

Weimer Comments on Various Comments submitted by others

First BP Comment

Development Application Submittal Requirements

This concern seems to be directly and adequately addressed in the proposal with the included language (see below) which gives pipeline operators the flexibility to request a lesser width zone for certain types of development.

The 660 foot consultation zone distance may be lessened for certain development activities if the distance changes are first reviewed with the pipeline operator(s) and found to be consistent with prudent pipeline operation given the local conditions, such as terrain, soil types, etc. There must be written documentation from the pipeline operator(s) showing their agreement to any lessening of the consultation zone distance for certain types of development permits. The intent of this section is to provide flexibility and to avoid unnecessary paperwork and delays in the permitting process while also making sure that all activities that may impact the integrity of a hazardous liquid or gas transmission pipeline are thoroughly reviewed.

Second BP Comment

Pipeline Corridor Protection Requirements

It was clear from my discussions with BP that they would prefer a minimum setback from each pipeline of at least 25 feet. This is because they are the only company I know of that still has "open" easements that do not have a defined width. Without a defined width they cannot prevent a landowner from building right next to the pipeline. This is an antiquated type of easement, and current pipeline industry best practices recommend that such easements be re-negotiated with the property owner to provide a defined width. If they re-negotiated their easements as recommended then there would be no need for the County to provide for a setback outside of the easement since the easement agreement would most likely be at for at least 50 feet and provide the same protection. It would appear that perhaps BP wants the county to provide the 25 feet for free instead of them having to re-negotiate their easements with landowners. The national work group (a majority of which are pipeline operators) on planning near pipelines is unanimously opposed to government-mandated setbacks. Williams has also voiced their opposition to setbacks.

I will speak against such mandated setbacks, but I believe there is a way to provide such setbacks to make BP happy and avoid problems from the other pipelines operators if the Planning Commission decides that is what they want. I have attached the language that I believe would make that work.

Third BP Comment

Requirements for Land Use Compatibility

The term "High Consequence Area" appears in the federal pipeline safety regulations. BP has concern that the use of the term "High Consequence Land Use" in this proposal may cause some confusion between local regulations and federal regulations. I am not sure how this will create any conflict since the terms are in two very different sets of regulations used by different agencies entirely and governing very different issues. This proposal does not come close to the federal preemption, so my recommendation would be to leave the term alone. It certainly would not hurt anything to substitute

a different term if the Planning Commission so desires, such as "Land Uses Requiring Evacuation Assistance."

Fourth BP Comment

Definitions

I am not sure I understand what this concern relates to, but this amended definition that takes into account their comment would be fine with me

***Pipeline Corridor** means the pipeline pathway defined by rights-of-way and easements in which the pipeline or pipelines and facilities of a hazardous liquid or gas transmission pipeline operator are located, including rights-of-way and easements over and through public or private property.*

Response to Williams Pipelines and Tom Westergreen comment

This proposal was meant to include all activities that potentially could have detrimental effects on transmission pipelines that the County has authority over. Logging activities certainly could affect the integrity of transmission pipelines, but I don't think the County has authority over the permitting of most of those activities. I am not totally clear on where the line between County authority and DNR authority is, but this proposal was not intended to try to extend County authority into others jurisdiction. It seems that both Mr. Westergreen and Mr. Fincher have shown there is a need for greater communication between pipeline companies, DNR, and forest landowners, but activities permitted by DNR is beyond the scope of this proposal and such concerns should be taken up with DNR.

Response to general concern about the 660 foot "buffer/setback"

I received some emails yesterday that seemed to be generated by some incorrect beliefs about the 660 foot Consultation Zone. This is not a buffer or setback that has any affect on what can be built on a parcel. All this Consultation Zone does is require that a developer or property owner share their development plans with the pipeline operator if the pipeline is within 660 feet of the proposed development. This required conversation – or consultation – is just to make sure that early on such a conversation takes place so everyone is on the same page regarding the various pipeline safety issues involved, and that no one is surprised by unknown constraints further into the development process.

I hope this helps clarify my thinking on these issues.

Thanks

Carl Weimer