

1/8/2008
Sacramento, California
Page 1

Public Hearing on
Energy Policy Act—Section 368
Energy Corridors in the West:
Draft Programmatic Environmental Impact Statement

Sacramento, California, January 8, 2008, 2:00 p.m.-5:00 p.m.

LaVerne Kyriss: Good afternoon. I have it as two o'clock so I believe we are going to begin our public hearing. Thank you for joining us for the first of our public hearings on the Draft Programmatic Environmental Impact Statement on Designating Energy Corridors on Federal Lands in the West.

I'm LaVerne Kyriss from the Department of Energy and I'll serve as today's hearing officer. Before we begin the formal hearing, Tom Pogacnik, the acting deputy state director for resources, Bureau of Land Management will make a brief opening statement.

But first, if you haven't signed in or you haven't let us know that you want to speak at this meeting, you can do so right now at the registration table that's just outside the room. Handout material, which is a fact sheet with a map on the back and maps that show our siting process, how we got to where we are, are out there for your convenience.

A few housekeeping items before you before we begin. For those of you who are not familiar with this building, the closest restrooms are located out this door across the lobby and to the left. There is a snack bar on the second floor under the white awning. Lastly, in the event of an emergency and the building would be evacuated, please follow CEC employees to the appropriate exit. We will reconvene at Roosevelt Park, located diagonally across the street from this building. Please proceed calmly and quickly again following the employees with whom you're meeting to safely exit the building. And I believe all of you have green visitor tags on so that they know you are here for this meeting.

With us today, representing the federal intra-agency team managing this work, is Kate Winthrop from Bureau of Land Management—Kate is right here—and Paul Johnson from Forest Service, who is in the back of the room. After we are finished taking your comments, we're going to stay around to informally discuss the Draft Programmatic Environmental Impact Statement with you.

Now as we begin, I'll turn the mike over to Tom.

Tom Pogacnik: Good afternoon and thank you for coming to give your comments on the Draft Programmatic Environmental Impact Statement on Designating Energy Corridors on Federal Lands in the West. I'm Tom Pogacnik with the Bureau of Land Management, here in Sacramento, California.

In a few moments you'll hear a brief presentation about the documents, which the Department of the Interior, Energy, and Agriculture are preparing to meet requirements to the Energy Policy Act of 2005. Currently, applications for rights-of-way to cross federal lands with the pipelines and the electric transportation infrastructure are considered on a case-by-case basis without much coordination among the various federal agencies whose lands are often involved in projects that transport energy across long distances.

The 2005 Congress directed federal agencies to address the situation by designating energy transport corridors and also performing necessary reviews of environmental impacts of designation. A Programmatic EIS, developed under the National Environmental Policy Act, represents that environmental review. It is important to note that another round of site-specific

1/8/2008
Sacramento, California
Page 2

NEPA documentation will be completed for each project proposed for location in the designated corridor.

The Department of Energy, the Bureau of Land Management and the Forest Service developed the corridor locations proposed in the Draft Programmatic Environmental Impact Statement using a three-step process, which is detailed in the documents and the handouts available in the information table, which is in the presentation, which will also be provided.

In essence, today's hearing represents step four of that process. Public comments will help the agency to further refine the locations of the corridors so that important goals of the project are met, balancing the needs of improved energy delivery in the West with our responsibility to protect the many resources found on federal lands. From the beginning, the agencies have been committed to this strategy and your comments will be valuable in helping us to ensure that it is carried through to the end of this planning effort.

Representatives from the Department of Energy, Bureau of Land Management, and the Forest Service are here to receive your comments and on behalf of all these agencies, thank you again for your interest and participation.

LaVerne Kyriss: Thanks Tom. I also want to say the California Energy Commission, one of our cooperating agencies and Jim Bartridge from CEC is behind me running all the technical things. So we appreciate his help.

We are here today to receive your oral comments on the Draft PEIS. You can also submit comments via the project website, by fax, or by mail. This hearing is being webcast and transcribed, so speakers are asked to speak clearly and distinctly into the microphone. If you are having trouble hearing a speaker in the room, please signal me—and I'll be sitting right over here and I will advise the speaker accordingly.

After everyone who wishes to speak has commented, I'll close the hearing. So far we have six people who have requested to speak on this issue today. Each of you at a start will have five minutes to make your presentation. When you have 30 seconds remaining, I have a wonderful little sign that I will share with you to advise you that you can wrap up. And then when you have hit your five minutes I'll have another sign. I have a digital timer and it will be so you'll—you'll hear that. And if we need to do a second round of comments because our speakers have more to say we are happy to do that.

This hearing is to take comments on a Draft Programmatic Environmental Impact Statement for pattern response to direction given by Congress to five federal agencies—Energy, Agriculture, Interior, Commerce, and Defense. Section 368 directs the secretary to designate corridors for oil, gas, hydrogen pipe, and electric transmission lines on federal lands in 11 Western states, to perform necessary environmental review. Partly because of this requirement, we decided to prepare the Draft PEIS that is the subject of this hearing, to incorporate these designations into land-use, land management, or equivalent plans.

A separate and distinct public process is expected to begin later this year to identify corridors in the other 39 states.

The statute requires that when the secretaries designate these corridors, they must specify the corridor centerline, the width, and compatible uses. Congress also directed the secretaries to take into account the need for electric transmission facilities to improve reliability, relieve congestion, and to enhance the capacity of the national grid to deliver electricity.

1/8/2008
Sacramento, California
Page 3

The Draft PEIS proposes designating more than 6,000 miles of corridors: 62% would incorporate existing, locally designated corridors and/or rights-of-way; 86% would be on BLM land; and 11% on Forest Service land. The Draft PEIS identifies 166 proposed corridor segments in all 11 Western states. If all are included in the follow-on decisions, this would involve amending 165 land-use or equivalent plans.

Previously designated corridors are outlined in yellow on the project map. Some of these are proposed for upgrade only. In the case of existing, previously designated utility corridors, amendments to land-use plans designating these as 368 corridors would subject these corridors to interagency coordination processes described in the PEIS and they would be assigned Section 368 criteria, in effect centerline, width, and compatible purposes.

Using existing corridors alone would not meet the requirements of Section 368. So we have identified an additional 2,300 miles of proposed corridors. Proposed corridors also vary in width. We used a 3,500 foot starting point to provide flexibility for siting multiple rights-of-way.

An energy corridor is defined as a parcel of land identified through land-use planning processes as a preferred location for existing and future utility rights-of-way and that is suitable to accommodate one or more rights-of-way, which are similar, identical, or compatible. Corridor designations assist in minimizing adverse impact and the proliferation of separate rights-of-way.

A right-of-way is a specific land-use authorization, not a change in ownership, granted to allow construction and operation of a specific project that is often linear in character such as a utility line or a roadway. Rights-of-way permits include requirements for compatible land uses and are not granted until a project applicant has complied with all relevant requirements, including appropriate environmental review.

In November 2007, we published the Draft PEIS. Comments are due February 14th. We will analyze the response to your comments and complete the tasks necessary to prepare a final PEIS. We expect to have this ready sometime in mid-2008. The land management agencies will be able to sign records of decision to designate corridors through amendments to their land-use plans no sooner than 30 days after the final PEIS is issued.

The Draft PEIS analyzes two alternatives—taking No Action and the Proposed Action. Choosing to adopt the No Action alternative would result in continued ad hoc, uncoordinated development as is done now. The proposed action is the result of a three-step corridor siting process, described in detail in Chapter 2 of the Draft PEIS.

The first step was to incorporate comments provided by the public during scoping and after the draft map was released in 2006. Then the agencies worked closely with local federal land managers to accommodate local land-use priorities, incorporate local knowledge of the area, and avoid areas known to be incompatible with potential future development. A handout summarizing this process for determining where the proposed corridors would be located is on the information table and examples of specific corridors are also available on the project website.

We believe that the analysis of these alternatives meets NEPA's requirements for a hard look. Because the proposed action does not involve any site-specific ground disturbing activity, site-specific NEPA review will be required to support all proposed projects within a 368 designated corridor. And today we don't know when and where any projects will be proposed by applicants seeking to site pipe and/or transmission lines. As a result of this uncertainty, the environmental effects described in Chapter 3 of the Draft PEIS are necessarily more general than a site-specific analysis for a known project would be.

CAS01

1/8/2008
Sacramento, California
Page 4

Comments will be most useful if they are specific, include suggested changes or methodologies, provide a rationale for your suggestion, and refer to the specific section or page number of the Draft PEIS. Finally, we encourage you to submit comments via the project website. It's easy for you. It speeds our ability to get comments into the database for analysis and response and up on the public website for review and doesn't require stamps or envelopes.

I'll call on speakers today in the order in which you registered to speak. Please step up to the microphone here and clearly state your name and organization if you are representing one, before making your comments. Please limit your oral comments to five minutes so that everyone who wants to speak today may have a chance to be heard. I'll advise you when you have 30 seconds left; you can wrap up. We will repeat this process until everyone who has registered to speak has had a chance to provide comments.

I'll then ask if anyone else wants to speak. After those people have had a chance to speak, we'll go back and see if anyone wants to make an additional comment, and after that will close the hearing and remind you of when the comments are due and how to submit them. If you're speaking from a prepared statement, please also leave us a copy at the registration desk or send it to us via the website or the other ways to send one.

We won't be answering questions during the hearing. If there is a need to clarify a point we will do that. If there are no questions on the process we will use today—are there any questions on the process that we are going to use today? Pretty simple? We'll now begin taking your comments.

And our first speaker is James Harvey. Our second speaker is Kimberley Delfino. And then I'll go on and tell you.

James Harvey: Thank you. Good afternoon. My name is Jim Harvey. I am a California resident speaking on behalf of the California Desert Coalition and the residents opposed to some of the provisions contained within the West-wide energy corridor initiative.

I first became aware of the Energy Policy Act, Section 368, and its directives to the West-wide energy corridor, while researching the Los Angeles Department of Water and Power's proposed 500 kV transmission line project named Greenpath North. I would like to respectfully request the partners of this initiative consider using already existing corridors as a priority in compliance with the recommendations of the National Strategic Plan outlined in the U.S. Climate Change Technology Program.

Additionally, these plans place an emphasis on upgrading existing corridors for expanding capacity and call for the new corridors to be designated only when absolutely necessary. These important federal programs also call for local, decentralized power generation. Generating the power closer to where it will be utilized eliminates the need for new, extended transmission lines.

I strongly urge this panel to reconsider the premise that additional transmission lines are the only solution to alleviating perceived congestion. There is little or no evidence that energy congestion is so extreme that it cannot be resolved by utilizing other innovative technologies that do not require the relinquishment of our public lands for new corridors. We the people are the real owners of these lands and subsidizing energy conglomerates by leasing our land way below its true value hardly seems ethical.

The use of local rooftop photovoltaic systems on existing developments, for example, would go far to address this issue. Nanosolar thin cell and PV technology is here now and will allow very inexpensive localized energy generation in a true, green manner, plus provide a safer alternative to adding more destructive transmission corridors.

CAS01-001

CAS02

1/8/2008
Sacramento, California
Page 5

We now know that downed power lines are responsible for a multitude of the recent Southern California wildfires. If this initiative establishes new corridors throughout California and the other 10 states involved, it will inevitably increase this fire risk, especially in the remote areas like the ones the 500 kV Greenpath North project could be sited in. Fire danger was an issue of significant consideration in the draft report just issued that strongly discourages proceeding with the proposed Sunrise Power Link in the San Diego area.

Also of concern is that many of these proposed corridors are being sited in areas that are very prone to earthquakes. Earthquakes are known to cause downed power lines as demonstrated recently in the October 2007 earthquake in Chile. But closer to home, here's a photo of what an earthquake did to a steel power line tower in upper Johnson Valley as a result of the 1992 Landers, California, earthquake. This shows steel towers are not indestructible. I'll pass that around if anybody wishes to see it.

The areas impacted by the 1992 earthquake are highlighted in blue here. This was the epicenter point. This is where the tower was located approximately 20 miles away. And this point is proposed path for one of the transmission lines that may be considered by the West-wide Energy Corridor Initiative, Greenpath North. If one tower this far away from the epicenter could fall as previously shown, what could happen to towers closer to the epicenter, let's say as close as this point here?

This initiative could encourage proposed corridors to be placed in remote areas where rapid emergency response would prove difficult. Many people have the misconception that there is nothing in the desert to burn, but the devastation caused by the Sawtooth fires in 2006 most certainly dispelled that myth. This fire burned for nine days, devastated 62,000 acres, destroyed 58 homes, and actually killed a person.

This panel must consider studies like the Alquist-Priolo Faultline Study before considering any new energy corridors in known earthquake prone areas.

Another point I would urge the partners to consider is the potential of collateral damage, whether intentional or unintentional, to the areas surrounding newly designated corridors. Some of these proposed corridors run directly adjacent to already designated sensitive wilderness areas and even traverse through Areas of Critical Environmental Concern, ACECs.

I'd like to stop here and come back if I can. Thank you. Thank you for your time.

LaVerne Kyriss: And Kimberley is our next speaker. Following Kimberley, Barbara Renton. Is Kimberley here? Okay, then is Barbara Renton here? Okay, John Moore? Okay, welcome Mr. Moore.

John Moore: I'm John Moore, a resident of Sacramento, commenting as an individual. I have a long interest in public land management issues and a familiarity with planning documents. I have read stacks of them. I will comment on the adequacy of the PEIS.

It claims to provide environmental analyses adequate to support designation of corridors in agency land management plans. I disagree. The PEIS contains virtually no site-specific information, provides only general catalogs for the 11 affected states of the affected environments, what environmental effects might be caused by transmission projects, what constraints on projects might have to be imposed and what mitigation of those effects might be employed. Surely such general catalogs are very far from the hard looks required beneath the precedence. On that point I have to disagree.

To address the analyses of the PEIS with the analyses of the agencies when performed to support designation of individual corridor land management plans, these analyses would utilize the

CAS01-002

CAS02-001

1/8/2008
Sacramento, California
Page 6

available detailed site-specific information on the affected environments and on adjacent public lands.

CAS02-001
(cont.)

The PEIS proposes arbitrary corridor widths, which do not consider topography, patterns of intermixed public and private land ownership, existing development and the likelihood that corridors of the proposed widths would ever be required by reasonably foreseeable facilities. If those facilities were unlikely to occupy corridors of the proposed widths, the corridors could be narrowed, in effect impacts lessened.

CAS02-002

Corridor 6-15 across Donner Summit from Reno to the Central Valley is an excellent example of a corridor of arbitrary 3,500-foot width passing through an area of intermixed ownerships, significant development, and many constraints. The corridor also passes through an area of intensely disbursed recreational use as I can personally testify, and close to the southern boundary of the Chesapeake potential wilderness. Readers need maps which are much more detailed than the large-scale maps of the PEIS if they are to be sure of the locations of the corridors and the effects of the corridors. The large-scale maps also do not include enough information to enable readers to relate the corridors to natural and cultural features on the ground.

CAS02-003

Reportedly, local staffs of land management agencies were consulted to inform preparers of the PEIS about constraints and need for modifications of publicly proposed corridors, but the PEIS text and maps do not supply any information about these modifications. Apparently these constraints and modifications last year were rediscovered when environmental documents for future projects were prepared.

The present PEIS is not an adequate substitute for analyses as a single corridor or a group of related corridors and does not adequately justify the amendments to land—agency land management plans that are proposed. I claim that such a specific project analyses cannot be tiered to such an inadequate document. At best, the PEIS will serve as a very expensive checklist for preparation of specific project documentation and a source of generalized text to insert in that documentation.

I think the Programmatic EISs for a single corridor or group can probably provide efficient and adequate initial environmental analyses for those corridors, which can be tiered to individual projects. They in fact would be preferable to piecemeal analyses of individual projects in the corridor. The only satisfactory West-wide solution for the inadequacies of the PEIS is preparing a revised document essentially equivalent to all such Programmatic EISs. It would be a—it would be very large document.

CAS02-004

Regrettably, I made many of these comments in scoping of input—spoken input in 2006. Many other significant improvements must be made to the designation corridors including: avoidance of wildlands proposed for wilderness designation of pending legislation, avoidance of national conservation areas—I cannot understand why they are not considered sensitive areas—mandatory best management practices and inter-agency operating procedures for minimizing damage to the environment, and restriction of future facilities in the designated corridors to the maximum extent feasible.

I thought of quite a few other things but I thought I would concentrate on the adequacy of the PEIS and I'll stop here. Thank you.

LaVerne Kyriss: You absolutely did great. Our next speaker will be John Viola, followed by Alice Bond and then we'll let Jim wrap up unless other people want to speak.

John Viola: Good afternoon. My name is John Viola. I am a resident of the Mojave Desert and a member of the California Desert Coalition, representing property owners, associations, tribes, and municipal

CAS03

1/8/2008
Sacramento, California
Page 7

councils, city and state governments—local governments, I'm sorry—commerce, chambers of commerce, realtor associations, land trust conservancies, scientists, attorneys, and hundreds of Mojave Desert residents.

We support renewable energy and reducing greenhouse gases and our dependence on foreign oil.

Ansel Adams said it's horrifying that we have to fight our government to save the environment. Let's prove Mr. Adams wrong by appealing to your sensibilities to protect our lands and our liberties. We encourage you to recognize EPAct 2005 and WVEC are wrong for our nation. Please go back to the drawing board and develop an energy policy that is truly good for our planet.

Section 368 opens the floodgates for corporations to desecrate lands using renewable doublespeak. A feeding frenzy comparable to the California Gold Rush is spawned by 368 and 1221 encourages acquisition of private land by federal eminent domain.

More than 120 applications for energy generation or transmission in the Mojave Desert are now submitted before the BLM. In March we learned the LADWP was planning the so-called Greenpath North for two years, claiming coordination with local government, residents, and tribes. LADWP steadfastly insisted a preferred route had not been decided. No one was consulted and LADWP already surveyed its preferred route.

This type of government behavior erodes trust and undermines the liberties that caused Mr. Adams to fight. Here are a few critical reasons why EPAct 2005, 368 and 1221 are wrong for America. Public lands belong to the people that government is responsible to protect. Our current administration is closely aligned with energy conglomerates that fund congressional and senatorial elections.

EPAct 205, 2005 and 368 and 1221 make it easy for corporations to use public lands with right-of-way subsidies get tax credit incentives, access low- and no-interest loans, use federal powers to displace people from their homes while desecrating habitat in the name of green. The only green in 368 and 1221 is the currency that will line the coffers of these energy conglomerates. Is it good energy policy for America or is it old-fashioned pork barrel politics taken to a grander scale?

Scientists have proven the human effect on climate change. The appearance of green policy is now a new way to earn political capital. California's green-looking examples are the policies of 20% and 33% of energy from renewable sources. But examine the means and you'll find blasting, bulldozing, scraping, plowing, co-mingling of dirty electronics and remote generation and long-distance transmission. If allowed to progress, 368 and 1221 destruction will be green-washed to fool America.

When a 368 corridor is designated, such as the LADWP's 500 kV line, the public knows not what lies ahead. The designation in this Draft EIS significantly impacts wildlife habitat, cultural resources, recreation opportunities, and many other resources across the West. Expediting construction applications, limiting environmental reviews, pipelines, power lines, large-scale buildups will fill corridors. This PEIS contemplates nine individual 500 kV transmission lines, 35 liquid petroleum pipelines, and 29 natural gas pipelines could fit within a single 3,500 foot corridor.

368's blight upon public lands needs 1221 to complete its crime. 368 dilutes protection of public lands and 1221 defiles state, county, city, and township rights to regulate land use within their respective jurisdictions. Individuals who unfortunately own property that lie between public lands become targets of corporate greed defensively driven from their homes at rock-bottom prices, due to the crashed housing market via federal eminent domain.

CAS03-001

**CAS04
CAS01
cont.**

1/8/2008
Sacramento, California
Page 8

The U.S. Climate Change Strategic Plan points out that centralized power grids are vulnerable to terrorism. The CCSP favors local and regional energy generation to enhance national security. 368 and 1221 increase centralized power grids and contradict the CCSP. An energy policy that compromises national security is surely not good for America.

CAS03-002

I'll stop there and would like to continue later. Thank you very much for listening.

LaVerne Kyriss: Okay, hit the button. And our last speaker is Alice Bond.

Alice Bond: Thank you. My name is Alice Bond. I am a public lands associate for the California and Nevada regional office of The Wilderness Society. Thank you for this opportunity to comment. We will be submitting much more detailed comments in writing. But for now I just would like to emphasize that the agencies should continue to analyze the impacts to special public land, including lands in current legislation, and move corridors to avoid these special lands.

There are many special places in California that are directly impacted by the proposed energy corridor segment and within one mile of corridors, including wilderness, BLM wilderness study areas, and National Park Service areas. We will also be submitting a detailed map in our comments as well that shows the intersection of special places in the energy corridor segment.

We also request that this designation process and information be transparent to the public and that risks to federal and other affected lands be thoroughly assessed so as to minimize or avoid risks, including cumulative impacts. This opportunity should be used to maximize the use of renewable energies and to reduce dependence on nonrenewables.

CAS04-001

And I'll leave the rest for our written comments. Thank you for this opportunity.

LaVerne Kyriss: Are there any folks in the room who have not yet registered but would like to speak? I don't see anyone and so I'm going to first of all call Jim to come back to finish his comments.

And tell us again your name and your affiliation. Thank you.

Jim Harvey: Thank you. My name is Jim Harvey. Again, I'm a California resident speaking on behalf of the California Desert Coalition.

Another point I would like to urge the partners to consider is the potential of collateral damage, whether intentional or unintentional, to the areas surrounding newly designated corridors. Some of these proposed corridors run directly adjacent to already designated sensitive wilderness areas and even traverse through Areas of Critical Environmental Concern, or ACECs.

Within and surrounding these proposed corridors could also exist multiple culturally and historically significant sites. Some are known and some are yet to be discovered. Ancient sites and artifacts that may not be inside the proposed corridor but very near it may not be appropriately considered, yet certainly could be impacted.

CAS01-003

This is a historically significant area called Rock Corral in Johnson Valley California. Just beyond this sign is the original corral that was built from large rocks over 100 years ago, used by cowboys herding their cattle. If you are familiar with the Willie Boy story, Willie Boy came through this area and drank out of the spring before he was cornered up in the mountains behind here.

This area is also fed by, as I just mentioned, a natural spring that still exists today. It's a rarity in this part of the desert. This BLM sign shows how sensitive this area is. It warns visitors in this upper sign here not to camp within 600 feet of the water source so as not to disturb the wildlife

CAS03
cont.1/8/2008
Sacramento, California
Page 9

that depend on it. The long white sign warns visitors to tread lightly and not to disturb easily damaged areas.

Well guess what? The Greenpath North transmission corridor will be carved straight through the land just behind this sign and that historic Rock Corral.

This is the area just south of the corral. The BLM built this ramada for families to sit and enjoy the beauty of the area. The proposed Greenpath North line will run just north of this area. How can BLM warn us to tread lightly in this area yet allow it to be bored, blasted, crushed, and cleared for towers to suspend powerlines? This type of infringement on public land would be scrutinized under existing procedures that the WWEC initiative will not recognize.

CAS01-003
(cont.)

Which brings me to my final and foremost concern, that this initiative calls to expedite the environmental analysis process necessary to determine the level of environmental impact these proposed corridors may pose. The Westwide energy corridor could potentially automatically amend over 165 established land-use plans. There are already procedures for changing land-use plans to establish new corridors on federal lands for new energy corridors that include full NEPA scrutiny. In expediting the NEPA and other environmental analyses, this initiative may dilute these important safeguards that protect our public lands from unnecessary irreversible destruction.

The Los Angeles Department of Water and Power, in its arrogance, is proposing a power line project through some of the most precious desert land we know of. They will use the West-wide Energy Corridor Initiative and its expedited process to hide the impact that their project will have on our land. They should not be allowed to use the West-wide Energy Corridor Initiative to gain right-of-way access to lands that would normally be prohibited. The Los Angeles Department of Water and Power's Greenpath North project should not appear on this final West-wide Energy Corridor report.

CAS01-004

These graphics are available for further consideration on stopgreenpath.com. Thank you very much.

LaVerne Kyriss: And I would like to call Mr. Viola.

John Viola: Thank you again for the opportunity to continue a few additional remarks and we will also be submitting materials in writing to you as well on the website.

It is difficult for people in companies to consume less energy. We have taken energy for granted. However, there are numerous technologically assisted ways to conserve energy without compromising lifestyles and business practices.

Fluorescent bulbs, LED lighting and displays, fixtures, building codes and retrofitting that improve insulation R factors, Energy Star appliances, radiant barrier materials, improved vehicle emissions, just to name a few.

CAS03-003

Local generation via rooftop PV's and wind turbines could produce needed energy at less cost without destroying the public lands as proposed by the Westwide energy corridor. National energy policy should follow the lead of San Francisco and the San Bernardino County, who proposes energy plans that are based on technologically assisted conservation and local generation. There are some things wrong with this particular approach to U.S. energy policy. What's wrong with it is that energy conglomerates lose their stranglehold on the energy market. Pork barrel politics takes a serious hit.

1/8/2008
Sacramento, California
Page 10

Politicians earn green capital only when they promote truly green policies. Green-washing doublespeak fails to fool Americans and remote generation and long-distance transmission become the icons of 19th century history.

CAS03-003
(cont.)

One last comment that I'm sure the press will find interesting is that employees of the lead and participating agencies that are involved in this PEIS, EPAC 2005, 368 and 1221 in accordance with the issues noted in this comment will oppose these things. However, they are fearful of expressing their comments. These employees are gagged by administrators and are fearful of career reprisals if they blow the whistle. We implore you to do the right thing for America. We need your leadership. Please go back to your offices and develop the rational energy policy that we deserve.

Thank you for the opportunity to comment and for listening.

LaVerne Kyriss: Thank you Mr. Viola. Are there any other folks here today who would like to make a comment on this Draft PEIS? I am not seeing anyone jump up.

So if there are no other speakers, I'm going to close the hearing now. We will stay here so that if other speakers join us before five, we'll reopen the hearing.

I want to thank you for joining us to provide oral comments on the Draft PEIS proposing to designate energy corridors on federal lands in the West. Again, comments are due on the Draft PEIS on February 14th and may be submitted online via the project website, by mail, or by fax. All comments received by February 14th will be considered in preparing the final PEIS.

Comments submitted after February 14th will be considered to the degree possible. Again, I want to thank you for your attention and will now stay around to informally discuss the Draft PEIS with you. And so we're going to go off the webcast and off the record and we'll stay around and visit with you if you care and you can depart at your pleasure—

Sacramento, California, January 8, 2008, 6:00 p.m.-8:00 p.m.

LaVerne Kyriss: Good evening. Thank you for joining us for a public hearing on the Draft Programmatic Environmental Impact Statement on Designated Energy Corridors on Federal Land in the West. I'm LaVerne Kyriss from the Department of Energy. I'll serve as this evening's hearing officer. Before we begin the formal hearing, Tom Pogacnik, acting deputy state director for resources from the Bureau of Land Management will make a brief opening statement. But first, if you haven't signed in or let us know that you want to speak at this meeting, you can do so right now at the registration table just outside the meeting room. Handout materials—we have a fact sheet and a series of maps that show an example of our sighting process—are available on the information table.

Restrooms are located just across the lobby and to the left. In the event of a fire or other alarm, let's see—what am I supposed—what else am I supposed to tell—oh, in the event of an emergency and the building is evacuated we're going to exit out the appropriate exits. We'll reconvene at Roosevelt Park located diagonally across the street from this building. Please proceed calmly and quickly, again following the employees with whom you are meeting to safety exit the building.

I'm told by the security guard that the doors are locked and armed at 6:00 p.m., and so if you want to get out you need to see the security guard right outside and he'll be happy to let you out of the building and he'll be letting in people, as well.

1/8/2008
Sacramento, California
Page 11

With us today representing the Federal Interagency Team managing this work are Kate Winthrop from Bureau of Land Management and Paul Johnson from Forest Service. After we're finished taking your comments we'll stay around to informally discuss the draft PEIS with you. Now I'm going to turn the mike over to Tom.

Tom Pogacnik: Good evening and thank you for coming to give your comments on the Draft Programmatic Environmental Impact Statement for the Designation of Energy Transfer Corridors on Federal Lands in the West. I am Tom Pogacnik with the Bureau of Land Management located here in Sacramento, California.

In a few moments you will hear a brief presentation about the document which the Department of Interior, Energy, and Agriculture are preparing to meet the requirements in the Energy Policy Act of 2005. Currently, applications for rights-of-way across federal lands with pipelines or electric transmission infrastructure are considered on a case-by-case basis without much coordination among the various federal agencies whose lands these actions involve in projects are transferred energy across long distances.

In 2005, Congress directed the federal agencies to address this situation by designated energy transportation corridors in also performing necessary reviews of the environmental impacts of designation. A programmatic EIS developed under the National Environmental Policy Act represents that environmental review. It is important to note that another round of site-specific NEPA analysis will be completed for each project proposed for locations in the designated corridor.

The Department of Energy, the Bureau of Land Management, and the Forest Service developed the corridor locations proposed in the Draft Programmatic Environmental Impact Statement using a three-step process which is detailed in the document in the handout available at the desk in the front table and which is going to be presented to you.

In essence, today's hearings represent a fourth step in that process. Public comments will help that agencies further define the locations of corridors so that important goals of the project are met balancing the need to improve energy delivery in the West with a responsibility to protect the many resources found on federal lands.

From the beginning the agencies have been committed to the strategy and your comments will be invaluable in helping to ensure that it is carried through to the end of this project. Representatives from the DOE, BLM, and the Forest Service are here to receive your comments and on behalf of all three agencies, thank you again for coming and your interest in this proposal.

LaVerne Kyriss: Thank you, Tom. We're here to receive your oral comments on the draft PEIS. You can also submit comments via the project website, by fax, or by mail. This hearing is being webcast and transcribed so speakers are asked to speak clearly and distinctly into the microphone. If you're having trouble hearing a speaker, please let me know and I'll advise the speaker accordingly.

After everyone who wishes to comment has spoken, I'll close the hearing. So far we have no people signed up to speak to this issue tonight. However, if people do sign up we're going to let you speak. When you have 30 seconds remaining—we'll start out with five minutes—when you have 30 seconds remaining I'll notify you so you can wrap up.

This hearing is to take comments on a Draft Programmatic EIS prepared in response to direction given by Congress to five federal agencies, Energy, Agriculture, Interior, Commerce and Defense. Section 368 directs the secretaries to designate corridors for oil, gas, hydrogen pipes, and electric transmission lines on federal lands in the 11 Western States. To perform necessary environmental reviews, partly because of this requirement, we decided to prepare this Draft PEIS, which is the

1/8/2008
Sacramento, California
Page 12

subject of this hearing, and to incorporate these designations into land use, land management, or equivalent plans. A separate and distinct public process is expected to begin later this year to identify corridors in the other 39 states.

The statute requires that when the secretaries designate these corridors they must also specify the corridor centerline, the corridor width, and the compatible uses of the corridor. Congress also directed the secretaries to take into account the need for electric transmission facilities to improve reliability, to relieve congestion, and enhance the capacity of the national grid to deliver electricity.

The Draft PEIS proposes designating more than 6,000 miles of corridor: 62% will incorporate existing, locally designated corridors and/or rights-of-way; 86% would be on BLM land; and 11% on Forest Service land. The Draft PEIS identifies 166 proposed corridor segments in all 11 western states. If all are included in the follow-on decision, this would involve amending 165 land-use or equivalent plans.

Previously designated corridors are outlined in yellow on the project maps. Some of these are proposed for upgrade only. In the case of existing previously designated utility corridors, amendments to land use plans designating these as 368 corridors would subject these corridors to the interagency coordination processes described in the PEIS, and they would also be assigned Section 368 criteria—in effect, centerline, corridor width, and compatible purposes.

Using existing corridors alone would not meet the requirements of Section 368. So we've identified an additional 2,300 miles of proposed corridors. Proposed corridors also vary in width. We used a 3,500 foot starting point to provide flexibility for sighting multiple rights-of-way.

An energy corridor is defined as a parcel of land identified through a land-use planning process as a preferred location for existing and future utility rights-of-way and that is suitable to accommodate one or more rights-of-way which are similar, identical, or compatible. Corridor designations assist in minimizing adverse impacts and the proliferation of separate rights-of-way.

A right-of-way is a specific land use authorization, not a change in ownership, granted to allow construction and operation of a specific project that's often linear in character, such as a utility line or a roadway. Right-of-way permits include the requirements for compatible land uses and are not granted until the project applicant has complied with all the relevant requirements including appropriate environmental review.

In November, 2007 we published the Draft PEIS. Comments are due February 14th. We will analyze and respond to the comments and complete the tasks necessary to prepare a final PEIS. We expect to have this ready sometime in mid-2008. The land management agencies will be able to sign records of decision to designate corridors through amendments to their land use plans no sooner than 30 days after the final PEIS is issued.

The Draft PEIS analyzed two alternatives, taking No Action and the Proposed Action. Choosing to adopt the No Action alternative would result in continuing an ad hoc, uncoordinated development as is done now. The proposed action is the result of a three-step corridor siting process described in detail in Chapter 2 of the PEIS. The first step was to incorporate comments provided by the public during scoping and after the draft map was released in 2006.

Then the agencies worked closely with local federal land managers to accommodate local land use priorities, incorporate local knowledge of the area, and avoid areas known to be incompatible with future potential development. A handout summarizing this process for determining where the proposed corridors would be located is on the information table and examples of specific corridors are also available on the project website.

CAS05

1/8/2008
Sacramento, California
Page 13

We believe that the analysis of these alternatives meets NEPA's requirement for a hard look because the proposed action does not involve any site-specific ground disturbing activities. Site-specific NEPA review will be required to support all proposed projects within a 368 designated corridor, and today we don't know when and where any projects will be proposed by applicants seeking to site pipelines and/or transmission lines. As a result of this uncertainty, the environmental effects described in Chapter 3 of the Draft PEIS are necessarily more general than a site-specific analysis for a known project would be.

Comments will be most useful if they are specific, include suggested changes or methodologies, provide a rationale for your suggestions, and refer to the specific section or page number of the Draft PEIS. Finally, we encourage you to submit comments via the project website. It's easy for you, it speeds our ability to get comments into the database for analysis and up on the website for public review, and doesn't require stamps or envelopes.

I will call speakers in the order in which you registered. Please step up to the microphone and clearly state your name and organization, if you're representing one, before making your comments. Please limit your oral comments to five minutes so that everyone who wants to speak today may have a chance to be heard. I will advise you when you have 30 seconds left so you can wrap up. We'll repeat this process until everyone who's registered to speak has had a chance to provide comments. I'll then ask if anyone else wants to speak. After those people have had a chance to speak we'll go back and see if anybody wants to add to their comments, then we'll close the hearing and remind you of when comments are due and how to submit them. If you're speaking from a prepared statement, please leave us a copy at the registration desk or send us one via the website, via mail, or by fax.

While agency representatives won't be answering questions during the hearing, we will stay afterwards to discuss the Draft PEIS with you. If needed, we'll take a 15-minute break midway through our scheduled time. If we need to make a clarifying point, however, we will do that. Are there any questions on how we're going to conduct the hearing? If not, we will begin. We do have one person who has asked to speak. Robert Freehling, if you would please come to the microphone. You're the only one who asked to speak today.

Robert Freehling: I only have a few comments.

LaVerne Kyriess: Okay, well that's great. We're happy to hear them.

Robert Freehling: Good evening. My name's Robert Freehling and I'm from the Sierra Club, California, and I work with the Energy and Climate Committee for the state club. And I have reviewed the list of the potential sitings for these corridors and, for the most part, there are things that we're happy with and some things that we're not happy with. One thing that we're happy with is that a very high percentage of these appears to follow existing rights-of-way compared to other states. Now, there may be members of the club in other states who are less happy, particularly those in Nevada, where a much larger percentage appears to follow pathways that don't have a lot of right-of-way, currently.

In California we have a principal called the Garamendi Principal for siting of transmission, which prefers using existing rights-of-way strongly whenever possible. And this is also a policy that's strongly supported by the California Sierra Club and the national policy of the Sierra Club as well. Our concerns, of course, revolve around the fact that we're looking at a rather large amount of area in California that's being considered for these corridors, so we're going to have to review, of course, the sites of some of these things, but it looked like approximately 450 square miles of California. From my best estimates, 640 acres to a square mile, is that correct? Yeah. So it

CAS05-001

1/8/2008
Sacramento, California
Page 14

would be about 450 square miles so, of course, that's going to require some examination on our part over the next month or so to look at the specifics of that.

The other concern that we have, we were pleased, or I was pleased personally, to see that a lot of the corridors, almost all of them that were listed, were not widenings of existing rights-of-way but, for the most part, were reductions when they were commented on at all. There was one, however, I believe, in the Cleveland National Forest that was a two-mile wide right-of-way—over 10,000 feet—representing a significant expansion, apparently, of the current right-of-way. And, of course, being in both in the national forest and being an expansion of an existing right-of-way, we would prefer to see that within the right-of-way as, sort of, a minimum basis. So that's just, sort of, preliminary comments. We'd have to look exactly on the siting of that further to give you more comments.

So as far as is possible we'd like to see it within existing rights-of-way and not expanding beyond the limits of those, particularly in interest to the environment such as the national forest, which are high protection priorities for the Sierra Club.

As far as data contained in the report where there's a listing, for example, of the rights-of-way, the corridor lists were listed when there was an expansion or change in the rights-of-way. It would have been helpful to have a baseline column that gave the existing width for all corridors, not just simply the ones that were changed, and—so that there would be some basis of evaluating from the list without necessarily always having to cross-check with the maps to find and then measure it with a little ruler or something to try and figure those things out. So having some kind of dimension in the actual chart would help us a great deal, as well as some kind of statement about acreage because there's a difference between the acreage column and the linear miles following rights-of-way. So more specifics in the data would help us a lot in making more intelligent comments.

So those were most of the things that I had to say. We certainly are also concerned about what the actual legal ramifications of these designated corridors are and, of course, we can make statements about what they mean to date regarding existing law. These things have not been necessarily challenged in court to the extent that we can define where the limits are or where Congress in the future is going to make rules, changes in future law, that might affect what the meaning of those designation of corridors are. So what this means as a beachhead, so to speak, for moving forward may be something that can't be guessed at in the EIS but it's something that we're concerned about. So those were the main things I had to say this evening. Thank you.

CAS05-001
(cont.)

LaVerne Kyriss: Anyone else who would like to make a statement? Is there anything you wanted to add or you—

Male Speaker: Are you taking comments? [Inaudible] questions or comments?

LaVerne Kyriss: We're taking comments. If you have a comment that's great, and as soon as we make sure that we have all the comments on the record then I'm going to officially close the hearing, we'll take a break, unless somebody else wants to come back and make a comment later and then we'll stay around for informal discussion, if that's okay. So if there are no other speakers this evening, I'm now going to temporarily close the hearing and we will officially stay here until 8 o'clock and we can open the hearing anytime during that period if somebody wants to make a comment on the record.

I want to thank you for joining us today to provide oral comments on the Draft PEIS proposing to Designate Energy Corridors on Federal Lands in the West. Comments on the Draft PEIS are due February 14th and may be submitted online via the project website, by mail, or by fax. All comments received by February 14th will be considered in preparing the final PEIS. Comments submitted after February 14th will be considered to the degree possible.

1/8/2008
Sacramento, California
Page 15

Again, thank you for your attention and we will formally close the hearing but we'll stay around to discuss the PEIS with you. So, thank you.