APPENDIX D

SUMMARY OF SCOPING COMMENTS RECEIVED

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Summary of Scoping Comments Received in Proposed Contract

An environmental scoping meeting on the Pine River Conversion Contract was held on August 4, 2005 in Ignacio Colorado. The following issues were brought up by the public.

Contract

- The time frame of the contract is 40 years. However, some of the 3rd party or Other subcontracts would extend further – how would this be handled.
- Is the surcharge percentage fixed or flexible (% that goes to Reclamation)?
- Excess water contracts are for only 20 years-how can this contract go for 40 years?
- If water users pool water on a voluntary basis, is that water reallocated?
- Under the voluntary pool concept, how does PRID derive income?
- Does existing repayment contract w/ PRID allow Project water to be taken out of District? At what point in contract negotiations was the change made to allow domestic water to go out of the District?
- How can this be the "only practicable source of water" (a provision of the 1920 Act) with the LAPAWD filing for water rights on several rivers in the area?

Need for Project

- County Water Advisory Committee unanimously supports the concept of a rural water supply system to serve SE La Plata County. They are very concerned that well users are losing their supplies.

Cost of NEPA

- Cost of NEPA – why should PRID (which means the shareholders through assessments) have to pay?
- Can "pooling" parties reimburse PRID for NEPA expenses?

NEPA process

- Need more time to provide input (September 1st is too soon for a deadline) because people are busy irrigating.
- Nobody knows that this is going on. Summer is not a good time to be doing this.
- Local newspaper has been reporting on this contract so people have had a chance to understand it and become involved.
- Will environmental organizations become involved in this process?
- Will there be an economic analysis as part of this EA? There are a lot of good things that PRID says will come about from the revenue as a result of this conversion. That needs to be documented (i.e., assistance to ditches, O&M for dam, reduced assessments, etc.) in the EA.
- Will the EA include a "boundary" or "service area" that you will assess the impacts on?

Impacts

- If the amount of water projected for conversion in the contract was reduced, would impacts and NEPA costs be reduced?
- Tie-in or impacts to Oil & Gas—how is contract related to this? If a well pad takes land out of irrigation, are the landowners' irrigation supply reduced?
- The impacts of the infrastructure that would be constructed as part of a rural domestic water supply system (i.e., diversions structures, pipelines, water treatment plants, etc.) should be assessed in this EA.
- Deferring the analysis of impacts of the infrastructure to future environmental compliance would result in piece-mealing the NEPA process. How can you determine if there are impacts on agriculture if you do not know where diversions and water users are?
- There are too many unknowns to assess the impacts with this EA.
- How can you complete an EA if you don't know where the water is going?
- Cumulative impacts should be considered.
- Since 700 af is already being used for other uses, this should help you determine what impacts are.
- If you reduced the 6,000 af number, you could reduce impacts and make analysis easier.
- Are there any concerns with wetlands?
- Will the EA address impacts of using water for other purposes outside of the District? Impacts will be different if water leaves the District.

Effect on Irrigation

- Why does the water conversion not affect irrigators during drought years?
- How can converting around 6,000 af of irrigation water not affect irrigation?
- If land retired or put in voluntary pool at the upstream end of a ditch, how will people at end of ditch be affected-will their water get to the end?

ITA

- How does the Southern Ute Indian Tribe's 1/6th of Project water play into this?

Voluntary Pool

- Who's going to be "policing" this (i.e., the accounting of water that is being converted and the water in the voluntary pool)? This will cause extra costs for ditches, how will this be handled?
- Who will oversee the "pooling"? Will there be a public record so water users can see what is happening?
- Some ditches are not incorporated, should these ditches incorporate to handle the "pooling"?

On August 2nd and 3^{rd,} 2005 other meetings on the Pine River Project were held and several issues related to the water contract were brought up:

-How much will the domestic water cost?
-Will irrigators be harmed in dry years?

-At one time there was discussion of converting 2,000 af and now you are talking about 6,000 acre feet. Why the change?
-Vallecito Lake is sometimes very low at the end of the year. How will the domestic water conversion affect this?
-Concerned that contract will harm recreation and fishing in dry years.
-Where will the domestic water be used? Can it be used upstream from the reservoir?
-If we already have augmentation water from PRID, how will we be affected?
-Will the contract supply water to the golf course being planned above the reservoir?

Letters and e-mail were received following the scoping meeting:

Contract
-need to include total amount of water covered
-administrative fee to Bureau should be small
-gives Pine River Board too much power on Pine River water
-lot of disagreement between shareholders and Board
-contract should only address the 700 af for well augmentation and Bayfield
-costs of voluntary water administration should be borne by those who benefit
-there is no "cap" on water amount-could eliminate entire irrigation supply

Need for Project
-revenues would help maintain project

Cost of NEPA
-shareholders should not pay cost of contract/NEPA

NEPA process
-local ditch companies must be involved in analysis
-need to use existing info on future growth in project area
-isn't this "piece mealing"?
-many shareholders not informed of potential contract
-cost should be paid by shareholders who will benefit (from volunteer water)
-comment period should be extended
-all shareholders should be contacted
-requires EIS-amount of water is major Federal action
-need to describe needed infrastructure
-Nepa document should be adequate to allow
-must consider cumulative impacts on farms, conservation easements, groundwater, wetlands, fisheries, wildlife, air pollution (dust from dried up land), etc

Impacts
-changes in streamflows should be addressed
-contract develops revenues, what are impacts of using these revenues
-impacts on water tables
-impacts on rural character of land
-quality of domestic water improved; less need to haul water

-historic streamflow patterns need to be maintained
-what are impacts on wells, wetlands, water tables, and springs
-new storage will be needed-where, will enlarging Emerald Lake be part of plan
-will contract induce growth
-impacts of taking water away from project area

Effect on Irrigation
-discuss "no other practicable sources of water"
-1920 Act calls for all funds going to Reclamation fund
-shareholders voted not to lease water (2,000af) to new district—now you are looking at 6,700 af
-amount of water converted equates to loss of 3,000 acres of farmland
-voluntary water will affect non-participating irrigators—loss of groundwater, ponds, wells—some of which have senior water rights
-if ditches have less water in them, delivery of remaining water is more difficult
-acreage served by the Pine River Bayfield Ditch does not match acreage used to allocate storage water in Vallecito for the same service area—500 more acres than used to calculate water needs---what are errors throughout the area
-is there a waiting list for more irrigation water—can excess water be used for this
-will domestic users get their water in priority over irrigators
-would allow 30,000 af of SUIT water to go to other uses-what is impact
-if a large farmer leases, sells their water, irrigators down the ditch may not even get their water.
-farmland will be lost, topsoil will blow away
-will make us more dependent on foreign food sources
-how can you determine no effect on agriculture if you do not know diversion points, etc

Voluntary Pool
-once water used for domestic, will never go back to irrigation
-is this concept to be used by a "select" group or open to all shareholders
-will this result in drying up land, how much

Instream Flow Right
-discuss 2nd fill-does contract apply, amount of water donated, effects on streamflows