

## City asks attorney general to investigate questionable LNG related documents

**The documents in question are letters of support for a proposed liquefied natural gas facility off the coast of Malibu.**

**By Hans Laetz/ Special to The Malibu Times  
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The Malibu City Council Monday asked the state Attorney General's Office to open a criminal investigation into questionable documents that purport to favor a proposed liquefied natural gas terminal in the ocean off Malibu.

By a 5-0 vote, the council asked the state's top prosecutor to follow up on reports first published in The Malibu Times about the controversial BHP Billiton plan to station a floating LNG storage complex and regasification plant 13.8 miles off the Malibu coast.

The Times report, published June 27, quoted several persons living in distant parts of California who disavowed statements made with their names that enthusiastically endorsed BHP Billiton's project. The U.S. Coast Guard and the State Lands Commission, which are in charge of the file that contains the questionable documents, have said they will not investigate the possible forgeries because they are only looking at technical data, not letters of opinion.

"So far it sounds like a tree is falling in the forest and no one hears it," Mayor Andy Stern said.

land] is Malibu," Stern said. "I don't think it's Ventura County."

When the LNG project was first proposed in 2003, BHP Billiton officials said the floating LNG tanks would be

In Sacramento, a spokesman for Attorney General Bill Lockyer declined to comment on the Malibu request until it is received and analyzed. Nathan Barankin said the city of Malibu, like any other political jurisdiction in the state, can ask the attorney general to enforce laws that other state agencies are not enforcing.

At the council meeting, Malibu activist Ozzie Silna was the lone member of the public to speak to the issue.

"We're totally in support of the request, and we would take it even further," said Silna, suggesting that Malibu ask other nearby cities to join in pressuring the attorney general to look into the matter.

"I agree, I want to take this to the cities north of us to do the same thing," Stern answered.

In a related matter, the council unanimously asked city staff to do some survey work to see if Malibu or Los Angeles County actually lie closer to the proposed floating LNG storage tank site than does Ventura County.

"I think that [the closest 13.8 miles off the nearest shoreline at Point Sequit, which is in Los Angeles County, about one-third of a mile east of the Ventura County line. Subsequent legal filings by BHP Billiton describe the same location for the

ship, but instead said the nearest landfall is in Ventura County, also 13.8 miles away.

Stern asked city staff to investigate if the city of Malibu's legal boundaries extend even closer to the LNG location than either county would. As described in the city's incorporation papers, Malibu's city limits go three miles out to sea past the tide line, with the western city limits lying just east of Point Sequit.

If the city is actually closer to the ship than Ventura County, federal laws could place BHP Billiton's ship under the much-stricter L.A. smog regulations, Environmental Defense Council attorney Alicia Roessler told The Malibu Times.

The nearest landfall is a critically important issue, she said. L.A. County smog rules could require BHP Billiton to buy and take out of service at least 260 tons of pollution-causing emissions in Southern California, ocean advocates said. Buying that much air pollution offset credits might be such an impossible task for BHP Billiton that it could kill the entire LNG proposal, she said.

While similar regulations exist for most of Ventura County, last week the Environmental Protection Agency said it favored considering the LNG port's proposed location to be in the Channel Islands, instead of off the Ventura County shore, which is closer. Although the port itself would not be moved, changing its officially designated position would free BHP Billiton of any pollution offset obligation, the EPA said.

EPA officials said their recommendation would be subject to public comment and review before it is finalized.