

Public Comments on the New Energy Corridor Plan Pipeline Notification Protocol Systems needed in State and or Counties for Private Property Owners Impacted by Pipeline Siting: Aging infrastructure, re-routes, repurpose, new route construction implementation on the New Energy Corridor Plan

This comment period has several deficiencies:

- The notification period should be extended to fully incorporate public response and outreach including tribal consultation and with Indian Allotment Landowners, and private property land owners not under federal jurisdiction, and for a county wide notification protocol through out the state to be established as part of the best practice and policy under the BLM Gold Book best practices policy and procedure protocols.
- Most residents cannot respond to the website announcement in the areas of reroutes and new corridor plans and are without the proper public notification in rural areas where Broadband Internet communications are not wholly accessible and where there are language barriers.
- Most residents phone polled in the area did not know all of the types of pipelines that were currently in their communities or the differences in the regulations between the types of hazardous substances transmitted and the impacts to private property owners. Most notably, communities have indicated that they know they have pipelines passing through but that they did not know what type they are and have no idea on any new pipelines such as the hydrogen line that was introduced in the this public comment process.
- More information on the impacts to these county communities is buried in data that most people do not have ability to access due to time, education, and ability to do this research. An educational forum should be given to all rural communities so that they know where the pipelines are located, what flows through these pipeline or realize what siting indicate that new routes were being developed and how it will impact them. No notification of intent needs a prefilling by pipelines owners, and little efforts on the part of operators has been made to notify property owners of potential eminent domain issues that will impacts them.

- There are residents who have pipelines in their region and do not know what pipeline companies operated and who managed the pipelines or how to contact them. They are unable to name the companies.
- Only a small percentage of citizens impacted knew approximately how many total miles of pipelines existed within their counties it usually residents who have already been impacted by oil and gas extraction, which were knowledgeable about what these impacts could be.

Implementation of Current Pipeline Notification Protocols

There is no pipeline notification protocol to work within or for those who live in close proximity to existing pipeline.

Most communities have indicated that they did not have such a notification protocol. The most common type of notification protocol used was 811-Call Before You Dig for all excavation in urban areas operated mostly by natural gas distributors. This was used mostly in urban or semi urban areas indicating they had a current protocol of call before you dig. The second most commonly used type of notification protocol that should be under the consideration of existing pipeline infrastructure for review of new land development plans, should be followed by above-ground signs and markers along existing right of ways (ROWs). These should apply to existing and new development plans.

The problem with this notification protocol is that there is no notification prior to the start of work and that pipeline companies state that under federal regulations they must operate, they are not required by their company to submit plans for review by local communities.

There is not a notification protocol for proposed pipeline projects in several counties in the state that the current plans for new transmission, gathering and distribution lines and most people do not know where to look, if they had such a protocol. Most areas of semi rural and urban use two types of protocols:

- 1) Obtaining and reviewing proposed pipeline ROW maps and other documents from companies, operators, and contractors, and 2) holding consultation meetings between municipal officials and pipeline companies, operators, and contractors. Communities that who have a notification protocol for new pipeline projects also seek to hold

consultation meetings between municipal/county officials, pipeline companies, and adjacent residents. After that, most counties indicate that they post information on their municipal website (they have NO pre-defined Consultation Planning Zones or community district overlays and/or Ordinances established for construction of new pipelines in any counties that we are aware of). Pipeline operators communicate with residents at their leisure or “appropriate time.” There was no indication of what that “appropriate time” might be.

Consultation Zones (CZs) are a planning tool used by local counties or other zoning authorities as recommended by our groups in the Rio Grande Citizens Alliance Network (RGCAN). We recommend Best Practices Policies and Procedures Gold Book procedures to be followed to document and enhancing pipeline safety and risk-informed land use planning in countywide communities is needed. With many of the TAG funding cuts it has made pipeline Notification Protocol more difficult for citizens to access unbiased information and be protected for health and safety. CZs are generically defined as “an area extending from each side of a transmission pipeline, the distance of which should be defined by local governments through Community District overlays, to describe when a property developer/owner, who is planning new property development in the vicinity of an existing transmission pipeline, should initiate a dialogue with a transmission pipeline operator.” Model ordinances for creating CZs are not being recognized by local authorities and will cause greater conflicts by their biased support for taking of property from private property owners. Most people are not familiar with the appropriate planning tools that can be utilized with CZs as a mechanism for communication between property developers/owners and operators of nearby transmission pipelines when new land uses and property developments are being planned, most citizens have indicated that they were not familiar with CZs. We ask for support in the EIS process for Counties to develop ordinances on pipeline safety land use protocols and procedures, which RGCAN has drafted ordinances ready to be considered in this matter.

Creating a Pipeline Notification Protocol through out the state and for Sandoval County New Mexico and all counties in the State where these pipelines traverse is indicated and needed.

Table 1. Information needed in a Pipeline Notification Protocol (PNP)

Information Required in a Pipeline Notification Protocol
Emergency contact name and information for pipeline operator(s) and County Department of Emergency Services
Contact name and information for pipeline companies, operators, and contractors
Description of the work to be conducted or construction and operation of the new pipeline
Traffic impacts that could occur as a result of the work or construction (for example: road detours, temporary roadways and detours, volume of heavy truck traffic)
Boundaries of project area, including a map of the proposed work-space or development location, existing pipeline ROWs, other current land uses, and other relevant information
Details of the type of project under construction (for example: new pipeline construction or reconstruction, pipeline repair or maintenance, new development or land use near existing pipeline)
Expected duration of proposed projects, including daily hours of operation during maintenance or construction
Environmental and other transportation impacts to waterways, protected areas, roads, rail lines, including crossings of streams, creeks, wetlands, other protected areas, roads, and rails
Emergency management and response plan for the operation of existing and new pipelines
Parcels and landowner names immediately adjacent to where the work or new project is proposed to occur
Length and diameter of existing and new pipelines and associated ROWs
Details regarding the grubbing, trimming, or removal of trees or native vegetation, including a restoration plan for vegetation along existing or new ROWs
Materials being transported through existing pipeline ROWs or proposed to be transported through new pipelines (for example: natural gas, petroleum, hazardous liquids)
List of all parcels within 1,000 feet of the work-space or new pipeline
Current operating pressure(s) of pipelines within existing ROWs and of proposed pressure(s) for new pipeline construction

Courtesy of the Pipeline Safety Coalition

Table 2 Concerns about Existing Pipeline Right-of-Ways
General safety
Maintenance and inspections leading to risk of leaks and spills (air and water)
Environmental and health impacts
Proximity to residential areas/dense housing development
Communication with and notification of landowners
Property destruction/inadequate site restoration
Increasing ROW size/expansion of ROW
Mistrust in government agency and companies
Increasing existing pipe size and pressure
Using existing ROWs for new lines instead of taking more land
Property values, financial impacts
Public education
Disturbance of ROW by landowners and developers
Abandoned in place pipelines
Standards through sensitive areas
Poor signage
Exclusion of property owners from decision-making
Pipeline companies have political and legal advantages
Age of existing pipelines

Courtesy of the Pipeline Safety Coalition

Table 3.Landowner Survey: Concerns about Proposed Pipeline Projects

Table 3. Concerns about Proposed Pipeline Projects
Environmental and health impacts
General safety
Property destruction, inadequate site management during construction and restoration
Timely communication with landowners, opportunities for input from community and local government
Cumulative nature of projects
Loss in property values, financial impacts
Impacts on cultural, historic and scenic landscapes
No more new pipeline ROWs, use existing ROWs for new pipelines
Proximity to residential areas, gathering places, appropriate placement of ROWs
Lack of information from pipeline companies, lies and “half-truths” and withheld information
Alternatives fully and fairly evaluated by FERC
Citizens are uninformed and disempowered to do anything
Adequacy of maintenance, inspections, oversight
Regulation inadequate or uncertain
Hiring of unqualified and cheapest contractors
Property takings and rights of landowners
Impact to livestock
Pipeline companies lack knowledge of local conditions
Traffic impacts
Increasing ROW size/expansion of ROW
Increasing existing pipe size and pressure

Courtesy of the Pipeline Safety Coalition

The majority of Counties are telling citizens that federal regulation preemption means that operators do not need to tell the local municipalities, counties or states and or citizens of their plans, nor does the County have any jurisdictions to help the property owners. This is false and misleading. One reason for this discrepancy is likely due to biases for unfettered streamlined regulations for short-term revenues, different operators operating in different areas under different jurisdictions and regulations due to the type of hazardous substance being transmitted. This raises the important issue of knowing which operators are operating in

which municipalities and regions throughout the county and the state in order to avoid such problems as outlined in the above tables 1,2,3.

There are no pipeline notification protocols for new pipeline projects. There were two types of protocols that were cited as being most frequently used: 1) obtaining and reviewing proposed pipeline ROW maps and other documents from companies, operators, and contractors, and 2) holding consultation meetings between municipal officials and pipeline companies, operators, and contractors, these are the two most common protocols. The most transparent protocols that are followed start by holding consultation meetings between municipal officials, pipeline companies, and adjacent residents, and local citizens organizations, and general public include posting information on their municipal website, and implementing pre-defined Consultation Planning Zones and/or work on Ordinances to establish surface land use rules for construction of new pipelines. Municipalities report when having difficulties implementing these protocols cited problems with getting meetings with the operators of newly proposed pipelines. Signage needs to be posted in high frequently travel areas, where people can safely pull off the road ways to read the signs on where to find information and what is happening in the region. The Common Ground Community Trust, RGCAN groups, will be following up with regional community groups who indicated problems with a notification protocol to get more information about their experiences to date. It is also clear that education regarding what a 'Consultation Zone' is and how it can be used in local land-use planning regarding health and public safety is necessary to the county government and community groups. These items should be Standard Operating procedures and a part of GOLD Book policy and procedures when it comes to public safety and eminent domain land takings.

It is recommended that Table 1, that a ranking of possible notification protocol information be used to prioritize the type of information that county planning zoning commissions would find most useful to their planning notification processes and that should be considered for inclusion in a County-wide pipeline notification protocol.

Pipeline Operator Responses and Information Must Be Shared

A survey of pipeline operators and managers should be implemented to understand which companies operate pipeline infrastructure in Sandoval County, who is responsible for pipeline notifications within companies, the nature of their pipeline systems (e.g., number of pipeline miles, type of materials and facilities, etc.), sharing of information regarding High

Consequence Areas and Pipeline Impact Radius, how they currently manage communication and notification in the County with regard to working within existing pipeline right-of-ways and proposing new pipeline projects, and their willingness to share information about their existing pipeline systems, especially in high consequence areas (HCAs). The federal government has not enforced HCAs and the industry has gotten a free ride to unfettered access for years. Current HCAs in water dwelling areas will need a state of emergency declared to protect the public welfare.

Distribution of Survey

An on-line survey to pipeline operators should be distributed via an electronic mail invitation to Tribes, State, County and other government regulators, USFS and or BLM, RGCAN and any other public group by means of notification, not dependent of internet as outlined above, (from 3 current pipeline companies operating in e.g. Sandoval county and any pipeline company that is proposing to operate pipelines in the county) currently. A follow-up reminder needs to be sent to these same contacts.

Consideration for appropriations and or tariffs should be given for a Pipeline Mapping System Operation to the NM Pipeline Safety Public Bureau at the Public Regulation Commission. The State needs the database and supplemented with data about operators known to be potentially new, that includes track records, violations and fines anywhere in the world, as well as operators who participate at meetings in the County and or State. Enterprise indicated to the Pipeline Safety Coalition that that the role they played in the company depended on the type of pipeline that the notifications were referring to (i.e., transmission versus distribution).

Nature of Pipeline Systems in County

Preliminary analysis of the results shows that the miles of transmission pipelines operated by all companies who responded ranged to between 20 and 40 miles (hazardous liquids transmission lines owned by Enterprise. We had no responses from inquiries from companies to our proposal on aging infrastructure or the operation LNG plants and facilities or gas gathering pipelines.

Sharing of High Consequence Areas and Pipeline Impact Radius Information

In terms of sharing databases of High Consequence Areas (HCA) or Pipeline Impact Radius (PIR) with Sandoval County, most do not share this information. The RGCAN County Emergency Response task force would like the Federal government to share the engineering data on life expectancy of existing pipelines and provide in updated engineering reports through third independent party the life expectancy of existing pipelines in the state many buried prior to 1976 and contain highly hazardous liquids and natural gas.

Notification and Communication Regarding Existing Pipeline Right-of-Ways and Proposed/New Pipeline Projects

All four respondents operating pipelines in Sandoval County indicated that their company does implement a current notification protocol when working within existing pipeline right-of-ways (ROWs). NM Gas Company indicated that they notify people in mail and in person when possible, and that is dependent on when they follow federal, state, and local protocols, The Pipeline Safety Coalition in their interview with Enterprise indicates that they (Enterprise) contact their Land Department, said that their Damage Prevention Team notifies the NM 811 One Call System. This happens more urban and suburban areas. However, in rural areas that are becoming more populated, there is no emergency safety response and it takes many hours if not days for the operators to respond appropriately as we seen for the fracking explosion in Nageezi in 2016. Safety Response was virtually closing a road and letting pipes or facilities burn. Operators make money on clean up, too.

Three of the four pipeline operators in the state indicated that their company also implements a notification protocol for proposed pipeline projects, while the one operator (Enterprise) indicated that they did not know if such a protocol for proposed pipelines was

implemented. None of the pipeline respondents were familiar with Consultation Zones (CZs) in pipeline land use planning.

When the Pipeline Safety Coalition (PSC) asked what they saw as the most important form of communication needed in a State and/or County pipeline notification protocol, whether for existing ROWs or proposed pipeline projects, Internet and websites ranked as the first most important form, e-mail, phone calls, public meetings, and postal mail all ranked second, while local newspapers, signage and face-to-face meetings with landowners ranked third.

Willingness to Publicly Share Information about Pipeline Systems

In order to gauge the willingness of companies to share specifics about pipeline operations, including locations and materials, with the public, they did not know whether their company would consider incorporating an interactive Google Map of their pipeline systems into their company website, most indicate they would need to get approval from their Legal and Security Departments before putting up this type of information on their website.

Creating a Pipeline Notification Protocol for Sandoval County, NEW MEXICO

“If you were creating a pipeline notification protocol for Sandoval County, New Mexico, what would it look like?” in other areas of the country the operators indicate that they would most likely be a spreadsheet with the county PIN number, the street address of the property, the landowner’s name, address, phone, and e-mail address where available.

Conclusions

Pipeline operators in Sandoval County and those who do not operate any pipelines in the County but plan to, should pre-file new construction, reroutes, repurpose, and decommission plans and support implementing a Pipeline Notification Protocol and NM database system through tariff legislation enacted by the NM Legislature and PRC Commission.

Operators who have or are planning to have pipelines in the county need to indicate that they use a pipeline notification protocol for work within existing pipeline right-of-ways. They all use different types of protocols, so it is important the operators follow-up on the exact implementation that is recommended to find out what a common denominator could be to use in designing the State and or County land use planning protocol for existing right-of-ways.

With regards to proposed new pipeline projects, none of the current operators indicate that they use a notification protocol. This is similar to their protocol for existing right-of-ways, and as a company who is planning to operate in a county in the future, they indicated in the survey that they attempt to meet with all affected third parties to address concerns. Most importantly, all eight respondents to the PSC survey answered that they were unfamiliar with 'Consultation Zones' in local pipeline land use planning. This was a surprising finding since one of the respondents is from a company that was part of the team that introduced the Consultation Zone process.

It is important to note that oil industry consultants conclude that the lack of familiarity with Consultation Zones was most likely due to the fact that information is usually sent to public relations firms, community outreach, and land acquisition staff from the companies who are less likely to work on land use planning decisions at the local government level. Consultation Zones should be used by the operators and must be mandated by state and local Commissions for pipeline notification protocol. Therefore, in moving forward it is recommended in the design and implementation of the State and countywide pipeline notification protocol that the Associations of Counties develop a working relationship between the governmental affairs staff,

liaisons company reps in order to ensure that all communications is conducted with staff who are familiar with the concept of Consultation Zones or who have experience in local government land use planning and community outreach inclusive of tribal and culturally diverse populations in the State of New Mexico.

In terms of operators' willingness to share information and participate in a countywide pipeline notification protocol, most operator respondents indicated some willingness to share information with certain County stakeholders and to participate to the extent that the decision-makers in their company allowed. T h i s s h o u l d b e m a n d a t o r y . Therefore, similar to the issue of Consultation Zones, it is recommended that the county develop a working relationship with the Association of Counties, governmental affairs to bridge, educate staff about each company's background and plans to operate in the county or municipality. It is in the public safety and welfare interests of federal, state and county governments to make decisions on the most updated engineering data of pipeline life expectancies in HCAs that information that companies are willing or forced to share with various stakeholders about their operations. A better understanding about the parameters each company will help with data sharing and stakeholder participation that is necessary in order to ensure that the design of the countywide pipeline notification protocol can be implemented effectively and that pre-filing notification is followed in the State of New Mexico.

Without countywide consultation zones any notifications given by the BLM and or USFS in this matter is ineffectual and defeats the process of public participation and notification on land takings in any county in the State of New Mexico.

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