://terraserver.microsoft.com/image.aspx?T=1&S=13&Z=12&X=266&Y=2276&W=1... 5/31/2007

Public Individuals 1



Unofficial FERC-Generated PDF of 20070613-0174 Received by FERC OSEC 06/11/2007 in Docket#: CP06-459-000

Public

[redacted]

[redacted]

Individuals 1

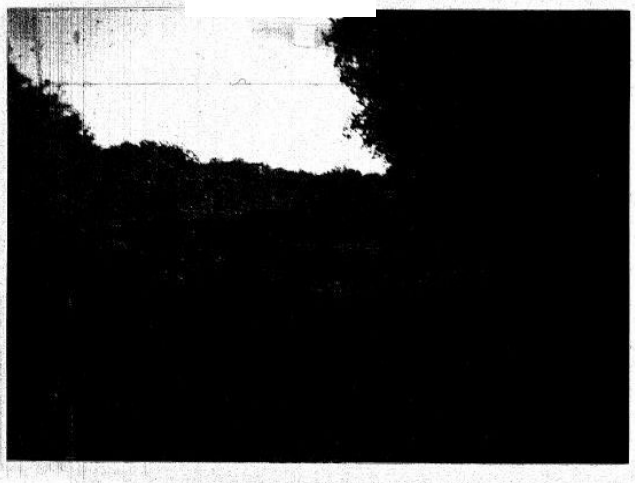
Unofficial FERC-Generated PDF of 20070613-0174 Received by FERC OSEC 06/11/2007 in Docket#: CP06-459-000

Public

Individuals 1

Unofficial FERC-Generated PDF of 20070[illegible] [illegible]RC OSEC 06/11/2007 in Docket#: CP06-459-000

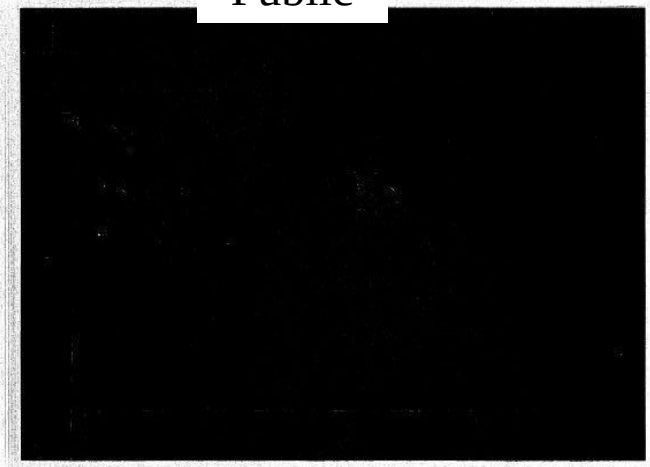
Public



Individuals 1

Unofficial FERC-Generated PDF of 200706[illegible]RC OSEC 06/11/2007 in Docket#: CP06-459-000

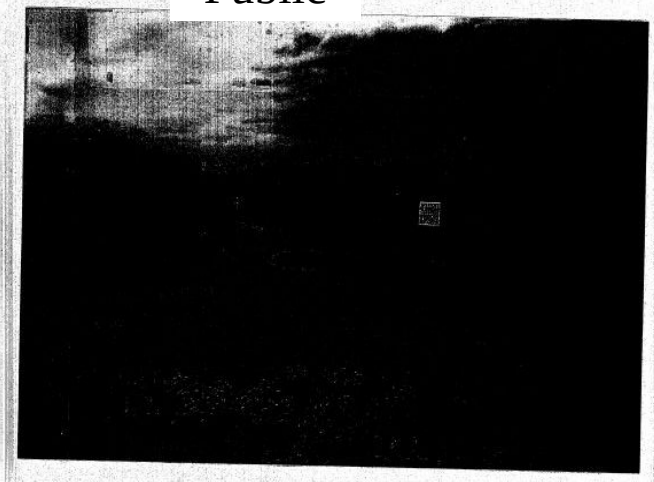
Public



Individuals 1

Unofficial FERC-Generated PDF of 20070 RC OSEC 06/11/2007 in Docket#: CP06-459-000

Public



Individuals 1

Unofficial FERC-Generated PDF of 20070 RC OSEC 06/11/2007 in Docket#: CP06-459-000

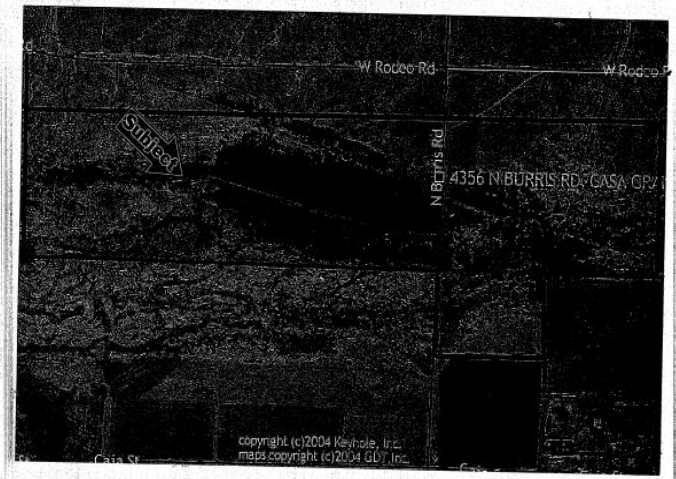
Public

Individuals 1

Unofficial FERC-Generated PDF of 20070613-0174 Received by FERC OSEC 06/11/2007 in Docket#: CP06-459-000

Public

earthrender.jpg



Individuals 1

DOCKET NO. CP06-459-000
FERC/EIS – 0208D

Scott Trust, Jack W. Scott
P. O. Box 1149
Aztec, NM 87410
June 17, 2007
505 334 8986
scott33@earthlink.net

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, room 1A
Washington, DC 20426

Docket No. CP06-459-000
Phoenix Expansion Project
Transwestern DEIS

Dear Secretary Bose,

The following are comments on Draft Environmental Impact Statement for the Docket No. CP06-459-000, Phoenix Expansion Project

IND2-1 The phone number for FERC on page 4 of the cover letter in the DEIS is not a working number.

IND2-2 It has come to my attention that Transwestern has had four new ownerships over the last few months. This change in ownership has to be addressed in the final EIS. Who owns it now and how will this affect the commitments made by previous ownerships?

IND2-1 All of the telephone numbers for the FERC that were listed on page 4 of the cover letter of the draft EIS have been verified and are working numbers.

IND2-2 Section 2.5 discusses the environmental inspection and mitigation monitoring program that would be implemented to ensure that Transwestern complies with the mitigation measures in its applications, the FERC Certificate, the BLM/FS/BOR POD, and other permits. Transwestern would be required to adhere to all commitments and agency requirements regardless of the ultimate ownership of the company.

IND2-2 (cont'd) The present company apparently has no experience in building nor operating an interstate pipeline or pipeline system. If Transwesttern should change hands again or it or its parent ownership enter bankruptcy, what commitment is in place to guarantee further that all commitments and obligations in the EIS remain in place and are operable in the future.

IND2-3 Much of the information contained in this document appears to be well done but there are some exceptions. My comments will not be all inclusive but I will try to address some of the more glaring mistakes or more noticeable problems.

Several areas appear to be incomplete or wrong.

Throughout the document is the statement additional plans, surveys, and measures will be filed with the Secretary during the draft EIS comment period for analysis in the Final EIS or filed before initiating construction. This additional information which appears to be substantial leaves the public and the public's comments out of the process and leaves them in the dark as to what that information is going to be.

IND2-4 Table 4.1.2-1 (Page 4-8) does not have data on the wells for the first 1.4 miles of the line. These several wells need to be added to the table as they are within the 1000 foot designated distance.

IND2-5 Table 4.7.3-1 (Page 4-133 and 4-135) shows houses at milepost 0.6 and 0.9 as being abandoned as per the footnote and says that Transwestern would work with the landowner on plans for relocation/removal of the abandoned house. With no larger scale map it is hard to determine exactly which houses these are. There are no structures that are abandoned in this stretch nor have any been abandoned.

IND2-3 See the response to comment PM3-2. This general comment is followed by more specific comments that are addressed in the responses to comments IND2-4 through IND2-11.

IND2-4 The source of the data presented in table 4.1.2-1 did not identify any wells within 1,000 feet of MPs 0.0 to 1.4. Transwestern would avoid physical damage to wells that may exist in the construction work area but were not identified in table 4.1.2-1. In addition, construction and operation of the proposed project would not affect access to oil and gas reserves.

IND2-5 Table 4.7.3-1 has been revised based on the site-specific construction plans filed by Transwestern.

IND2-6 Throughout the document there are statements that Transwestern "would work with or consult with or would address with individual landowners," what oversight from FERC is available to insure that this is done and resolutions established? What is the process to guarantee this.

4.8.5 Property Values (Page 4-164)

IND2-7 This whole section is not correct and shows the complete misunderstanding of facts, of property ownership, and of the process by the contractor which wrote this DEIS. The following statement is wrong and needs to be deleted from the Final EIS. "Transwestern currently maintains easements to operate its San Juan Lateral. Installation of Loops A and B adjacent to the existing pipeline should not change or affect the value of a property. Further, because portions of the area required to construct Loops A and B would overlap its existing easement by 25 feet, Transwestern would reduce the amount of new permanent easements or property that would need to be acquired to operate these facilities."

Even if the new line was overlapping the old Transwestern easement, Transwestern does not have the right to place a new line or use the old easement for the purpose of a new line. The overlapping area will have to be newly acquired in a new easement for the new line. Much of the first portion of the new line is not adjacent to the Transwestern line but parallels another company's line as is shown in TABLE C-1 on Page C-1. **Another new pipeline irregardless of where it is placed will affect and change the value of a property.** Obviously the writer of this section has never been a property owner who has had a pipeline cross his or her property.

The next paragraph on page 4-164 is misleading in saying "Appraisal methods used to value land are based on objective

IND2-6 Section 4.7.3.1 has been revised to include additional details regarding Transwestern's Landowner Complaint Resolution Procedure, including how to contact the Commission's toll-free Enforcement Hotline, if an affected landowner has contacted Transwestern and feels that an appropriate response has not been provided. Section 2.3.2 has been revised to include a cross reference to the Landowner Complaint Resolution Procedure that is outlined in section 4.7.3.1.

IND2-7 The referenced statement was intended to show that Transwestern is attempting to reduce new land use impacts by using existing easements to construct its pipeline as well as place its facilities adjacent to areas already dedicated to utilities. The statement was not intended to imply that Transwestern could arbitrarily place new facilities within the existing easement without renegotiating these easement agreements. Transwestern's ability to install a new pipeline within its, or another pipeline company's, existing easement is dependent upon the agreements previously established between the landowner and Transwestern and/or the other pipeline company upon installing the original, existing pipeline.

The commentor's statements regarding property values and limiting future use of the property through which the pipeline passes are noted.

Section 4.7.3.1 has been revised to include additional details regarding Transwestern's Landowner Complaint Resolution Procedure.

IND2-7 (cont'd)

characteristics of the property and any improvements." Many appraisers in New Mexico are less than objective and are far more subjective since much of their livelihood and workload is dependent upon doing appraisals for oil and gas companies taking private property. The art of appraisals is subjective by nature because the numerous variables and comparables do not lend themselves to a scientific nor objective approach. It is an art and not science. Having dealt previously with the appraiser hired by Transwestern and having been told once again by him that his appraisal will come in low but he "is sure that we will be able to negotiate it up" this DEIS statement is pure garbage.

This paragraph without typing it, makes reference to potential purchasers of property and planned uses they might have for the property and constraints placed upon the use and purchase. It disregards any plans or uses the current owner might have and seems to limit the current owner to the current use of the property. This is incorrect and wrong. What happened to highest and best use. Why disregard and prohibit the current owner his right to develop his own property. He too may have variable criteria and capabilities and uses for his property. These cannot be ignored.

We come to the next paragraph:

"The Interstate Natural Gas Association of America (INGAA) conducted a natural gas study to determine if the presence of a pipeline on a piece of property affected the property value or sale price of the property. The *INGAA Foundation Natural Gas Pipeline Impact Study* (2001) found that there was not a significant impact on the sale price of properties along natural gas pipelines. The study further concluded that neither the size of the pipeline (diameter) nor the product carried by a pipeline has a significant impact on sale price." Page 4-164

IND2-7 (cont'd) Sadly, the inclusion of the above paragraph in this DEIS is nearly enough to nullify any semblance of legitimacy in the total document. A new contractor should be hired by FERC and a new DEIS begun.

The inclusion of the above paragraph in the Final EIS (FEIS) document along with other portions of this section would make FERC no more than a *Cheerleader* for the industry. It would remove any semblance of objective and independent thinking or writing, and would place FERC in a position of being no better than the tobacco industry which for years created self supporting and pro industry studies with findings showing that smoking and chewing tobacco products created no adverse health effects.

What garbage.

When will the "Landowner Complaint Resolution Procedure" mentioned on page 5-9 be available to the public and landowners. It is sad that it was not included as an appendix in the DEIS so that the public would have had an opportunity to comment on its adequacy. I would like a copy when available. The easement acquisition personnel will not be available later in this project since many of them will be going back to Enron or previous employers. What effect will that have on noncompliance with FEIS requirements and stipulations.

Page 4-136

IND2-8 "Transwestern shall prepare and updated table listing all residences, businesses, and structures within 50 feet of the construction work area and site-specific residential and structural implementation plans for these residences, businesses, and structures. The site-specific residential and structural implementation plans shall show the area that would be disturbed during construction and the safety measures that would be

IND2-8 Transwestern has prepared certified plats for every tract of land that would be crossed. Transwestern's plats show the area that would be affected by the permanent pipeline easement as well as temporary workspace that would be affected during construction. These plats have been used by Transwestern during the easement negotiation process with landowners. Further, Transwestern's site-specific residential and structural implementation plans have been filed with the FERC and are available for viewing on the FERC Internet website (http://www.ferc.gov) under Docket Number CP06-459.

IND2-8 (cont'd) implemented.... ...The updated table and site-specific residential and structural implementation plans shall be field with the Secretary for the review and written approval of the Director of OEP before construction.

When will these plans be made available to the property owners and what input is available to the property owner?

IND2-9 Much effort has been made in this DEIS to address Planned Developments, but I see little, other than increasing the Dot pipe class standard, to address the same issues in areas where development is imminent but not yet planned--like for the first three miles of so of Loop A. This area deserves discussion and attention in the FEIS. The agriculturally designated land is surrounded by residential and industrial development and in reality will probably not remain agricultural for much longer. These properties should be afforded the same considerations afforded the "Planned Developments". Have the City of Bloomfield or the property owners been consulted regarding imminent plans for this area?

4.2.3 Site –specific...Page 4-31

IND2-10 Please define "extent practicable" In "Excess rock would be removed from the upper 12 inches of soil to the extent practicable in cropland, hayfields, pastures, residential areas and other areas at the landowner's request." Technology exists to remove all rocks to this depth and that should be required.

Page F 4 11

IND2-11 Does certified weed and pest free soil even exist or is it available anywhere in San Juan County New Mexico or southern Colorado?

Jack W. Scott

IND2-9 In analyzing the potential impacts of a proposed project on future development, the FERC only considers development projects that are actually planned because development in earlier stages of consideration are conceptual or speculative and thus are subject to cancellation, significant delay, or substantial change. No planned developments were identified in proximity to the San Juan Lateral Loops A and B.

IND2-10 Rock removal would generally be considered acceptable if the amount of rock remaining in the soil is consistent with preconstruction conditions or with areas adjacent to the construction right-of-way. The adequacy of rock removal efforts from cropland, hayfields, pastures, residential areas, and other areas at the landowner's request would be verified by the EI.

IND2-11 Generally, soil and erosion control materials that are certified as weed free are available. If, however, Transwestern is unable to obtain such material, Transwestern would be required to submit a variance request and propose an alternative measure that would provide an equal or better level of protection to the resource. Transwestern would not be allowed to implement the alternative measure unless approved by the FERC staff in consultation with the appropriate regulatory agencies. See also the response to comment LA2-56.

ORIGINAL

June 12, 2007

Kimberly D. Rose, Secretary
Federal Energy Regulatory Commission
888 First St. NE, Room 1A
Washington D.C., 20426

FILED
OFFICE OF THE
SECRETARY
2007 JUN 19 P 3:48
FEDERAL ENERGY
REGULATORY COMMISSION

Ms. Kimberly D. Rose, Secretary

This communication is in reference to Docket no. CP06-459-000 (Transwestern Pipeline).

IND3-1 I am a property owner in Yavapai County, Arizona (Parcel 3 section 19, T15N, R1E), where a portion of my property is needed for a permanent easement.

For over two (2) months I have been trying to obtain information regarding the initial pipeline routing and the revision that changed the routing to what it is presently.

The second area of concern is the notification of property owners at the time of application (Sept. 06) and the revision thereof.

Due to the voluminous amount of recorded information regarding Docket no. CP06-459-000 on the FERC website, I would truly

IND3-1 The referenced parcel of land was apparently owned by the TransNation Title Insurance Company Trust 7400 (TransNation Trust) when the FERC began its environmental review of the project. TransNation Trust was included on the mailing list of affected landowners that Transwestern provided to the FERC in support of its application and, consequently, was included on the FERC's environmental mailing list as an affected landowner and was sent the NOI. A description of the NOI and the public participation process is presented in section 1.3. Because TransNation Trust did not return the Mailing List Retention Form to remain on the mailing list to receive additional project information, the FERC did not send TransNation Trust the draft EIS. If the commentor has purchased the property from TransNation Trust and is now the current landowner, Transwestern's land department will be working with the commentor regarding the easement agreement and will be able to explain the evolution of the pipeline route. The easement acquisition process, which is between the pipeline company and the affected landowner, is discussed in section 4.7.2. The commentor has been added to the FERC's mailing list for the project and will receive any future project mailings, including the final EIS.

IND3-1 (cont'd)

appreciate your "HELP" in navigating the website so I can locate the data that is sorely needed.

The timeline is of vital interest to myself and other property owners adjacent to my land.

Ms. Rose, I truly appreciate any help your agency can offer.

Thanking you in advance

Sincerely,
Charles M Mahrer
3550 Pansy Circle
Seal Beach, Ca. 90740-3126
tele.no. 562-431-4358

Unofficial FERC-Generated PDF of 20070628-0154 Received by FERC OSEC 06/15/2007 in Docket#: CP06-459-000

ORIGINAL

June 13, 2007

FILED
OFFICE OF THE
SECRETARY
2007 JUN 15 P 2:44
FEDERAL ENERGY
REGULATORY COMMISSION

Mark and Soma Williams
P.O. Box 28056
Prescott Valley, AZ 86312

Kimberly D. Bose Secretary
F.E.R.C.
888 1st Street N.E. Room 1A
Washington, D.C. 20426

RE: REF. DOC# CP06-459-000
LABEL 1
COPY COMMENT
ATTN OF GAS 2, DG2E

ARIZONA PARCEL #401-01-039B
APN: TRACK # YA-19.32

Dear Ms. Bose,

IND4-1 We were unable to attend the public meeting held in Prescott the evening of June 4, 2007 due to business that took us to Chicago, IL at the time. However, I would very much like to record comments on our behalf.

The Cinnabar Service Company has made contact with us stating their intentions to take a substantial portion of our property for their pipeline project, rendering this section of our property essentially useless to us. The local land agent that stays in contact with us is Roy Truelsen. He has made good communication with us. Because we do not wish this pipeline to prevent our plans in erecting future structures, rendering such a vast amount of our property useless to us, we have had no success in negotiating their proposal beyond Mr. Truelsen.

A few months ago we requested that the pipeline company stay off of our land and use the existing 40' utility easement to the East side of our property nearest their pipeline route.

Another proposal we have made is that they bury their pipeline deep enough that we could then build over it with a protective concrete cap for extra separation protection from our usage intentions.

Our most recent proposal seems to be the best win-win for both parties, but we have essentially been assured that it will not happen. Our latest proposal

1/4

IND4-1 Where possible, pipelines should be installed near the center of their rights-of-way to provide the greatest separation from areas that the pipeline operator does not control, such as in adjacent easements. For safety and operational purposes, it is also preferred to install pipelines in straight segments, rather than wavering in response to property lines. For these reasons, the Phoenix Lateral has been proposed to be installed in the center of a 50-foot-wide permanent right-of-way that extends straight across the commentor's property and neighboring properties. Also for safety and operational purposes, permanent third-party structures are not allowed within the 50-foot-wide permanent right-of-way.

The effect that the right-of-way may have on private property is a damage-related issue that is the subject of negotiation between the landowner and pipeline company. See sections 4.7.2 and 4.8.5 for additional information regarding land ownership and easement requirements.

Unofficial FERC-Generated PDF of 20070628-0154 Received by FERC OSEC 06/15/2007 in Docket#: CP06-459-000

IND4-1 (cont'd)

requests that they place their pipeline under our existing East fence near the property line. This is a great win for them as they will not have to place property gates for access as they can route their sniffing equipment along the existing easement for monitoring unhindered by fences. Furthermore, we keep the bulk of our property in a productive form for us to use. As they were concerned about traffic on top of the pipeline, it would not happen as the fence above ground would provide the natural separation barrier.

We are very distressed that there appears to be so little efficiency and common sense in laying this line through our property. Why not move their pipeline approximately 70' East, protect it under the fence they will replace during construction, use this fence to protect their pipeline, monitor their pipeline from the existing public utility easement, and allow us to exercise our rights as land owners to use our home site to our most productive advantage? After all, it is our land for which we have planned a far more profitable use.

Otherwise, we are left with no option but to negotiate for a more favorable settlement which seems so ridiculously waste full in comparison, not only for the wasted land but for fiscal responsibilities too.

Thank you for considering our standing.

Sincerely,

Mark and Soma Williams

2/4

Unofficial FERC-Generated PDF of 20070628-0154 Received by FERC OSEC 06/15/2007 in Docket#: CP06-459-000

June 13, 2007

Mark and Soma Williams
P.O. Box 28056
Prescott Valley, AZ 86312

Mr. Tom Bray
11225 N. 28th Drive Suite D #207
Phoenix, Arizona 85029
(918) 607-2101

Dear Mr. Bray,

Per our phone call earlier this evening, we are quite distressed over the current wasteful location concerning your proposed pipeline on our property. We have made repeated requests to Mr. Truelson and yourself for a more favorable location over the past few months. We feel the pressure building, and are very aware that this project is gearing up. We strongly implore you and your planning team to consider what we feel is the best win-win not only for you, but for us too.

As we discussed, our stance is that your current pipeline location wastes a vast portion of our property rendering it unusable for our productive future structure locations that have been planned prior to your pipeline project. For this reason we are highly motivated to encourage you make a simple adjustment in your pipeline location.

In place of your current plan, please locate your pipeline under or very near our East fence. This then releases you of the need to provide gates and accomplishes your monitoring activities as they would be performed from the existing 40' public utility easement currently not being managed by your existing plan. This then facilitates the ease and efficiency of your monitoring crews. Furthermore, the fence location will provide a barrier to ensure that there is no traffic pattern on top of your pipeline. This has been your concern in past debates over placement of your pipeline in the existing utility easement.

On our end, we now can utilize an appropriate set back of say 50' from that fence/pipeline (our current fence location) to erect structures and still maintain usable space on our property. Now, you have safe location, ease of access, and a pipeline location that we are happy with and it still provides ample room for you in temporary easement status as well. We win by getting to keep a usable portion of our property, you win by having a well planned location that truly suits your long term interests better (namely your maintenance/monitoring crews).

Sincerely,

Mark Williams

Letter copy sent will have diagram to accompany it.

3/4

Non-Internet Public

FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE
PROPOSED PHOENIX EXPANSION PROJECT
Docket No. CP06-459-000

Volume II; IND4 Unnamed map

Page II-820

Public access for this Non-Internet information is available only through the Public Reference Room, or by e-mail at public.referenceroom@ferc.gov.

Unofficial FERC-Generated PDF of 20070706-0147 Received by FERC OSEC 06/15/2007 in Docket#: PF06-4-000

ORIGINAL

Written version (supplemented) of oral comments given on the Phoenix Expansion Draft EIS, 6 June 2007

2007 JUN 15

Commenter: Robert Esenwein CEP, 1415 Louisiana St. Ste. 2500, Houston, Texas 77002

PF06-4-000

The following comments address the following subjects or concerns about the Phoenix Expansion Draft EIS.

Purpose of and Need for Action
Routing Alternatives
Pipeline Reliability and Safety
Electrical Transmission Corridor
Environmental Justice
Incomplete Information
Cumulative Effects

THE ACADEMY OF BOARD CERTIFIED ENVIRONMENTAL PROFESSIONALS CEP ROBERT C. ESENWEIN 5787 CERTIFIED

6-14-2007

IND5-1 **Purpose of and Need for Action: Comments**: The applicant's (Transwestern Pipeline Company) project need is not identified in the EIS. Independent information indicates that additional natural gas capacity may be available through other announced projects such as El Paso Natural Gas's proposed salt cavern storage facility near Eloy, Arizona. The amount of gas to be stored in this facility and residential customers projected to be served (735,000) may affect the pipeline capacity proposed by Transwestern. Moreover, other information indicates current status of gas supplies are adequate to meet projected demand (88th Arizona Town Hall, 9-12 April 2006). Still other data indicate the capacity proposed by Transwestern for the Phoenix Expansion project to be 500MCF which is 38% more natural gas than consumed by the State of Arizona in 2005 (Natural Gas Annual 2005).

Transwestern appears to confuse project objectives with project need, which causes a de-limiting of alternatives. Other alternatives within the scope of this EIS should include detailed analysis of load management, conservation and renewable energy once the project need is defined. Applicant's rationale that proposed Phoenix Expansion capacity will create 'downward pressure' on natural gas prices is a complex idea, and requires analysis. Is there a need for more natural gas to prevent price gouging during peak demand periods which could be avoided by regulation? Will there be excess natural gas available as a result of this project that would be available for sale to other interstate customers. If so, how much gas is anticipated to be available and who would the customers be?

MTJ:mtj 741502.2 6/13/2007

1

IND5-1 See the response to comment PM3-14 regarding the purpose and need for the project, the potential EPNG gas storage project in Arizona, the volume of natural gas that the proposed project would deliver in comparison with historical Arizona consumption, and the effect that the project would have on natural gas prices in the area.

Unofficial FERC-Generated PDF of 20070706-0147 Received by FERC OSEC 06/15/2007 in Docket#: PF06-4-000

IND5-2 **Routing Alternatives: Comments:** Routes that avoid residential, schools, and other sensitive land uses in the Town of Buckeye are not evaluated rigorously and appear to have been provided 'desk top' evaluation. The five criteria used to assess the routes devolve to a single 'cost to construct' standard. No detailed consideration is given to the potential effects to the pipeline as a result of the numerous road and utility crossings that are proposed as a result of developing buried infrastructure to serve the many master planned communities located and permitted to be located adjacent to the proposed route. As a result, the cost to protect the pipeline from third party impacts is not evaluated. Moreover, no assessment concerning the potential risk the pipeline poses to public safety and welfare is included in this or in other EIS sections addressing pipeline safety and reliability. The FERC is obligated to analyze remote probability events having potentially catastrophic consequences or it must explain why such analysis cannot be grounded in science or subject to the rule of reason, and therefore are not analyzable.

The proposed Phoenix Expansion pipeline is routed under major electrical transmission infrastructure whose temporary interruption or long term loss due to a pipeline rupture/ignition should be subject to detailed analysis. It is likely this part of electrical transmission system must survive the worst disturbance which could occur as the result of a single cause (State of New York Electrical Reliability Council criteria for extreme contingencies). Since the northeast power blackout (1965) national (electrical transmission) reliability criteria recognize 'extreme contingencies' or those disturbances which can occur which are more severe than the normal failure modes.

While the probability of these extreme events is very low, they are chosen to represent a test of system strength—a well planned and well operated system should be able to survive such contingencies without major loss of load or system breakdown under reasonable power transfer conditions. In the event of a pipeline rupture, there is the potential for a threat to electrical power transmission in the narrow (less than 400 feet easement width) space proposed for placing the Phoenix pipeline. Collocating the pipeline with this power source could be setting up the local community and other critical areas of the state for a larger catastrophe should a rupture occur. FERC must acknowledge and discuss the criticality of the electrical transmission line in the corridor and discuss what a sudden loss would mean to Arizona electric customers. If the corridor is also the source of emergency backup power supply to other electrical generating units this information must be disclosed.

IND5-3 **Pipeline Reliability and Safety: Comments**: No analysis of the risk the proposed facility poses to the residents adjacent to and near the proposed facility is evident in the EIS. Despite the fact that between 1986-2004 some 60 to 100 natural gas transmission accidents occurred annually and are associated with a higher number of fatalities than other types of pipelines (Office of Pipeline Safety, and General Accountability Office), the EIS only offers minimum compliance with federal regulations as an unfailing cloak of protection for those living and working near the proposed pipeline. Between 1999-2001

MTJ:mtj 741502.2 6/13/2007

2

IND5-2 The evaluation of the Buckeye Alternatives has not devolved to a "cost to construct" standard. See the response to comment PM3-28 for additional discussion of this issue.

See the response to comment PM3-7 regarding existing and future utility crossings in the Buckeye area.

The orientation and timing between the construction of future roadways, utility crossings, and other features could dictate that some future utilities be installed by conventional bore regardless of whether or not the Phoenix Lateral is installed in the SRP easement. Furthermore, new underground utilities are constructed below existing utilities numerous times each day in the United States and it is not common business practice to pass the cost of those crossings onto the previously existing utilities.

The FERC is not obligated to specifically analyze remote probability events having potentially catastrophic consequences. Rather, as presented in section 4.11, the FERC considers historical pipeline safety data (which includes significant incidents) and federal safety regulations in its assessment of the safety and reliability of proposed projects.

See the responses to comments PM3-29, CO3-6, PM3-2, and LA2-8 regarding collocation of the proposed project in existing powerline easements, and SRP's comments on the draft EIS (comment letter CO11) in which SRP concludes that collocation of the Phoenix Lateral in the existing SRP powerline easement would not represent a safety hazard.

IND5-3 A discussion of the natural gas volumes that would be transported through the pipeline is provided in section 1.1, and internal and external forces that could affect the pipeline are discussed in sections 4.11.1 and 4.11.2. Section 4.11 discusses the potential for outside forces incidents to affect the pipe and does not imply that thicker-walled pipe would not be susceptible to outside forces. It is the FERC staff's position that the historical data indicate more recent and stringent safety requirements and advancements in corrosion control have resulted in fewer pipeline incidents and fatalities. Section 4.11.1 describes the various mitigation measures that would be implemented to reduce potential impacts in areas of higher population densities or within HCAs.

Unofficial FERC-Generated PDF of 20070706-0147 Received by FERC OSEC 06/15/2007 in Docket#: PF06-4-000

IND5-3 (cont'd)

an annual average of 73 natural gas transmission pipeline incidents occurred causing 6 fatalities, 10 injuries, and over $20 million in property damage with the risk of injury/ damage increasing with pipeline proximity to human activity (General Accountability Office).

These accidents, while small in proportion to the total mileage of transmission pipelines in service, are not negligible. No pipeline is invincible and a review of the consequences of a full-bore release/ignition due to pipeline rupture should be included in the EIS. The EIS use of event probability standards such as 'one fatality every 311 years' does not distinguish between high consequence /low probability events and high probability/low consequence events. The loss of 10 lives every 100 years is not the same as 100 lives every 1000 years, yet the product of both factors is one-tenth of a life per year. Consequently, other measures of risk should be acknowledged by FERC and discussed in the EIS, including those risk concepts which require the input of stakeholders. It must be acknowledged by FERC, consistent with federal regulations and by the significant literature existing on the subject of pipeline safety, as well as the indisputable number of incidents that continue to occur on natural gas transmission pipelines, that this facility poses a remote, but potentially catastrophic risk to public welfare and property.

The EIS should acknowledge that tons of natural gas, moving at approximately 20 miles/hour is proposed to be moving through the pipeline on a constant, 365 days/year basis for decades. It also should be acknowledged and discussed in detail that many external and internal forces are at work on the pipeline itself including internal and external corrosion. It should be acknowledged that even if thick-walled pipe is used for category 3 HCAs, that it is possible for a backhoe, as one example, operating outside the regulatory framework, to accidentally hit the pipe surface and cause a dent which may contribute to a rupture at some unknown future time. It also must be acknowledged that gas contracts are not infallible, and that it is possible natural gas may be transmitted through the pipeline that may contain corrosive elements such as water.

History has demonstrated that natural gas transmission operating and maintenance standards, even though under continuous review by FERC regulators, may be affected by policy and leadership changes over time. The operating company may be changed over time, which can mean revisions to operating and maintenance standards, and employee training. All of these contingencies could result in temporarily altered and potentially adverse safety conditions affecting the pipeline. The EIS must acknowledge the public's right to know what can happen, how likely it is to happen, and what mitigating steps can be taken to eliminate the likelihood of a catastrophic release near schools, neighborhoods, and other sensitive land uses. The mitigating step of putting adequate distance between the pipeline and the land uses mentioned must be factored into the choices that can be made by the stakeholders in this pipeline routing decision. Finally, Transwestern's own history of pipeline operation and maintenance compliance should be disclosed including violations of federal regulation and remediating steps taken to correct O&M deficiencies.

MTJ:mtj 741502.2 6/13/2007

Unofficial FERC-Generated PDF of 20070706-0147 Received by FERC OSEC 06/15/2007 in Docket#: PF06-4-000

IND5-4 **Environmental Justice: Comments:** With only brief references to issuance of public scoping notices, and references to meetings held with Indian nation tribes, the Phoenix Expansion EIS concludes its environmental justice discussion with the assertion that 'no disproportionately high and adverse human health or environmental effects on minority and low-income communities have been identified.' As with other parts of this EIS there is a gap between facts found and conclusions reached. As a result, there is little information to indicate the requisite 'hard look' was taken for minority and low-income populations who are the subject of E.O. 12898. Some of the reasons for these conclusions are as follows:

1. There is no assessment in the EIS of the potential for environmental harm to minority communities as a result of routing decisions, construction or operation of the facilities proposed.
2. There is no determination whether populations having lower levels of education may encounter difficulties in understanding technically complex documents such as the EIS or in the ability to sufficiently identify and interpret risk and other potentially adverse or beneficial effects of the proposed project.
3. There is no assessment as to whether the proposed influx of temporary construction personnel and related activity could affect local services and infrastructure serving low income and minority populations (utility interruptions, potential impact on local emergency services, changes to levels of service even if only temporary).
4. There is no analysis in the EIS concerning whether adverse temporary or permanent unavoidable effects caused by project construction operation and maintenance will or could affect populations who rely upon local natural resources for hunting, gathering, farming, fishing or on the consumption of natural resources to be affected by construction, operation, and maintenance.
5. There is no determination in the EIS concerning whether populations who rely upon natural resources for economic base (tourism, crops, use of natural resources to create saleable items, fisheries) will be adversely or beneficially affected by the proposed project.
6. There is no analysis in the EIS of any indirect effects of the project that low income and minority populations will not be able to avoid including vehicle pollution, development of polluted disposal sites, contaminants from vehicle storage and pipeline marshalling yards, caused by construction, operation, and maintenance of the proposed project.

IND5-5 **Incomplete Information in the Draft EIS: Comments**: Some eleven instances of incomplete information are called out in the EIS, to be completed by Transwestern's EIS preparers during the public and agency commenting period for the Draft statement. Because these information areas are not complete, the 'affected environment requirements' (40 CFR 1502,15) are not met by the EIS for Endangered Species Act protected species (40 CFR 1508.27)(b)(9); for parklands and other scenic resources (40 CFR 1508.27(b)(3); for natural resources (40 CFR 1508.8); and for cultural resources (40

MTJ:mtj 741502.2 6/13/2007

4

IND5-4 See the responses to comments LA2-223 and PM3-30.

IND5-5 See the responses to comments PM3-2 and PM3-3.

Unofficial FERC-Generated PDF of 20070706-0147 Received by FERC OSEC 06/15/2007 in Docket#: PF06-4-000

IND5-5 (cont'd)

CFR 1508.27(b)(3) and (8). Correlatively, impact assessment or description of the environmental consequences of the proposed project in these areas are not covered or are inadequately covered for the same reasons (incomplete information). As a result the direct, indirect, and cumulative effects of the proposed projects on these resources are not accounted for in the Draft EIS (see 40 CFR 1502.16(a) and (b); and, 40 CFR 1508.7.

So that agencies and public stakeholders may be fully informed concerning the adverse and beneficial impacts the proposed project may cause for these resource areas, and so that agency decision making is not seen to be occurring outside public view, the Draft EIS should be remediated and re-submitted to the public for comment.

IND5-6

Cumulative Effects: Comments: While the Phoenix Expansion EIS is organized to account for the past, present, and reasonably foreseeable projects that occur in the watersheds to be affected by the proposed work, the EIS falls short of meeting the minimum requirement that the predicted direct and indirect effects of the pipeline project be added to the direct and indirect effects of the projects listed as the 'universe' of past, present, and reasonably foreseeable projects. While there may be factual errors in the compilation of the list (independent validation of the list by other agencies may be warranted), the requirement is to identify the impacts of the listed projects and add the effects of the Phoenix project to these. Instead of meeting this requirement, the Phoenix EIS does not identify the effects of past, present or foreseeable projects (on water bodies as one example), therefore the Phoenix project impacts cannot be added to their effects. Instead, it is only asserted without warrant that the geographic extent and duration of effects would be minimal. This conclusion, without the factual foundation provided by analysis, does not meet the 'hard look' standard required by regulation.

The Phoenix EIS discounts the fact project routing would locate pipeline facilities adjacent to residential and other sensitive land uses. Despite the fact there are already existing and proposed risks to public welfare posed by other facilities (nuclear power generating station, for example) the EIS ignores the cumulative risk posed by the addition of the pipeline facility. The EIS must acknowledge one of the conclusions reached by the National Academies of Science, Transportation Research Board in their Special Report 281, Transmission Pipelines and Land Use, 2004, an interdisciplinary effort which includes nationally known risk and safety expertise, that "Pipeline incidents have potential for significant impact on life, property, and the environment." (p.6). In addition, the EIS must analyze the cumulative impact the Phoenix project may have on public safety and welfare.

In addition, the cumulative effects section of the Phoenix EIS omits any analysis of the potential for terrorist attack, itself a possibly remote, yet potentially catastrophic event. A recent ruling from the 9th Circuit of Appeals required that risks such as terrorist attack be subject to the requirements of environmental review under NEPA (San Luis Obispo Mothers for Peace v Nuclear Regulatory Commission).

MTJ:mtj 741502.2 6/13/2007

IND5-6 See the response to comment PM3-2. The potential for a terrorist attack is addressed in section 4.11.4. See also the response to comment PM3-37.

14684 Wagon Wheel Drive
Dewey, Arizona 86327
(928) 632-0624
(928) 778-2770
Suz350200@aol.com
July 10, 2007

Mr. Mark Robinson
Office of Energy Projects
Federal Energy Regulatory Commission
888 First St. NE
Washington, D.C. 20426

Dear Sir or Madam:

IND6-1 Thank you in advance for any assistance you may provide. We are Arizona residents and own a property though which Transwestern Pipeline Company, LLC plans to run a pipeline. This is a property we hope to build our future home on.

Transwestern has been requesting easements from the property owners in our neighborhood and, at this point, has proposed the same remuneration for all land owners in our area regardless of the effect their easement will have on the landowner. In our area, underground utilities are required and the utilities would run under the proposed Transwestern pipeline and the adjacent El Paso pipeline. Both Transwestern and El Paso have strict requirements when running utilities under their pipeline. The future cost for us will be high. In response to the Transwestern easement request, I stated that a condition of the easement would be their installation of the piping required for future utility hookup.

The response we received from Transwestern states that they do not have the equipment to run the piping for underground utilities. This is most interesting since their pipeline will be crossing over the existing utilities of other properties in our neighborhood. Perhaps they will not follow their own guidelines for utilities under their pipeline when they cross these utilities? Perhaps those who grant an easement will be burdened with a high unexpected expense to encase their utility lines in conduit?

Please advise me as to what steps we may take to assure proper treatment of the land owners and assure that Transwestern doesn't push this pipeline through without proper procedures and protections in place for those affected. A contact person at Transwestern Pipeline would be Paulette Trepl, Director of Right-of-Way. Her number is 888-998-1764. Our case number there is YA-144.05, Tax ID: 500-09-028R. Thank you for your timely response to our situation.

Sincerely,

Keith Guther

IND6-1 The effect that the right-of-way may have on private property is a damage-related issue that is the subject of negotiation between the landowner and the pipeline company. See sections 4.7.2 and 4.8.5 for additional information regarding land ownership and easement requirements and section 4.7.3 regarding construction in existing and planned residential areas. Section 4.7.3 also describes Transwestern's Landowner Complaint Resolution Procedure.