

**Before the United States
Federal Energy Regulatory Commission**

Application of Trans-Pecos Pipeline, LLC,	§	Docket No. CP15-500-000
for Authorization to Site, Construct and	§	
Operate a new Natural Gas Export/Import	§	
Facility in Presidio County, Texas	§	

SIERRA CLUB MOTION TO INTERVENE

Comes, now, Sierra Club and seeks Intervenor status in this proceeding. In support of this motion, the Sierra Club shows as follows.

Nature of the Proceeding and the Project: This is a proceeding under Section 3 of the Natural Gas Act, 15 U.S.C. § 717b. Trans-Pecos Pipeline, LLC, seeks Commission approval for approximately 1,093 feet of a larger project to be built pursuant to a request for proposals from Comisión Federal de Electricidad. The complete project consists of (1) an intake facility, i.e., a “header,” at the Waha Hub in Pecos County, Texas, (2) a roughly 143-mile 42-inch-diameter pipeline to Presidio, Texas, (3) a 1,093-foot 42-inch-diameter project segment beneath the north side of the Rio Grande River to the international border and that will join, there, (4) a similar segment running from the international border to an interconnection in or near Ojinaga, Mexico, with a future pipeline to El Encino, Mexico. The principal uses to be made of the natural gas transported through the pipeline project are to be as fuel for natural gas-fired electric generation plants and, potentially, as feed and fuel supplies for industrial customers in northern Mexico.

Position of Intervenor Sierra Club: To the extent it is now known to Intervenor Sierra Club, the positions of Sierra Club are that (1) the application of Trans-Pecos Pipeline, LLC, is not technically complete, and (2) the Commission's action on the complete application of Trans-Pecos Pipeline, LLC, must be preceded by National Environmental Policy Act ("NEPA") analyses, which analyses will most likely dictate an Environmental Impact Statement be prepared pursuant to 42 U.S.C. § 4332(C). These analyses would necessarily address the environmental impacts that would be associated with the entire project. In Sierra Club's view, this position is dictated by an appropriate weighing of the four "Algonquin" factors¹ and the absence of comparable (to NEPA) environmental reviews by authorities with regulatory responsibilities for the non-jurisdictional segments of the project.² Factually, the probability is high that a 143-mile linear clearing for a high-pressure pipeline traversing an uncommonly pristine and seismically-active high Chihuahuan desert landscape and tunneling beneath a major international water course will have significant cultural, natural resource and aesthetic impacts.

Interests of Intervenor Sierra Club: Sierra Club is a national organization of some 602,000 members. Approximately 22, 000 of these members reside in the territory of the Lone Star Chapter of the Sierra Club, and approximately 538 reside in Pecos, Brewster or Presidio Counties. This last area is within the Big Bend Group of the Sierra Club.

¹ Codified at 18 CFR §380.12(c)(2)(ii).

² The 143-mile pipeline is subject to Texas Railroad Commission jurisdiction, but that jurisdiction does not extend to review of environmental or cultural impacts. Texas has no statute requiring a NEPA-like analysis of State actions.

The mission of the Sierra Club is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.³

Members of the Sierra Club live, work and recreate in the areas proposed to be traversed by the Trans-Pecos Pipeline project. These members' interests, therefore, stand to be compromised, were the FERC to approve the border-undercrossing segment of the overall project, because, absent that crossing, there would be no 143-mile linear clearing for a high-pressure pipeline traversing an uncommonly pristine and seismically-active high Chihuahuan desert landscape in which these members live, work and recreate, nor would there be such a pipeline tunneling beneath the major international water course that is integral to the lives of these members.

In particular, Sierra Club members Suzanne Bailey and Elizabeth Sibley suffer impacts from the proposed pipeline that are different from those suffered by members of the public at large. Their statements are attached to this motion.

1. Ms. Bailey lives at 2401 FM 1703, Alpine, Texas, on land adjoining the "Pumpco" construction staging area for the project. Since construction for the staging area commenced around March 2015, Ms. Bailey has experienced increase problems related to industrial runoff onto her property, foul odors, noise disruptions, and persistent

³ <http://www.sierraclub.org/policy> (visited June 30, 2015).

health issues. These problems will only be exacerbated by the ongoing construction of the proposed pipeline, which construction will be directed and provisioned from this site.

2. Ms. Sibley lives at 1 Las Auras, Alpine, Texas, and stands to have the proposed pipeline cross in the immediate vicinity of her property, and, potentially through her property *via* eminent domain. The interests she cherishes in the natural beauty of vistas from her home would be degraded by the advent of the proposed project. She stands to have her long-term sense of unease increased by the possibility, however remote, of a pipeline rupture and the attendant risk of, at the least, the evacuation of nearby residences, such as her residence. And, of course, the tranquility of the area of her home will be disturbed by the noise, particulate emissions and, potentially, light pollution associated with pipeline construction.

Sierra Club's participation is further warranted, because that participation would be in the public interest. The Sierra Club has participated aggressively in natural gas proceedings at the FERC in recent years⁴ and is familiar with FERC processes. It brings to the proceedings a clearly-defined set of pro-environment objectives, certainly an important component of the public interest. It also enjoys some level of financial wherewithal with which to marshal data in support of its objectives. And, as earlier noted, it has a number of members in the area of impact, so it has an enhanced ability, compared to many other potential parties, to develop facts germane to the Commission's deliberations.

⁴ See, for example, Docket Numbers CP14-119-000, CP14-120-000, CP14-122-000, CP 13-552-000, CP13-553-000, PF15-3-000, PF15-12-000, PF15-20-000, and PF14-22-000.

Prayer. In light of the foregoing considerations, the Sierra Club prays it be accord
Intervenor status in these proceedings.

Respectfully Submitted,

/s/ David Frederick

Frederick, Perales, Allmon & Rockwell,
P.C.

By, David Frederick
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COUNSEL FOR THE SIERRA CLUB,
LONE STAR CHAPTER, BIG BEND
GROUP

Certificate of Service

I certify that on the 30th day of June, 2015, I electronically filed with the Federal Energy Regulatory Commission the original document, Sierra Club Motion to Intervene, on behalf of the Sierra Club.

I further certify that on the 30th day of June 2015, I served the forgoing Motion to Intervene via electronic mail & first class mail, on all parties listed on the office service list compiled by the Secretary in this proceeding.

/s/ David Frederick

For Trans-Pecos Pipeline, LLC

Kelly Allen
Manager, Regulatory Affairs
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Attachment A

NARRATIVE 29 June 2015

My name is Suzanne Bailey. For 25 years, my husband, Tom Shortt, and I have lived in a small house on a two-acre piece of property located at 2401 FM 1703, near Alpine.

Pumpco Construction arrived on the adjacent 23-acre pasture on March 29, bringing Dozers, Scrapers, Excavators, Vibratory Soil Compactors, and water trucks. They began clearing the site the next day, and the first of many vast clouds of dust dirt swept into the sky.

This was the first day that I started coughing and sneezing. From then on, I was to wake up every morning coughing, producing phlegm, and often waking up in the middle of the night sneezing. I have never had a persistent cough in my life. I have no allergies, and I have never sneezed on a daily or nightly basis. My eyes are frequently red. Last week, I had two days when I coughed so much that I threw up.

On Monday, June 22, I went to see my medical provider, Nurse Practitioner Katherine Duncan. I have been her patient since 2000. In reviewing my medical records, she noted that I had never complained of coughing or sneezing (except in relation to a very occasional cold.) In fact, she remarked that many years she did not see me in the office at all, except for annual check-ups. She confirmed that I am a very healthy person who takes care of myself and maintains a healthy lifestyle. The other new symptom that I reported to Ms. Duncan is tinnitus. This started after the construction project had been going on for a few weeks.

Pumpco works seven days a week. In the beginning, they worked as long as eleven hours daily, and slightly shorter on Sundays. They created an entryway immediately adjacent to our property, so all vehicles and equipment entered their property by coming down our mutual fence line, no more than ten feet from our house, making noise as close to us as was possible. The quiet enjoyment of our home has become permanently impaired.

It is very difficult to keep our house clean. What used to be merely "dust" is now real dirt, formed by almost three months of constant pulverizing of the soil next door. This is dirt that has to be removed with a wet cleaning rag, not something that can be dealt with in a casual way. I spend many hours a day trying to keep up with it, but to no avail. Maybe Pumpco personnel have not invaded our private property, but the results of their activities most certainly have.

On May 4, I made a report to TCEQ, complaining of dust; an illegal construction site with no stormwater drainage control, and commercial use of a water well that was permitted only for residential use. A TCEQ Investigator from El Paso inspected the site on May 13 and shut down the site for several violations. The next day the site reopened, since "oil and gas activity" is exempt from TCEQ regulations.

On about April 20, Pumpco began excavating material to build something that appears to be intended as a water reservoir of some kind. They have extended it, making it larger, and although it is now huge, they are still working on it.

On April 28, I personally visited with my County Commissioner, Luc Novovich. I complained to him that there were all these people working on this site for almost a month, but there was no sanitation services available to the workers. I believe he spoke with the company, because two Porta Potties were delivered by 6:30 that evening.

The water well being used by Pumpco is just about 80 feet from the property line. They erected two 10,000 gallon water tanks next to the well, and this is where they fill their two water trucks – many times daily. Next to the water tanks, they have located an above ground fuel tank, and this is where they fuel their equipment and where they wash their vehicles. This well was originally permitted in 1994 as a residential well, and after being drilled was capped and never pumped until recently equipped with a pressure tank by Pumpco. This matter has been brought before the Brewster County Groundwater Conservation District at each of their meetings, starting on March 14, and actively continuing since then. A number of citizens are appearing at each meeting and will be in attendance at the meeting scheduled for tomorrow, June 30. Pumpco not only wants to pump the well on their property, but they are also buying a very large amount from the City of Alpine on a daily basis, and tomorrow two private parties will be asking for operating permits so that they can sell water to Pumpco. Many residents of this area think that our limited water resources are in danger.

On May 20, beginning early in the morning, Pumpco started working right down our fence line, using three Vibratory Soil Compactors, including one “sheepfoot”, the large scraper, and a dozer. The noise, commotion, and vibrating/shaking were almost more than I could bear. It seemed that my house might fall down around me, as I could feel the concrete slab under my feet moving. Dishes were rattling on the shelves and the grates on top of the cook stove were beating against each other – it was like an earthquake that went on for hours. I was alone in the house and wanted to flee, while at the same time feeling an urgency to document what was happening. I went outside and took a video, recording the cacophony of this equipment. It is hard to convey how the vibration equipment feels -- like something is attacking the center of your being, as if your heartbeat has stopped and been replaced with the deep thrumming sensation. Back inside, I videoed a glass of water on the kitchen window sill, showing the water sloshing around in rhythm with the vibrations. Was my house damaged? That has not yet been determined. I do know that I was damaged – turned into a frightened victim, helpless inside my own home. My medical provider informed me that the sensations caused by the equipment no doubt provoked the reaction of “fight or flight” within my body, causing great stress. My husband says he experiences the same feeling, or worse.

After showing these videos to my County Commissioner, Luc Novovich, he consulted with Brewster County Attorney Steve Houston, and then emailed Pumpco's Site Manager, James Dixon, on May 27. (See attached.) Mr. Novovich said that James Dixon had told him that he would personally visit with me. He did not; he did telephone me and told me that he would have the vibratory equipment stay on “the other side of the water tanks”, from now on, which would keep them about 90 feet from the house. This did keep the worst part of the activity away from the house, but it is still very loud, dusty, and upsetting.

On May 27, a brief thunderstorm moved through and as stormwater gushed off the Pumpco site, it ran down FM 1703 road and caused roadside damage in the area of the mail boxes, and continued to flow down through a motorcycle shop at the junction of Hwy 90, and flowed behind the Food Bank and entered the Community Garden. As a result of this, TXDot got involved. Engineer Chris Weber instructed Pumpco to repair the damages they had done to the shoulder of the highway, which he described as a "river of mud." He also closed what he deemed to be an "illegal entrance" to their site and made them move it to the far end of the property. He is requiring that they put in a commercial driveway 450 feet beyond our property line and is also requiring that they construct proper water retention ponds to prevent flooding. Pumpco needs to present engineering plans and drawings to him for his approval.

On June 11, Pumpco engaged a firm called Seismic Safety Services to set up a seismograph within a few inches of our property. They ran heavy equipment and some vibratory soil compactors by it while the operator checked it. They said the "sheepfoot" vibratory compactor was broken and couldn't be tested. Oddly enough it seemed to be working as usual the next day after the seismic observer was no longer there.

On June 13, another small storm occurred. More flooding came from water leaving the Pumpco site, even though they had heavy equipment out working in the rain and lightning, trying to keep the water away from the road. FM 1703 became flooded again. Our driveway was quite flooded with water and mud. (Videos available.) Once again, the vibratory compactors were put back in service near our property line.

On June 14, Sunday, I went outside about 7 p.m. and heard the distinct sound of a lot of water running. I found that they had left one of their water trucks unattended, hooked up to the tank. It was full and overflowing straight toward our property. Site Manager James Dixon was contacted and he sent someone to shut it off. My calculations are that it would have pumped 20,000 gallons of water onto us by the next morning.

On June 29, about 6:45 a.m., I noticed a large amount of water had pooled up behind one of Pumpco's trucks that had been left parked near the water tanks. Going outside, I saw that it was not from the trace of rainfall yesterday, but appeared to have been flooded by the small pressure tank Pumpco uses to wash their trucks. This tank provides a "power wash" capability and has a small wand such as used in a car wash. Photos are available, showing the runoff had passed under their small "silt fence" about ten feet from our mutual property fence.

As I was standing at our fence, a Pumpco employee, a stout man wearing a safety vest, yelled at me, "Not my fault this time! I was the one that got in trouble for leaving the water going to that water truck -- but this was them young boys that left this one on!" He gave me no further information, just turned and went the other way. There was no other Pumpco employee on the property that I could see at that time.

I called Brewster County Sheriff's Office and requested assistance. At first, they wanted to telephone Pumpco and deal with it over the phone. Since the water had entered our property near the location of our septic tank, I told them I wanted to see a deputy in person. They sent Deputy Doug McIntyre.

He spoke with me and understood my concern. I made him aware that this was the **second** time in two weeks that Pumpco had left the site unattended with water actively running. I told him that these seemed to be negligent acts.

He said he would speak to Pumpco and ask them to create a berm that would keep the water off our property if it happened again. I explained that Pumpco had just yesterday asked our permission to erect a cyclone fence on our mutual property line and that their plan was to create a berm that would hold stormwater off of our property. (The exact details of this plan are still under discussion.)

I thanked him for his attention to this matter and he departed from my area, and then met with Pumpco staff for several minutes over by their trucks. Later that morning, Pumpco employees used hand-held hoes and shovels and appeared to be constructing some kind of a berm against their silt fence. The actual berm is not visible to me from our property.

Suzanne Bailey
2401 FM 1703, Alpine, TX 79830 (physical)
P.O. Box 615 Alpine, TX 79831 (mail)

Telephone: 432 386-3409
email: suzannebailey@hotmail.com

From: novovitch@co.brewster.tx.us
Date: Wed, 27 May 2015 15:58:34 -0500
Subject: Bailey's Home
To: james.dixon@mastec.com

Dear Mr. Dixon,

As the Brewster County Commissioner for Precinct 1, where all the work involving Trans-Pecos Pipeline is taking place, I receive almost daily comments, suggestions and requests regarding, among other things, the activities associated with Pumpco, TPP and Energy Transfer.

But the particular situation I am writing you about requires your attention:

Mr. (Shortt) and Mrs. Bailey own and live in the house which is situated next to the work done by Pumpco on the property they purchased off road 1703, close to Alpine City limits.

For the last several days there have been vibratory compactors at work. This is without any doubt creating harm, including noise, vibration, possible associated health risk, along with potential property damage. This comes on top of the constant dust problem they are facing since the work started.

Mrs. Bailey showed me a video she took which is most revealing of the direct effects of the compacting work being done right next to their home. Vibrations and noise inside the house are constant, and such that property damage seems highly probable. They are also having seismic activity recordings done inside their home.

I told Mrs. Bailey that before other avenues are pursued, I would contact you and ask that someone from the interests you represent get in touch with them, and assess the situation.

A brief exchange with the County Lawyer indicates that this specific situation should warrant an intervention on your part, and that the harm and nuisances being caused should be addressed. It is our understanding that companies conducting this kind of work have comprehensive liability insurances that may be invoked in this case.

I think it is in the common interest of all the parties involved that a satisfactory resolution be found.

It may also certainly have a positive impact in terms of addressing the public opinion's concerns regarding the way the companies involved deal with possible legitimate requests to redress harm being done.

I would appreciate being kept informed regarding this matter.

The phone number and email of Mr. and Mrs. Bailey are:

suzanne bailey <suzannebailey@hotmail.com>

(432) 386-3409

With my best regards,

Luc Novovitch

Brewster County Commissioner, Precinct 1

Attachment B

**BEFORE THE UNITED STATES
FEDERAL ENERGY REGULATORY COMMISSION**

Trans-Pecos Pipeline, LLC

Docket No. CP15-500-0000

**DECLARATION OF LIZ SIBLEY UNDER 18 C.F.R. §1746 IN SUPPORT OF
BIG BEND CONSERVATION ALLIANCE MOTION TO INTERVENE**

My name is Liz Sibley. I am over the age of 18, competent to testify and have personal knowledge of the facts set forth below. Under penalty of perjury, I declare the following:

- 1. Liz Sibley. 1 Las Auras. Alpine, Texas. 79830**
- 2. I joined the Sierra Club in June of 2015.**
- 3. I first heard of the pipeline in February 2015 when my husband and I recieved two letters from Energy Transfer stating that our 42 acre home adjoining the Alpine City Limits was possibly in the route of the Trans Pecos Pipeline. A Landowner's Bill of Rights was attached to both letters.**
- 4. I am concerned about this 143 mile pipeline because it will cross the valley near our home and thread through our community. The valley below our home is pristine high desert grass primarily used for ranching. I am concerned about the reduction in land values with a 42 inch bi-directional gas line in such close proximity to our home and our hospital/airport/community and through a mountaineous residential area, Sunny Glenn, that has one entrance - that also serves as it's exit. I'm concerned because of the breakneck speed with which the company is moving and the lack of transparency/lack of simple pulling of required environmental, water and dust abatement permits that has been revealed at this first stage. I'm concerned that Energy Transfer is trying to bypass Federal environmental review of the pipeline with FERC oversight with tactics that include use of eminent domain by masquerading as an intrastate pipeline even though there are no end users in Texas and it does not appear to serve any tangible "public good" at this juncture. This pipeline is clearly an international pipeline. I'm concerned our volunteer fire fighting group who cover Brewster County, the largest**

county in our state, will have neither the training or funding to effectively help in the event of a disaster. The Big Bend Rock House Fire of April 2011 burned more the 314,444 acres. We live in the beautiful "tinderbox" of the high Chihuahuan desert mountains, rekknown for it's desolate rugged beauty and fragile water sources. Brewster County alone is over three times the size of the state of Delaware and more than 500 square miles bigger than Connecticut.

5. I am not opposed to the business of oil and gas. However, when one looks at a map of Texas, it is literally covered with oil and gas pipelines, except for one solitary outpost and that is the Big Bend Region of West Texas. It truly is the "last frontier" in that respect and that is why tens of thousands of tourists flock to this part of the world annually. Ranching is still one of the main industries in this part of the world. The fragile desert ecosystem here cannot support pipeline activity - nor should it. I am hoping that a reroute of this pipeline will be negotiated closer to the 2 other pipelines being built a few miles further away: Energy Transfer's 42 inch Comanche pipeline that springs from the same source as the proposed Trans Pecos pipeline: Waha/Coyanosa but crosses into Mexico several miles upstream of the Big Bend Region at San Elizario. This will be operational in early 2017. ONEOK's 30 inch gas pipeline runs along a similar route and will be operational in 2016. Both of these lines are largely uncontested.
6. In closing, I thank you for your time and consideration and respectfully request that the Commission review this permit application vis a vis subjecting the entire pipeline to FERC review and NEPA compliance.

I certify under penalty of perjury that the foregoing statement is true and accurate to the best of my knowledge.

Ray Brey Signature
6/29/2015 Date