PUBLIC SCOPING MEETING RE:

DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING

BAJA CALIFORNIA POWER, INC., AND SEMPRA ENERGY RESOURCES

Calexico, California

July 14, 2004

6:00 p.m. to 8:00 p.m.

RAYNBO COURT REPORTING, LTD.

3625 West Gailey Drive
Tucson, Arizona 85741
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Reported by: Sandalee Moring, CCR
Certified Court Reporter No. 50295

PUBLIC SCOPING MEETING

Calexico, California

July 14, 2004

APPEARANCES:

ANTHONY COMO, Department of Energy

ELLEN RUSSELL, Department of Energy

RICHARD AHERN, Department of Energy

LYNDA KASTOLL, Bureau of Land Management

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BE IT REMEMBERED that pursuant to notice the above Public Scoping Meeting was taken in the CITY HALL OF CALEXICO, 608 Herber Street, in the City of Calexico, County of Imperial, State of California, before Sandalee Moring, CCR, Certified Court Reporter No. 50295, in and for the County of Pima, State of Arizona, on the 14th day of July, 2004, commencing at the hour of 6:00 p.m. on said day.

* * * *

MR. ANTHONY COMO: Okay. I guess we can open the hearing.

My name is Tony Como. I am with the U.S. Department of Energy. With me today is my colleague, Ellen Russell. From the Bureau of Land Management, we have Lynda Kastoll. Also in our audience is Rick Ahern from our DOE Office of General Counsel.

We have two gentlemen over here on the side, Kurt Pisol and Dave Tamaso. They are with Argonne National Laboratories. They are consultants for DOE and BLM. They are actually doing the environmental and the technical analysis that help us prepare the EIS form.

Let me spend a couple minutes and tell you how we got to where we are today, why we are here. And then I am going to turn it over to you to listen to your comments.

Several years ago the Department of Energy issued a presidential permit to two companies, Sempra and InterGen, to build transmission lines across the U.S. border to Mexico that would connect with two power plants that were built inside of Mexico. There were some objections to the manner in which we issued the permits and ultimately a court ruled that our underlying environmental analysis was inadequate and ordered DOE and BLM to go back and redo the environmental reviews.

What we decided to do is this Environmental Impact

Statement. We published the draft EIS in May of this year and we distributed it to, hopefully, all of you who are here today and we opened up, I guess it was, a comment -- it's a comment period that will not close until July 30th.

So we distributed the draft and we're asking you to comment on it, and that's what we are here for tonight, to get comments about: Did we get the analysis right, did we miss some analysis generally in the contents of the document.

After -- I should have said this in the morning session -- after we get all of your comments, we are going to address each point that you make and publish a Final EIS and redistribute it to everybody, which is, also, an important reason why, if you happen to be here and want to get up and make any comments tonight, please fill out a card in the back with your name and address. We would like to mail you a copy of the EIS, even if you don't want to speak tonight.

How are we going to conduct this proceeding? Basically, we are going to be calling each one of you up to make any kind of comments you feel are necessary to make. We have a court reporter here tonight. That doesn't necessarily imply any higher degree of formality, it's not a court proceeding, we just want to make sure we don't miss anything that you say. It's no more important than that.

Document CAL01

But in deference to the court reporter, we'll sort of ask that you follow a couple basic things.

Every time you stand up, even if it's more than one time, please say who you are. She may not remember who you were with all the people that get up and speak. The first time you speak, please spell your name for her. Try to speak slowly and distinctly so she can catch everything you say.

Some of you are going to be using some kind of technical terms. You might want to spell it for her. If she is not able to hear you or doesn't know what you are saying, she reserves the right to raise her hand and ask you to spell it out for her. If she needs a break to change paper or rest her hands, she'll indicate that, also.

Tonight we have a couple of people who have some special attention. We have one gentleman who needs to speak first so he can leave and he also does not speak English. So we have a young lady from Congressman Bob Filner's Office here who's graciously volunteered to do the Spanish translation while he speaks.

And, also, seeing as she is representing Congressman Filner, she will been making her statement for the Congressman this evening in Spanish. I should ask if anybody would like to hear what she has to say in English? We certainly have English translations.

MS. INEZ GONZALEZ: I can say it in English, also.

MR. ANTHONY COMO: It's not that long, so you should probably say it in English, too.

So that's about it. We have the room until 8:00. We don't have an overwhelming number of people over here that signed up to speak. All I'm going to ask is maybe your initial time to get up and speak, try to limit it to around ten minutes, just in case some more people drag in later and decide they want to speak. We don't want to run out of time.

Clearly, if you have something more you want to say and we have finished with all the people and we have more time, you are more than welcome to come up and speak again. It's just that we have some time constraints and we don't want to use it all up at once, just in case people come in.

Okay. Our first speaker will be Senor Mendez.

MR. GODOFREDO MENDEZ (through the interpreter, Ms. Inez Gonzalez): Good afternoon. My name is Godofredo Mendez. He's a resident of Calexico. He has many knowledge about the Valley. And it seems to him that it's incorrect, what's happening with the land and with the water. CAL01-1

In the Valley, for many years, there's been a lot of activity in the agricultural area. And that production has served the whole nation and the areas around here.

Documents CAL02 and CAL03

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I have spoken at other meetings and they have answered to me with stupid responses. I'm not ignorant, even though I'm -- Mexican people think I'm ignorant, but I am not. I have told them about the problems that is happening because of the water and the electric current.

And they've said every four years they are going to plow the land. And like I said, I'm not stupid to think that what they say is true.

I know the Valley very well on all four sides. I know the prejudice that has taken place because of the energy from Palo Verde. They want to put up more electric energy, take away our water and there will be a time when we will have to give up our homes, because when the land dries up, we won't be able to stand all the dust that will come up. Many people have to leave their homes because they won't have work. With this, I'm sure you understand the abuse that is directed to the residents of the Valley. CAL01-1 (cont.)

Thank you. Good evening.

MR. ANTHONY COMO: Gracias, Senor.

Just a disclaimer, Ms. Gonzalez was nice enough to translate, but she indicated she can't guarantee it's a verbatim translation. But we thank her very much, anyway.

Another gentleman who asked to go to the front of the line, Mr. Menvielle.

MR. JOHN PIERRE MENVIELLE: Good evening. My name

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is John Pierre Menvielle, and that's spelled J-O-H-N, P-I-E-R-R-E, Menvielle, M-E-N, V as in victor, I-E-L-L-E. I reside at 897 West Ross, R-O-S-S, Road, El Centro, California. I'm just going to make a very short statement.

I am John Pierre Menvielle. I was born and raised in Calexico and I find it ridiculous that the Department of Energy has not yet recognized that regardless of what side of the border you are on, that we both share the same air. CAL02-1

Thank you.

MR. ANTHONY COMO: Thank you.

Our next speaker will be Inez Gonzalez and she will be speaking for Congressman Filner. And she will also be making the presentation in Spanish.

MS. INEZ GONZALEZ: My name is Inez Gonzalez. I'm the District Director for Congressman Bob Filner, and I read the same statement on behalf of the Congressman in the morning's hearing.

For the benefit of those that speak Spanish, I plan to read it in Spanish, but I'll be glad to read it in English if there's anyone here that wasn't there in the morning, but there's many familiar faces here. CAL03-1

(Whereupon Ms. Inez Gonzalez read the attached statement in Spanish.)

MR. ANTHONY COMO: Thank you, Inez.

MS. INEZ GONZALEZ: He wants to speak, again.

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Document CAL04

MR. ANTHONY COMO: Sure.

MR. GODOFREDO MENDEZ (through the Interpreter Ms. Inez Gonzalez): The Imperial Valley is very dirty. I was able to get the reservoir of water to be cleaned. It had about 3,000 tons of excrement of animals and humans. I told them how to clean it, but they didn't clean it well.

There's people that hate me because I tell them the truth. I have invited them to come and see the dirt, and they have not wanted to come. And, also, I have invited them to come and see the illegal activities that are taking place.

The reservoir for the water was built in 1982. In 1995, I asked them to clean it, but they only did a -- they didn't do it right. They haven't been able to clean the water. I've been inviting officials and people to come and see, because they don't know what I'm talking about. I've asked them to come over to see, because it's the water that we drink.

I've asked that people in charge of the sanitary, the public services, to come because of the smell. Because when the water is dirty, they put too much -- I don't know what the word is -- chlorine.

I have information regarding the quality of the water in the plants. In the reports it says that the water is fine, but to be careful with people that have problems

with the kidneys because of the excess of chlorine because that harms the body, especially the kidneys.

MS. INEZ GONZALEZ: I think we are going another way, I'm just verifying with him that he understands what the meeting is about, the energy plants, and he didn't.

He apologizes. He didn't understand that this meeting was only for the power, the energy plants, and so he went on another tangent.

MR. ANTHONY COMO: We thank him for his comments.

Our next speaker will be Pablo Orozco.

MR. PABLO OROZCO: Good afternoon. For the record, my name is Pueblo, P-A-B-L-O, Orozco, O-R-O-Z-C-O. I'm executive director of the Calexico New River Committee. I will be very brief with my comments.

MR. ANTHONY COMO: I'm having trouble hearing you. Maybe you need to speak a little closer to the microphone. It doesn't pick up very well.

MR. PABLO OROZCO: First, I would like to thank you for allowing our community to participate in these hearings and to work with you on these directly.

A little background. The Calexico New River Committee was founded in 2001, and has since been working to eliminate the negative impacts on the New River in the region. The New River is already a huge health and environmental threat to the people of the Imperial County CAL04-1

and Mexicali valleys. It is the dirtiest river in North America carrying, among other wastes, the pollution of, at least, 10 million gallons per day of raw sewage into the City of Calexico.

The draft EIS acknowledges that there will be a reduction of water flow and water available from the New River resulting from the operation of the two departments. While any operation that takes treated or partially treated water out of the system reducing the total flow of the river necessarily contributes to the concentration of these contaminants and aggravates the health and environmental risks of our community.

Now, the California Regional Water Quality Control Board recently published a report entitled, "The National Alteration of the New River. This is from April 2004. And in it it reads, it reads: The InterGen and Sempra Energy Power plants combined utilizes possibly 500 liters per second of wastewater from the San Jose Lagunas. One of the power plants reportedly treats the incoming waste to a tertiary level before being used for it's cooling towers. The wastewater that you are international drain has high concentration of total solids and therefore contributes to an increased salinity level in the New River, ultimately the Salton Sea. CAL04-1 (cont.)

So just, in closing, we ask that the power plants CAL04-2

provide full mitigation for any air pollution originating from their operations. We ask that the power plants implement alternative impact of pollution salinity on the New River and Salton Sea. But most of all we ask that the committee continue to be included in the process and that the people's health and welfare be considered the first priority as solutions are sought and decisions are made. CAL04-2 (cont.)

Thank you.

MR. ANTHONY COMO: Thank you.

Mr. Orozco, do you have a written copy of your presentation?

MR. PABLO OROZCO: I do.

MR. ANTHONY COMO: Could you provide it to the court reporter at your convenience?

MR. PABLO OROZCO: Sure.

MR. ANTHONY COMO: Thank you.

Kimberly Collins.

MS KIMBERLY COLLINS: Good afternoon. Thank you for coming again to our lovely City of Calexico. I wasn't sure about the 9:00 a.m. hearing.

MR. ANTHONY COMO: That's not us. The press got it wrong. Sometimes they do.

MS. KIMBERLY COLLINS: My name is Kimberly, K-I-M-B-E-R-L-Y, Collins, C-O-L-L-I-N-S. And I'm here today as a resident of Imperial County and as a taxpayer.

Document CAL05

And, first, I think just a small reminder should be made to all of those who are on the federal payroll right now, that the taxpayers of Imperial County contributed to the preparation of this report through their tax dollars. And I think that needs to be stated, because sometimes we get lost.

First, I'm not surprised by the findings of the report. I think it really contains the same old and tired way of thinking by the U.S. federal government bureaucracy that does not recognize that the U.S-Mexican border is a region in which air, water, health issues and economies are shared. This way of thinking is clearly seen in the report on Page S-4, in which the map doesn't really extend into Mexico and is not to scale on the Mexican side. It portrays a sentiment that here we are on the U.S. side and there's some things going on over on the Mexican side, but we are not really sure what's going on over there. If we sort of kind of count it and not really count it in. CAL05-1

Air and water don't follow the political boundaries of governments. They follow the natural flow of the earth. The EIS must conduct a binational and regional analysis. To do otherwise is a half-completed job that does not address the real situation.

Two, I find it ironic that this review is occurring during the year of the 10th anniversary of NAFTA CAL05-2

and really shows the border region has become the dormant for NAFTA. It is a place to scrape your boots and as long as the moneys are still being sent to Washington, D.C., it's not a place to worry about human health problems, environmental degradation or future development of the region.

Ten years ago it was hoped by some that if NAFTA was pass and free trade in the Americas became a reality, the border would get much needed attention and funding. This clearly is not happening as seen by the results in this report. Instead of providing investment and infrastructure to begin sustainable development in the region, new projects that contaminate the area are being embraced. CAL05-2 (cont.)

Three, public interest, on Page S-7, I really think needs to be defined. There is a huge difference between the public interest regarding the environment and human health impacts and that of the current reliability of U.S. electric power. It is not, and I repeat not, in the public interest of Imperial County residents to have these two power plants for these following reasons: CAL05-3

One, socioeconomic impacts, which are addressed in Section 5.4.10. The costs to the local economy, which are not addressed sufficiently or appropriately by the draft EIS, will exceed any benefits that might possibly be derived, such as property taxes. CAL05-4

The local economic cost will include lost economic development opportunities as large companies are leery to come to areas that have high amounts of pollution.

There will also be public health costs that will be incurred by local governments to care for low-income residents, especially uninsured children.

There will also be costs to production to local businesses and individuals with sick days, be it a worker who is sick with respiratory illnesses and needs to take a day off to visit with the doctor or the worker with a sick child that has asthma.

These are just a limited example of possible costs that are not included in the draft EIS. I'm sure if someone did a further analysis they might find more.

CAL05-4 (cont.)

Human health, Section 5.4.11. The human health issues are not addressed in the draft EIS. The Imperial/Mexicali valleys are already nonattainment areas for PM-10, ozone and et cetera. There are already severe levels of asthma and respiratory illnesses in the community.

I would hypothesis that there have already been additional human health impacts by these power plants just from the short time they have been running. I base this on to factors: The first, there has already -- I'm sorry -- the first is that there was an already stressed environment and human health system. Additional pollution to that

CAL05-5

system, even at small levels, can tip the scales and push health of local residents into a dangerous level.

By just talking to my co-workers in Calexico, I, along with them, have experienced an increase in respiratory infections over the past eight months. And I have had a consistent cough and problem with my voice since late last year. And I have always had allergies, so I'm in a sensitive population, but it has seriously gotten worse. If a stringent analysis was actually conducted on the health of the residents in the region, I'm sure that you would find that there has been an impact from the power plants.

CAL05-5 (cont.)

Minority and low income populations, Section 5.4.12. The environmental justice issues have not sufficiently been answered. Imperial County is 73 percent Hispanic. The education rates are half the state average. The unemployment rates are three times the state averages.

The table on 3.9-2 is incorrect on Page 3-97. The unemployment rates are not 4.9 percent in the Imperial Valley. Last month they were over 18 percent. For 2003 they were over 23 percent. We do not have a lower unemployment rate than the state average, and I'm sure you could do that easily just by walking out the door and looking at individuals who go into food lines looking for food and for health, for assistance for their families.

CAL05-6

The draft EIS must go back and appropriately

Document CAL06

address the environmental justice aspect of the power plants and the related transmission lines. CAL05-6 (cont.)

I'm going to step back a little bit. The issues outside the scope of the EIS from Section 1.3.2. This federal action does affect the global commons. Power plants are known to contribute to global warming. It is impossible to only recognize the transmission lines and not consider the power plants. They function together. Without the power plants, there would be no need to have the transmission lines and we wouldn't be here today. CAL05-7

Finally, this report, I believe, tells the residents/taxpayers of Imperial County and those residents of Mexicali that there will be impacts to our environment and health, but that our public interest does not matter to the DOE and that we are a poor disenfranchised people. If that doesn't scream environmental justice, then I don't know what does. CAL05-8

Thank you for your time and consideration. I'll e-mail my comments in the next couple days.

MR. ANTHONY COMO: Thank you, Miss Collins.

Ken Smokoska?

MR. KENNETH SMOKOSKA: Yes.

MR. ANTHONY COMO: Ellen just reminded me to remind you that the record or time to receive comments still remains open until July 30th. We don't consider statements

here any greater or lesser important than anything you might send us back home via e-mail or fax.

And the only thing I suggest, probably of all the ways you can get us comments, mailing it through the regular snail mail is probably the worse because DOE is still screening for Anthrax and it can take, like, months for us to get something and then it's crispy and shredded and everything else like that. So e-mail and fax is a much better way to get us your comments.

Thank you.

MR. KENNETH SMOKOSKA: My name is Kenneth Smokoska. I'll spell Smokoska, S-M-O-K-O-S-K-A. I represent the Sierra Club here in San Diego and Imperial Counties on air quality issues and I also represent the Sierra Club California on energy issues.

The Sierra Club has been actively involved in litigation on these power plants and air quality in Imperial County for a number of years. The Supreme Court recently passed on a chance to overturn a Ninth Circuit on Court of Appeals that ordered the Environmental Protection Agency to add this area to a list of communities with some of the worse air quality in the United States, a designation that would require them to spend more money in controlling pollution, yet the EIS had nothing in there for offsets for this air pollution. CAL06-1

Document CAL07

Secondly, these are definitely connected actions. The power plants, the transmission lines, the importation of LNG, are all connected and the accumulative effects are definitely inadequately addressed in the EIS. CAL06-2

Alternative analysis was only considered for transmission lines, not the power plants. We feel that alternative energy production should have been considered due to the severe air quality in Imperial County. CAL06-3

Further, continuing on the unemployment, we are requesting that a study of solar manufacturing plant versus natural gas/carb plants be commissioned. Our unemployment rate is at 20 versus 4.9 in the study. If you take into consideration studies recently that show that 700 percent more jobs are created with solar manufacturing per megawatt versus a natural gas power plant, that could have been potentially alleviated some of the unemployment issues and, also, the air quality issues. CAL06-4

When you get into water, the Salton Sea has had a tremendous amount of studies done on it as far as the potential for the Salton Sea to be turned into another Owens Valley. Now, with the Owens Lake up in the eastern Sierras, that area has contributed to nonattainment areas throughout the Mohave, Lancaster and other areas and that. There's a significant chance that it will be exasperated and advanced by the water that's going to be diverted from the New River, CAL06-5

both in evaporation and just straight into the cooling. So we definitely would like to have dry cooling considered in this action. CAL06-5 (cont.)

And, also, the offsets are imperative.

We will e-mail further comments in more detail.

Thanks.

MR. ANTHONY COMO: Thank you.

Carlos, if I come here another three years, I probably still won't be able to pronounce your name properly, so forgive me.

MR. CARLOS YRURETAGOYENA: Quite all right.

My name is Carlos Yruretagoyena. I'll spell it for you. Y-R-U-R-E-T-A-G-O-Y-E-N-A.

Again, thank you for allowing me to speak in this meeting. I am a resident from Mexicali. I am a Mexican citizen. And I thank you for allowing me to express my comments and my concerns related to the power plant issues.

For better or for worse, and for what it's worth, whoever wrote that document deserves some kind of accommodation and applause, because he must have, at least, identified five serious difficulties and one topic for reflection. And these are the ones that I identified. CAL07-1

The scope of the study. The legal implications related to possible mitigation or restorations and in the event of an impact or a catastrophe, who will be the one to

get blamed or be responsible to duly respond to the society of the community in which that accident would happen?

The disparity in our environmental legislation between our two countries, the criteria that we use to conduct our own environmental impact studies and the absence of validated criteria and a solid background when it comes to particularly evaluating projects of this nature, projects that are being conducted and done and sponsored within the border region, a border region that has been defined under NAFTA and the CEC's agreements and that has been raised by the Keoto (phonetic) and the Rio summits. These considerations were not incorporated in this draft for many reasons, I would like to think.

CAL07-1 (cont.)

The other aspect is, whoever does generate this impact, will surely be either prosecuted or followed by whose courts? Ours or yours? And so there is this emptiness between who's responsible in responding to us, the community dwellers, if something goes wrong. It's foreign capital being invested in my country, so then your laws do not attain nor perpetrate or follow whoever has been investing in my country. And if the incident becomes a transnational incident, then the ones that are going to be locked with that issue are going to be the local residents, not the investigators.

The other topic that really started getting my

mind to work is the topic for reflection, and what I'm asking: Who's the owner of these power plants? Who will be the owners of the power lines? Who are going to be the ones profiting from the marketing? And from that marketing, how many of those benefits are going to be continuously invested in our communities?

CAL07-1 (cont.)

Those are the five obstacles that I identified in that topic for reflection, which I think whoever wrote this document, which is a very heavy document to begin with, really deserves my applause, at least.

Chairman Russell, this is what I have to say about the draft. The draft study has its scope limited only to the area that could be impacted or will be impacted by the transmission lines section that will be built in the United States site. Any other direct or indirect association was not undertaken in this study. So that lends it short in duty considering the overall implications of the risk assessments or the projections that were undertaken.

CAL07-2

And since such study only addresses the U.S. side of the transmission lines, it has omitted any other possible direct or indirect association, causes, impacts in health issues and restoration initiatives on urban, rural, land, soil, water and air, and that no swaps will be or have been taken into consideration.

There might be south from the transmission of the

energy, the construction of the power lines, but from its initial point of generation, not only as it comes across the border. Because if there's going to be an impact, it should be duly addressed and evaluated since it starts getting generated. And since the generation points are in Mexico, this draft did not include that. Because of the constitutional, legal implications which I duly recognize, it must have been very difficult for whoever was doing this.

The study does not incorporate any issues of transborder, binational nor NAFTA nor CEC environmental safeguards and public health guidelines to diminish and restore possible impacts. In that same respect, it has no possible risk and prevention measures scenarios for the U.S. side and for the Mexican side to address for the immediate area of influence or the border demarcation so as has been defined by NAFTA. CAL07-2 (cont.)

This situation clearly undermines, omits and frees from any possible responsibility the two respected Mexican partners Federal Electrica de Mexicali known as Sempra and Baja California Power known as InterGen, respectively.

I had a very tough time getting to read the MIA document that was supposedly structured by the Mexican companies. I did not have access to it nor have had access to it, not even on request through e-mail. So to me to do a comparison evaluation between to the studies has been almost

impossible. Therefore, I am assuming that the Mexican companies did a similar environmental impact study, as requested by the Mexican environmental laws. It's called the MIA, MIA. It's not missing in action. I just want to clarify that. That includes the same, similar or better criteria as it was stated in the May 2004 draft document. If such would be the case, then such study would also be scoped to the Mexican portion of the transmission line project and it would not include the U.S. side. Again, making it narrow-minded, narrow-focused.

In any case, neither have taken into consideration that possible contingencies, environmental impacts and health issues could or would occur with a binational component and as a result of their actions, commericial associations or partnerships, energy supplied projects and energy generation industrial processes. It is clear that in each case neither side have taken such implications in the projection or case-scenario contingency plans. It wasn't clear to obtain a copy nor I have access in the Internet, so I could not evaluate and compare the Mexican documents to contradict or support the comments I am making now. CAL07-2 (cont.)

It was also unclear to differentiate and learn the legal and physical nationalities and legal personality of all the parties involved in the energy generation process currently being developed in Mexicali. I would like to add CAL07-3

here, to me, it's been very difficult to get to learn who's the legal entity on the other side of the border. If there is a blame or a complaint to follow up, who should we address it to? Would it be Sempra? Would it be InterGen or would it be Azteca or would it be all of these?

So there should be some kind of a clarification as to who are the legal, the legal parties involved so that if there's any community or public comments to be made or to follow, they should be the ones showing their face in these contingencies. CAL07-3 (cont.)

I've omitted intentionally any issues pertinent to the water, the soil, the natural resources, the air values, the health that might be affected, impacted, polluted or changed from its original biological, natural or ecological status within our region or influenced directly or indirectly by the power energy generation sources in Mexico and it's complete source of transmission. This we did in our first meeting, and so I think it was sufficiently clear information that was provided for all of you to actually take into consideration in your draft what would be some of the externalities that these two power plants and the project lines will have. CAL07-4

However, the draft -- and this is an initiative that has never been taken into consideration -- has never taken the step in creating a more sustainable holistic

approach in actually correlating all these different impacts that will associate or be associated to what does it mean to have these two power plants in our region.

And the gain here of this is to actually give the rest of the border towns a breathing chance that whoever sets a new type of power plant in their community will have more constrained legal and environmental criteria to follow instead of the ones that we have done.

This has been a process in where only Mexico City knows what went on. There is no state nor county by California authority that can give us a clear answer to our questions. No one in Baja, California knows how it was that they got the permissions, did the studies and how was it that it got approved without public consent, without public notification and without Baja, California public involvement. And that is a true fact that is still evident in our state. So here we are talking legal and environmental matters in your way, and their partners are doing something else. So we don't know what the real deal here is. CAL07-4 (cont.)

In any case, such studies, however, did not take into consideration the external or externalities associated to the possible impacts that the power plants construction and operation, as well as the magnetic field increments case scenarios of risk would have effect on the two nations nor CAL07-5

Document CAL08

the public binational, local interest.

The draft study supposes, almost in good faith, nor mentions that a similar detail professional impact study for the power lines in the Mexican line has been conducted and submitted for public revision and comments. In that same respect, it also fails to mention of the revisions and reequations (phonetic) that have resulted from such initiative. Since this initiative has not been taken place, there are no reequations to that Mexican side of that MIA document.

In this respect, I can only comment that any document consultation, copying requests or a evaluation needs still be made directly to Mexico City, not the Energy Commission offices for access have been, in my case, denied. CAL07-5 (cont.)

This point in case is fundamental to know because of the limitations and responsibilities of the permit seekers on each of the sides of the border and the social commercial names stated on their respective companies. In any event, if they are responsible as legal entities to confront any given issue or correction of actions against them by the authorities or communities themselves.

Again, I thank you for allowing me to speak. Hopefully this time we'll get it right. Hopefully. And I know that it's a -- it is not easy when there is no criteria, there is no legal, constitutional mandates that

will allow parties of the two nations to come together and do a binational evaluation. Not passing by, but incorporating mutually our laws and our environmental criteria that has never be done in the border towns.

That could be one of the most strongest suggestions that we could make. We need to work binationally so that if we are to do something right binationally that will benefit the two sides of the border fence, it should be with the undertaking of the two governments doing the same thing in the same place for the same people. CAL07-5 (cont.)

Thank you.

MR. ANTHONY COMO: Thank you.

MS. ELLEN RUSSELL: Carlos, is this the address you want us to use or should we use your Calexico address?

MR. CARLOS YRVRETAGOYENA: It is easier for you to send me anything to my P. O. Box, than it would be anything else.

MR. ANTHONY COMO: Mr. Bill Powers.

MR. BILL POWERS: Bill Powers with the Border Power Plant Working Group. Powers, P-O-W-E-R-S. What else am I supposed to provide? That's it.

I think, since we've got -- it's 7:00. I probably need a little more than ten minutes, but not a whole lot more. Maybe 20 minutes or so.