

PUBLIC MEETING FOR
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT,
SALT LAKE CITY, UTAH

-ooOoo-

HELD BY: : **REPORTER'S TRANSCRIPT**
MEETING DATE:
: October 26, 2005
MEETING TIME: 2:00 p.m.
Bureau of Land Management :
U.S. Department of Energy :
U.S. Forest Service :
----- : MODERATOR:
: Scott Powers, BLM

-ooOoo-

ORIGINAL

Reporters, Inc. 10 West 100 South, Suite 250 · Salt Lake City, Utah 84101
(801) 746-5080 phone · (801) 746-5083 fax · 1-866-310-DEPO · www.reportersinc.net



A P P E A R A N C E S

The Panel: SCOTT POWERS, Bureau of Land
 Management
 VERNELLIA JOHNSON, U.S.
 Department of Energy
 JULETT DENTON, U.S. Forest
 Service

Also present: GENE TERLAND, Acting State
 Director, State of Utah BLM

 RAND FISHER, Utah Department of
 Environmental Quality,
 Division of Water Quality

 DELL DRAPER, Williams Companies

 KRIS HOHENSHELT, Kern River Gas
 Transmission Company

 JOHN P. JURRIUS & MADAM CHAIR,
 Northern Ute Indian Tribe

 JAMES TUCKER, Deseret Power

 MIKE PETERSON, Utah River
 Electric Association

 DR. LAURA S. NELSON, Utah
 Energy Policy Advisor

**Many names have been spelled phonetically

I N D E X

<u>PRESENTATION</u>	<u>PAGE</u>
INTRODUCTION BY GENE TERLAND	4
STATEMENTS	
Mr. Fisher:	11
Mr. Draper:	16
Mr. Hohenshelt:	22
Mr. Jurrius:	24
Madam Chair:	25
Mr. Jurrius:	26
Mr. Tucker:	29
Mr. Peterson:	31
Dr. Nelson:	32

P R O C E E D I N G S

1
2
3 MR. TERLAND: Good afternoon and welcome to
4 this public scoping meeting about energy corridor
14:10:39 5 designations on federal lands administered by the Bureau
6 of Land Management and the United States Forest Service.
7 My name is Gene Terland and I'm currently the Acting
8 State Director for the Bureau of Land Management here in
9 Utah. I would like to begin by giving you some of the
14:10:53 10 background of why we are here and then I will introduce
11 our panel members.

12 The Energy Policy Act of 2005 requires
13 Secretaries of Energy, Agriculture, and the Interior to
14 designate corridors for oil, gas, and hydrogen pipelines
14:11:10 15 and electricity transmission and distribution facilities
16 on federal lands in the 11 contiguous western states.
17 The act further directs the Secretaries to incorporate
18 the designated corridors into the relevant agency land
19 use plans and perform any environment review that may be
14:11:30 20 required to complete the designation of the corridors.

21 For that purpose, the Department of Energy,
22 the Bureau of Land Management, and the Forest Service
23 are preparing the West-wide Energy Corridor Programmatic
24 Environmental Impact Statement.

14:11:46 25 Currently, right-of-way applications are

1 considered on a case-by-case basis and often without the
2 benefit of prior analysis or designation of corridors
3 across jurisdictional boundaries. The West-wide Energy
4 Corridor Programmatic Environmental Impact Statement
14:12:02 5 will evaluate the programmatic issues associated with
6 energy corridor designation as well as the amendment of
7 individual land use plans on Bureau of Land Management
8 and Forest Service administered lands in the west,
9 excluding Alaska.

14:12:20 10 Designation of energy corridors through land
11 use planned amendments on Forest Service and Bureau of
12 Land Management lands will facilitate processing of
13 energy related right-of-way applications and the
14 associated site-specific analysis. Argon National
14:12:38 15 Laboratory is assisting the Department of Energy, Bureau
16 of Land Management, and Forest Service in preparation of
17 the Programmatic Environmental Impact Statement.
18 Representatives of all three agencies and Argon are here
19 at this meeting to receive your comments.

14:12:52 20 We appreciate your interest in this project
21 and we value your comments. We look forward to your
22 continued involvement as we proceed with our analysis.
23 At this time, I would like to introduce our panel
24 members: Scott Powers with the Bureau of Land
14:13:08 25 Management; Vernellia Johnson, Department of Energy; and

1 Julett Denton with the U.S. Forest Service. And with
2 that, I'll turn it over to your panel.

3 MS. JOHNSON: My name is Vernellia Johnson,
4 I'm the Director of Communications & Outreach with the
14:13:23 5 Department of Energy. (Ms. Johnson clarified she is with
6 the Office of Electricity Delivery and Energy
7 Reliability with the Department of Energy.) I just
8 wanted to welcome everyone and just wanted to iterate to
9 you that this is a perfect opportunity for you to share
14:13:34 10 your public views so that it can help us speed the
11 process and incorporate your comments. So again, I
12 thank you for coming out and I look forward to hearing
13 from each and every one of you. Thanks.

14 MS. DENTON: And I'm Julett Denton from the
14:13:53 15 Forest Service in Washington. I'm the National Group
16 Leader for Special Uses, and my group does the
17 processing and the evaluation of the permit
18 authorizations for special uses, which the corridors
19 will come into. I'm also supported by Arian O'Connor
14:14:15 20 (phonetic) from the Forest Service here in Ogden, John
21 Shuckett (phonetic) and Glenn Stein (phonetic). And
22 would you guys stand up so that -- there.

23 So we're here -- Arian is outside in the red
24 blazer -- and we really want to hear your comments as
14:14:31 25 land managers and stewards of the land. We need your

1 input as we go about making this designation corridor.
2 As mentioned, it's going to go in our land management
3 plan, so it's something that we will have to live with.
4 So we really want to know what you like, what you don't
14:14:46 5 like, where you would like to see corridors, where you
6 don't want to see corridors, and any special thoughts
7 you have. So you can talk to us and you can talk to any
8 of our other staff back there, but we're really looking
9 forward to hearing from you and we thank you so much for
14:15:02 10 taking time out of your busy day to be with us. You're
11 important. Your input is very important.

12 MR. POWERS: Thank you, Julett. My name is
13 Scott Powers and I am the BLM National Project Manager.
14 I work for the Washington office. I work out of
14:15:15 15 Billings, Montana, and I am the BLM lead for the
16 corridor project, implementation of Section 362 that
17 Gene talked about.

18 I just wanted to reemphasize why we're here.
19 We're here to find out what you think we need to address
14:15:32 20 in the Programmatic Environmental Impact Statement. And
21 just to reinforce what Gene said, the primary reason for
22 considering the designation of utility corridors are
23 two-fold as I see it. It's a streamlined permitting
24 process, thus reducing the cost to permanently make a
14:15:48 25 linear right-of-way facility on public lands. And the

1 reason we think that you can streamline it if you have a
2 designated corridor is that we would only be required to
3 do a site-specific NEPA analysis or an individual
4 application for a linear right-of-way if it's located
14:16:04 5 within the boundaries of that designated corridor. And
6 you can only have a designated corridor if it's
7 designated through the land use planning process, and
8 for the Forest Service and BLM, that's a significant
9 action. We don't take making land plans lightly, as
14:16:17 10 many of you who have dealt with us knows.

11 So we're hoping that we can do a level of
12 analysis in this Programmatic Environmental Impact
13 Statement that will allow us to issue a Record of
14 Decision that will amend the appropriate management
14:16:36 15 plans across the west and all Forest Service and BLM
16 lands.

17 So there are four ways for you to provide
18 input into the planning process. Initially, here in the
19 scoping, today at the meeting, we're going to ask those
14:16:48 20 that would like to, to come up and offer comments and
21 they will be recorded. You can go onto the website
22 that's already up and running, and the address is
23 located on this "Four Ways to Comment" poster we have
24 both in the front and in the back. Of course, we will
14:17:06 25 take written comments at any time throughout the 60-day

1 scoping process, which expires on about November 28th,
2 or you can fax your comments into this particular
3 address.

4 I have also been asked to just mention that
14:17:20 5 if you're using snail mail to DOE in Washington, it has
6 to go through an Anthrax screening still and things get
7 disrupted in that process, from what I have been told.
8 So you're better off going through FedEx or
9 electronically on the website or the fax or present them
14:17:42 10 at the scoping meeting. But can you still send a copy
11 to the DOE address.

12 So with that, unless there's any questions
13 before we before get started, we will have a somewhat
14 formal aspect to this in that we will take the
14:17:57 15 testimony, and then we're going to turn -- when that's
16 over, we'll turn the recorder off and have more of a
17 general discussion. And if somebody wants to come back
18 on the record after that time, we will be glad to do
19 that, or if you just would like to fill out comment
14:18:10 20 forms, you can do that.

21 And I believe that you were handed a
22 two-page, one-sheet summary of the project when you came
23 in, and that elaborates a little bit more on the public
24 scoping process.

14:18:23 25 So I will call your name. If you'd come up

1 -- and we're not going to limit you on time because
2 there's not that many, unless you kind of ramble on for
3 the rest of the afternoon, and then I'll say, "time
4 out."

14:18:41 5 UNIDENTIFIED SPEAKER: Explain the prior
6 work that's gone on in your map over here.

7 MR. POWERS: Okay, and then I'll hold
8 questions until afterwards. This map just represents a
9 collection of lines on the map that have been proposed
10 over the last several years by various representatives
11 of the utility industry, and include some of the
12 information that's come out of the subregional
13 transmission planning efforts that have gone on around
14 the west in the last couple years.

14:19:05 15 There's been no analysis whatsoever applied
16 to these. It's just that we wanted to illustrate what
17 kind of interest there has been already in the
18 designation of utility corridors in the west.

19 I am going to turn the speaking platform
14:19:25 20 towards the recorder and towards the panel so that we
21 make sure we capture everything that's said. And if you
22 have a copy -- if you have announcements and have a copy
23 of them, you are welcome to leave them with us.

24 So the first one is Rand Fisher with the
14:19:37 25 Utah Department of Environmental Quality. Please

1 restate your name and who you're representing. Thank
2 you.

3 MR. FISHER: He's right, I'm Rand Fisher,
4 Utah Department of Environmental Quality, Division of
14:19:52 5 Water Quality. And several things that we're concerned
6 with pipelines is that there may be a great deal of
7 disturbance to the natural environment and we'd like to
8 minimize the disruption of the negative impacts on the
9 environment for putting in roadways and pipelines and
14:20:07 10 well pads, and from the salt loading that may occur from
11 hydrocarbon development in these transportation
12 corridors as well.

13 Several things that we'd like to consider
14 and we're concerned about. The overall thing is that
14:20:23 15 we'd like these to minimize the hydrologic destruction.
16 Minimize the hydrologic modifications so that things are
17 not changed. We want to reduce runoff, we want to
18 reduce erosion, we want to reduce pollutant loading.

19 And particularly, the way that this can
14:20:39 20 happen is, as with any involvement, whether it's roads
21 or well pads or any other things that are going on, we
22 want to minimize the scraping of the land and
23 disturbance, the removal of vegetation, because that is
24 problematic. You get more erosion, you get more
14:20:54 25 pollutant loading from that.

1 We'd also like to minimize the soil
2 compaction because with that you get more runoff which
3 results in flashier streams which causes more erosion in
4 the stream itself. We'd like to minimize the vegetative
14:21:09 5 removal, minimize the clearing of the land as much as
6 possible so that there's more water absorbing into the
7 ground so we have a more natural vegetative cycle or
8 hydrologic cycle.

9 We'd encourage in developing rules and
14:21:19 10 guidelines for this for the offices to encourage or
11 require that those who put in the pipelines review and
12 adopt statements or low impact development, which are
13 generally designed for urban development, but the base
14 and fundamental concept in low impact development is to
14:21:38 15 minimize the hydrologic disruption such that rainfall
16 soaks into the ground as close to where the raindrop
17 hits as possible. So we have less flashiness, less ups
18 and downs in our stream flow, less erosion, less
19 pollutant loading.

14:21:50 20 Several things that I would recommend or
21 advise or hope that might be adopted in that, one of the
22 primary things is one that the Price BLM office already
23 has adopted and is using on their district, and that is
24 the hydrologic modification standards for roads which
14:22:09 25 are from the Price sub-BLM office. And I would strongly

1 recommend, advise, and hope that those would be adopted
2 and implement throughout the whole multiple states that
3 these corridors go through, because these do reduce the
4 erosion from roads, they reduce the salt loading that
14:22:23 5 comes from the roads that are put in.

6 And it's also been the experience of people
7 in the Price office that the companies that put these
8 roads in, while they cost a little bit more to put in,
9 they very shortly find they like them much more because
14:22:34 10 they can get into their site even in snowy or wet
11 weather, and it actually saves them money in the long
12 run, which makes it much more useful, while reducing the
13 pollutant loading and runoff and erosion that occurs
14 there. So I strongly advise and hope that these Price
14:22:51 15 field office hydrological modifications on roads would
16 be adopted throughout the whole interstate process
17 that's going on there.

18 In our office, we've developed some other
19 guidelines and recommendations we hope will be
14:23:05 20 considered. We'll submit these electronically later on,
21 but we would propose some requirements for the
22 pipelines, hydrocarbon pipelines, to be put in. I've
23 reviewed some pipelines that were put in, particularly
24 in the Price office and Nine Mile Canyon area, and
14:23:23 25 observed multiple problems with those pipelines because

1 there's been extensive disturbance and removal of
2 vegetation. The field that's been put back on has not
3 been put properly, and it's been soft soiled with no
4 vegetative cover on steep slopes and there's been
5 extensive erosion.

14:23:36

6 Some very serious problems have occurred
7 where they put the pipelines across and underneath
8 streams. And in some cases, the whole cover had some
9 off and the pipeline has floated up and damaged a great
10 deal of the environment with a whole lot of pollutant
11 loading and sediment loading in there, and had the
12 threat of possibly damaging or breaking the pipeline.
13 So we'd recommend you make some specific requirements,
14 particularly regarding to stream crossing, that those be
15 done in a very careful and precise manner so that we
16 have long term safety and lower costs on the long term,
17 so they don't have to go and re-put those pipelines in
18 after there's been erosion and damage going on there.

14:23:50

14:24:01

19 We'd like as a standard for pipelines and
20 for other things that go in and for the roads that go
21 in -- basically, the basic standard should be that the
22 construction put in such that any erosion from that does
23 not exceed the tolerable level that is established by
24 the U.S. Department of Agriculture and its Resource
25 Conservation Service. That is called a T-level. An

14:24:16

14:24:32

1 erosion should not exceed T.

2 Now that varies with the slope and the type
3 of soil that's on there, and any local county office of
4 the NRCS can tell you what T should be for a particular
14:24:45 5 soil and type. And we think that the roads and the well
6 pads and any construction or modification that goes on
7 should be designed, and as quickly as possible,
8 management measures implemented to reduce that erosion
9 so that it does not exceed the tolerable rates, so we
14:25:03 10 don't get gullies, so we don't get pollutant loading in
11 the streams.

12 And there's many ways we can do that,
13 primarily, vegetative. By putting vegetation in the
14 ground, you stop that erosion, but there's also
14:25:11 15 structural measures, particularly on slopes or in areas
16 where you don't have vegetation growing, there's
17 structural measures that can occur so that we don't have
18 that erosion exceeding T.

19 So those are the basic things that our
14:25:21 20 office would like to propose, is that we adopt the road
21 standards, that we will consider the hydrocarbon
22 pipeline standards such -- and the road standards such
23 that we do not exceed the tolerable erosion rates that
24 are standard by USDA and RCS.

14:25:38 25 MR. POWERS: Thank you, Mr. Fisher. I

1 neglected to say a couple of important points, so I'll
2 introduce those now. We're going to have a summary
3 scoping report available to the public in January of all
4 the input received here during the 60-day comment
14:25:56 5 period. And the website is active right now and it is
6 the best source of information and it will be the best
7 source of information on an ongoing basis. So we'd
8 encourage you to take a look at that. **UT02**

9 So, Dell Draper with Williams.

14:26:16 10 MR. DRAPER: Dell Draper with Williams
11 Companies. I manage the companies' affairs in the
12 western United States. Williams is a natural gas
13 company. We produce, gather and process, and transport
14 natural gas. We own the northwest pipeline,
14:26:40 15 transportation pipeline, which runs from Northern New
16 Mexico up to the base of the Rockies and takes it up to
17 the markets in the Pacific Northwest. We also have
18 seven thousand miles of gathering lines in the states of
19 Wyoming, Colorado, and New Mexico. None in the Price
14:27:02 20 area, for the benefit of the former speaker.

21 Williams is a smaller company to date than
22 it was five years ago. Five years ago we had additional
23 pipelines that totaled 65,000 miles and we also had a
24 26,000 mile fiberoptic network. The fiberoptic network
14:27:20 25 was a bad bet and caused us to sell a lot of our assets,

1 which is why we're smaller today, including selling the
2 Kern River Pipeline, which runs down here through Salt
3 Lake City.

4 Overall, Williams supports the programmatic
14:27:33 5 approach to the EIS Energy Corridors. I not sure we
6 really know what that means. I notice on this map here
7 that the route of the northwest pipeline is marked as a
8 possible energy corridor. Does that mean that we'll
9 have new neighbors along that corridor or not?

14:27:49 10 We look forward to working with you on that
11 process to figure out what that means. Here's two
12 aerial photographs of the pipeline up in the Seattle
13 area, again, marked on your map, one taken in 1990, one
14 taken in 2002. And as you can see from that, we have
14:28:09 15 quite a constrained right-of-way there. So again, it
16 would be difficult to make that energy corridor. On the
17 other hand, had you made that energy corridor 13 years
18 ago, maybe we would be in great shape today and it
19 wouldn't be so crowded.

14:28:21 20 We're currently proposing a project to take
21 natural gas liquids from the warm southern areas in
22 Wyoming down into Kansas. That pipeline, to a great
23 extent, would follow a corridor where there are ten
24 existing facilities, several pipelines and several
14:28:43 25 fiberoptic cables. My project manager on that project

1 says, "Gosh, if they've done 11 archeological -- if
2 they've done 10 archeological studies in that area
3 already, do we really need to do 11?" That's kind of a
4 simplistic approach because obviously, we need to do
14:28:59 5 site-specific impacts, but again, if you stand to
6 streamline the process in any way like that, we would
7 support that.

8 While we support the process, a couple of
9 observations. If you designate energy corridors, those
14:29:14 10 should not become exclusive corridors that hinder people
11 from putting linear energy facilities in outside of
12 those corridors. There's always going to be a need to
13 deviate from the designated corridor, either to reach
14 into a market area or to reach to an energy supply.

14:29:30 15 There may be economic or engineering reasons why it's
16 better for somebody to be outside the corridor. So if
17 someone needs to be outside of the corridor, crossing
18 federal land, they shouldn't be penalized. They
19 shouldn't told "No, you need to build additional
14:29:48 20 facilities to get up into this energy corridor." It
21 should be an option people have without it having to be
22 an exclusive option.

23 An electric -- a corridor for electric
24 transmission may not always be the best corridor for a
14:30:03 25 pipeline. Pipelines and electric transmission can

1 coexist in a corridor. When Williams built the Kern
2 River Pipeline, we were happy to be the Utah Power &
3 Light corridor as we went through Salt Lake City and
4 West Valley City. A couple of reasons, one it's a nice,
14:30:25 5 linear corridor, and those seem kind of tough to find in
6 an urban area. Additionally, people don't usually take
7 backhoes out and start digging underneath high
8 transmission lines, so there's a safety aspect in using
9 the same corridor.

14:30:40 10 Pertaining to energy concerns in using the
11 same corridor, pipelines are protected by cathodic
12 protection, which is an electric current running into
13 the pipeline to prevent corrosion, and there can be
14 induced electrical currents in the transmission lines.

14:30:53 15 The transmission companies are always very concerned
16 about the pipelines damaging the piers or the integrity
17 of the transmission towers. Where we have a relief
18 valves, we want to get them offset so they are not under
19 the transmission lines, so that if we have to vent
14:31:10 20 natural gas into the atmosphere, it reduces the chance
21 of any type of spark coming off the electric lines.

22 If we have a pipeline underneath a
23 transmission line, we're concerned about the heavy
24 equipment that might be driving over our pipeline by the
14:31:31 25 electric company that's working on their lines. So

1 there are concerns, but I think all of those can be --
2 you can engineer around those. If you're in a remote
3 area where a pipeline and transmission line don't need
4 to be on top of each other, that's far preferable. They
14:31:46 5 could be adjacent, without been one right over the
6 other.

7 The different types of facilities have
8 different needs, and that lesson was brought home to me
9 in the state of Washington when a year ago they did a
14:32:04 10 study of a comprehensive transportation energy corridor.
11 The plan was to take a corridor about 50 miles east of
12 the I-5 corridor, and they were going to put railroads,
13 freeways, electric transmission, and gas pipelines all
14 in that same corridor. They wanted to get the truck
14:32:26 15 traffic off of I-5 over to that corridor. They wanted
16 to get the petroleum project lines, which they perceived
17 a having some danger, away from the population centers.

18 A couple of lessons that came out of that.
19 A northwest pipeline has multiple pipelines in its
14:32:44 20 right-of-way, and we have a lot of operational
21 flexibility because of that. If we need to take a line
22 down to inspect it, we can just divert the gas into the
23 adjacent line and continue to flow. We lose that if
24 we're suddenly putting lines a hundred miles away. That
14:33:00 25 doesn't work for us anymore. The pipeline has no

1 problem going up and down over trough terrain, whereas
2 the railroads in this example, they'll wander around for
3 hundreds of miles so they don't have to go up more than
4 a three or four percent grade. So, again, different
14:33:16 5 types of facilities. I know you're not talking
6 transportation, but the point is that different
7 facilities have different needs.

8 Pipelines are very expensive to build. In
9 Washington, for example, we're building a pipeline right
14:33:32 10 now 90 miles long. We cross 247 water bodies. It's
11 about three million dollars a mile to build. Pipelines,
12 because of that cost, are built incrementally when there
13 is a demand for them. None of the -- none of our
14 customers in this Washington study would want to come up
14:33:48 15 with the money to put a pipeline in 50 miles away in an
16 energy corridor. They would want -- what they want to
17 do is add the facilities when they're needed to be
18 added, so they're not digging into their pockets before
19 the thing needs to be built.

14:34:02 20 And again, the whole point is to get the
21 energy into populated areas. So while there was
22 perceived advantages to having this corridor 50 miles to
23 the east of the I-5 corridor, at the end of the day, the
24 energy needs to get into populated areas. So that
14:34:18 25 didn't work that well.

1 So in sum, Williams supports the concept.
2 We look forward to working with you as we go through
3 this to learn more about what it means. But keep in
4 mind these corridors should not be exclusive corridors
14:34:34 5 and people need to be able to build outside of them as
6 well. Thank you.

7 MR. POWERS: Thank you. I just wanted to
8 add two quick points. The we didn't talk about some
9 specific requirements of the act itself, but we are
14:34:52 10 required to consider and identify the width of the
11 corridor and the compatible uses that would be allowed
12 within that corridor. So that's some of the kind of
13 information we're looking to getting through scoping.

14 Next person is Kris Hohenshelt with Kern
14:35:12 15 River Gas. **UT03**

16 MR. HOHENSHELT: Good afternoon. My name is
17 Kris Hohenshelt. I am the Manager of Land & Environment
18 for Kern River Gas Transmission Company. Kern River Gas
19 Transmission Company owns and operates 1,679 miles of
14:35:39 20 interstate natural gas pipelines through the states of
21 Wyoming, Utah, Nevada, and California. Approximately
22 850 miles are located on federally managed lands. Kern
23 River transports a design capacity of 1.7 billion cubic
24 feet of natural gas per day.

14:35:56 25 Kern River appreciates the opportunity to

1 participate in this important endeavor being undertaken
2 as mandated in the Energy Policy Act. The study,
3 hopefully resulting in the establishments of better
4 defined and expanded energy corridors, is critical to
14:36:10 5 the economy and well-being of the western United States.

6 The proposed Programmatic Environmental
7 Impact Statement should assess corridors with
8 traditional multiple use principles -- corridors that
9 will accommodate not only electric use transmission
14:36:23 10 lines, but pipelines and other energy infrastructures as
11 well, adding to the statement of Mr. Draper. Corridors
12 should also be established to accommodate not only
13 multiple uses, but also multiple numbers of facilities.

14 Some energy corridors have been established
14:36:41 15 through land use planning documents on federal lands for
16 years, but an intrinsic flaw in the process excludes
17 corridor establishment on private, state, and local
18 lands. The Programmatic Environmental Impact Statement
19 should address the establishment of contiguous corridors
14:36:52 20 on a regional basis taking into account lands that are
21 not federally managed. City and county governments must
22 be involved and become firm stakeholders in this
23 process.

24 All too often energy interests are directed
14:37:11 25 and counseled to utilize established corridors and then

1 realize the fate that eventually the corridor does not
2 exist when federal land interfaces with state, local,
3 and private urban development. That has always been an
4 issue. A perfect example right here locally is the
14:37:27 5 canyon utility corridor that comes over the mountain
6 near Bountiful and Centerville. It's a designated
7 corridor over Forest Service lands. You get to the
8 bottom of the mountain and there is no corridor. So
9 that's an example of the type of things we need to look
14:37:39 10 at in this process because a 50-mile corridor doesn't
11 get you from Wyoming to California.

12 We will be filing formal written comments
13 prior to November 28th. I appreciate the opportunity.
14 I am also taking the opportunity to speak in Las Vegas
14:37:55 15 on some more site-specific issues there. Thank you.

16 Oh, and Mr. Fisher and any other members of
17 the DEQ are more than welcome to come look at the
18 reclamation and re-vegetation of the Kern River
19 Pipeline. We are very proud of it. **UT04**

14:38:10 20 MR. POWERS: Thank you very much. Mr. John
21 Jurrius with the Ute Indian Tribe.

22 MR. JURRIUS: Good afternoon. If the panel
23 would allow me, I represent the Northern Ute Indian
24 Tribe. It would be appropriate to allow our Chair to
14:38:34 25 open for me, if that would be acceptable to the panel?

1 MR. POWERS: Absolutely.

2 MR. JURRIUS: Thank you.

3 MADAM CHAIR: Good afternoon and greetings
4 from the Northern Ute Tribe in northeastern Utah.

14:38:56 5 Members of the -- distinguished members of the panel,
6 here, we do appreciate the opportunity to address you
7 this afternoon concerning the corridor act that has been
8 proposed here and we will offer our comments.

9 We are land managers and stewards of
14:39:16 10 approximately four million acres within our exterior
11 boundaries of the Uintah and Ouray Reservation in
12 northeastern Utah. And while we support national
13 interests, we do not support the partitioning of our
14 lands without direct negotiations. And we do not -- we
14:39:36 15 cannot allow the federal government to create corridors
16 without our direct involvement. And we do support the
17 development because on our reservation now we are right
18 in the midst of really developing our energy resources
19 for the benefit of our tribal membership, and we do
14:39:57 20 represent over 3,100 tribal members who live on the
21 reservation.

22 We are currently negotiation and entering
23 into joint ventures for pipelines, for example, with
24 Questar, because we know the importance of the natural
14:40:14 25 gas to be moving toward the marketplaces. And so at

1 this time, I'll defer the rest of this time to our
2 advisor, Mr. John Jurrius. Thank you.

3 MR. JURRIUS: Thank you, Madam Chair.

4 Distinguished panel, I might offer a few comments in
14:40:34 5 regards to Section 368. Again, as the Chair has said,
6 the Northern Ute Tribe represents approximately four and
7 a half million acres of land holdings in eastern Utah.
8 To give you some proximity of that land, it stretches
9 from the Colorado summit -- the Colorado border to
14:40:54 10 Daniel's Summit. It straddles from the high Uintah
11 Summit north of Vernal and Roosevelt to Green River,
12 Wyoming, on the south.

13 Our concern with 368 and the corridor
14 process has to do with specific tribal right-of-way
14:41:14 15 laws/acts, and the history of those. I believe the
16 first act that took place was in 1867 -- excuse me,
17 1871, whereby the Secretary was given authority to
18 provide corridors across tribal lands for railroads,
19 telegraph and telephone. Starting in 1899, there
14:41:40 20 started another piecemeal process to provide tribal
21 right-of-ways across reservation lands through March 4th
22 of 1911, which allowed various federal agencies, various
23 states, for the purpose of providing access for roads
24 and other thoroughfare including oil and gas pipelines.

14:42:06 25 However, in 1948 the General Right-of-Way

1 Act was passed, 25 USC Section 323 to 328, until at such
2 time no approval of the beneficial owner, either the
3 allottee owner of Indian lands or tribal owner of lands
4 was required to give consent for use of tribal lands for
14:42:30 5 right-of-way. However, we want to make sure that it's a
6 matter of record, in order for access across tribal
7 lands pursuant to the General Right-of-Way Act of 1948,
8 while that authority has been delegated to the Secretary
9 of the of DOI, it explicitly requires that the -- either
14:42:52 10 the beneficial owner, the allottee owner, provide a
11 prior consent and also requires that the Indian
12 organization give prior consent before any corridors can
13 cross those lands.

14 Currently today there exists no right of
15 condemnation for right-of-ways across tribal land. So,
16 we wanted to make sure that as you undertook this
17 study -- and I can't emphasize enough, over the last
18 four years the Northern Ute tribe has opened up, as most
19 of you know if you're from the local area, substantial
14:43:29 20 allotted landholdings to support the national interests
21 of the country and allow development. However, we're
22 awfully concerned by Section 368 that it not be a matter
23 of record of the negotiations and the direct
24 negotiations with Indian tribes in regards to securing
14:43:53 25 access across tribal lands.

1 In addition to that, we have become more
2 concerned because as part of the energy bill, there's a
3 Section 1813 that was also passed. That Section 1813 is
4 a direct assault on the undermining of access across
14:44:15 5 Indian country. It was study initiated -- and we're
6 very concerned that that study will rely heavily on the
7 testimony regarding -- that we're having here today as
8 part of this study. And that study was initiated to
9 study the effects of -- the effects on tribal
14:44:38 10 self-determination when -- in considering right-of-ways
11 across tribal lands.

12 In a simpler definition, the sponsors to the
13 bill hope that this committee or other committees of
14 congress will legislate access across tribal lands
14:44:59 15 versus allow the tribe to negotiate that access as it
16 has done successfully for the last ten years. My tribal
17 plan has been subject since the proclamation of 1861
18 through the Dahl's Act Homesteading to the continual
19 taking of land. We would hope that via this committee,
14:45:21 20 or would it be the section -- the study by Section 1813,
21 that we're not disguising one more taking of tribal land
22 with a 60-foot wide corridor that branches over a
23 hundred plus miles across the reservation.

24 So, we wanted to come before you today to
14:45:40 25 say that we are certainly negotiating with companies,

1 have successfully, the local company being Questar, to
2 provide federal regulated pipelines across the
3 reservation. We believe that is best done between the
4 service provider and the tribe itself, and we also think
5 that's a requirement of law.

6 So we will be submitting written testimony
7 for your consideration. We appreciate the opportunity.
8 We understand the undertaking, but as you take a look at
9 the west, you can't say "west" without saying "Indian
10 reservation," and so there are literally, I believe,
11 almost 30 million acres in the Rocky Mountains owned by
12 tribal allottees and organizations. So thank you very
13 much.

UT05

14 MR. POWERS: Thank you. Mr. James Tucker,
15 Deseret Power.

16 MR. TUCKER: Pleased to be with you today to
17 express concerns that have occurred in my lifetime over
18 the last 30 years of transmission planning. They deal
19 with the notion of trying to compact electric
20 transmission lines into single corridors. Certainly the
21 result that occurred a couple of years ago with the
22 northeast blackout emphasized the notion -- the focus on
23 reliability that occurs when transmission lines are in a
24 single corridor, and subject to the same type of
25 disturbance. Last summer, in St. George -- there's

1 three transmission lines that service St. George and
2 they're all on same corridor, and fire took all three of
3 them out. Two of the lines were able to be restored,
4 they're on steel structures, and the outage was
5 tolerable.

14:47:52

6 But the concern is that as you have a
7 transmission corridor, the idea -- the normal inkling of
8 everyone is to pack all the transmission lines in that.
9 And with electricity it's a little bit different than
10 gas. There is no storage of electricity. The load and
11 the generation have to balance at every instant in time.
12 And a half-second outage is enough to wipe out the
13 system.

14:48:08

14 And so it's a concern that should be
15 considered, particularly with the push for reliability
16 that came out of the disturbance in the northeast last
17 year and the push that America and others are doing to
18 make sure that we plan the system so we can lose all the
19 transmission lines on a corridor. You can see that if
20 you have to plan to lose all the transmission lines on a
21 corridor, but yet you're required to put all the
22 transmission lines in the same corridor, I mean, there's
23 no solution to that problem. And so I would just
24 suggest that it's important to think about the physical
25 nature of transmission -- electric transmission lines in

14:48:45

14:49:01

1 focusing on how much we pack into one corridor. Thank
2 you.

UT06

3 MR. POWERS: Thank you. Mike Peterson, Utah
4 River Electric Association.

14:49:24

5 MR. PETERSON: Thank you. The Utah River
6 Electric Association represents ten rural electric
7 cooperatives that provide electricity to rural parts of
8 Utah. We're excited about the prospect of streamlining
9 the process for permitting and particularly want to make
10 sure that small organizations that have transmission and
11 distribution facilities are also included in your
12 corridors. One of our electric cooperatives, the
13 service territory that has -- includes -- 95 percent of
14 the land where it has transmission/distribution
15 facilities are federal lands.

14:50:04

16 The cost of permitting right now for a
17 particular line have already exceeded the costs to
18 upgrade the line that is planned to be built. So we
19 want to make sure and ensure that when we end up with a
20 map that it does include some of those distribution
21 facilities for those smaller utilities that serve across
22 federal lands, park service, Forest Service, BLM, and
23 make sure that that process is something that is doable
24 for them.

14:50:23

14:50:40

25 We are willing to participate in any

1 meetings necessary to help facilitate that process and
2 just to look forward to participating. We will also
3 submit formal comments as well to the panel. Thank you.

14:51:21 4 MR. POWERS: Thank you. Laura Nelson, Utah
5 Energy Policy Advisor. **UT07**

6 MS. NELSON: Hi, I apologize for the late
7 notice of making my comments. I will tell you my
8 hesitation that we've only begun our preliminary review
9 of this scoping process, and, you know, the implications
14:51:42 10 of the designation of national interest energy
11 corridors, and so, even though I am the Governor's
12 Energy Policy Advisor, these are just simply my
13 observations today.

14 First of all, we just -- and I'll make these
14:51:58 15 brief. I would just encourage the agencies to give
16 priority to protecting the existing rights-of-way from
17 land uses that would limit the ability to expand energy
18 transmission in those existing corridors. I'd also
19 recommend that the agencies evaluate opportunities to
14:52:21 20 expand electric transmission in existing corridors
21 through the application of new types of technologies.
22 We -- I would also recommend that this not be at the
23 expense of looking at new potential rights-of-way and
24 that you also review those.

14:52:40 25 There's a lot of uncertainty when it comes

1 to energy about future growth and demand, uncertainties
2 about future location of new oil and gas resources, and
3 the potential of new refineries. So while there are
4 clear benefits, I think, of identifying and I would
14:53:01 5 encourage the location -- identify the location of those
6 new energy corridors, that you just be careful and
7 flexible and responsive in the way that you do that.

8 And also, there, as I think, other parties
9 have already noted here, it's not just federal land,
14:53:21 10 there's a lot of nonfederal lands, and we do believe
11 that if you coordinate with those other entities and
12 closely coordinate with the state, that we can have a
13 process that really fosters development of both
14 renewable and nonrenewable energy sources.

14:53:39 15 So the bottom line, I just urge you to
16 continue to communicate with the state officials through
17 this process and the other state corridors that will be
18 affected by this. Thank you.

19 MR. POWERS: Thank you very much. Those are
14:53:57 20 the only people that we have record of that were willing
21 to come up and make statements. Is there anybody else
22 that would like to while we are still recording? If
23 during the course of this afternoon there are other
24 people that decide they want to, we can reconvene the
14:54:17 25 formal side of this, but for now, we are going to stop

1 recording, and open it out to informal discussions.

2 (Closed at 2:54 p.m.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF UTAH)
:
COUNTY OF UTAH)

I, DEIRDRE RAND, a Certified Court Reporter, Registered Professional Reporter, and Notary Public in and for the State of Utah, residing in Utah County, Utah, do hereby certify:

That the foregoing proceedings were reported by me in Stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true and correct transcription of said proceedings was so taken and numbered from 4 through 34, inclusive.

That this transcript is full, true, and correct and contains all of the comments made by the individuals as so designated.

I further certify that I am not of kin or otherwise associated with any of the parties of said panel, proceedings, or entities related thereto.

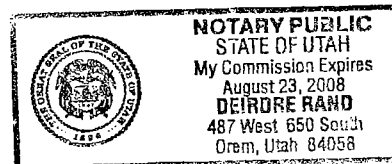
WITNESS MY HAND and official seal this 7th day of November, 2005.



DEIRDRE RAND, CCR, RPR

My Commission Expires:

August 23, 2008



DEIRDRE RAND, CCR, RPR

Kris R. Hohenshelt
Kern River Gas Transmission Company
Scoping Comments
Salt Lake City October 26, 2005

Good Afternoon, My name is Kris Hohenshelt I am the manager of Land & Environment for Kern River Gas Transmission Company.

Kern River Gas Transmission Company owns and operates 1,679 miles of interstate natural gas pipeline through the states of Wyoming, Utah, Nevada and California. Approximately 850 miles are located on federally managed lands. Kern River transports a design capacity of 1.7 billion cubic feet per day of natural gas.

Kern River appreciates the opportunity to participate in this important endeavor being undertaken as mandated in the Energy Policy Act.

The study, hopefully resulting in the establishment of better defined and expanded energy corridors, is critical to the economy and well being of the western United States.

The proposed Programmatic Environmental Impact Statement should assess corridors with traditional multiple use principles – corridors that will accommodate not only electric transmission lines, but pipelines and other energy infrastructures as well. Corridors should also be established to accommodate not only multiple uses but also multiple numbers of facilities.

Some energy corridors have been established through land use planning documents on federal lands for years, but an intrinsic flaw in the process excludes corridor establishment on private, state and local lands. The Programmatic Environmental Impact Statement should address the establishment of contiguous corridors on a regional basis taking into account lands that are not federally managed. City and County governments must be involved and become firm stakeholders in the process. All too often energy interests are directed and counseled to utilize established corridors to then realize the fate that eventually the corridor does not exist when federal land interfaces with state, local and private urban development.

