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ARKANSAS VALLEY CONDUIT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC HEARING HELD THURSDAY, SEPTEMBER 27, 2012
LAMAR, COLORADO

(Whereupon, the formal testimony of the public hearing was opened at 7:28 p.m.)

MS. LAMB: I'm going to go ahead and start the formal hearing now. I want to give everyone a chance to have the very good comments we're receiving be officially recorded into our process, which of course Erin will do for us here as our court reporter.

Before we officially open it, I have comment cards. If anyone else wants to speak, we ask that you please go ahead and fill out the comment card. Would anyone like to do this so we have a record? I have Mr. Scranton's. All right, very good, thank you.

And before I do start with the formal hearing, I would like to introduce our senior representative from the Bureau of Reclamation, Ms. Jaci Gould is our deputy area manager with the Eastern Colorado Area Office. It's the Eastern Colorado Area Office that oversees the Frying-Arkansas project which the AVC would be a part of should it be constructed. So Jaci is here to listen to your comments as are Signe and I.

1 During this formal -- this more formal part of the
2 hearing, the testimony you submit will be recorded here by
3 Erin. We will not respond. It is our job to listen, and
4 it is my job as your hearing officer this evening to make
5 sure that your comments are incorporated and that we do
6 hear them and to enable you to get whatever comments,
7 concerns, questions you might have into our public record
8 here that we're keeping for our NEPA process. So this is
9 your opportunity to say what you might have already said,
10 if you care to resubmit the same comments you've already
11 done so Erin can type them in, or to submit new ones.

12 So I have two speakers already. Is there anyone
13 else who would care to hand me a speaker card at this
14 time? Okay. If you do change your mind, just wave at me
15 and I'll make sure you get the microphone. So our first
16 speaker this evening is Jill Smith.

17 MS. SMITH: Oh, that's me. Well, I thought I was
18 asking questions more than making a statement. I came
19 prepared with 19 questions, but I wanted to ask them in a
20 way that everyone -- there could be a discussion. So I
21 guess I'll propose them and then if anybody wants to make
22 a statement, they can. My first concern -- not concern,
23 just curiosity. I did read the executive summary. And I
24 mean it's well documented that selenium and certainly
25 radioactive materials are detrimental to health. But I'm

1 curious, I mean, is that -- the health of the water is one
2 of the three factors. So to me there needs to be some
3 kind of study that proves there has been some kind of a
4 negative impact by those chemicals in the water in the
5 past to justify this kind of expense, because it's
6 astronomically expensive. And as far as I know, perhaps
7 in the big document it says, but I mean, we don't know if
8 our cancer rates from those two particular chemicals are
9 higher in this watershed region than the general
10 population at all.

11 So to me, that needs to be done, and I realize
12 that's adding an enormous expense to the project doing
13 that kind of study, but it's one of the justifications for
14 doing it. And if we can't prove that it's detrimental to
15 health, we've lost a third of the reason to do this to
16 begin with. So that was probably No. 1.

17 Trying not to do 19, I'll just pick one other one.
18 My other concern is distribution of the expense for this
19 project. I see huge, humongous benefits to the front
20 range, to the high population areas up there, and I'm
21 curious about how the distribution of cost is going to be
22 distributed among all the participants. If it's a per
23 capita event of users, perhaps that's worthwhile. But
24 on -- and I don't remember which project it was when
25 you're building the conduit under the river, whichever one

1 that one is, that one is going to be enormously expensive
2 to do. And us down here will not get any benefit from
3 that. The beneficiaries of that particular one on your
4 slide were all west of here by a long shot.

5 So to me, those of us down in this lower region
6 perhaps shouldn't even pay for that whole conduit to go
7 under the river and take care of those communities up
8 there. So if you just divide it up per capita, we're
9 still paying for those communities to have a service that
10 we have no part of whatsoever. So that's a huge concern
11 to me.

12 Would somebody else like to talk?

13 MS. LAMB: You're free to continue if you like.
14 It's good to get your comments.

15 MS. SMITH: Well, let's see, has anybody broken it
16 down, assuming that it would be broken down financially to
17 a per capita use, which I don't want to see happen, but if
18 it goes to that, what does that do to Joe Blow and I in
19 terms of our water bill? I mean, I'm anticipating minimum
20 \$20 a month more for 35 years. And that's a lot of money
21 when we're already paying a great deal. Okay? So the --
22 nowhere did I read a cost impact. And with inflation, is
23 this cost fixed or could it go up over the 1200 -- you
24 know up to 2070 that we're talking about? So will we
25 adjust on those costs over those many years and our costs

1 will continue to rise? So that's a huge concern as well.

2 I'm also horrendously -- I'm the -- for those of
3 you that don't know me, I'm a teacher and a wildlife
4 photographer by fun. So I'm really concerned for -- I
5 want good water. I want good and healthy water for all of
6 us, but I want balance in all things. And Lamar
7 particularly is on a major north/south flyway for
8 wildlife. And the idea of losing a single gallon of water
9 out of that river and our waterways for the wildlife is
10 pretty alarming to me right now after our drought year. I
11 mean, with our drought year, and we tend to have -- those
12 of you from Lamar know, what? five to seven years of
13 drought and one year of plenty. And then it starts all
14 over again.

15 If you lose more water on a year like this, the
16 impact is huge. Economically in our community we have
17 enormous sacrifices by our farmers and ranchers for water
18 just as a result of the whole Kansas debacle. And so
19 we're suffering from that. We've lost the Amity Canal.
20 That water has been diverted up to Colorado Springs. And
21 I might mention, it was diverted up to Colorado Springs
22 under less than honorable purchase. And so that makes us
23 all just a little nervous about what's going to happen to
24 our agriculture water as well.

25 You reduce the flow of the Arkansas, and there are

1 how many -- there are people who could speak to this
2 better than I can. How many head gates are coming
3 directly off of the river that provide agriculture water
4 for our communities? And although those little symbols
5 say negligible, negligible by what standard? What was
6 your formula for averaging? I mean, is it an average over
7 a 20-year period of water flow? Is it an average over the
8 last 10? You know, I'd kind of really like to know where
9 those numbers came from, and I'm really intimidated by the
10 monstrosity size of those binders. So maybe someone could
11 address that.

12 Anybody else, would you like to talk, guys? I can
13 come back and talk again.

14 MS. LAMB: And you're most definitely welcome to
15 do that.

16 MS. SMITH: I just want someone else to have an
17 opportunity to speak.

18 MS. LAMB: Well, thank you very much. Good
19 comments.

20 MS. SMITH: I still have a whole bunch more, but
21 I'm sure you guys too.

22 MS. LAMB: If no one else has a comment, Mr.
23 Scranton, you are next on my list if you care to make more
24 comments or reiterate the ones you've already made for the
25 official record.

1 MR. SCRANTON: Yes. It seems to me, and I know
2 this is true, that Colorado Springs, we are the flush
3 route down Fountain Creek and into the Arkansas. They
4 say, oh, okay, sorry, we know we had a spill. We'll pay
5 the fine. Well, they never quit having spills. So it
6 pollutes the water, the very water that you're trying to
7 clean up. Now, I see you shaking your head. You've heard
8 this before, haven't you?

9 Somewhere along the line we've got to have some
10 ground -- ground rules. Now me and the John Martin dam
11 are the same age, and this water line has been part of
12 every appropriation that they've asked for, and they have
13 never laid one foot of pipeline. Thank you.

14 MS. LAMB: And does anyone else care to submit an
15 oral comment at this time? Otherwise, Ms. Smith, would
16 you like the microphone back?

17 MS. SMITH: Well, give them a chance to think, to
18 answer. Do you guys have more?

19 MR. SCRANTON: Sure, I like to hear you talk.

20 MS. SMITH: You like to hear me talk? Oh, no, I
21 just have more questions than I have statements.

22 MS. LAMB: Questions are good. Oh, yes, sir.

23 MR. RICH: I'll chime in again.

24 MS. LAMB: And go ahead and submit your name and
25 any affiliation you care to share with us for the record.

1 MR. RICH: I'm Bill Rich. I'm with Hasty Water
2 Company, and I've been sitting on the Conduit Advisory
3 Board for -- how long has it been?

4 MR. SCRANTON: Eighty years.

5 MR. RICH: No, it hasn't been quite that long, but
6 close, you're real close.

7 One of the things that I don't think you did
8 address in your costs was the savings that's going to be
9 realized by folks right here. Ask Pat Palmer what it
10 costs him to soften enough water to wash cars or run his
11 sub shop or anybody else in town that serves food.
12 They've got to have softened water. That hasn't taken the
13 salt out yet. It hasn't taken the radiation,
14 radioactivity, selenium, all that other stuff out. But
15 they've got to have soft water just to operate.

16 I mean, I was just telling somebody, I spend --
17 heck, I spend \$30 a month just filtering my water in my
18 house. I live in Hasty. We've got dirtier water than you
19 guys do. We've got a lot of iron in our water. That's
20 not a pollutant, but you ought to see my tan T-shirts.
21 We've also got a lot of salt. I've told folks I can't
22 wash my car in my driveway. I'd like to. I am lazy, but
23 I'd like to wash the car. But if a drop of water dries on
24 it, it looks like you poured flour on the thing. So I
25 come down to the car wash down here that they have soft

1 water, makes it real nice.

2 There would be a lot of money saved in households
3 and commercial businesses by having this conduit and not
4 having to do all that just to have decent water. Has that
5 even been thought about? I don't know. I'm done.

6 MS. LAMB: Thank you very much. Anyone else?

7 Jill, you get it back.

8 MS. SMITH: I get it back.

9 MS. SNORTLAND: Jill, would you -- do you -- I
10 mean, I think you want to chat. I think you want to get
11 answers.

12 MS. SMITH: I do, I need answers.

13 MS. SNORTLAND: And we're trying to do this as a
14 hearing to get this recorded, but it's kind of
15 counterproductive for you.

16 MS. SMITH: Yes, it is.

17 MS. SNORTLAND: So I sense your frustration.

18 MS. SMITH: But it is questions that others will
19 probably want to bring up and know answers as well. So I
20 don't know how you want -- however you want to handle it
21 is fine.

22 MS. LAMB: There are also questions that I think
23 are good to have Erin record, so why don't we just
24 continue to record the questions, but should we answer --

25 MS. GOULD: And then we can stick around

1 afterwards and answer.

2 MS. SNORTLAND: Let's get them recorded and then
3 let's talk.

4 MS. LAMB: That's a great idea.

5 MS. SMITH: That's a good idea. Okay. Another
6 one of my concerns is, I'm interested in the three
7 purposes for doing this. One of the purposes is to
8 anticipate population growth through 2070, I think it was,
9 wasn't it? 2070 or 2060. But I went back and looked in
10 the census for our area down here certainly, and I'm down
11 in the Lamar region. I think if you get up to La Junta
12 and west, you're going to see increased population growth
13 all the way up that direction. But from La Junta east,
14 you're going to find that our population has decreased
15 rather significantly over the last 20 years even, the last
16 two census dates. So for us our needs are -- are less.

17 I do assume that there will be some kind of
18 priority rights to water when this project is made based
19 on per capita use. But what worries me is -- and we're
20 all worried about water going away from our area that
21 normally we would have access to. I'm concerned about
22 these high population areas that are growing and growing
23 and growing saying, oh, we've got so much allocation to
24 our area. Gosh, we've got a little extra water. Let's
25 build some golf courses. So I'm really concerned about

1 conservation in those high population areas that are
2 literally taking water away from down here. That concerns
3 me a lot. It's quality of life.

4 And I know from chatting with some people, you
5 can't get into forced conservation. There's no way for
6 that to happen. But I would like to see some connection
7 to conservation to this, if not as a requirement, but as a
8 strong suggestion to communities that they develop
9 alongside of this, if it actually goes through, that every
10 community work on creating a conservation attitude for new
11 growth. The old growth we can't change and probably
12 shouldn't; they're grandfathered in. But for new growth,
13 there needs to be a conservation event in -- on the side
14 of this to protect that sort of thing from happening.

15 I think I'm going to stop there. The rest of them
16 are the kinds of questions that I can do one-on-one with
17 you. Okay?

18 MS. LAMB: Okay, very good. Thank you very much.
19 Are there any other -- I'm going to turn this off because
20 I'm just standing in front of it. Are there any other
21 comments to be submitted this evening? All right. I
22 would like to thank you all for coming. We greatly
23 appreciate your participation in the process and taking
24 your time out to come and speak with us tonight. We are
25 going to stay afterwards so we can have more one-on-one

1 conversations, address more of your concerns, answer the
2 questions you might have. And I do think it's really
3 raining outside, so you might want to stay and talk to us.

4 MS. SMITH: It's raining. We need to go out and
5 look at it and see what it looks like.

6 MS. LAMB: I am going to conclude the formal
7 hearing at this point, and thank you all again.

8 (The formal testimony portion of the public
9 hearing was closed at 7:45 p.m.)

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REPORTER'S CERTIFICATE

I, ERIN R. DONATO, Registered Professional
Reporter, Certified Realtime Reporter and Notary Public
within Colorado, appointed to stenographically record the
public hearing of the Arkansas Valley Conduit, do certify
that hearing was taken by me at the Lamar Community
Building, 610 South Sixth Street, Lamar, Colorado, on
September 27, 2012, then reduced to typewritten form
consisting of 13 pages herein; that the foregoing is a
true transcript of the proceedings had.

In witness hereof I have hereunto set my hand this
2nd day of October, 2012.

Erin R. Donato, RPR, CRR
1204 South Seventh Street
Lamar, Colorado 81052