



Board of Supervisors Memorandum

March 12, 2013

**Sierrita Pipeline LLC/Kinder Morgan Natural Gas Pipeline,
formerly known as the Sasabe Lateral Pipeline**

Background

In October 2012, I provided the Board with information regarding Kinder Morgan/El Paso Natural Gas Company's intention to construct, operate and maintain a new 36-inch natural gas pipeline from just southwest of Tucson Mountain Park in Tucson, south through the Altar Valley to the International Border near Sasabe, Arizona (approximately 60 miles), where it will connect to an as yet un-built pipeline to the electrical power plant in Puerto Libertad, Mexico. At that time, two alternative routes were under consideration – the East Route, which closely parallels State Route 286; and the West Route, which would cut through the exceptionally remote and pristine areas of the Altar Valley west of the Buenos Aires National Wildlife Refuge (BANWR). While impacts of any pipeline of this scale are not insignificant, this pipeline, should it be located in the Altar Valley, has the ability to profoundly affect the following issues of concern to you and the residents of Pima County:

- Border and homeland security;
- Sufficient funding and staffing for law enforcement services and lands resource management;
- Responsible stewardship of conservation lands and the reliance on these lands as mitigation for federal permits;
- Preservation of ranching and rural livelihoods;
- Preservation of public's investments in acquiring and managing open space lands; and
- Conservation of those biological, natural, cultural, and physical resources that define our unique heritage.

The degree to which these issues will be substantively affected depends upon which route the project, now being called Sierrita Gas Pipeline LLC/Kinder Morgan (SGP/KM), pursues. The West Route will certainly result in greater impacts to the above issues by orders of magnitude when compared to impacts associated with the East Route. At every turn, County staff has persistently provided both Kinder Morgan and the Federal Energy Regulatory Commission (FERC) with an abundance of information documenting the disparity of potential impacts between these two routes and advocated for the selection of a route that causes the fewest impacts.

Unfortunately, on February 7, 2013, SGP/KM officially filed their application with the FERC without ever consulting directly with the Pima County Board of Supervisors. Now, in

The Honorable Chairman and Members, Pima County Board of Supervisors
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keeping with FERC requirements that dictate only a single route can be submitted for evaluation and potential authorization, SGP/KM is seeking FERC authorization of only the West Route.

It is also unfortunate that on March 5, 2013, the U.S. Fish and Wildlife Service (Service) submitted an Appropriateness Finding that concluded the East Route of the Sierrita Pipeline project, which is sited in close proximity to State Route 286 and already crosses through the BANWR, would not promote the National Wildlife Refuge System's purposes and would therefore not authorize construction of the pipeline on the East Route through the BANWR. This is in direct conflict with the Service's own Arizona Ecological Services Office's and the Arizona Game and Fish Department's findings that the route closest to the highway is the least damaging, and that it should be selected over the West Route.

Recommendation

Now that SGP/KM has filed their application, FERC regulations allow for those parties that may be interested in officially opposing the proposed Sierrita Pipeline Project to provide a formal statement of opposition. Given the strength of all available information regarding the adverse impacts that will befall Pima County if the West Route is approved for construction and operation, I recommend the Board adopt attached Resolution No. 2013-____ and direct staff to submit a formal statement of opposition to FERC regarding the proposed Sierrita Pipeline Project.

Respectfully submitted,



C.H. Huckelberry
County Administrator

CHH/mjk – March 8, 2013

Attachment

c: Linda Mayro, Director, Sustainability and Conservation
Diana Durazo, Special Staff Assistant to the County Administrator

RESOLUTION NO. 2013- ____

**A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
OPPOSING THE CONSTRUCTION AND OPERATION OF THE WEST ROUTE
ALTERNATIVE FOR THE PROPOSED SIERRITA GAS PIPELINE
LLC/KINDER MORGAN SIERRITA PIPELINE TO BE SITED THROUGH THE
ALTAR VALLEY WEST OF THE BUENOS AIRES NATIONAL WILDLIFE
REFUGE CROSSING THE INTERNATIONAL BORDER WITH MEXICO NEAR
SASABE, ARIZONA**

WHEREAS, the Altar Valley is one of the few remaining unfragmented and pristine areas in Pima County; and

WHEREAS, Sierrita Gas Pipeline LLC/Kinder Morgan proposes to construct, operate and maintain a 59- mile, 36-inch natural gas pipeline from just southwest of Tucson Mountain Park, through the Altar Valley to the international border near Sasabe, Arizona; and

WHEREAS, Sierrita Gas Pipeline LLC/Kinder Morgan has proposed two alternative routes consisting of the East Route, which closely parallels State Route 286, and the West Route, which cuts through the remote and pristine area west of the Buenos Aires National Wildlife Refuge; and

WHEREAS, Pima County has provided extensive comments on the proposed routes; and

WHEREAS, Pima County has found that the impacts of the West Route far outweigh the impacts of the East Route; and

WHEREAS, a pipeline sited on the East Route along SR286 within the already degraded highway corridor would create fewer impacts and allow for more manageable circumstances; and

WHEREAS, a pipeline sited on the West Route would create a new de facto highway from the international border north through the Altar Valley; and

WHEREAS, a new West Route corridor will increase border and law enforcement security issues, increase unwanted and unlawful vehicular and human traffic, increase health and safety risks to Altar Valley residents, increase the need for Border Patrol and Sheriff patrol coverage and incident investigation, increase public safety and land management costs to Pima County; and

WHEREAS, a new West Route corridor will significantly impact conservation values within the Altar Valley watershed by fragmenting an intact, pristine landscape creating a second 59-mile long degraded infrastructure corridor, exacerbating the spread of invasive species and permanent loss of native vegetation, increasing erosion and head

cutting of drainages, devaluing Altar Valley Conservation Alliance investments in landscape restoration, impacting Tohono O'odham cultural values, and devaluing County conservation investments in Altar Valley; and

WHEREAS, Pima County has invested over \$44 million in voter-approved public funds, acquiring over 20,000 acres of fee land and managing over 62,000 acres of State grazing leases, which will be used as the County's mitigation for federal permits; and

WHEREAS, constructing the pipeline on the West Route will force Pima County to involuntarily bear significant increases to annual expenditures necessary to maintain appropriate levels of law enforcement services and provide responsible stewardship of the County's conservation lands and that these annual cost increases will result from constructing the pipeline on the West Route; and

WHEREAS, on February 7, 2013, Sierrita Gas Pipeline LLC/Kinder Morgan filed their application to the Federal Energy Regulatory Commission for the Sierrita Pipeline LLC project seeking authorization of the West Route; and

WHEREAS, Pima County would like the Federal Energy Regulatory Commission to issue a notice for a full Environmental Impact Statement for this project; and

WHEREAS, Pima County informed the Federal Energy Regulatory Commission and the U.S. Fish and Wildlife Service that the West Route is the worst possible route and will cause the most damage; and

WHEREAS, on March 5, 2013, the U.S. Fish and Wildlife Service submitted an Appropriateness Finding that concluded the East Route of the Sierrita Pipeline, sited along SR286 which already crosses through the Buenos Aires National Wildlife Refuge (BANWR), would not promote the National Wildlife Refuge System purposes and that it would therefore not authorize construction of the pipeline on the East Route through the BANWR; and

WHEREAS, the significant impacts discussed above will not end at the BANWR boundary if the West Route is chosen; and

WHEREAS, the U.S. Fish and Wildlife Service's Appropriateness Finding conflicts with the Service's own Arizona Ecological Services Office's and the Arizona Game and Fish Department's findings that the East Route is the least damaging and their recommendation that the East Route be selected over the West Route; and

WHEREAS, the Board of Supervisors believes no pipeline should be constructed through the Altar Valley, but if a pipeline is absolutely necessary, it should be constructed on the route with the least impact; and

WHEREAS, Pima County will continue to request that the larger regional impacts to the Altar Valley watershed be considered and mitigated.

NOW, THEREFORE, BE IT RESOLVED that the Pima County Board of Supervisors:

1. Opposes the construction and operation of the Sierrita Pipeline on the West Route alignment.
2. Directs the County Administrator to file a statement of protest/opposition with the Secretary of the Federal Energy Regulatory Commission.
3. Calls upon the Congressional Delegation, the Department of Homeland Security, and the Department of Interior to consider the larger regional impacts on sensitive environmental resources as well as public safety that will result from constructing and operating a new pipeline through the pristine and undisturbed lands of the Altar Valley (West Route), as opposed to constructing and operating a pipeline that occurs within an already degraded pre-existing highway corridor.

Passed by the Board of Supervisors of Pima County, this ____ day of _____, 2013.

Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Deputy County Attorney

MICHAEL LEBLANC