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PUEBLO COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

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Sangre de Cristo Arts & Conference Center

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Robert Jackson Conference Room

6

210 North Santa Fe Avenue

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Pueblo, Colorado 81003

8

9

December 11, 2008

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6:07 p.m.

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PUBLIC HEARING REGARDING

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HOUSE BILL 1041 PERMIT NO. 2008-002

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PRESENT:

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COUNTY COMMISSIONER ANTHONY NUNEZ - CHAIRMAN

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COUNTY COMMISSIONER JEFF CHOSTNER

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COUNTY COMMISSIONER JOHN CORDOVA

21

GARY J. RASO, PUEBLO COUNTY ASSISTANT ATTORNEY

22

SUE KOVACICH - CLERK

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1 COMMISSIONER NUNEZ: Call the meeting of the
2 Board of County Commissioners to order. Today is
3 December the 11th, 2008. It is 6:07.

4 This is a continuing of our hearing from
5 Tuesday, December the 9th.

6 In attendance are the three commissioners,
7 Commissioner Cordova, Commissioner Chostner.

8 And, for the record, would you please
9 introduce yourselves?

10 MR. RASO: Gary -- Gary Raso, with the County
11 Attorney's office.

12 MS. KOVACICH: Sue Kovacich, Clerk to the
13 Board.

14 COMMISSIONER NUNEZ: Thank you.

15 At this time I would ask folks to either turn
16 your cell phones onto vibrate or turn them off, please.

17 MR. RASO: Thank you for the reminder.

18 COMMISSIONER NUNEZ: At this time I will turn
19 the hearing over to the County Attorney, Mr. Raso,
20 please.

21 MR. RASO: Thank you, Commissioner.

22 This -- we're here on the second night of the
23 scheduled hearings pursuant to notice on the House Bill
24 1041 Permit No. 2008-002.

25 In keeping with the proposed agenda that we

1 previously published, tonight's hearings will be
2 principally devoted to public comment; in that regard
3 we've had three sign-up sheets that people have -- have
4 signed who desire to speak in favor of this proposal,
5 those who desire to simply offer comment neither for or
6 against, and those who wish to speak in opposition. We
7 will try and take those in order as we -- as we proceed.

8 Prior to doing that I'm going to ask that the
9 commissioners accept into the record a number of written
10 comments which we've received -- we have shared all of
11 these with the Applicant -- and most -- some of these
12 will have a person that's here to testify or to offer
13 comment as a sponsor, if you will, of the written
14 comments.

15 We have told people who have asked that we
16 will not read comments into the record, if they wish to
17 be here and do so that that's up to them.

18 With that I would like to begin -- we're
19 starting with Exhibit Number 14, this is a letter, and
20 this comes from the County Attorney's office, directed
21 to Dan Kogovsek, dated November -- November 18th, 2008,
22 from Sandy McDougal, and it's both -- it's got an
23 electronic attachment to it. That would be Exhibit 14.

24 (Exhibit 14 was marked for identification.)

25 MR. RASO: I would next to offer a two-page

1 comment letter from The Pueblo Chieftain, which was
2 delivered to our office on December 3rd, and this was
3 provided to the Applicant. That would be Exhibit 15.

4 (Exhibit 15 was marked for identification.)

5 MR. RASO: We have a letter to Kara Lamb,
6 dated June 13th, 2008, it was forwarded to us by the
7 Rocky Mountain Environmental Labor Coalition, and they
8 asked that we put it in the record. I believe this was
9 their comments on the Draft Environmental Impact
10 Statement. That would be our next exhibit.

11 (Exhibit 16 was marked for identification.)

12 MR. RASO: Also from the Rocky Mountain
13 Environmental Labor Coalition we have a letter dated
14 December 11th, 2008, directed to the Board of County
15 Commissioners from Santarella & Eckert, LLC. I believe
16 they are legal counsel to the Coalition.

17 (Exhibit 17 was marked for identification.)

18 MR. RASO: We have an e-mail correspondence
19 from -- dated November 23rd, 2008, from the Recycling
20 Coalition of Colorado Springs.

21 (Exhibit 18 was marked for identification.)

22 MR. RASO: Next we have comments from the
23 Sierra Club, and those are submitted in both hard copy
24 and electronic form. These -- it comes under cover of
25 Ross Vincent, who is the Vice-Chair of the Sangre de

1 Cristo group of the Sierra Club.

2 (Exhibit 19 was marked for identification.)

3 MR. RASO: We have an e-mail from Ken Andrew
4 that was sent to Commissioner Cordova on December 10th,
5 and it is -- he's writing as a citizen of Colorado
6 Springs.

7 (Exhibit 20 was marked for identification.)

8 MR. RASO: We next have a letter from Dr.
9 Thomas Autobee, directed to the Board of County
10 Commissioners, concerning this permit request. He is a
11 member of the Fountain Creek Vision Task Force.

12 (Exhibit 21 was marked for identification.)

13 MR. RASO: We have a letter that was sent to
14 us via e-mail from Carol Lang concerning the SDS 1041
15 Application.

16 (Exhibit 22 was marked for identification.)

17 MR. RASO: We have a letter dated December
18 8th, 2008, that has some enclosures with it, directed to
19 the Board of County Commissioners, from Dave Miller.
20 The letter indicates he is President of the National
21 Energy Resources Company.

22 (Exhibit 23 was marked for identification.)

23 MR. RASO: We have a brief letter from Mr.
24 Paul Conatore, dated December 11th, 2008.

25 (Exhibit 24 was marked for identification.)

1 MR. RASO: We have an e-mail correspondence
2 which we received at 4:00 this afternoon from a
3 gentleman by the name of "Jack Gillespie".

4 (Exhibit 25 was marked for identification.)

5 MR. RASO: And, finally, we have a letter
6 from Bill Thiebaut, the Office of the District Attorney,
7 10th Jud -- Judicial District of Colorado. That, too,
8 is dated today, and signed by Mr. Thiebaut as District
9 Attorney.

10 (Exhibit 26 was marked for identification.)

11 MR. RASO: With those matters entered into
12 the record we will go to the sign-up sheet for those
13 speaking in support of the application. The first
14 person that would -- is signed up to speak is Pat Pate,
15 Pate Construction Company, Incorporated.

16 Mr. Pate?

17 MR. PATE: My name is Pat Pate, Pate
18 Construction, I live here in Pueblo, Colorado.

19 And on November the 11th, 2008, a group of
20 prominent businessmen and women submitted a letter to
21 the County Commissioners in a -- favor of this permit,
22 and what I would like to do is read that letter into the
23 record and, then, read the names of those individuals
24 that participated, if that's permissible.

25 COMMISSIONER NUNEZ: You may go ahead, sir.

1 MR. PATE: Okay.

2 This letter was dated November the 11th,
3 2008.

4 "Dear Board of County Commissioners, As
5 citizens of Pueblo County we care passionately about the
6 future and believe our best prospects for a prosperous
7 future lie in regional cooperation. Such cooperation
8 includes Pueblo County's consideration of the 1041
9 Application by Colorado Springs, Pueblo West, Fountain,
10 Security for the construction of their Southern Delivery
11 System.

12 "While we believe these communities deserve
13 to optimize -- optimize their water rights and enhance
14 in the secured delivery of water to their citizens, we
15 encourage you to seek several protections for Pueblo
16 County's interests if approval of the 1041 Application
17 is granted.

18 "These protections should include mitigation
19 of potential negative effects of increased Fountain
20 Creek streamflows, full participation on ongoing
21 improvements of the Fountain Creek watershed, continued
22 operations of the Flow Management Program on the
23 Arkansas River through Pueblo as specified in the
24 six-party IGA.

25 "Mitigating impacts on the Fountain Creek and

1 continuing to participate in ongoing improvement efforts
2 on the creek will enable the transformation into an
3 economic and cultural am -- amenity for Pueblo County's
4 residents, as well as providing a regional tourist
5 attraction with attendant dollars that it will grant --
6 it will generate.

7 "The continuation of the Flow Management
8 Program that protects Arkansas River streamflows for
9 fisheries, environmental aesthetics and the kayak course
10 in Pueblo will be discontinued if SDS does not originate
11 at the Pueblo Dam. The Intergovernmental Agreement that
12 keeps more water flowing through Pueblo will not remain
13 in force if SDS were to be moved to Fremont County.

14 "The economies of Pueblo and Pueblo West are
15 inex -- inextricably linked to the economy of Colorado
16 Springs as each community is -- as each community's
17 individual strengths benefit the region as a whole.
18 Given the estimate that 21 percent of the people who
19 purchased homes in Pueblo in 2007 work in Colorado
20 Springs, it makes sense that what adversely impacts El
21 Paso County effects Pueblo County as well. It makes
22 sense that what" -- oh, excuse me.

23 "Further, Pueblo West would benefit from SDS
24 only if the water pipeline originates from the Pueblo
25 Dam. This system enhancement will give your

1 constituents living in Pueblo West, access to low-cost
2 water for their community, and position them to grow
3 their economy as well, benefiting the entire county.

4 "An additional economic boom for the County
5 is the construction budg -- budget for SDS is \$600
6 million, a hundred 70 million of which will be for the
7 construction of pipeline and facilities in Pueblo
8 County. Pueblo contractors will be able to compete for
9 this work, as well as the portion that lies within El
10 Paso County; at least a hundred 30 good-paying
11 construction jobs will -- will be required for the work
12 planned for Pueblo County.

13 "Additionally, goods and services will be
14 purchased locally for SDS, including all the services
15 for -- the work force will need, gas, food, et cetera,
16 providing a triple-multiplier impact of 1.86 to benefit
17 our community.

18 "In short, the upsize to Pueblo County of SDS
19 originating in the -- at the Pueblo Dam are numerous,
20 while the downsides to forcing Colorado Springs,
21 Security and Fountain to utilize Fremont County 150 --
22 115 option are not in our economic or long-term
23 strategic interests.

24 "It would also be unfortunate to preclude
25 citizens of Pueblo West from low-cost water options and

1 backup systems for their community.

2 "We believe there is much at stake here, as a
3 result, we respectfully request that while insuring
4 appropriate safeguards as mentioned above, and for the
5 greater good of Pueblo County, you consider approval of
6 the SDS project participants' 1041 Application for SDS
7 from Pueblo Dam.

8 "Thank you.

9 "Sincerely, Roger Fonda, Jack Bay, Ed
10 Robinson, Lou Sprague, Brian Robinson, Lynn Noga, Carol
11 Lang, Bob Leach, Flow Mendez-Beatty, Troy Sammons, Linda
12 Lowry, Randy Thurston, Sean McCarthy, Louie Carleo, Pat
13 Pate, Joe O'Brien, Dr. Tom Ready, Chuck Green, Chris
14 Kaufman, Rusty Salvo and John Klump."

15 I think many of these names are recognizable
16 as prominent businessmen who are very sincere about the
17 future of Pueblo, and they are passionate about this
18 issue or they would not have signed this letter
19 (indicating).

20 I -- I would like to also make a couple of
21 statements. You know, in reading the local paper you
22 get the impression that all Colorado Springs Utilities
23 is doing is providing lip service for mitigating future
24 spills, and I can tell you from personal experience that
25 is not the case. Colorado Springs has spent tens of

1 millions of dollars to mitigate these spills. They've
2 spent millions of dollars on upgrading the plant,
3 they've built a new plant.

4 They've spent millions of dollars in their
5 collection system, which I was a beneficiary of some of
6 those contracts (indicating).

7 They've identified creek crossings that were
8 at risk, and we did several of those contracts improving
9 those (indicating).

10 They built a \$10 million spill recovery
11 project that is probably the only one in the Western
12 United States. This facility will stop those spills
13 before they do any damage to their neighbors.

14 To say that Colorado Springs is just
15 providing lip service is a misstatement, they are
16 aggressively trying to mitigate these problems, and I
17 can speak from experience because I have been involved
18 in some of those projects.

19 They say actions speak louder than words, and
20 I think Colorado Springs Utilities' actions speak
21 volumes about their commitment to our community, and I
22 hope that you folks realize that and will pursue these
23 permits.

24 Thank you.

25 COMMISSIONER NUNEZ: Thank you.

1 MR. RASO: Thank you.

2 The -- the next person signed up to speak in
3 support is Roy Heald, from the Security Water District.

4 MR. HEALD: Good evening, Mr. Chairman,
5 Members of the Commission. My name is Roy Heald, I'm
6 the General Manager of the Security Water District, and
7 I would look like to thank you for providing me with the
8 opportunity to speak in favor of the Southern Colorado
9 Delivery System and a favorable 1041 ruling.

10 I'd also like to thank you for providing this
11 process during which many of the SDS issues can be
12 further explored.

13 First let me say that I did begin my
14 professional career in Pueblo working for Westburne
15 Supply many years ago. My oldest daughter was born in
16 Pueblo at St. Mary-Corwin Hospital, 18 years later she
17 attended the University of Southern Colorado, played
18 basketball for the Thunderwolves, and graduated with a
19 degree in journalism. She's now just waiting in the
20 wings for the day that Mr. Woodka retires.

21 The point is that I have a deep fondness for
22 Pueblo and not -- and would not want to be part of any
23 project that would have a negative impact on your
24 community.

25 The Southern Delivery System is important to

1 the Security Water District for several reasons. One
2 reason is to provide water for growth that will occur
3 within the district through buildout. Although the
4 district is landlocked there are some areas within the
5 district that can grow, due to the -- due to our
6 proximity to Ft. Carson, much of this growth will occur
7 as a result of new troops coming to Ft. Carson.

8 Secondly, we need Southern Delivery to
9 provide redundancy or insurance for our other current
10 sources. We currently have two other supplies of water,
11 the Fountain Valley Authority and the Widefield Aquifer.
12 Just this year we had to ask our customers to
13 temporarily curtail their use of water due primarily to
14 a break in the Fountain Valley Authority pipeline. For
15 any water supplier asking customers not to use our
16 product is about the last thing we want to do.

17 Furthermore, we currently have one of our
18 Widefield Aquifer wells out of service due to elevated
19 PCE levels. We are working at resolving that problem,
20 but PCE contamination in the Widefield Aquifer has been
21 a concern for 20 years.

22 Myself and the board of directors of the
23 Security Water District are supportive of the efforts
24 being undertaken to improve Fountain Creek. We applaud
25 the efforts being undertaken by the Fountain Creek

1 Master Corridor Plan, the Fountain Creek Vision Task
2 Force, Commissioner -- Commissioner Chostner and the
3 many others that have been involved in this process.

4 We are -- are also supportive of and prepared
5 to participate in the mitigation efforts that we expect
6 will be the result of the EIS in the 1041 process. We
7 think the issues your staff has raised in their report
8 can be addressed with mitigation.

9 We ask that the Pueblo Board of County
10 Commissioners approve the 1041 Permit with mitigation
11 conditions.

12 Thank you.

13 COMMISSIONER NUNEZ: Thank you.

14 MR. RASO: Thank you.

15 The next person signed up to speak in support
16 is Mr. Troy Sammons.

17 MR. SAMMONS: Good evening. I'm Troy
18 Sammons, and I'm representing myself tonight.

19 I just wanted to come here and say that I
20 have been a long-term support -- or a long-time
21 supporter of the SDS. I have seen lots of benefits to
22 it, as I'm sure we're going to hear again tonight, but
23 one of the things that I would like to bring up that I
24 think is really important, and people aren't talking
25 about too much -- it is being addressed -- but, you

1 know, back in October here we had a -- we were about a
2 6.7 percent unemployment rate, and this -- what -- I see
3 the SDS as not only a way to help us improve in a --
4 cooperative efforts to improve Fountain Creek, but this
5 is a great economic stimulus, and imagine a free-market
6 solution to a economic stimulus that doesn't involve a
7 government bailout. I'm so excited about that.

8 So I think this -- we really need to look at
9 how this benefits our community, community -- not just
10 Pueblo West and not just Colorado Springs, it benefits
11 both communities.

12 And I don't know where a lot of this idea of
13 contention between Colorado Springs and Pueblo came
14 from, I don't see it, I don't really believe it.

15 Just recently the Branch Inn exploded, as we
16 know, Colorado Springs stepped up, they gave us fire
17 service -- Ft. Carson and Colorado Springs (indicating).
18 These are not people that we should be having arguments
19 with and contention with.

20 So I thank you for allowing me to express my
21 comments. Thank you.

22 MR. RASO: Thank you.

23 We next have signed up Mr. Don Saling from
24 the Pueblo West Metropolitan District.

25 MR. SALING: Good evening, Commissioners. My

1 name, for the record, is Donald J. Saling --
2 S-a-l-i-n-g -- I'm the District Manager for the Pueblo
3 West Metropolitan District, 109 East Industrial, Pueblo
4 West 81007.

5 Okay?

6 THE COURT REPORTER: (Nods head.)

7 MR. SALING: I'm here to speak in favor of
8 the Southern Colorado Delivery System if the project
9 follows the proposed alignment going through Pueblo
10 West.

11 We understand that this permit is conditioned
12 upon the proper mitigation for the project, and we
13 support that. The project partners -- which we are one
14 of those if it goes through Pueblo West -- commit to
15 building the project in an environmentally-responsible
16 manner, including mitigation of SDS impacts,
17 revegetation of land disturbed by the project,
18 restoration and improvements of roads impacted during
19 the construction phase, and other impacts of Pueblo West
20 and Pueblo County.

21 In February of 2008, Pueblo West Metro
22 District Board of Directors approved the First Amendment
23 to the Intergovernmental Agreement dated August 1st,
24 2003, for the construction of the Southern Colorado
25 Delivery System. This Amendment, which was approved by

1 the -- Colorado Springs, the City of Fountain and
2 Security Water District, entitles the Pueblo West
3 Metropolitan District to 18 million gallons a day
4 capacity of the SDS project. Previously SDS had
5 requested 78, when we had our negotiations I brought up
6 the 96 on the Application. This 18 million gallons a
7 day is important to the District and the residents it
8 serves because the District is only allocated 18.9 cubic
9 feet per second through the outlet works of the outlet
10 coming out of Pueblo Reservoir, that equates to 12
11 million gallons a day. This was a negotiation with the
12 Bureau of Reclamation back in 1984. The projected
13 buildout for Pueblo West, all 18,674 lots, is estimated
14 at a need of 30 million gallons a day.

15 Currently the District is permitted, under a
16 short-term water conveyancy contract with the Bureau of
17 Reclamation, to convey an additional 1,000 acre-feet of
18 water user prime -- or acre-feet of water -- of
19 nonproject water through the south outlet works through
20 December 31st of 2011. That additional 1,000 acre-feet
21 helps us during the peak demands in the summer months,
22 and that's what it's restricted to.

23 The -- the District received a fireman -- a
24 final environmental assessment and a finding of no
25 significant impact, as well as a 1041 Permit from the

1 Bureau of Reclamation and Pueblo County respectively for
2 the construction of a 36-inch diameter water line that
3 has been installed, as well as a 27.7 cubic feet per
4 second or 18 million gallon a day river pump station
5 known as "Pump Station Number 2".

6 Shortly after we got the authorization to go
7 forward with those projects we started discussions with
8 Colorado Springs Utilities regarding the potential to
9 tie into the Southern Delivery System if it became a
10 reality. There were two driving forces for that
11 discussion. The first was water quality, second was
12 construction, economies of scales.

13 The proposed river Pump Station 2 would have
14 and possibly could still, depending on the decision of
15 you as Commissioners, require the District to pump water
16 directly out of the Arkansas River, this direct pumping
17 would -- would increase the levels of suspended solids,
18 therefore, increasing the treatment expenses for the
19 District because we have to remove those suspended
20 solids in the final product; whereas, if we took them
21 and directed to the Southern Delivery System we would
22 get a higher quality of water because the time that the
23 water is in the reservoir the total suspended solids
24 settle down, and the way the reservoir is operated
25 through different manifolded pipes they draw the water

1 where it's the cleanest of the water so the -- the
2 connection to the SDS would greatly reduce the expenses
3 for treating that water which, in return, would reduce
4 the rates -- I shouldn't say reduce the rates of the
5 residents as it deals with water quality.

6 The second one is the -- it's anticipated
7 that for us to put in the river pump station to meet
8 that 18 million gallons a day we're looking at between 7
9 and \$8 million for that construction project, actual
10 cost right now for the tie-in to the Southern Delivery
11 System is estimated at \$1 million. That's a significant
12 savings to the taxpayers and the ratepayers of the water
13 system in Pueblo West.

14 As things have progressed with the Southern
15 Delivery System, the north outlet works has also been
16 identified as a source of water besides the south outlet
17 works. The District supports the north outlets work
18 because that may give us an opportunity for additional
19 water, but it also provides us -- conveyance water -- it
20 also provides us a redundant system, because we -- there
21 are butterfly valves within the reservoir, and if
22 something happens to those they could have the
23 availability to draw the water through the reservoir, so
24 we have another pipeline, as well as we have a 30-inch
25 pipeline which is reduced to a 24 and brought up to a 30

1 that goes underneath the Arkansas River. If there is a
2 washout, we would have another redundant system. So
3 it's very important for Pueblo West to have that second
4 alternative.

5 On behalf of the District -- I am going to
6 wrap her up -- I want to thank you for the opportunity
7 to speak this evening. The District believes SDS has
8 significant benefits to the residents of Pueblo County
9 and Pueblo West, and the continued cooperative efforts
10 between the District, Pueblo County and the SDS partners
11 can mitigate the construction impacts to the residents
12 of Pueblo West.

13 We look forwards toward working with the
14 County to finalize the mitigation to require approval
15 for this permit, we hope you give a favorable response
16 to it.

17 And that's it.

18 MR. RASO: Thank you.

19 COMMISSIONER NUNEZ: Thank you, Don.

20 MR. RASO: The next person signed to speak in
21 support is Larry Patterson, from the City of Fountain
22 Utilities.

23 MR. PATTERSON: My name is Larry Patterson, I
24 reside at 7145 Apple Tree Loop, Fountain, Colorado, and
25 I'm the City of Fountain's Utility Director for water

1 and electric. I want to thank you for the opportunity
2 to comment tonight.

3 Fountain is committed, along with our
4 partners, to mitigate the impacts of this project.
5 Fountain needs 2500 acre-feet of our own water rights in
6 Lake Pueblo to bring in and mix with our existing
7 groundwater as we grow. Right now we're 70 percent
8 surface water, 30 percent groundwater, we like to
9 maintain that, we like to use our local supplies as much
10 as we can, by bringing in this water we would be able to
11 stretch our groundwater much further and minimize the
12 impact to other communities.

13 It's our preferred policy to buy the
14 agricultural water rights within our community, as our
15 city footprint grows, from those people who we value
16 our -- our agricultural heritage in Fountain.

17 We have a aggressive water conservation plan
18 where, of course, we're utilizing low-water plants,
19 Xeriscaping, and we're starting our rebate program this
20 year to make sure that we're doing what other
21 communities have found successful.

22 Additionally, we have low-impact development
23 regulations in place, I think we're working very closely
24 with development in the community to make this happen --
25 full-spectrum detention, et cetera -- and we wanted to

1 be leaders in this.

2 We strongly supported the southern partners'
3 sustainability partnership of Southern Colorado, we are
4 a member and glad to be supporting that.

5 Additionally, we were pleased and honored to
6 be able to host over 50 meetings for the Fountain Creek
7 Vision Task Force, and I wanted to thank you for your
8 participation, and Commissioner Chostner for his
9 excellent leadership keeping us on the right track
10 together.

11 So we are doing all we can to minimize our
12 impact to other communities.

13 Additionally, we are in support of the
14 improvements at I-25 and Exit 128, Fountain south
15 entrance, in order to -- that we can help people who go
16 to Ft. Carson commute to communities south. We -- we in
17 Fountain feel like there's plenty of growth at Ft.
18 Carson to go around, and we certainly want to encourage
19 help with that. We are a highly-impacted community with
20 this.

21 And, so, I would say we appreciate our
22 relationship, we've always felt kind of close to our
23 southern neighbors, and I've tagged a -- a line that
24 says -- and our community does wish a -- everybody and
25 our neighbors well with their projects also -- but I've

1 tagged a line, "Come to Fountain for hospitality and
2 neutrality".

3 So thank you for the comments tonight -- the
4 opportunity to comment, and I would ask the
5 Commissioners to approve this 1041 Application with
6 agreed-upon mitigation elements.

7 Thank you, Commissioners.

8 MR. RASO: The next person signed to speak in
9 support is Mark Carmel.

10 MR. CARMEL: Mr. Chairman, members of the
11 Commission, my name is Mark Carmel, and I thank you for
12 the opportunity to speak in support of the permit
13 issuance for the Southern Delivery System.

14 Commissioner Cordova, congratulations on your
15 election victory. As we were just talking before the
16 hearing, I can remember when I was Pueblo County
17 engineer over 25 years ago and you were the Pueblo
18 County construction superintendent, and along with
19 everyone else we were plagued with the problem of
20 Fountain Creek washing out, threatening to wash out
21 Overton Road, Pinon Bridge, which it did, we found out.

22 As you know, we had three Army Corps of
23 Engineer projects to correct the problem, countless
24 washout repairs with county crews, and it all taught us
25 that Fountain Creek is nearly impossible to contain as

1 it's comprised of blow sand which washes away -- as
2 we've learned -- very easily; and, then, in 1991, in
3 fact, the Pinon Bridge section did wash away, and I
4 don't think they've ever found it, have they,
5 Commissioner Cordova?

6 COMMISSIONER CORDOVA: Not that I know of.

7 MR. CARMEL: The reason that I wholeheartedly
8 support SDS is because without it it's clear to me that
9 the fortunes of Fountain Creek and its property owners
10 will remain forever in peril, that is why I commend you,
11 Commissioner Cordova, and you, Commissioner Chostner,
12 for your leadership in protecting water in Pueblo County
13 and the Fountain Valley and the Arkansas Valley in your
14 service on the Fountain Vision Task Force.

15 Collaboration takes time. During the last
16 three years Colorado Springs and El Paso County and its
17 community leaders have become united with the best
18 intentions in mind to deliver water that our neighbor to
19 the north is entitled to while insuring that Fountain
20 Creek is turned from a mud machine to a Crown Jewel,
21 just as Senator Salazar and your task force envision,
22 which Pueblo is entitled to.

23 So I salute you, Commissioner Cordova,
24 Commissioner Nunez, Commissioner Chostner, along with
25 Senator Abel Tapia, District Attorney Bill Thiebaut, the

1 Pueblo City Council, Representative Elect Sal Pace, the
2 El Paso County Commissioners, and all of your community
3 leaders, Mayor Rivera, Vice Mayor Small, the City
4 Council of Colorado Springs, the Colorado Springs
5 Utilities, the leaders of my own community with the
6 vested interest -- as Mr. Saling just stated -- Pueblo
7 West, for this partnership of intergovernmental
8 cooperation that all of you, and Congressman John
9 Salazar, are creating, and, as you all have stated
10 through Congressman Salazar, and through you recently,
11 Commissioner Chostner, that your efforts will prove to
12 be a powerful model for managing water in the entire
13 arid Western United States.

14 By leading developers to low-impact
15 developers -- which the City of Pueblo has proven
16 actually costs developers less than traditional
17 high-impact runoff development -- by leading developers
18 to this low-impact development and solving, then, the
19 sediment problems you will be saving the water and
20 creating a legacy of leadership of which you will be
21 highly regarded by history, in my opinion.

22 The conditions and financial guarantees that
23 are being recommended are but the final piece to insure
24 that the future of Fountain Creek will be as bright and
25 prosperous as that of the new relationship between

1 Pueblo and Colorado Springs.

2 To our leaders, the professional staff and
3 citizens who are safeguarding the process, thank you for
4 getting this done, thank you for ending the water war
5 right here and right now as you finalize the details
6 that will insure success for the future of both
7 communities, but mostly for the folks who have lived
8 with the water problems of Fountain Creek for much too
9 long, as we witnessed, didn't we, Commissioner Cordova,
10 over 25 years ago together, standing on the banks of the
11 Fountain Creek (indicating). So to that end I commend
12 your prompt approval of the permit with conditions that
13 protect all parties so preparations can begin for the
14 success of fixing the Fountain and protecting all
15 property owners and the City of Pueblo from flooding and
16 pollution.

17 I'm here tonight because of the excellent
18 coverage in The Pueblo Chieftain. It has kept me
19 informed and it's encouraged me to let my voice be
20 heard. The publishers of The Pueblo Chieftain are to be
21 commended for helping all concerned benefit from being
22 informed. As a sign of support for a successful
23 solution to this serious problem, ladies and gentlemen,
24 will you please join me in giving a big hand to Robert
25 and Jane Rawlings and The Pueblo Chieftain family, and

1 to the outstanding leadership of Pueblo, Colorado
2 Springs for putting this puzzle together?

3 (Applause.)

4 MR. CARMEL: Thank you very much.

5 MR. RASO: The next speaker on the sign-up
6 sheet is Chris Coffman.

7 MR. COFFMAN: Good evening. Thank you,
8 Commissioners, for allowing me the opportunity to speak.

9 For the record, my name is Chris Coffman, I
10 do speak in support of the SDS coming from the Pueblo
11 Dam.

12 I've been asked by Carol Lang, who couldn't
13 be here tonight, to read a letter, and it is addressed
14 to the Pueblo County Commissioners Nunez, Chostner and
15 Cordova from Carol Lang regarding the SDS 1041
16 Application.

17 "For the past three years I have worked for
18 the Colorado Springs Utility as a liaison between Pueblo
19 and Colorado Springs, and as a Pueblo resident I have
20 long felt that it is important to the -- Pueblo County
21 to not only work with our neighbors, but to do so in a
22 manner that benefits both communities.

23 "We have an opportunity here to not only
24 establish important regional cooperation for our
25 collective economic futures, but to do so in a fashion

1 that will greatly benefit Pueblo County.

2 "In the past county commissioners have been
3 criticized for decisions that some constituents felt
4 cost us jobs. SDS from the dam will not only provide
5 jobs in a difficult economy, but do so at a time when
6 the Xcel project is winding down, thus providing a
7 seamless transition as opposed to a boom/bust cycle.
8 Local contractors will have an opportunity to bid on the
9 project and local businesses will have procurement
10 opportunities. In short, we are talking jobs, and a --
11 and an economic infusion at a time when we can ill
12 afford to turn our backs on these benefits to our own.

13 "A point that is seldom made is the fact that
14 if Colorado Springs utilizes the Highway 115 option as
15 opposed to going through Pueblo County, we would most
16 likely lose our Flow Management Program and the
17 protections for agricultural lands that keep signers of
18 the IGA agreement from transporting more water from the
19 basin. I believe the former is critical for recreation
20 and tourism, and the latter is important for the
21 viability of our farming and ranching heritage.

22 "Of particular importance to me is the
23 mitigations for Fountain Creek. We have an opportunity
24 to truly realize the dream, the vision of Fountain Creek
25 as a Crown Jewel; and while the entire region will

1 benefit, Pueblo will benefit most of all. We will be
2 unique in having two rivers running through the heart of
3 our city. By turning them both into amenities we can
4 have an enormously positive impact on tourism,
5 recreation, economic development and general quality of
6 life for our own citizens.

7 "If, however, Colorado Springs is forced to
8 take the 115 option there will be far less dollars
9 available for Fountain Creek, thus Fremont County, not
10 Pueblo County, will be the beneficiary.

11 "I certainly expect my commissioners to be
12 diligent in their review, but also fair and reasoned.
13 As a constituent and as a Pueblo booster, I ask that you
14 focus your decision-making on the benefits to Pueblo and
15 not be distracted by unrelated issues, and those who
16 fail to see the long-term vision and the ramifications
17 to our county. I urge you to approve this 1041
18 Application for SDS from the dam as one that is in the
19 collective interests of our watershed, regional
20 economics and, most importantly, in the best interests
21 of all of Pueblo County.

22 "Signed, Carol Lang, 3911 Augusta Lane.

23 "Thank you very much."

24 MR. RASO: Next is Mr. Rick Stewart.

25 MR. STEWART: My name is Rick Stewart, I'm a

1 property owner along the Fountain Creek, and I work with
2 a group that's got an irrigation intake along Fountain
3 Creek, and there really has been a dramatic increase in
4 flood levels in -- if you go to the USGS meters you see
5 that the last 20 years a number of what used to be 2-
6 and 5-year floods are eightfold what they used to be in
7 the pre-1950 time, and the 10 year floods are fivefold,
8 and it's basically due to Hardscape.

9 If you look at the Pikes Peak Area Council of
10 Governments, they -- currently Fountain Creek Basin is
11 12 percent Hardscape and predicting to go to 18 percent
12 Hardscape; and SDS Environmental Impact Statement is
13 fatally flawed because it does not look at the impact of
14 growth at out, the impacted growth was left out.

15 So my main concern is in mitigation for what
16 was left out of the Environmental Impact Statement, that
17 that -- what's happened with the Pinon Bridge and Chapel
18 Hills Mall is partly related to the Hardscape, and that
19 every time we have a flood it -- if you have a hundred
20 square miles of Hardscape -- which currently is -- that
21 goes into an area a quarter mile wide, and it just
22 dramatically increases. For every two-inch storm it now
23 becomes a four-inch storm or a six-inch storm, depending
24 (indicating).

25 And -- and, so, I would urge that as you look

1 at mitigation that you look way beyond the Environmental
2 Impact Statement, that you go to the impact of growth,
3 and that you ask for something that would mitigate going
4 for 12 percent to 18 percent, there's no additional
5 runoff, and you do a lot of nonpoint pollution control.

6 COMMISSIONER NUNEZ: Thank you very much.

7 MR. RASO: Thank you.

8 The final person on the sign-up sheet to
9 speak in support is Kevin Walker.

10 MR. WALKER: Good evening, Commissioners. My
11 name is Kevin Walker, I'm here to speak representing the
12 Greater Colorado Springs Chamber of Commerce tonight,
13 and thank you for the opportunity to speak in favor of
14 the 1041 proposal before you right now.

15 We are in support of the Southern Colorado
16 Delivery System and the application for the 1041 Permit.
17 The application is the result of over 10 years of
18 diligent planning, planning that I think befits as
19 appropriate for a -- a project of this nature.

20 We believe there are significant benefits for
21 both of our communities if we build the preferred
22 alternative as proposed. The benefits for Colorado
23 Springs and our partners are not just for the proper and
24 cost-effective service for new households, many of
25 which -- which are formed from our own children -- of

1 which I have formed two of, and two more to come I
2 hope -- they project also create -- they also -- the
3 project also will create redundancy for our major -- for
4 our aging major systems, as well as allowing us to fully
5 utilize our own rights, especially during drought
6 conditions. And these are improvements for our current
7 residents, not new residents.

8 The economic impacts for this construction
9 will be regional in nature, and that includes not just
10 the construction contracts -- a hundred 70 million
11 dollars projected in Pueblo County, \$600 million
12 overall -- and your contractors have always been very
13 competitive in Colorado Springs, and especially in this
14 kind of work.

15 There are also clearly other social and
16 economic interactions between the communities and
17 residents. Folks living in one community drive to the
18 other community for jobs, I know folks that do this in
19 both directions.

20 I also know many Colorado Springs residents
21 who commute to Pueblo for CSU-Pueblo classes, and they
22 enjoy the great trails and recreational facilities here
23 along the river and downtown.

24 We are a firm believer in rising tides,
25 raising all ships, and I know we can continue to work

1 together to raise the economy in both communities, and
2 approving this permit will help us all.

3 Our business community has worked diligently
4 to develop and implement the Stormwater Enterprise that
5 has been discussed in relationship to cleaning up
6 Fountain Creek, and we recently spearheaded the defeat
7 of Douglas Bruce's initiative to dry up that important
8 revenue source.

9 We continue to support the cities and our
10 partners and the region's efforts in improving
11 stormwater regulations, not just because it's important
12 to you all, but because it's the right thing to do for
13 our community and our downstream neighbors.

14 We also pledge to continue to work with
15 the -- with our communities on mitigation efforts along
16 Fountain Creek.

17 We strongly urge you to consider the economic
18 benefits for this project that -- the benefits that are
19 brought to both of our communities and the region, and
20 to vote for the 1041 Permit.

21 Thank you.

22 MR. RASO: Thank you.

23 COMMISSIONER NUNEZ: Thank you.

24 MR. RASO: Is -- that concludes the members
25 who were actually signed up, is there anyone else here

1 who would like to speak in support of the application
2 for the -- this 1041 Permit?

3 (No response.)

4 MR. RASO: Seeing none, we've been -- the
5 Board received a request, and it's one they certainly
6 will honor, each of -- John Fredell, from Colorado
7 Springs Utilities, Vice Mayor Small and Mayor Rivera
8 would like to briefly address the Board before we get
9 into the balance of the public comments.

10 Mr. Fredell?

11 MR. FREDELL: Mr. Chairman and members of the
12 Board of County Commissioners, I'm John Fredell, Project
13 Director for the Southern Delivery System. Thank you
14 for the time you, your staff and your consultant, Banks
15 and Gesso, have invested to review our 1041 Application,
16 and for the professionalism shown me and my staff in
17 each and every interaction that we have had with your
18 staff.

19 I would like for you, and all the citizens of
20 Pueblo County, to know we have heard your concerns about
21 SDS to -- to date and we are looking forward to hearing
22 additional comments tonight.

23 Concerns have focused on water quality and
24 quantity in Fountain Creek, impacts to Pueblo Reservoir
25 and impacts to private property owners, among others, we

1 know you take these concerns very seriously and I want
2 to assure you that we do as well.

3 We were encouraged to hear from Banks and
4 Gesso Tuesday night that they believe mitigation can
5 resolve issues with our application, and we heard the
6 message that we need to get down to negotiating 1041
7 mitigation specifics. We completely agree.

8 As I shared Tuesday, there are four broad
9 categories of mitigation we need to work on at this
10 point, they are infrastructure and construction impacts,
11 environmental, operational and socioeconomic impacts.

12 We are committed to building SDS in an
13 environmentally-responsible manner, minimizing
14 construction impacts to your community and insuring
15 affected property owners are fairly compensated.

16 We have corresponded with all Pueblo County
17 landowners located within 500 feet of the pipeline and
18 those located adjacent to Fountain Creek; additionally,
19 we have met with a number of those landowners, and some
20 of them are actually in attendance tonight. We have
21 considerable work ahead with affected landowners, but,
22 as you would expect, we must first obtain a 1041 Permit
23 and a Record of Decision from the Bureau of Reclamation.

24 In closing, I would like to emphasize we've
25 heard your staff's message that it's time to get to work

1 and work out the specifics of mitigation.

2 Our preferred alternative of pipeline from
3 Pueblo Dam -- which is the focus of tonight's
4 discussion -- is the alternative that will offer the
5 most benefit to Pueblo County in terms of job potential
6 and mitigation, and it's the only SDS option that
7 benefits Pueblo West.

8 To those concerned that the pledge to
9 mitigate the impacts of SDS is an empty -- empty
10 promise, I would emphasize that the mitigation
11 agreements that we will enter into are binding
12 agreements, not optional.

13 We look forward to working with your staff to
14 work out the details of mitigation, and, again, we're
15 ready to get started as soon as possible. We ask you to
16 approve this permit with the mitigation measures we
17 develop with your staff.

18 Thank you very much.

19 COMMISSIONER NUNEZ: Thank you.

20 MR. RASO: Next we will hear from Vice Mayor
21 Small.

22 VICE MAYOR SMALL: Thank you, Commissioners,
23 it's an honor for me to be here this evening to speak to
24 you. I've developed a great respect for you as
25 individuals through the work that we did on the Fountain

1 Creek Vision Task Force, and I want to thank you for
2 your service and your leadership on that task force.

3 The -- the Fountain Creek visioning efforts
4 were created by our El Paso County Commissioner Sallie
5 Clark and then Commissioner Loretta Kennedy, and when we
6 started that effort, and I joined in as a Colorado
7 Springs representative, we weren't quite sure where that
8 was going to go or how we were going to get there or
9 what resources we would have to support us in coming to
10 some good plan and strategy for the improvement of
11 Fountain Creek, and I'll tell you I'm amazed at what we
12 have accomplished over the last two years with a
13 collaborative effort of 27 different organizations and
14 the support of over 300 citizens that got involved in
15 that task force all through the Southeastern Colorado
16 region.

17 The product that we have produced is not
18 going to be one of those products that lay on the shelf
19 with the many other products that have addressed issues
20 on Fountain Creek, because with Commissioner Chostner
21 and Commissioner Clark's efforts between El Paso County
22 and Pueblo County we have an Intergovernmental Agreement
23 that has been drafted between the two counties that,
24 when executed, will put in place an organization that
25 will see the vision that we have identified for Fountain

1 Creek, the strategy that we have identified for its
2 improvement will be carried out this time, and once that
3 agreement is completed between the two counties it will
4 come to us municipalities for execution as well, and I
5 can say that we are prepared to support that agreement
6 when it comes forward to us in support of improvements
7 of Fountain Creek.

8 It is very important that we continue the
9 work that has been done through the Fountain Creek
10 visioning committee, it's important we continue that
11 spirit of cooperation, because that committee didn't
12 operate by voting on issues, that committee operated by
13 consensus, which meant that all 27 members of that
14 committee had to agree to whatever actions that we
15 proposed. That's the true way to conduct business in
16 our community and our region. You know, we can come
17 together, we can have disagreements, we can resolve
18 those, we can reach a -- an agreement on something and
19 we can move forward as a body, without any of us having
20 to raise our hands and say, "We win, they lose."

21 The consensus approach was really an
22 indication that this whole region is committed to the
23 improvement of Fountain Creek. It indicated that this
24 whole region considers Fountain Creek a valuable asset
25 to our communities.

1 Everyone along the creek -- we had ranchers
2 there, we had communities there, we had the counties,
3 the cities -- everyone agreed that enough is enough on
4 Fountain Creek, we are going to fix this, we are going
5 to make it an amenity that's -- we can be proud of, we
6 are going to make it something that inextricably links
7 Colorado Springs and Pueblo and the communities along
8 the creek together, and something that we can leave as a
9 legacy to future generations so that they can enjoy it,
10 our children, our children's children. But I got to
11 tell you I want to enjoy it, too, so let's get it done.

12 SDS is going to support this activity, and we
13 are committed in Colorado Springs to be sure that we do
14 our part to fix the problems that were created along the
15 creek. We have a responsibility to do that.

16 You know, I look at America as a great
17 nation, and America's respected as a leader in the world
18 because of its size, its resources, and I recognize that
19 with size and resources comes responsibility, with size
20 and resources grants no privilege.

21 We are a large community, we're the second
22 largest community in Colorado, but that is nothing of
23 itself, what is important is what we do with that size
24 and how we work with our neighbors and how we treat this
25 region that is -- we are all so proud of.

1 I'm proud of my friends in Pueblo, I
2 appreciate their tolerance of the conditions that they
3 have experienced on Fountain Creek.

4 I am personally committed to make sure that
5 we carry through on the agreements that we reach with --
6 with you for mitigation to improve the quality of life
7 in our region, to improve our environment and to leave a
8 legacy. So I thank you for what you are doing.

9 It's very unusual that I get to stand on this
10 side of the podium and address such distinguished
11 gentlemen, but I thank you very much, and I thank the
12 citizens of Pueblo and of Southern Colorado for
13 participating.

14 I appreciate the diverse opinions, and I, as
15 an elected official, have one sole responsibility, and
16 that is to see that the visions of the people of this
17 region becomes the reality of the people of this region,
18 and through SDS and through the improvements of Fountain
19 Creek and through the improvements of our working
20 relationship and through the improvements of our
21 collective economy we can make that happen and we should
22 not let our efforts stop by focusing on Fountain Creek,
23 we should continue that to focus on other issues that
24 affect our region, that can make us a better community,
25 and we should work jointly together to fix those

1 problems, to fix those issues, to develop our economies
2 and to improve the state of Colorado which I am so proud
3 to be a resident of.

4 So thank you for what you're doing, thank you
5 for consideration of our application, I encourage you to
6 give us your mitigation requirements and we will be
7 committed to carrying through and being sure that you're
8 not disappointed with your decision.

9 Thank you.

10 COMMISSIONER NUNEZ: Thank you.

11 (Applause.)

12 MR. RASO: Next we'll hear from Mayor Rivera.

13 MAYOR RIVERA: Well, Commissioners, Tuesday I
14 told you how excited I was to be here to address you
15 about the Southern Delivery System and the 1041 Permit,
16 well, I'm even two days more excited than I was on
17 Tuesday.

18 You know, on the bus ride up here I was
19 talking to some of the folks on the trip and just
20 reminiscing about all of the trips I have made over the
21 last five years.

22 I was up in front of the Aurora City Council
23 convincing them to sign a six-party IGA, and that IGA is
24 important because Aurora agreed to not take any more
25 water out of the Arkansas River Basin. I think that's a

1 big plus, that's part of the Southern Delivery System
2 coming out of the dam.

3 I have been down to Rocky Ford, been down to
4 Pueblo numerous times, testified in front of Congress at
5 a field hearing, and I've gotten to get some new friends
6 down in Pueblo County, and I was commenting to Dave
7 Robbins, one of our attorneys, that we're like one big
8 family in Southern Colorado. We are linked, our
9 economies are linked.

10 The Southern Delivery System will provide a
11 tremendous benefit not only to El Paso County and
12 Colorado Springs, but also to Pueblo County. You've
13 heard about the impact about the potential jobs; about
14 the direct impact, positive impact to Pueblo West; and I
15 learned something tonight I didn't realize, how much
16 money Pueblo West is going to save by being able to tap
17 into the Southern Delivery System.

18 And I know that's important to Commissioner
19 Chostner because those are your constituents out there,
20 and I know you're going to make them happy.

21 We, as leaders in our region, are grappling
22 with a very tough economy and, as one of the speakers
23 said, here's an economic stimulus package that's not a
24 bailout, it's an opportunity for jobs in Pueblo County,
25 jobs in El Paso County, it's an opportunity to provide

1 future water for our joint interests in Ft. Carson and
2 Peterson Air Force Base, a military community that we
3 know is going to grow, especially at Ft. Carson. They
4 receive their water from Colorado Springs Utilities,
5 that's a future growth for the region, and I think we
6 all can be proud if this project provides them the water
7 they need not only to grow locally but to provide for
8 our national defense.

9 And I think you've heard so many positive
10 reasons why this is such a great opportunity for both
11 our communities to cooperate.

12 And I've heard people talk about empty
13 promises and the mitigation that we are going to commit
14 to, I think all you have to do is look at our track
15 record of what we have done over the last five years,
16 five-plus years since I've been mayor, and Vice Mayor
17 Small has been on the City Council and the Utility
18 Board, we've invested tens of millions of dollars in
19 upgrading our wastewater system, \$10-1/2 million
20 Fountain Recovery Project to make sure if we have any
21 more spills to capture them before they leave El Paso
22 County and enter into Pueblo County.

23 We have provided frequent updates to the
24 Pueblo City Council. We made a commitment to them we
25 are going to upgrade our system, and on a regular basis

1 we met with them to show them we were good on our
2 promises. We made a commitment to Pueblo City Council
3 when we signed the IGA we were going to work on our
4 wastewater system, I think we have met that commitment a
5 hundred percent.

6 And, of course, we make the commitment to not
7 only you as your -- as a governing body of Pueblo
8 County, but to your citizens and our citizens, that we
9 will provide the appropriate mitigation with a 1041
10 Permit Application if it's granted by the three of you,
11 which I think we have heard all the testimony you need
12 to tell you what a positive impact it would have on our
13 region.

14 I only have until April of 2011 then you lose
15 me as mayor, I'm term-limited, so when we say we need to
16 get started now, we do, 'cause I only get about two
17 years and three months to see this project get started
18 and, hopefully, very near completion. But after I leave
19 as mayor, you never know, Vice Mayor Small may run, so
20 you may have a continuation of that legacy, someone who
21 is associated with the projects (indicating).

22 I've been on the City Council since 1997, we
23 have been working on it since then, and probably before
24 then, it's consumed a great amount of my time, and,
25 believe me, I've enjoyed it, traveling down here to

1 Southern Colorado this week to your community.

2 And I don't know what Chris Woodka is going
3 to do once we get this wrapped up, he's not going to
4 have anything to write about anymore, so don't delay,
5 'cause he wants to retire and Roy's daughter can take
6 his place. So I think that would be positive in so many
7 different ways for both our communities.

8 I would encourage you to do your due
9 diligence on our 1041 Application, grant the permit and
10 we will meet your requirements for appropriate
11 mitigation, our staff will work with your staff and your
12 consultants, and I think we will have a tremendous
13 positive impact for our region, Fountain Creek will be
14 the Crown Jewel that Senator Salazar has envisioned; and
15 I know John Salazar, his brother, is standing by ready
16 to get behind this project himself with the right kind
17 of mitigation.

18 Thank you, and I guess we'll go on to the
19 next set.

20 COMMISSIONER NUNEZ: Thank you.

21 MR. RASO: Prior to moving on to the next
22 group of speakers, I would ask that Mr. Pate's letter
23 be -- he read that -- but he put a hard copy in the
24 record and label that Exhibit 27, please.

25 (Exhibit 27 was marked for identification.)

1 MR. RASO: Thank you.

2 The next group of speakers have signed up on
3 a sheet that we indicated was to offer comment on the
4 permit application, not in support or opposition. The
5 first sign-up we have on that is Bill Thiebaut, District
6 Attorney for the 10th Judicial District. Is he or a
7 representative of the D.A.'s office here?

8 (No response.)

9 MR. RASO: We'll move that down the list, he
10 indicated he might have a time problem.

11 Next to speak up is our -- our former Pueblo
12 County Commissioner, Matt Peulen.

13 MR. PEULEN: Thank you very much, just want
14 to make a few comments.

15 And I certainly like to thank the
16 Commissioners, and like to welcome all our distinguished
17 guests from Colorado Springs over here at this very
18 important meeting.

19 I know it's a little different now I'm on the
20 other side of the table now, I used to be on that
21 particular side, but all in all it been an issue that we
22 started and was of great concern to us, so I like to
23 have a -- a little -- a few lines of history the way we
24 got over here (indicating).

25 During my time in office as a commissioner an

1 IGA was negotiated by City Council and all our
2 government entities, this IGA never addressed the
3 quality of return flows or the status of the Fountain
4 Creek, the County was completely left out of this
5 process, so in order to protect not only the citizens of
6 Pueblo, but also the rest of the Arkansas River Valley,
7 I asked for and signed the 1041 Revised Regulations.

8 At that particular time Colorado Springs
9 filed a lawsuit against the County Board claiming that
10 the Board at that time was bias against them, this
11 procedure cost the taxpayers of Pueblo County tens of
12 thousands of dollars every year.

13 I think it is time and we are make part of
14 this procedure that we revisit this IGA and look into
15 what it says about the benefits for all the southern
16 part of the basin and that we write it with that in
17 mind.

18 I know that many people spoke in favor of it
19 and some people probably will speak -- speak against it.
20 When you stay in the middle of it -- and I don't try to
21 play politics because I'm not running for anything --
22 I'm certainly saying that we have to address and look at
23 the sum of the things that are in the benefits of all of
24 us.

25 I'm very glad to see that there is now a

1 close communications between the two committees, between
2 the three communities in this particular impact. As we
3 all know as Colorado Springs asked for a finding of no
4 significant impact on Pueblo County, well, that has to
5 be decided, and we certainly have to look into this.

6 When you look into issues like this you
7 simply cannot sit back and say, "Time will take care of
8 itself."

9 I'm glad to hear that Pueblo West is
10 involved.

11 And when I look back to my history a little
12 bit I remember the early 1970s, when I was a member of
13 the Pueblo Economic Committee, a forerunner of PEDCO, at
14 that particular time Ft. Carson wanted to expand all the
15 way down south to the Arkansas River, we fought it at
16 that particular time, even if there was business people
17 in Pueblo that said, "My gosh, we're going to get a
18 piece of Ft. Carson."

19 Just think about it, what would have happened
20 to Pueblo West if we at that particular time said,
21 "Okay, let's go with it"?

22 So, folks, be very careful and look into it
23 and make absolutely sure that everything is in line.

24 On those -- on Tuesday's meeting I listened
25 to the presentation of Colorado Springs, and he said

1 that, "We'll provide jobs for Pueblo", and I always glad
2 about that, but what they mention was that it also
3 provide jobs for Pueblo in Phase 1, what is Phase 1? Is
4 Phase 1 the laying of the pipe? What is Phase 2, what
5 is Phase 3, what is Phase 4, and when will they come
6 aboard? This particular issue has to be addressed as a
7 package and cannot be addressed at phases. We all
8 remember the phases that happened at the Army Depot, and
9 we're still waiting to go forward with it.

10 So let's all walk together and be absolutely
11 sure that everybody knows where they stand and where he
12 is.

13 I know there are no easy answers to growth
14 that create these problems, but one thing is for sure,
15 if we keep going the way we are it will not be a
16 blueprint of help and protection for the future
17 generations in regards to clean and safe water liens.

18 Thank you very much.

19 MR. RASO: Thank you, Matt.

20 (Applause.)

21 MR. RASO: The next person signed up to
22 speak -- or to offer comment is John Mauldin.

23 MR. MAULDIN: Others have been -- have been
24 informing you of major deficiencies in the EIS on this
25 project and of many ongoing problems with past such

1 projects and of many problems with Fountain Creek in
2 contrast to actual limited studies in the EIS the
3 Bureau's process as presented to the public last April
4 indicated no subjects are off the table.

5 I saw that all possible social and economic
6 factors counts as environment, thus even the ethics of
7 taking water across basins, taking land, disrupting
8 community, pushing overgrowth, allowing overuse of water
9 in the face of ever drier western climate should be part
10 of your and the big picture.

11 You properly under 1041 oversee and defend
12 the environmental integrity of this county for the
13 benefit of present and future residents. I can see the
14 County in a tight spot on this one because of lack of
15 adequate EIS to work from and the possibility of being
16 sued if you don't permit this project and being sued if
17 you allow it to begin major damages.

18 The bottom line might be where is the major
19 long-term benefit to our area and the State for moving
20 water this way? What does the County get for this risk
21 and maybe not solving Fountain Creek? Does major new
22 tax money come from this to offset loss to its
23 residents? I've heard today of a few short-term jobs.

24 Because of the EIS-negotiated study of impact
25 on Pueblo West I mention some of those. The media and

1 the SDS corporation underplay and misstate the effects
2 on residents of North Pueblo West, which is not --
3 quote -- "sparsely populated".

4 Yes, I saw Gary Walker's appreciation of wild
5 land up there and concerns about Pueblo West, and I want
6 him to know that Pueblo West, as a whole, was never
7 committed -- was -- sorry -- was never consulted on
8 whether its water department should sign onto SDS in
9 2003 to tap into it.

10 Pueblo West boards change, a member who works
11 for Colorado Springs was unelected, and the same for a
12 member who appeared unauthorized in ads for SDS.

13 Our new busy board is trying to catch up on
14 many local problems besides this related one.

15 I must add after I came here they said no
16 delegate here, because I talked to them over and over
17 about this upcoming hearing, they will be surprised at
18 how much that was said by their manager in contradiction
19 of some of the record and of the statements on costs.

20 Media and the SDS corporation allege only one
21 or two houses in the path of the pipe, but I have looked
22 at all online County maps of plotted lots -- platted
23 lots near the path, and at the large printed map from
24 the SDS application, I also personally drove near most
25 of the path to locate affected houses and count them.

1 Along the seven-mile route through Pueblo West I find 14
2 houses close or very close to it, where I haven't --
3 except I haven't looked at the northmost mile.

4 The existing utility corridor is about 200
5 feet wide in most of Pueblo West, residential lot lines
6 adjoin the platted lines of this corridor. You should
7 know from your planning department that about 120 lots
8 of, typically, one to two acres adjoin the corridor on
9 its east side.

10 You know, online County maps are about five
11 years out-of-date showing houses, and I found no
12 easement maps.

13 But I can't conceive that those lots east of
14 the corridor have a hundred-foot easement all the way to
15 allow expansion as the media and the SDS map have partly
16 shown to be needed east of the established utility
17 corridor. Such lots would not have been platted and
18 sold because no one would buy a lot with half the back
19 or side yard at risk of being taken. Some of those lots
20 are oriented so a house on it would necessarily be in
21 the way.

22 EIS does not cover the utility lines, another
23 omission, but I see no space between power lines through
24 big access of a scenery in excavation which requires a
25 hundred-foot wide working area as the corporation has

1 said it needs. Power poles have been put right up to
2 the edge of the corridor. Some houses are only 20 to 40
3 feet from those. Big machinery will be bumping into
4 houses further away, and other residents will lose half
5 their back yard.

6 It seems that wholesale condemnation of
7 property will be occurring, and maybe extensive court
8 battles.

9 The big implication, then, is about a hundred
10 20 lot owners, sooner or later, will be very upset with
11 the County and others with a major invasion through
12 their land, if not permanent taking of it; then there
13 are about a thousand more lot and house owners within
14 range of the extreme noise, diesel pollution, blowing
15 dirt and disruptive travel all day, not for weeks
16 promised but for many months.

17 Two years ago I watched a much smaller, deep
18 sewer pipe put in along Purcell and across the country
19 three miles, taking about nine months at repeated return
20 to work for each section with noise, dust, diesel,
21 traffic -- and traffic disruption. I saw the space
22 required and similar methods were used for that as shown
23 for this proposed project. This must be scaled up a
24 factor of 10 or more to get the picture.

25 I also mention destruction of many local

1 PW -- Pueblo West roads, and surely extensive dynamiting
2 like before, and I realized on the way here that for --
3 for all 20 roads that will be cut there will be pa --
4 repaving problems, slumping; and three utility lines or
5 more go with each road.

6 Media keep talking of Pueblo West wanting the
7 water, but the facts are different. Total projected
8 water need of Pueblo West after buildout decades hence
9 is about 7,000 acre-fee -- and I apologize for using
10 different -- I -- everybody uses different water units,
11 so you've heard different ones tonight, but I checked
12 and rechecked and we're talking the same quantity -- the
13 Bureau overestimated about 10,000 acre-feet for Pueblo
14 West in their EIS, how the Pueblo West Board entered
15 into an agreement to tap for 20,000 acre-feet from this
16 pipe alone has yet to be studied or explained.

17 Talk of Pueblo West saving money by this
18 alternative route from Lake Pueblo, it's still unstudied
19 and the Board will be surprised to hear that,
20 apparently, somebody over there has studied it.

21 When all terms are settled, Pueblo West may
22 lose big money on this compared to building its own
23 extra pipe. Pueblo West may decide that upsetting a
24 thousand residents to maybe save a hundred thousand
25 dollars is not worth it. The Pueblo West Board may yet

1 withdraw from SDS, and, again, numbers you heard differ
2 from the record of the Board itself.

3 Pueblo West Board knows none of the above
4 that I've covered is in the EIS, and how the media --
5 and they do know how the media and the corporation have
6 minimized effects.

7 I don't see how the County can require a
8 promise of SDS to be -- problems of SDS to be mitigated
9 for Pueblo West and beyond.

10 Looking along seven miles of back yards and
11 arroyos and beyond that the wild land northward, how can
12 a hundred-foot wide scar be restored with gradual plants
13 and natural topography? Even with decades of
14 stewardship requiring continued invasion of private
15 property this -- this possible mistake will be much more
16 visible than the four power lines or the two going north
17 of Pueblo West.

18 I hope you will visit the whole path to see
19 what's going on there.

20 You should know that citizens are busy, and
21 for everyone who speaks here there are a hundred or more
22 who wish they could or may wish they had come to speak.
23 Widespread opposition to a possibly bad idea begins to
24 appear only when big effects are immediate and costs
25 become personal.

1 I thank you for your attention, and I will
2 show you -- provide you a copy in -- in writing of my
3 remarks for your study.

4 MR. RASO: Thank you.

5 (Applause.)

6 MR. RASO: The next person signed up to speak
7 under this section of the agenda is Lee Sternal.

8 MR. STERNAL: Well, frankly, I approach the
9 podium with a certain amount of trepidation because the
10 first thing that's been made absolutely clear to me this
11 evening is that I am the least informed of anyone who is
12 going to be addressing you tonight. In fact, probably
13 most of what I know about SDS I have learned by just
14 sitting in the audience; but part of the reason I don't
15 know very much about it, I believe, is because out in
16 Pueblo West, where I live, there hasn't been very much
17 discussion about it, and I agree with Mr. Mauldin that
18 I, too, am ad -- ignorant of -- of what process occurred
19 when SDS was approved by our previous board of
20 directors.

21 I'm -- I'm not here to say that it was a bad
22 thing to do, but what I am here to do is to ask you to
23 do everything you can to not make your final decisions
24 on what you think is best for our community until after
25 the proposed final form of this Intergovernmental

1 Agreement with all of these elements of mitigation have
2 been clearly set forth and open and available to the
3 public for consideration and comment.

4 It's very difficult to have an informed
5 opinion about a project that is still incomplete in some
6 very important specifics, and we have heard concern
7 raised by qualified people, and how you frame those
8 concerns in this mitigation formula is going to be very
9 important for us to have a chance to understand before
10 it's presented to us as something that's already been
11 accomplished.

12 So just give the people a chance to look at
13 the final product before it's purchased.

14 Thank you.

15 COMMISSIONER NUNEZ: Thank you.

16 (Applause.)

17 MR. RASO: Is there anyone else before we
18 move to the -- the third phase, if you will, of -- of
19 tonight's hearing?

20 (No response.)

21 MR. RASO: Is there anyone else here who
22 wishes to offer comment neither in support or
23 opposition? Yes, sir.

24 Please state your name and address for the
25 record.

1 MR. MILLER: Thank you, Commissioners. I am
2 Dave Miller, President of National Energy Resources
3 Company. I've been a strategic water and energy planner
4 for the last 25 years, I would like to speak in
5 opposition --

6 MR. RASO: Excuse -- excuse me, sir, the --
7 this phase of -- of our agenda, I think we've made it
8 quite clear, is not to speak in opposition or support,
9 but to simply offer a comment. I'll be glad to add your
10 name to the list of those who wish to speak in
11 opposition if you -- if you want me to put it on there.

12 MR. MILLER: Okay, okay, sir, I'm -- I'm --
13 I'll just provide comments, but I can do it either --
14 any way you want.

15 MR. RASO: Well, I prefer, since you've
16 already indicated that you're in opposition -- and I
17 believe you wrote a letter in opposition which we made a
18 part of the record earlier -- that you be signed up on
19 the opposition agenda.

20 MR. MILLER: Okay, I got here late, I guess I
21 missed the rules.

22 MR. RASO: Okay. I'm -- I'll be glad to add
23 your name to that list. It's Dave Miller, correct?

24 MR. MILLER: Yes, sir.

25 MR. RASO: Okay, you'll be called back up.

1 Thank you.

2 Okay.

3 Yes, sir?

4 MR. STEWART: This is Rick Stewart, I
5 commented earlier, if I could make one more comment on
6 the S -- on the Environmental Impact Statement.

7 It was very broad-based enough, I thought,
8 that it did not get down to the individual landowner
9 level. I pull 20 acre-feet a year out of the creek, and
10 the way the current plan is, is that diversion of return
11 flow would occur above me and return below me, so I
12 potentially could have -- you know, not be able to pull
13 my 20 acre-feet out for various uses. But the idea is
14 as you look at mitigation, if you can look at the
15 individual landowners and the -- that part of it that
16 was not part of the Environmental Impact Statement.

17 COMMISSIONER NUNEZ: Thank you.

18 MR. RASO: Thank you.

19 Is there anyone else who wanted to offer
20 comment?

21 Please state your name and address for the
22 record.

23 MR. PACE: Sal Pace, 124 Lincoln Street,
24 Pueblo, Colorado 81004.

25 I'm the Representative of Lan -- for Central

1 Downtown Pueblo in House District 46, and I come to
2 speak specifically regarding my current concern
3 regarding the Fountain Creek and the effects on Fountain
4 Creek being my biggest concern with Southern Delivery
5 System.

6 It's clear that there will be increased flows
7 on the Fountain Creek under the SDS plan being proposed,
8 up -- upwards of 50 percent increase in flows on
9 Fountain Creek. If Colorado Springs Utilities gets to
10 build their pipeline from Pueblo Reservoir they'll have
11 over 200 million -- million dollar cost savings if --
12 rather than going through Fremont County.

13 I think it's imperative that an 10 -- 1041
14 plan that includes mitigation for the Fountain Creek.
15 After all, Colorado Springs will be saving \$200 million,
16 a good portion of that savings should be put towards
17 cleaning up the Fountain Creek, which is a problem not
18 just for Pueblo County, but also for El Paso County.

19 I continue to work with the Fountain Vision
20 Task Force and so many leaders in this room from El Paso
21 and Pueblo County on a Fountain Creek special district
22 bill in the legislature that we're going to be running
23 in 2009, and I'll be a coprime sponsor on, and this is a
24 perfect opportunity to use mitigation money to kickstart
25 this plan.

1 Thank you for your time.

2 MR. RASO: Thank you.

3 (Applause.)

4 MR. RASO: Is there anyone else who wishes to
5 offer comment neither in opposition or support on the
6 application of Colorado Springs Utilities?

7 (No response.)

8 MR. RASO: Seeing that there is none, we'll
9 now move to the sign-up sheet for those persons.

10 COMMISSIONER NUNEZ: Gary? Gary, I will take
11 a break.

12 MR. RASO: Excuse me.

13 COMMISSIONER NUNEZ: At this time we will be
14 taking a 10-minute break, so we'll return here in 10
15 minutes. Thank you.

16 (A break was taken from 7:34 p.m. until 7:43
17 p.m.)

18 COMMISSIONER NUNEZ: At this time I would
19 call on Jane Rawlings to approach the podium.

20 (Mr. Raso entered the room.)

21 MS. RAWLINGS: Thank you for the opportunity
22 to speak tonight.

23 My name is Jane Rawlings for the record, and
24 my address is 624 Dittmer Avenue, Pueblo, Colorado. I
25 actually don't need an introduction because Mark Carmel

1 really kind of did that for me.

2 But, anyway, I will speak, and I will not
3 speak for a very long time.

4 You, the Pueblo County Commissioners, are the
5 last line of defense to mitigate and to eliminate, to
6 the extent possible, the environmental water quality and
7 socioeconomic impacts of SDS.

8 We commend the County Staff Report for
9 pointing out that the 1041 regulatory review is distinct
10 and separate from the Bureau of Reclamation's EIS on the
11 project.

12 One significant difference is the County
13 staff recommendation to consider cumulative impacts of
14 urban growth on water flows in both the Arkansas River
15 and Fountain Creek. Reclamation took the flawed
16 position that for federal EIS purposes SDS would be
17 compared only for its incremental impacts on present
18 conditions.

19 Regarding Fountain Creek, we all know that
20 present conditions have resulted from the past and they
21 will continue to worsen in the future. For one, erosion
22 upstream that ends up -- especially during times of
23 stormwater runoff --- depositing sediment, salinity,
24 selenium and E. coli in unacceptable levels downstream
25 in Pueblo County. Water quality suffers.

1 Also remember that present-day practices
2 allow Colorado Springs and other Fountain Valley
3 pipeline recipients to exchange relatively clean water
4 that they take from Lake Pueblo for lower quality return
5 flows of treated effluent down Fountain Creek.

6 Storm runoff is a frequent occurrence that
7 has gotten dangerously worse by the added flows caused
8 by urban development; more people, more impervious
9 surfaces, more contaminants from El Paso County. SDS
10 will only make these unacceptable conditions worse.

11 There's every reason to believe a 1965 flood,
12 which the government considers a 200-year flood, will
13 occur again, maybe sooner rather than later.

14 Even the much smaller 1999 flood took out the
15 Pinon Bridge, washed away private property along
16 Fountain Creek, and caused severe damage downstream on
17 the Arkansas River. North La Junta suffered heavy flood
18 damage.

19 For all these reasons Pueblo County is on the
20 right course to require mitigation as part of the
21 negotiations over a 1041 Land Use Permit.

22 The amount -- a hundred fifty million to 200
23 million have been mentioned -- should be based on the
24 cost of projects desperately needed to make real
25 improvements on Fountain Creek. These include flood

1 control and measures to reduce erosion and
2 sedimentation, contamination, and the historic
3 deterioration of water quality in Fountain Creek.

4 The County Staff Report also was correct to
5 insist on enforceable mitigation as part of the terms
6 and conditions of any permit, we cannot rely on
7 generalized promises from Colorado Springs. Real
8 solutions to real problems, not a laundry list of
9 routine stormwater system projects in El Paso County
10 ought to be your objective in this process.

11 Mitigation is negotiable -- is a
12 negotiable -- is an negotiable item and a very important
13 one, it should not be sidetracked by overly-legalistic
14 rhetoric about the County's 1041 regulatory authority,
15 rather it is an opportunity for both sides, Pueblo and
16 the SDS participants, to negotiate in good faith for
17 their mutual benefit.

18 Now, those lawyers of you in the audience
19 would say the devil's in the details, I prefer to
20 characterize the negotiations for the 1041 Permit as
21 good fences make good neighbors. The tighter the
22 agreements that Pueblo County is able to make with
23 participants, the more likely that everyone will be
24 satisfied in the future; and I'm not talking about a
25 fence between the counties, I'm talking about detailed,

1 specific conditions that would need to be met for a 1041
2 Permit approval.

3 Thank you for the opportunity to express
4 these views tonight.

5 COMMISSIONER NUNEZ: Thank you.

6 (Applause.)

7 MR. RASO: The next person on our sign-up
8 sheet, John Naylor.

9 MR. WALKER: We travel in pairs.

10 My name's Gary Walker, 7170 Turkey Creek
11 Ranch, Pueblo, Colorado.

12 MR. NAYLOR: And -- and I'm John Naylor, I'm
13 an attorney here in Pueblo, and I'm representing the
14 Walker Ranches in this matter, and I would like to have
15 Gary kind of explain his situation.

16 He has -- approximately seven miles of this
17 pipeline will be going through his property, be the
18 largest landowner that's going to have this going
19 through his property, a hundred fifty-foot easement for
20 seven miles, about a hundred 27 acres will be affected
21 by that directly; and he also had -- the Fountain Valley
22 pipeline went through on his place, and I would like to
23 have him explain to you some problems he incurred . . .

24 (A discussion was had, off the record,
25 between unidentified male and Mr. Naylor.)

1 MR. NAYLOR: Oh, okay --

2 MR. WALKER: Okay.

3 MR. NAYLOR: -- speak in the mike.

4 Ex -- explain some of the problems he had
5 with the Fountain Valley situation and how this has come
6 about with reference to them, and what we think needs to
7 be done to correct some of the problems.

8 So, Gary, tell us about the Fountain Valley
9 Authority.

10 MR. WALKER: Everybody here that was involved
11 in, around or dealt with the Fountain Valley Authority
12 when it came in, and has firsthand knowledge of it,
13 would you stand up?

14 (No response.)

15 MR. WALKER: Anybody here that's been
16 condemned across their property, would you stand up?

17 (No response.)

18 MR. WALKER: Looks like I'm the expert in
19 this field.

20 When the Fountain Valley came in around 1979
21 we heard all kinds of promises of mitigation, if they
22 could give it to us, they promised it; but the real
23 thing that happened -- and I can see nobody here
24 remembers or was around then -- is it was a nightmare
25 for Walker Ranches.

1 You started here, you cut across me and you
2 went straight up (indicating). I thought you were going
3 to do that again, but, no, you screwed up this part, so
4 let's go ahead and nail this part (indicating).

5 Thousands of truckloads of pipe, materials,
6 and so on, went down the easement for the Fountain
7 Valley Authority.

8 Dust abatement was almost nil, we had over a
9 hundred head of cattle become sick and/or die due to
10 dust pneumonia; we had cattle cut off from water that
11 needed to trans -- go across the -- the easement, but
12 couldn't get there because of all of the activity going
13 on on Fountain Valley easement.

14 When we got a west wind it didn't affect the
15 hundred 50 or the hundred-foot wide easement, it covered
16 all the vegetation for over a mile to the east. We lost
17 vast amounts of vegetation; we lost the very, very rare
18 cholla. It was a nightmare.

19 And, again, I was promised that, "Boy, don't
20 worry about mitigation, we're going to give you water,
21 we're going to give you a tap up on the end, we're going
22 to make sure there is no dust pollution. We're going to
23 make sure that when we get a normal rain it'll run pure
24 water, not mud."

25 Well, that wasn't quite the -- the deal,

1 because where we usually clean our stock tanks -- stock
2 tanks that we use to water our cattle -- every 20 years,
3 we had to clean them every 3 years.

4 Then they told us, "Man, don't worry, we're
5 going to revegetate the easement." I'm still waiting.

6 There's an aerial photograph, probably
7 around -- from around what, 20,000 feet, you can see --
8 still see the scar (indicating).

9 You can still see the scar below to the -- to
10 the down -- the slope -- the downhill side of their
11 easement that was eaten away through erosion
12 (indicating).

13 Some of these big areas here are due to their
14 pipeline (indicating).

15 Where they want to go here is through some of
16 the finest cholla forests that are left in Colorado
17 (indicating).

18 The other problem that you're going to have,
19 Fountain River people, is this is the headwaters of the
20 Steel Hollow, this is a highly erodible area, they chose
21 not to go around the top of it, they chose to go through
22 the top of it (indicating). There's going to be a
23 mile -- a mile on either side of this main drainage that
24 is going to have all of the vegetation torn off of it,
25 and you tell me you're going to mitigate the erosion

1 damage? There's no way.

2 You get a two-inch rain and I guarantee you
3 you'll run thousands of yards of material down this
4 right to the Fountain River (indicating).

5 Yeah, I am emotional about this. This was my
6 land, I started here in '63, we own a lot of land, but
7 it takes a lot in this desert. And if -- if I could pay
8 them not to go through, I would do it, but,
9 unfortunately -- and I -- and these are nice people.
10 I've met these people, they are nice people. The people
11 they send down to meet me are very personable and they
12 tell me they're going to take care of me, they're going
13 to mitigate damage -- all the damages.

14 Everybody that's going to benefit from this
15 pipeline please stand up.

16 Mayor, I know you're going to benefit, you
17 think?

18 And, John, you're going to benefit.

19 Colorado Springs is going to benefit, Pueblo
20 West is going to benefit, Security, Fountain.

21 Who else is going to benefit? It damn sure
22 ain't the Walkers. No, you -- we're going to be the
23 ones that are going to subsidize your subdivisions in
24 Colorado Springs.

25 (Applause.)

1 MR. WALKER: And I am a little tired of
2 paying for your subdivisions that you're going to be --

3 UNIDENTIFIED FEMALE SPEAKER: Here, here.

4 (Applause.)

5 MR. WALKER: Is that it? I am like Sarah
6 Palin at that . . .

7 MR. NAYLOR: Did -- did you have -- when they
8 were doing this construction, did you have any poaching
9 or anything like that that occurred? Were there any
10 problems with staging or . . .

11 MR. WALKER: When -- when -- they staged the
12 Fountain Valley pipeline basically on the north side of
13 Pueblo West. Even when they got through with the
14 pipeline through us they continued to use that as a haul
15 road to continue going north (indicating). There -- oh,
16 and, by the way, I would like to have anybody that was
17 employed by the Fountain Valley pipeline to stand up,
18 from Pueblo.

19 (No response.)

20 MR. WALKER: I was out there daily, I didn't
21 see any Pueblo trucks out there working on this Fountain
22 Valley pipeline. These people were all from the north,
23 big contractors, they got the job.

24 I mean, there's more smoke being blown in
25 this room than the fire that Pueblo West set on me last

1 year.

2 And, yes, we had a poaching problem, 'cause I
3 had hundreds upon hundreds of cars that went to work
4 through our ranch (indicating). It took us years after
5 the fact to eliminate trespassers. Years.

6 I'm a good, good neighbor to Pueblo West, I
7 give them their open space venue; I'm a great neighbor
8 to Ft. Carson, I have protected Ft. Carson from -- from
9 being taken out by the BRAC movement. If it wasn't for
10 Walker Ranches, Colorado Springs wouldn't have Ft.
11 Carson.

12 And all I want to know is that my
13 commissioners are going to protect me and my ranch from
14 the people that want to go through it.

15 I mean, if they're going to go through it I
16 want a benefit. You tell me how I'm going to benefit.
17 Everybody else sitting at this table knows how they're
18 going to benefit (indicating).

19 I mean, I had contractors stand up, "I am
20 going to benefit", "I am going to make a profit"
21 (indicating).

22 You know, we're going to maybe get some --
23 you know, get some contract -- contracts out there to do
24 some things. Tell me how I'm going to benefit, guys.

25 MR. NAYLOR: Now, have you done any

1 conservation easements on your property?

2 MR. WALKER: This is one thing that could
3 shoot you guys from Colorado Springs in the foot. Your
4 Environmental Impact Study is really wanting.

5 The three main --

6 (Applause.)

7 MR. WALKER: -- experts in the field on the
8 three rare plants -- maybe nobody knows here, there are
9 three rare plants -- really four -- but there are three
10 rare plants on Turkey Creek Ranch and the south end of
11 Ft. Carson that were discovered in the '90s.

12 The three experts in those plants are Steve
13 Keller, U.S. Fish and Wildlife; Renee Rondeau, of the
14 Colorado Heritage Program, CSU; and Paz(phon) Kelso,
15 Colorado College.

16 Not one of those worked on your EIS, not one
17 of them. I'll bet you you don't have somebody -- I bet
18 you can't produce somebody for me, that did the study on
19 your Environmental Impact Study, that knows what some of
20 these plants even look like. They walked through this
21 property, and on your own study said they didn't exist.
22 They didn't see them, so they didn't exist.

23 'Cause when you walk through, even the
24 professionals can't find them unless you look in June.
25 And it has to be a wet June, it can't be a dry June,

1 because they don't germinate and sprout.

2 How valuable are these plants? I don't know
3 if it's a cure for cancer.

4 Hell, I hope it's a cure for baldness, right,
5 Anthony?

6 COMMISSIONER NUNEZ: You got it.

7 MR. WALKER: 'Cause I'm headed there.

8 But all I know is until we research these
9 plants -- they're only known to exist in a 15-mile
10 radius that my ranch has.

11 And the only reason Ft. Carson is still
12 existing, when they found out that these -- these plants
13 are on Ft. Carson, is because I did 15,000 acres of
14 conservation easements on the boundary of Ft. Carson to
15 make sure Ft. Carson wouldn't go away.

16 So, now, you're all getting ready to shoot
17 yourselves in the foot, because unless you do a proper
18 EIS study across Rock -- Walker Ranches, we don't know
19 how many of these species do exist, 'cause this area --
20 we know they exist here and we know they exist next to
21 the old pipeline, we don't know how many exist here
22 (indicating). And I guarantee you the acreage of the
23 total existence of these plants would maybe fill a
24 block. That's in the world.

25 I mean, as we burn -- as we burn our forests

1 in South America we wonder, you know, are we eliminating
2 the cure for some of our diseases? Is there a cure for
3 cancer that we're burning along the Amazon River as we
4 for -- we log and -- and we forest the area? I don't
5 know.

6 All I know is I don't know about these
7 plants, and until you take the proper move to insure
8 that we're not giving something away that we can't get
9 back, you're making a mistake (indicating).

10 MR. NAYLOR: Now, have -- what kind of notice
11 did you get about the -- the location of where this line
12 was going to go?

13 MR. WALKER: October 27th -- was that a
14 month-and-a-half ago --

15 MR. NAYLOR: Uh-huh.

16 MR. WALKER: -- I got notified.

17 MR. NAYLOR: That -- and that was the
18 alignment of this.

19 When -- where did you feel the alignment was
20 before?

21 MR. WALKER: Well, I -- maybe mistakenly --
22 but whenever I talked to anybody from Pueblo West,
23 any -- Gary -- whatever his name was -- I always was
24 told it was going to follow the old Fountain Valley
25 alignment (indicating). The old Fountain Valley

1 alignment that still hasn't repaired itself.

2 So, I mean, it was a lesser of two evils. I
3 mean, how can I fight the giants up there? I mean, you
4 guys are huge. I mean, I can't believe.

5 I mean, I did a little research on how big
6 this -- the Colorado Southern -- or Colorado Springs
7 Utilities is, you realize that you guys are the third
8 biggest west of the Mississippi?

9 My ranch isn't nearly that big. So what --
10 what -- what do we got to do here?

11 I think what I'm really asking for is time.
12 I think what we have to do is make sure -- I mean,
13 let's -- let's -- let's err on the side of caution,
14 let's don't rush into this. Let's have a pro -- I have
15 hired Renee Rondeau, and we have -- we hired her two
16 weeks ago, but, like John brought up -- no, we hired her
17 longer ago than that -- but since we did not have prior
18 firsthand knowledge this was going to happen, she
19 doesn't have time to complete it.

20 U.S. Fish and Wildlife doesn't have time to
21 get involved. We're looking at Christmas right now,
22 they're busy, they got other things, it's year-end.

23 So all I'm asking really is two things.
24 Number one, I'm a Pueblo citizen -- Pueblo County
25 citizen, I'm a damn sure good neighbor to Pueblo County,

1 Pueblo West, and El Paso County, if we're going to do
2 something like this, if you're going to go through and
3 tear me up like you did before, like you did when you
4 condemned us and you expanded Ft. Carson, like when you
5 condemned me for CIG, when you condemned me for -- well,
6 I'm the most condemned person you know -- let's just
7 make sure we're not shooting ourselves in the foot from
8 an environmental impact point of view. Either -- let's
9 get some experts out there that know what the hell
10 they're talking about. It might take a month, it might
11 two months, it might not get in the way of John --
12 John's -- what he wants to do (indicating).

13 First of all let's take care of the
14 environment; second of all, let's take care of my ec --
15 economics, Walker economics (indicating). I can't go
16 through that again.

17 You realize two UAW workers make more net
18 profit than Walker Ranches makes? I can't afford to
19 clean up your messes anymore.

20 What do you think, John, have we made them
21 mad yet?

22 MR. NAYLOR: We understand that there was
23 a -- a proposed deal by staff that there wouldn't be any
24 taps on this line by anybody else without going through
25 this whole process again. If you end up doing something

1 like this, we would like to be in a position, as far as
2 mitigation is concerned, to have a tap off this line for
3 livestock water.

4 MR. WALKER: Let -- let me explain why.

5 When you cut me in half -- well, you got to
6 realize Walker Ranches runs quite a ways over here --
7 but when you cut me in half and I've got feed here and I
8 got water there, what do my cattle do(indicating)?

9 When you -- when you cut me in half and
10 they -- and this thing drains this way or it drains this
11 way, and you put a 20 -- a 30 -- 66-inch culvert in
12 there and, then, you pack it in a gravel slurry with
13 concrete I'm told -- right, John? I mean, it's a
14 concrete slurry around your concrete pipe, wasn't
15 that -- Bruce, wasn't that what you were telling me?
16 Yeah.

17 I don't know how you're going to impact me
18 here (indicating). I don't know.

19 Are you going to -- to stop my groundwater?
20 In five years when I come back and say, "Oh, the springs
21 have dried up", who's going to say -- who will mitigate
22 the damage? I don't know that.

23 So what I -- what I talked to the boys about
24 is whether or not we could figure out a way to where
25 Walker Ranches could mitigate that up-front, and that is

1 know that we could have a source of water that if these
2 are eliminated, yes, we could put pipelines of our own
3 in.

4 I'm talking about one-inchers, guys
5 (indicating).

6 MR. NAYLOR: So that was a -- a consideration
7 that we would like to have taken into consideration.

8 We would like to basically, I guess, have
9 leave to file some specificity with reference to what I
10 think our -- really our concerns are with the -- we're
11 more interested in the construction concerns at this
12 point, although the erosion is a -- another great big
13 concern of ours, which, ultimately, impacts the
14 Fountain, but to present in writing some of the things
15 that we think should be looked at by way of mitigation.

16 I -- I don't know how you plan to do that,
17 whether you're going to have your staff prepare what you
18 think might be the mitigation items that should be taken
19 into consideration.

20 I noticed the Staff Report you had here said
21 that it's pretty wide open, they say they're going to
22 mitigate, but there's no specificity with reference to
23 that (indicating). There, obviously, needs to be some
24 further work with reference to that mitigation that both
25 parties could get involved and we can say, "This is our

1 problem", they say, "Yeah, we can do that", or, "This is
2 the way that we can -- we can correct and mitigate a
3 particular thing."

4 But we would like to present what our
5 problems are, but we think there ought to be another
6 forum somewhere where we could maybe get together,
7 face-to-face, and -- and see if we can't work out some
8 of the mitigation problems.

9 They're going to have to come through us
10 and -- and, you know, they're going to have to condemn,
11 or whatever, if we can't get it worked out in a
12 reasonable way.

13 We would like to -- if we're going to do
14 this -- we would pre -- we would prefer not to -- but if
15 we're going to do this we want to sit down and work it
16 out so that we end up as whole as we possibly can with
17 this project going through there. We want it to be the
18 same as it is today when they get through with their --
19 with their project.

20 MR. WALKER: And I -- and I have to I -- I'm
21 sorry for the emotion that I display over this, but you
22 have to realize I came here in '63 and with over a
23 hundred land purchases put this ranch together, in the
24 last three years I could have sold to numerous
25 subdividers and enjoyed the rest of my life someplace

1 else; but the ranch is a living, breathing thing to me,
2 and it's not about money, it's about protecting it, and
3 if I get a little emotional you have to realize that
4 it's like part of the family.

5 Thank you for your time.

6 COMMISSIONER NUNEZ: Thank you.

7 MR. NAYLOR: Thank you.

8 (Applause.)

9 MR. RASO: Next speaker is Dennis Sole,
10 Pueblo citizen.

11 MR. SOLE: Good evening, everyone, Chairman,
12 Mr. -- Commissioners, guests, visitors, thank you all
13 for being here tonight.

14 I have really been impressed to -- to learn
15 some of the things of the efforts that have been made on
16 Fountain Creek, and the efforts to -- to work together
17 as a community and communities.

18 I'm a life-long city -- city of Pueblo
19 resident, I -- I grew up paddling around on the Fountain
20 Creek when I was a five-year-old on day camp from the --
21 from the old YMCA. In those days Fountain Creek was a
22 trickle, it wasn't a running concern like it is today,
23 it's changed considerably since then.

24 It was -- it was a safe place for kids to
25 play at that time. We heard rumors of -- of sand

1 escaping under your feet, quicksand and things like
2 that, but we never saw it happen. Today we wouldn't
3 dream of sending our kids to play on Fountain Creek.
4 Wouldn't even think of it.

5 We don't know where it's going to go from
6 here. I think there's a lot we don't know about changes
7 that are going to take place in our environment and the
8 impact that it's going to have on our -- on our
9 infrastructure. Fountain Creek may -- may very well act
10 differently than any of us could project or -- or dream
11 that it may.

12 I don't know what that does to plans to
13 protect Pueblo and other communities from pollution from
14 the escaped sewage leaks, but I am very concerned about
15 that.

16 I want our children to be able to -- and our
17 grandchildren, and their children and grandchildren, to
18 be able to use Fountain Creek for what it naturally was.
19 It was a -- a creek on that prairie, and it was a very
20 valuable resource, an oa -- an oasis for the wildlife
21 that was there.

22 Today it has become something much different
23 than that. I have some concerns about that, I would --
24 I will address those to the Commission here before I
25 leave.

1 I am one of those trout fishermen that's --
2 that's known to be the keeper of a secret. I'm not a
3 die-hard fly fisherman, I don't fish all the time
4 because of some disability, but one of the secrets that
5 I have -- have been entrusted to is to keep the secret
6 that the -- that the Arkansas River, where it goes from
7 Pueblo Reservoir to the confluence with Fountain Creek,
8 is one of the best Brown Trout waters in the state of
9 Colorado.

10 Has anyone here fished that recently?

11 UNIDENTIFIED MALE SPEAKER: (Makes motion.)

12 MR. SOLE: There are some other keepers of
13 the secret. I think it's a secret too well kept, and it
14 is in jeopardy.

15 That stretch of water can very well become a
16 seasonal flow, it can become a little trickle between
17 puddles that is not able to sustain the fishery that is
18 there today.

19 I do not know for sure, but I have been told
20 that there are world-record Brown Trout on that stretch
21 of water. I know of several very reputable trout
22 fisherman who have landed fish that were too big for
23 their dip net, and they lost them in the rocks -- these
24 are catch-and-re -- catch-and-release fishermen -- so
25 they may still be down there, but I have not been able

1 to land one of those fish. But they are there, I assure
2 you. And I would hate to see that fishery become a
3 thing of the past, just as I would hate to see our
4 agricultural heritage become a thing of the past.

5 And I'm not talking about the next 5 or 10
6 years, I'm talking about the change between 50 years as
7 it is from -- from my childhood to now.

8 My grandchildren will be here and -- and
9 living with whatever we do or do -- not do well or right
10 in these processes.

11 When -- when the representatives from
12 Colorado Springs and their associates come and tell us
13 they -- they have done these things and they intend to
14 do this and they intend to do that, I believe that you
15 believe it, but I don't know that you can predict it, I
16 don't know that you can assure us that these things
17 would be right and that they will stay the way that we
18 plan them.

19 I -- I know that there are things that --
20 that can happen that will change regardless of what we
21 intend to do, and I don't want us to be victims to that.

22 I think the most logical thing that I have
23 heard expressed is that the intake for the SDS project
24 should, by all rights, be downstream of the confluence
25 with Fountain Creek. If that were the case, regardless

1 of what else was happening with agreements and -- and
2 contracts and -- and good intentions, the people that
3 are going to be drinking that water that comes out of
4 that intake are going to be very interested in
5 protecting what goes on in Fountain Creek.

6 Therefore, I would ask our Commissioners to
7 assure that if we buy into that project that we look for
8 a confluence and an intake that takes place downstream
9 from that. If that is not possible, if the SDS project
10 cannot that way -- cannot go back to the drawing Board
11 and plan that, well, I would say that -- that that would
12 be unfortunate.

13 But that would be a thing that would come
14 with a great deal of weight and assurance to those that
15 have concerns about this project.

16 I think the other thing that would -- that
17 would have a great deal of impact is if we saw that --
18 that Colorado Springs and its fellow communities had a
19 serious recycling project going on that showed that they
20 were taking care of their own natural resources and
21 putting recycled water to work to -- to water fairways
22 and city parks and things like that.

23 I don't know to what extent you have done
24 that, but that would be the thing that thinking people
25 would do in preparation for this project if you really

1 want to sell it.

2 And if you wanted to come back and put -- put
3 it before this community again and say, "We did our
4 home -- our homework, and we have done the things we
5 need to do to prepare", I think you would have a lot
6 more credibility here.

7 I'm sorry, I did not give my address. I am a
8 Pueblo resident, I live at 1010 School Street, and, in
9 fact, my home is just up on the bluff above the con --
10 confluence of the Fountain Creek and the Arkansas River.
11 We have a little retirement home there, and it's within
12 walking distance of quite a few good fishing holes,
13 that -- I know the cold water that comes through that
14 river at that time sustains Brown Trout. I don't know
15 what will happen if that water goes away, where those
16 fish will go.

17 I think that's enough from me. Thank you.

18 COMMISSIONER NUNEZ: Thank you very much.

19 (Applause.)

20 MR. RASO: The next speaker is Susan Eckert.

21 And I am going to ask, at her request, to
22 submit, for the record, a letter that they had
23 previously provided to the Board, it was dated November
24 24th, 2008, and it was directed to Kara Lamb, at the
25 Bureau of Reclamation, concerning the supplemental

1 information reported on the Southern Delivery System.

2 I would ask that that be marked as Exhibit
3 28.

4 (Exhibit 28 was marked for identification.)

5 MS. ECKERT: Thank you.

6 Good evening, I'm Susan Eckert, and I'm here
7 on behalf of the Rocky Mountain Environmental Labor
8 Coalition. The Rocky Mountain Environmental Labor
9 Coalition is a nonprofit group that's seeking to insure
10 a balance between rapid population growth, labor
11 interests and the preservation of natural environment in
12 the Rocky Mountain Region.

13 RMELC provides a voice for workers in unity
14 to engage their neighbors and public officials on
15 important environmental issues, and we have been
16 involved in the SDS Project before the Bureau of
17 Reclamation and submitted comments on the Supplemental
18 information reported in the EIS.

19 We appreciate the opportunity to speak to you
20 all tonight about this project, and we are very glad the
21 public is getting a chance to get fully engaged in this
22 discussion, because it's a very important
23 decision-make -- decision-making progress -- process
24 that we have before us right now.

25 We also appreciate the efforts of the Pueblo

1 County Department of Planning and Development in making
2 the report available before the hearing so we could
3 review that and incorporate comments on that before the
4 hearing.

5 I have provided extensive comments already
6 electronically to the commissioners, I'm not going to go
7 through those in great detail, but I do want to make the
8 point that RMELC requests the Board deny the 1041
9 application because it's inconsistent with the approval
10 criteria.

11 We also agree with the Department of Planning
12 and Development staff that they cannot recommend that
13 the project go through at this time because there's
14 problems with mitigation. We agree that there are many
15 problems that need to be resolved in mitigation if this
16 is approved.

17 But initially I would like to point out that
18 there shouldn't be a rush to judgment on this project.
19 The Bureau of Reclamation, as many people know, on
20 Friday is going to be issuing -- issuing their final
21 EIS, and it appears that they're rushing this project
22 through in order to get the project in the works before
23 the Bush administration completes its time in office.

24 We hope that the Pueblo County Commissioners
25 won't take that same rush to judgment, will take time to

1 consider all the options, consider all of the evidence,
2 consider all of the information that you're hearing from
3 the citizens before you make a decision about what to do
4 with this application and not get pressured by the --
5 the proponents to stay in a fast-paced, fast-track
6 schedule.

7 In addition, we believe that there are
8 problems with approving the permit application right now
9 because the Bureau has to issue the FEIS, there has to
10 be a record of decision, their needs to be contracts
11 negotiated with the Bureau; and, also, a very important
12 permit is the Clean Water Act Permit, which will come
13 from the Army Corps of Engineers.

14 It would be premature at this time to issue
15 the permit -- the 1041 Permit, because the full scope of
16 the project hasn't been fully finalized and there may be
17 modifications as a result of what the Army Corps of
18 Engineer does, or a change as a result of the FEIS.

19 There are six project alternatives in
20 addition to the one the Applicants have presented to
21 you, and we believe that your decision now may pre-judge
22 which of the seven alternatives will ultimately be
23 selected through the Board process as well.

24 We also see problems with the permit because
25 there's insufficient information about many of the

1 important impacts, there are problems, and you need more
2 information on the degradation of water quality.

3 We've raised the issue before the Bureau of
4 Reclamation -- and it's in my extended comments that
5 we've given to you -- about the problem of newly-flooded
6 reservoirs, the characteristics that were associated
7 with those and Methylmercury. We have presented some
8 studies and reports in our comment that will give you a
9 background on this issue.

10 It hasn't been discussed by the Bureau of
11 Reclamation, and we think it needs to be, and we hope
12 that the Pueblo County Commissioners will consider that
13 issue and think about the problems that -- that may
14 occur because the effluent is coming from water
15 treatment facilities where measured levels of Mercury in
16 the effluent has exceeded permitted levels by nearly
17 threefold at least in 2005.

18 There's a -- related issues of degradation of
19 aquatic life because of the selenium. A recent study by
20 the EPA regarding the effects of selenium on aquatic
21 life concluded that when the Bluegill Sunfish are
22 exposed to levels of selenium such as those that are
23 predicted to come to the Arkansas River Basin as a
24 result of this SDS project, the fish suffered greater
25 than expected adverse effect at lower ambien

1 temperatures.

2 There's also issues about whether the project
3 is going to inappropriately overburden existing waste
4 water treatment capacities.

5 There's -- we think there needs to be much
6 more information about water recycling, as the past
7 speaker just raised. There should be an examination
8 about water reuse, and the -- the -- is this project
9 really focusing on the water efficiency that needs to be
10 there.

11 The Bureau of Reclamation has rejected six
12 alternatives that dealt with reuse, and two of the six
13 would actually have minimized impacts on the environment
14 by employing techniques that would help lessen the
15 impacts on Fountain Creek.

16 We need to consider -- we hope that the
17 County Commissioners will consider these alternatives
18 that were rejected by the Board, and not just out of
19 hand dismiss them.

20 The main issue that they would dismiss quite
21 often is just for cost purposes, and there's some real
22 concerns about cost analysis that was done that are in
23 our comments.

24 There's also issues about environmental
25 impacts on the high-risk areas that were not analyzed by

1 the application. These are the people who are in -- the
2 migrant workers who live on the East Side, they were not
3 identified in the DEIS, and we think that there needs to
4 be an examination of the impact on them and -- in
5 conjunction with this Mercury issue that we've raised.

6 We've also heard comments tonight, and we
7 agree, that there's problems about cumulative impact,
8 that that analysis needs to be done before any permit
9 can be approved.

10 And, of course, the flooding issue that many
11 people have raised, we also see that as a problem.

12 In addition, an issue that will be raised by
13 a speaker after me, the -- from the Colorado Building
14 Construction Trades Council, we believe there are
15 concerns on the economy with regard to labor issues --
16 and the Colorado Building Construction Trades Council
17 will be discussing that further, so I won't go into it
18 now -- but we believe it would be premature to go ahead
19 and approve this permit without looking at the full
20 impact on labor and the type of workers that are going
21 to be used to -- to construct this project.

22 We believe that the project should have some
23 adequate labor standards attached to it. In addition,
24 we recommend a project labor agreement to insure that
25 the -- the workers are safe and it's being done in a --

1 with prevailing wages and is not done by any people who
2 may be undocumented workers.

3 If the -- the Commissioners decide to go
4 ahead and approve this project we want to stress that
5 there needs to be an adoption of necessary conditions
6 with very clear and enforceable requirements, and that
7 any adoption of this will -- will make it very clear
8 that the conditions cannot be just -- as you heard --
9 empty promises.

10 We have a series of conditions that we set
11 forth in our comments, I will read through those so that
12 the public can hear those.

13 Our first condition will be that the
14 Applicant should not be allowed to pump more water than
15 is necessary to meet ongoing present demands of water
16 users to be served by the SDS Project, and it must be
17 subject to clear and enforceable pumping limitations.

18 Our second condition is that the Board should
19 require a creation of a trust fund with preestablished
20 procedures for compensating property owners within the
21 Fountain Creek watershed for negative impacts to the
22 property, including loss and damage to property caused
23 by erosion due to the flows in the Fountain Creek from
24 the CSU facilities.

25 Number 3, the Applicant should be required to

1 prepare the land within these new -- newly-flooded
2 reservoirs to minimize any potential release of Mercury
3 and any other contaminants.

4 Condition number 4, the Applicant should be
5 required to implement by date certain ordinances
6 requiring maximum use of water-efficient appliances and
7 water-wise landscaping.

8 Condition number 5, the Applicant should be
9 required to implement by a date certain land-use
10 requirements to minimize stormwater runoff.

11 Condition number 6, the Applicant should be
12 required to adhere to specified conservation techniques
13 during the construction of the project.

14 Condition number 7, the Applicant should --
15 should be required to maximize the use of renewable
16 energy sources and recycling of waste during the
17 project's operation.

18 Condition number 8, approval must be
19 contingent upon adoption of clear, enforceable labor
20 standards and other such conditions, including such
21 things as a project labor agreement and/or using best
22 value contracting principles.

23 And condition number 9, the Applicant should
24 be required to establish a trust fund to compensate
25 Pueblo County property owners and residents who work,

1 reside or recreate in close proximity to the pipeline
2 route to deal with the nuisance issues that will be
3 created by dust, noise, those kind of things, that will
4 relate to the construction and operation of the SDS
5 pipeline.

6 Thank you for your time and consideration on
7 these issues, and I hope that you will review our
8 detailed comments for the underlying evidence that
9 support these conditions.

10 Thank you.

11 COMMISSIONER NUNEZ: Thank you.

12 (Applause.)

13 MR. RASO: Okay, the next signed speaker is
14 Neal Hall, from the Colorado Building Construction Trade
15 Council.

16 MR. HALL: Good evening, my name is Neal
17 Hall, I'm the Business Manager of the Colorado Building
18 Construction Trades Council, we represent approximately
19 30,000 union construction workers in the state of
20 Colorado, many of those -- around 2,000 of them who are
21 working right here in Pueblo County today.

22 I was born and raised in Pueblo, I am not a
23 current resident, I live in Penrose, Colorado, so I am
24 kind of in between on this project. But I graduated --
25 a proud graduate of Pueblo East High, and Pueblo is

1 still very important to me.

2 My office is in Lakewood, Colorado, and I
3 service the entire state of Colorado.

4 My organization opposes the SDS project as
5 presently proposed in the 1041 application. Colorado
6 Springs Utilities has a long history about how it does
7 its construction projects; besides being openly hostile
8 to organized labor its philosophy is simply to state,
9 "How cheaply can we get this done?"

10 It has shown a lack of concern about quality
11 of the construction and to the effects on the
12 surrounding areas of the labor practices of its
13 contractors.

14 One of the most egregious acts Colorado
15 Springs Utilities has engaged in recently is the hiring
16 of a general contractor that appeared to be using
17 uncertified, illegal immigrants as welders. In 2002 a
18 Colorado Springs Utilities contractor hired several
19 persons who spoke no English and were employed as
20 welders. During that job some were deported back to
21 Argentina; however, these same people showed up on the
22 job a few weeks later.

23 When this information was presented to
24 Colorado Springs City Council it was ignored.

25 It should be noted that the quality of the

1 welding performed by these individuals was extremely
2 poor.

3 There are two parts of the criteria that you
4 must apply that I think are of particular interest to
5 the citizens of Pueblo County. You must conclude that
6 the project will not create an undue financial burden on
7 existing or future residents of the County, you must
8 also find that the project will not significantly
9 degrade any current or foreseeable future sector of the
10 local economy; it is my belief that this project will do
11 both of these things.

12 By operating on the cheapest-is-best
13 principle, contractors hired by Colorado Springs
14 Utilities have lower bids because they do not provide
15 even basic health insurance to their employees. This
16 means that these employees use emergency room services
17 rather than primary care physicians because of the cost
18 of these services and the low wages paid to the workers.
19 The County ends up picking up the overwhelming majority
20 of the costs, this creates an undue financial burden on
21 the county residents.

22 This is especially true of illegal
23 immigrants. Because many of these workers have no ties
24 to the local community, their lifestyles reflect an
25 attitude of take -- of taking what they can and giving

1 nothing in return. Such an attitude damages the
2 community both economically and socially.

3 It is a fair question to ask how local
4 businesses can compete with an entity that hires cheap,
5 illegal workers to do its work. They cannot. Such
6 actions not only degrade sectors of the local economy,
7 they run the risk of driving some companies out of
8 business.

9 It does not have to be this way. With
10 appropriate pre-job requirements and/or transparency
11 during construction most of these problems can be
12 avoided.

13 Recognizing that you have the authority to
14 approve the permit with conditions, let me make a few
15 suggestions.

16 First, requiring that the project be done
17 pursuant to a Project Labor Agreement with the Colorado
18 Building Construction Trades Council will mean that the
19 workers will be highly skilled and legal, they will be
20 paid a living wage and have benefits that will not place
21 a drain on the local services. If not done under a PLA
22 there may be other things that at least address these
23 issues. For example, the general contractor can be
24 required to use the Department of Homeland Security
25 verification system for all employees, including those

1 of its subcontractors, before they are allowed to work a
2 single hour on this project. In order to insure
3 compliance, you could require that the responses from
4 that system be turned over to the County, along with
5 weekly payroll records.

6 To prevent the negative impact of substandard
7 wages and benefits, you could require that all workers
8 be paid the equivalent of the Federal Davis-Bacon Wages
9 and benefits. You would want weekly verification of
10 this fact also sent to the County.

11 You can require that at least 50 percent of
12 the contractors on the project are based in Pueblo
13 County, so that your construction industry is not
14 degraded.

15 While none of these is a -- is as effective
16 and cost-efficient as requiring a PLA, they will help
17 protect the citizens and businesses of Pueblo County as
18 you are required to do.

19 Thank you for your time.

20 (Applause.)

21 MR. RASO: The next speaker is James Colson.

22 (A break was taken for the court reporter to
23 change paper.)

24 MR. COLSON: My name is James Colson, and I
25 reside at 2200 Fallview Drive in Pueblo County, zip code

1 81006.

2 I wish to divulge first that I am a member of
3 the Nature Conservancy, Natural Defenses Re -- Resources
4 Defense Council and the Sierra Club, however, I hold no
5 title in any of these.

6 Colorado Springs has historically diverted
7 water through South Park, and I am suspicious as to any
8 logical reason to take a more circuitous route.
9 Bringing additional water down the Arkansas increases
10 stream levels above historic levels and reduces flood
11 stage capacity; it also increases sedimentation, which
12 will reduce the capacity of Pueblo Dam over time.

13 There is also the additional evaporation that
14 will occur prior to being piped from Pueblo Dam that
15 must be subtracted from their rights to be pumped if it
16 is okayed.

17 The higher altitude that water is put into a
18 pipe the less pumping is required to deliver it at the
19 outlet, saving on evaporation and filtration.

20 Turquoise Lake is about 10,000 feet and Twin
21 Lakes is about 9200 feet, and Colorado Springs is about
22 6,000 feet. How would it make common sense to bring
23 water to Pueblo Reservoir, about 4800 feet, and, then,
24 pump it 53 miles back up to 6,000 feet?

25 As a point of comparison, it is close to 53

1 miles from Trout Creek Pass, elevation 9,346 feet, to
2 Ute Pass, elevation a thousand -- 9,165 feet, which is
3 181 feet lower, giving savings on pumping and sediment
4 filtration.

5 It is my desire that Colorado Springs be
6 denied a 1041 Permit by Pueblo County and Fremont
7 County, forcing them to a more direct downhill route
8 across South Park to deliver cleaner water to their city
9 using less energy that must be produced using
10 atmospheric-polluting methods over a long period of
11 time.

12 If Pueblo County Commissioners choose to
13 honor a 1041 Permit in disregard for a more eco-friendly
14 route, I ask a commitment that Colorado Springs will
15 dredge a volume of silt from Pueblo Dam to equal their
16 average storage.

17 I contacted Bureau of Reclamation today to
18 ask if they had any idea of the amount of silt in the
19 dam, and they said that a study was done in 1993 -- and
20 the dam at that time was about 20 years old -- and they
21 estimated there was three to four acre-feet of silt that
22 was on the bottom, and it is now 15 years after that, so
23 there has to be a minimum of five acre-feet of silt on
24 the bottom of Pueblo Dam that needs to be considered.

25 If this additional water comes into the dam

1 and it exceeds the maximum level, Colorado Springs is
2 going to request a raising of the dam, of which I
3 request that be denied unless they take out enough to
4 cover what they need, even though I am still against
5 giving them.

6 I'm also against the exchange of dirty water
7 for clean water. This -- they should have to clean it
8 to specifications of clean water before discharging it
9 if they want to exchange it. This affects everybody
10 downstream in the lower Arkansas Valley.

11 I'm hoping the County -- Pueblo County
12 Commissioners will consider and respect the excessive
13 damage mankind does to Mother Earth using the SDS.

14 I thank you for your time.

15 COMMISSIONER NUNEZ: Thank you.

16 MR. RASO: Thank you.

17 (Applause.)

18 MR. RASO: The next speaker is Don
19 Schley(sic), he's with Aeon Project Development.

20 MR. SCHLEY: Thank you, Board of
21 Commissioners, for letting me speak in opposition to
22 this.

23 My name is Don Schley, but you've come about
24 as close as most Americans can come to saying it, it's
25 German.

1 I'm from Colorado Springs, southwest corner,
2 they call this "the respectable poor of Colorado
3 Springs". My address is 1512 Lorraine Street --
4 L-o-r-r-a-i-n-e -- Colorado Springs, Colorado 80905. My
5 telephone number is 719-471-1879.

6 I'm a Project Analyst, I'm a Professor of
7 Project Management at Colorado Technical University, I
8 studied the Project Units Aux(phon) in 2003, and I have
9 written a tremendous amount on this, and you can find it
10 posted to my opposition to the Draft Environmental
11 Impact Statement and the Supplement to the Draft
12 Environmental Statement, but I am going to confine my
13 comments here to a few, most of which affect Pueblo
14 County, okay?

15 I'm a soccer referee, I have been a soccer
16 referee since 2000, I am a life-long soccer player. I
17 referee a lot in Pueblo, I do the Pueblo Classic every
18 year and the 3-V-3s that go on down here, I have a lot
19 of friends in Pueblo, so that the issues of safety
20 regard -- in regard to this project are paramount -- and
21 I'll bring them up at the very end -- but that's the --
22 the issue is -- that is really foremost in my mind is
23 the safety of this project.

24 When we consider this we have to consider
25 that both the BOR and Colorado Springs Utilities have

1 dangerously segmented this project to keep the critical
2 elements of PSOP(phon), the elevation of Pueblo Dam
3 ultimately on which SDS is founded, from the public view
4 so that they can drive through this pipeline and the
5 rest of the project in segments.

6 So when you consider this you have to
7 understand that they're trying to get a 1041 for a
8 pipeline, okay? But there are other components of this
9 project, and the major one is the ultimate elevation of
10 Pueblo Dam, which raises real concerns for the
11 community.

12 In my own professional opinion, as a
13 published scholar in ethics, there's a lot of dishonesty
14 that's being carried out on the part of Colorado Springs
15 Utilities and its representatives. The most want -- I
16 will enter into the record, in January of 2005, December
17 of 2004, John Fredell, who's here, entered a Perjure
18 Affidavit in Water Court, Case No. 04-CW-132, in which
19 he claimed that Colorado Springs owns the land on which
20 all the structures for the SDS are located. By
21 structure -- the document further specify the relevant
22 structures in this Application are the exchange to and
23 from points, those exchange to and from points are the
24 proposed Jimmy Camp Creek Reservoir, the majority of the
25 land which is owned by the Banning Lewis Ranch

1 Corporation, not by Colorado Springs or Colorado Springs
2 Utilities, and the proposed Uplands Creek Reservoir,
3 which I understand the majority of which lies under the
4 control of the United States Air Force.

5 This Perjured Affidavit filed in Judge Maes'
6 Division 2 Water Court makes a mockery of the judicial
7 proceedings and the formal legal aspects of this project
8 and the public proceedings together, no one would do
9 this if they had a respect for law. So I want you to
10 take this into account when you consider Mr. Gary
11 Walker's comments about the way he was promised
12 mitigation efforts on his land and what actually has
13 happened as a result.

14 The second thing I have to point up in this
15 regard is that CSU has been very disingenuous or at
16 least inadequate in defining their current configuration
17 of this project. It declares that it intends to use the
18 Outlet Works of Pueblo Dam without modification in some
19 documents, and this is disingenuous because if they use
20 the joint-use manifold, the space in that manifold is
21 already fully committed, okay, to other entities on the
22 Arkansas River.

23 So the question comes back, then, how is
24 Colorado Springs Utilities going to do this? Well, this
25 brings us to the PSOP proposal, the proposal to raise

1 Pueblo Dam by 15 feet to accommodate Colorado Springs'
2 long-term useable storage needs, and this proposes real
3 hazards -- this proposal proposes real hazard to the
4 citizens of the community of Pueblo.

5 The Pueblo Board of Water Works and the
6 Pueblo County Commissioners, the Pueblo City Council
7 need to be aware of these issues.

8 First, one of the first acts of President
9 Carter in 1977 was to commission a study of several
10 Bureau of Reclamation dam products -- projects after the
11 failure of the Teton Dam in June of '76, the dam built
12 with the same technology and construction approach as
13 the Pueblo Reservoir Dam.

14 And Waller concluded that there were serious
15 structural flaws in the Pueblo Reservoir Dam, one of
16 these included both the -- the complete failure of the
17 contractor to put in piezometers, which measures
18 movement in the dam.

19 This is all available in the Waller reports,
20 if you can ever get your hands on a copy of this.

21 The mitigation -- the attempts to mitigate
22 the problems have been rife since 1996. Before the year
23 2000, 64,000 cubic yards of concrete had to be pumped,
24 under pressure, under the main spillway of the dam to
25 stabilize it after stress tests showed that the dam was

1 flexing at the bottom, not the top, like normal dams do.
2 Rock bolts were put into the face of the dam to
3 strengthen it. This is an un -- an unproven technology
4 to strengthen a dam that's weakened by not having a
5 proper foundation.

6 And, finally, a shoe -- I think it's 12 feet
7 high -- was poured at the base of the dam to keep --
8 keep it from kicking out, again in response to tests
9 that showed that Pueblo Dam flexed at the bottom as it
10 filled, not at the top as normal dams do.

11 For the safety of the citizens of Pueblo,
12 okay, and a lot of friends that I have here, this 1041
13 should be denied because of the radical safety
14 implications that lie down the road in this illegally
15 segmented project, a project that has never been
16 considered in terms of its entire impact on the
17 community.

18 I have a -- I have a friend who was in
19 Johnstown, Pennsylvania the first three days after the
20 floods, part of 1977, as part of an American Red Cross
21 disaster relief crew, the first two days were spent
22 trying to find the survivors and after that it was
23 looking for the bodies, often in a state of advanced
24 decomposition.

25 The structural problems with Pueblo Dam

1 documented by the Bureau of Reclamation itself -- Bureau
2 engineers such as John Trojanowski and Mark Speirs,
3 Bureau consultants out of Denver such as
4 world-recognized Sports Ublocker(phon) and others --
5 showed that the Pueblo Dam is not a good candidate for
6 rai -- for being raised.

7 And because of Colorado Springs' reliance on
8 the Pueblo Dam and the raising of it as a key -- as a
9 key aspect of this project -- even though they have
10 segmented this project to hide that element -- this 1041
11 needs to be denied.

12 I will address briefly -- because I think
13 Gary Walker did a better job than I can -- the fact that
14 as Frank Milanowski, a long-time resident of the county,
15 and rancher and water expert, documented in his book in
16 the '90s, the pipeline route that has been chosen is
17 unstable and hazardous to the environment. The last
18 time a pipeline was put across this route it took five
19 years to build a pipeline 38 miles, which is
20 exceptional. The line broke once, it could not be
21 repaired for 19 months; the content erosion affected Mr.
22 Walker's ranch.

23 This is all a matter of documentation, and
24 I've given the supplemental information to the Bureau of
25 Reclamation for the Draft Environmental Impact Statement

1 so that these documents will be included in the official
2 administrative record, so that the BOR and Colorado
3 Springs Utilities can't hide behind the claim that these
4 aren't part of the official administrative records.

5 So I'm a resident of Colorado Springs, but I
6 have a lot of friends down here, and I'm doing this
7 because it really does not benefit Pueblo and the
8 long -- no matter what control Pueblo might gain over
9 Colorado Springs' growth, the long-term potential for
10 harm to the community of Pueblo, and my friends who live
11 here, is very high, and I think the Board of
12 Commissioners needs to take this seriously.

13 Finally, I think you have to note -- we have
14 to note that the Bureau of Reclamation noted in March
15 2006, in it's Alternatives Analysis Report on the
16 Southern Delivery System, that there are three extreme
17 criteria, the project must be legal, it must be
18 technically feasible -- I point out that the raising of
19 Pueblo Dam is problematic where technically feasible is
20 concerned -- it must use existing technology, and
21 finally, it must not require federalization -- federal
22 legislation.

23 Per the criterion of the analy -- legality in
24 the case the SDS has proposed, the construction's
25 obligations are set forth in the 2004 IGAs. The

1 agreement the IGAs made by Colorado Springs were
2 probably illegal because the City Charter of Colorado
3 Springs reads, "The Council shall not sell, convey or
4 lease any or -- all or any substantial part of the
5 property of utilities."

6 It says, "Or any utilities department without
7 an affirmative vote of the electors of the City."

8 And, so, agreements were made curtailing
9 Colorado Springs' fundamental water rights.

10 Now, further agreements look to be made to
11 provide flows from Colorado Springs' riparian water.

12 So I would -- I would advise you that there
13 are serious legalities that on -- about what Colorado
14 Springs Utilities has been doing to drive this project
15 through, like they compromise all the efforts you have
16 made to work with these people.

17 No vote of the electors on any of this has
18 taken place. The Gazette is not as diligent as Jane and
19 Bob Rawlings' paper, The Chieftain, in reporting on
20 water, so nobody in Colorado Springs even knows what has
21 been done here.

22 I'll conclude my remarks with that and thank
23 you for giving me the time to speak on that.

24 And, again, I am doing this because I have a
25 lot of friends in the Pueblo community whose lives I

1 want to be spared from the potential disaster that
2 Colorado Springs' SDS program potentially entails for
3 them.

4 Thank you.

5 COMMISSIONER NUNEZ: Thank you.

6 (Applause.)

7 MR. RASO: Next speaker is Amber Autobee.

8 MS. AUTOBEE: Hello. My name is Amber
9 Autobee, and, for the record, I think it's very
10 important -- my address is 1133 East Industrial
11 Boulevard, Pueblo West, Colorado 81007.

12 And if you approve this project we no longer
13 have a home. We don't have the option of just coming
14 into our landscape, we don't have the option of going
15 around or under, we no longer have a home.

16 In no presentation that we saw on Tuesday did
17 it say where -- what were we going to get out of it,
18 like Mr. Walker said, and who's going to protect us.

19 Right now we keep hearing fair market value,
20 fair market value will probably not cover our home loan.

21 Who will help us? Who will protect us to
22 make sure that we have a place for our four children,
23 ages 4, 6, 7 and 8?

24 I am a life-long resident of Pueblo County,
25 my fiance is a life-long resident of Pueblo West, the

1 home is less than three years old. And I keep saying
2 "home" because it's not just the house that will be
3 destroyed, it is our home, and it was built by family
4 members, brothers, a father, friends that took over 11
5 months. Every single framing Board that was put up was
6 put together by a family member, every piece of tile
7 that was laid was done personally.

8 Please take this in consideration and make
9 sure that the family members and the residents of Pueblo
10 West, when you make your decision, are wholeheartedly on
11 top of your list to make sure that we are taken care of.

12 Thank you.

13 COMMISSIONER NUNEZ: Thank you.

14 (Applause.)

15 MR. RASO: Next speaker is Willie Olsen.

16 MR. OLSEN: My name is Willie Olsen, I reside
17 at 110 Ash Avenue in North La Junta, Colorado 81050.

18 I appreciate you letting me talk on this
19 deal. I am strictly against the SDS. I've watched the
20 deal with the Fountain Creek since the '60s, and it's
21 all been -- well, it's kind of like my late father's
22 saying, "Talk is cheap, but it costs money to buy
23 whiskey", and that's the way it's been with Colorado
24 Springs, even after the 2004 IGA agreement was signed.
25 Prior to the signing of that Colorado Springs promised

1 mitigation, within 10 days they withdrew that. So why
2 would we want to trust Colorado Springs in any respect
3 on the SDS?

4 On the water quality, in The Pueblo
5 Chieftain, on May 28, '08, page 2A, quotation, "The
6 alternatives downstream of the Fountain confluence at
7 the Arkansas River, because of increased salinity of
8 water treatment costs, would be too -- would be higher,
9 particularly the energy costs of running a reverse
10 osmosis membrane plant." This quote takes -- statement
11 was made by Mr. John Fredell.

12 Spokeswoman for Colorado Springs sometime
13 back, probably less than a year, spoke for the Colorado
14 Springs street department, said on a local television
15 station at five in the morning, in Colorado Springs,
16 that salt in the salt-sand mix for the streets was
17 increased from 6 percent to 20 percent at one time;
18 however, it would not affect the water quality. I saw
19 this two times on TV, and also saw it in -- in writing.

20 The Bureau of Reclamation, in La Junta,
21 meeting earlier this year, BOR consultant, hired at
22 taxpayer's expense, said, after I told her about the
23 increase in -- of the salt content in the water -- in
24 the salt-sand mix that eventually goes into the water,
25 she -- she said, "Oh, they sweep that up."

1 I said, "What?"

2 She said, "Yeah. Oh, they -- yeah, they --
3 they sweep that up."

4 I said, "Salt melts."

5 She said, "Tell it -- talk to the court
6 reporter."

7 I said, "I already have."

8 Colorado Springs has the Bureau of
9 Reclamation in their back pocket, and that's definite.
10 Water quality and flooding. Eight inches of
11 rain in El Paso County and Colorado Springs fell -- I
12 believe it was 8 inches, I could stand to be corrected
13 on that -- and caused -- was a direct cause of the flood
14 in North La Junta which ruined part of my seven rental
15 properties to beyond repair because they don't have --
16 didn't have stormwater control.

17 I had to -- like 30-plus old cars, some of
18 them collectors -- like '57 Cadillacs and Chrysler --
19 '65 Chrysler Convertible and things like that -- that
20 still have mud in them. I had too much to do to clean
21 all this. We had a lot of help and family help and all
22 that, but we had too much to clean all of it.

23 And a good share of these have already gone
24 to the wrecking yards to be crushed.

25 Thurston pushed the 2004 IGA agreement

1 through.

2 Gilbert Ortiz(sic), at the televised meeting,
3 said he didn't know much about the agreement as he was
4 new. I talked to him by telephone prior to the
5 voting -- this was after many attempts to call him -- he
6 returned my call and said he was going to vote for it.
7 Now he's Pueblo County Clerk, I wonder about that.

8 After the meeting prior to IGA vote -- vote I
9 talked to Dr. Bill Sova about my concerns of water
10 quality, and he said, "I don't care what they dump in
11 the Fountain."

12 I said, "In the old days Colt and Winchester
13 would have made that decision."

14 Bill Sova quickly sat down.

15 Corps of Engineer meeting -- at the meeting
16 about a month ago I talked -- or within the last month,
17 I should say -- I talked to one of the men that was
18 involved with the Bureau and told him I was concerned
19 about the Pueblo Dam safety, that it was an earth-filled
20 dam and it was built on a fault, he said -- acted like
21 he didn't know anything about that. He said BOR has
22 total control of -- of Pueblo Dam and have their own
23 safety inspectors, and that's like the fox guarding the
24 chicken house, you know.

25 Enlargement of the dam -- eliminate the

1 enlargement of Pueblo Dam by using the dam -- dams and
2 reservoirs on the Fountain Creek, the reuse of all of
3 the Fountain Creek water by Colorado Springs in place of
4 the SDS.

5 Colorado Springs says they own 85 percent of
6 the imported of the water -- 85 of -- percent of which
7 is imported, and can be used to extinction. No water
8 from the Fountain Creek should enter the Arkansas River,
9 and any water that they're not entitled to over that 85
10 percent should be sent on down the Arkansas River
11 Valley, wherever they take the imported water from and
12 as they need it later they can figure out some way to
13 get -- to get that.

14 And as far as the mitigation deal, that's
15 always been a joke to me. One example is the DOW on
16 rein -- reinstating the wolves in the United States.
17 The ranchers up there have lost cattle and calves to the
18 wolves, but unless they can prove that the wolf was the
19 one that killed it they don't get reimbursed for it.
20 And I don't believe the wolves probably leave a note
21 that they did it, I don't know.

22 Back on -- Colorado Springs has never been a
23 good neighbor as far as the Fountain Creek. They've had
24 numerous spills, and early on -- until the EPA finally
25 came down on them -- they were actually flushing their

1 sewer system and leaving valves open and so on like
2 that, and it hasn't been all that long ago that a valve
3 was left open and 13 million gallons of sewage,
4 partially treated and some untreated, was released into
5 the Fountain, and we got all that down -- clear down
6 to -- well, it's going to go clear on down through
7 Kansas to the end of the Arkansas before it's all over
8 with.

9 And we also stand to take a good beating from
10 Kansas over this, over just the water quality alone.

11 If Colorado Springs reuses all of the water
12 that comes down the Fountain Creek with dams along the
13 way and run that off into reservoirs, recycle it and
14 reuse it, and -- that will eliminate a lot of these
15 spills because they -- they'll make sure there's no
16 spills or no sewer flushing if they know they're going
17 to be reusing that water.

18 This water can be exchanged in a paper trade,
19 and the important water can be sent down the Arkansas
20 River from where it's em -- where it's brought into the
21 Arkansas.

22 I think that about covers what I have to say.
23 I'm against anything to do with the SDS and I'm hoping
24 that they do not approve the 1041 Permit.

25 And I thank the Commissioners and all of you

1 ladies and gentlemen for listening to my gripe. Thank
2 you.

3 (Applause.)

4 COMMISSIONER NUNEZ: Thank you.

5 MR. RASO: Next speaker is Marilyn June.
6 Marilyn June? Oh.

7 UNIDENTIFIED FEMALE SPEAKER: She's coming.

8 MS. JUNE: Good evening. I don't know about
9 the rest of you, but I am all done in and I'm really
10 kind of overwhelmed by some of the things that I have
11 heard to the point where I think that everybody involved
12 with this SDS and the pipeline -- I think that there --
13 well, there's been, what, \$50 million already spent on
14 studies and surveys, \$50 million, and I've been asking
15 everybody -- of course, the -- our elected officials in
16 Pueblo -- I live in Pueblo, by the way, Pueblo County --
17 and I can't get any answers from a -- for any -- any
18 answers to my questions from my elected officials, and I
19 think there should be a new study and a new survey.

20 Actually, who's going to benefit from this
21 pipeline? And I heard some gentleman -- some gentleman
22 from Colorado Springs mention the fact that they've been
23 interested in this situation and wanted to do something
24 about it for -- you -- I think the -- 1997 was
25 mentioned. So I feel that this has been long, long in

1 the planning, and not to do with the Fountain Creek, the
2 Fountain Creek is just a -- an annoying side subject of
3 the land development. 24,000 acres suddenly appear for
4 annexation for -- 24,000 acres of subdivisions in
5 Pueblo, 24,000 mile -- 24,000 more subdivisions in
6 Colorado Springs, 48,000 acres of subdivisions? Oh,
7 please, this is what this is all about, land
8 development.

9 I see some people agreeing with me out there.

10 And who is going to benefit from this land
11 development? Who has vested interests in this land
12 development? And this is what we need, another study,
13 survey to find out who's going to benefit, who's doing
14 what and -- and so forth.

15 And I -- I do have a quote from The
16 Chieftain, their editorials, one of them states -- from
17 11 -- 11-16-08 -- "Colorado Springs keeps trying to
18 evade responsibility" -- this is not -- these are not my
19 words, so don't come and look for me or something, I --
20 I don't want to be floating down the river -- okay,
21 "Colorado Springs" -- this is a quote from The
22 Chieftain -- "keeps trying to evade responsibility for
23 deplorable conditions on Fountain Creek while it pushes
24 for a new water pipeline that would only make matters
25 worse."

1 Well, huh-uh, this editorial leaves out our
2 elected officials here in Pueblo, it should say, "Pueblo
3 and Colorado Springs keeps trying to evade
4 responsibility", so forth and so on, for the conditions
5 on Colorado -- on the -- on the whole thing.

6 There was a water commission -- oh, and, by
7 the way, the -- the County -- we have County
8 Commissioners, I have tried to speak with them on any
9 number of issues, there's no way to reach any of them.

10 And as far as the City Council goes, they
11 have absolutely non -- they might as well be on Mars as
12 far as their -- as far as their relationship with their
13 constituents. There is no reaching any of them about --
14 and we don't have any say-so about anything, and this --
15 okay, I -- I'm digressing here.

16 Why don't we have any say-so about this --
17 this whole thing? We just -- we just don't, and --
18 anyway, back to -- back to another editorial, 11-30-08,
19 from The Pueblo Chieftain, quote, "Pueblo City Council
20 and the Board of Water Works have ruled themselves out
21 from protecting Pueblo citizens' rights and safety."

22 All right, so where does that -- where does
23 that leave us? Where does that leave us? I think that
24 the only solution is an investigation of everybody
25 involved with this entire situation, and I don't think

1 it'll cost 50 million more dollars to do that, but that
2 is a -- one of my suggestions.

3 And I'm almost done, 'cause I think we --
4 we're all exhausted. I know I am.

5 And let's see, did I forget something? I
6 forgot a lot of things. Let me see.

7 On, yes. I don't know if you know this or
8 not, but Pueblo County is the poorest county -- forgive
9 me if I'm emotional, because I think that this is
10 absolutely a disgrace -- I don't want to live in the
11 county that's the poorest in the entire state of
12 Colorado. And have our elected officials even addressed
13 this -- any of this issue? They've gone further than
14 that, they've made sure that it gets poorer by the day
15 with -- with their extra fees, fines, licenses and
16 taxes, and totally ignoring the people downstream,
17 middle stream and -- and everything. So as far as being
18 the poorest county in the entire state, this is ignored,
19 just like we, the people, are being ignored on this
20 issue.

21 And I do have a lot more to say but I'm
22 not -- I am going to do everybody a favor and just --
23 thank you very much.

24 COMMISSIONER NUNEZ: Thank you.

25 MS. JUNE: Thank you.

1 (Applause.)

2 MR. RASO: Next speaker, Carolyn(sic) Mc --
3 Carol McDaniel.

4 MS. McDANIEL: Hi, my name is Carol McDaniel,
5 and I just wanted to let everybody know here that it's
6 very, very sad to see the deprivation of our environment
7 and the things that human beings do to it to line their
8 pockets. You know, we live 50, 75, maybe a hundred
9 years if we're lucky, blessed, whatever you want to call
10 it, but everybody that comes behind us and all of our
11 children and our grandchildren and great-grandchildren,
12 what -- what do we leave for them? What do we leave for
13 everybody else? I mean, life isn't about the almighty
14 dollar and lining our pockets with silver and gold, you
15 know, it's about principles and morals and
16 responsibility and integrity.

17 You know, tonight is my birthday, and I'm
18 sitting here with everybody here on my birthday over
19 these issues, and I couldn't think of a better place
20 that I would rather be than to stand up for the things
21 that are right and just.

22 Our community is one of the poorest
23 communities, we have families working two and three
24 jobs; and what Marilyn said about increased fines, those
25 that make 40, 30, 20,000, 70,000, a hundred thousand a

1 year, that's nothing to them, but for the families that
2 don't even have money for a loaf of bread -- and,
3 believe me, I've been there -- it's a lot.

4 You know, I wanted to leave something
5 lighthearted for everybody but something that might just
6 penetrate in everybody's heart, and, if you guys do not
7 mind, I know there's a child in each of us, and God gave
8 me a children's song that I wrote a number of years
9 ago -- I haven't got it recorded yet, but it will be --
10 and I wanted to share that song with you right now
11 because it's lighthearted, and I want you guys to think
12 about it because it affects everybody and the whole
13 world and the whole earth. It takes about
14 two-and-a-half minutes, and I believe it really says a
15 lot.

16 So I'm going to sing this song on my birthday
17 to you after spending three hours here with you guys
18 because this is my voice over all these issues.

19 The song is called "Cat Sandbox". We're
20 living in a world on a planet in this universe. Better
21 take care of this earth that we call our "home" 'cause
22 we're living in a cat sandbox. Mmm, yeah, cat sandbox.
23 If we trash it out we better clean it up for the future
24 generations, for the children of this world.

25 Dah, dah.

1 We need clean air to breathe, got to find a
2 new way to live, stop polluting this earth if you want
3 to hear the leaves of the trees dancing in the wind.

4 Bmm, bmm, bmm, bmm, bmm, bmm, ba-dah, bmm,
5 bmm, bmm, bmm, bmm.

6 If you want to hear the leaves of the trees,
7 I said if you want to hear the leaves of the trees
8 dancing in the wind.

9 We're living in a world on a planet in this
10 universe. Better take care of this earth that we call
11 our "home", 'cause we're living in a cat sandbox. Mmm,
12 yeah, cat sandbox. If you trash it out you better clean
13 it up for the future generations, for the children of
14 this world.

15 Dah, dah.

16 We need clean air to breathe, got to find a
17 new way to live, stop polluting this earth.

18 Bam.

19 Okay, you guys have a great evening.

20 (Applause.)

21 MR. RASO: Next speaker, Dave Miller.

22 MR. MILLER: Thank you, Commissioners. I'm
23 Dave Miller, at 3855 Highway 105, Palmer Lake, Colorado.
24 I'm also President of National Energy Resources Company,
25 we're a water and energy planning firm.

1 I would like to address a couple of
2 fundamental issues that are seriously overlooked. One
3 of them being that in the initial scoping process, which
4 is required by the National Environmental Policy Act,
5 you're supposed to consider all reasonable alternatives;
6 and, unfortunately, because of some experiences Colorado
7 Springs suffered for, basically, 30 years, trying to
8 develop the Homestake II Project -- ironically, it was a
9 1041 process that finally convinced -- in Eagle
10 County -- that finally convinced Colorado Springs that
11 they were -- had almost an impossible situation -- so,
12 basically, Colorado Springs decided to reuse its
13 existing transmountain rights and, so, the scope of the
14 EIS was written so that the alternatives they could
15 consider were only those that could be developed with
16 existing transmountain rights.

17 Until the early 1990s Col -- the State of
18 Colorado has always had a policy of priority development
19 of its Interstate Compact entitlements, mainly the
20 Colorado River. We're entitled to 3.8 million acre-feet
21 and we're only using about -- and have been for the last
22 50 years -- about 20.2. We really haven't developed
23 anything in the last 30 years, 34 years.

24 And this is a fundamental fault with this EIS
25 to begin with. We really should have been looking

1 primarily at the Gunnison.

2 Many -- many of you probably don't realize
3 that back when the Big Thompson Project was first
4 conceived there was another big project called the
5 "Gunnison-Arkansas Project", which it was designed to
6 bring in 450,000 acre-feet from the Gunnison without
7 impacting any west slope water rights, and, as a result
8 of that effort, there was going to be a long pipeline
9 from Alma into the Arkansas, and farming was going to be
10 expanded big-time and -- in the Arkansas. And that
11 really didn't happen.

12 But Wayne Aspinall -- Congressman Wayne
13 Aspinall, in 1956, was responsible for the Colorado
14 River Project Storage Act, and he is the one that
15 authorized the Aspinall Units -- or Aspinall Reservoirs
16 and the Aspinall Marketable Pool of 300,000 acre-feet
17 that should be developed for Colorado state-wide
18 consumptive needs.

19 Unfortunately, in -- in as late as 1988 the
20 Bureau did some studies for the State of Colorado
21 showing there was 19 different transmountain
22 alternatives using Bureau -- the Bureau's Aspinall
23 Marketable Pool entitlements for the east slope needs,
24 and, unfortunately, this study was never completed
25 because of political pressures; and from that point on

1 it became almost impossible to develop at least a
2 million two acre-feet of water that this state's
3 entitled to, but it's flowing out to California, Arizona
4 and other growth areas.

5 So this is a fundamental flaw in the EIS to
6 begin with. They should have considered new water, not
7 reusing old water, and the -- by using old water it's
8 going to decrease the flows through Pueblo County, it's
9 going to decrease farming, and it's going to get us in
10 deep trouble with Kansas again, especially in the water
11 quality area. So we basically are creating a -- a
12 tremendous problem.

13 The other fundamental thing is that there is
14 a -- a water project, it's called a "Central Colorado
15 Project", it's a -- it's an idea that we've been working
16 on for 20-some years, it -- it originally was owned by
17 Arapahoe County for a while, but it was -- at that point
18 was a very small, minor project, only for south Arapahoe
19 County.

20 We got the project back after they worked
21 through the water courts and were defeated in the
22 Colorado Supreme Court, because they were trying to get
23 a new right over and -- over the Aspinall Pool right,
24 which was already there. They didn't really have to go
25 through that 12-year water court case.

1 So the -- the -- we -- we got the project
2 back and we continued to work on it, and we -- just
3 about 17 months ago we came up with a breakthrough
4 concept of storing the Aspinall Pool at high altitude
5 where it can be used for multiple river basins. It's a
6 much different concept than a reservoir, and the -- the
7 whole idea of this project will store renewable water
8 during their heavy runoff months when you can pump it.
9 You can use surplus energy -- because there's a lot of
10 surplus energy in the spring runoff time when you're not
11 using much for cool -- cooling or heating throughout the
12 western region -- so you use basically low value energy
13 to pump water up high, but you also use reversible pump
14 generators to increase the productivity of energy and to
15 have -- if we're going to reach 20, even 50 percent of
16 renewable energy goals -- this is spreading type energy
17 and you've got to be able to store it.

18 So we're talking about a system that will
19 store both water and energy at high altitude, and it --
20 it's low value when you -- before you store it, but once
21 it's up there then it can be used as a -- in a case of
22 the energy, this energy can be released through
23 reversible pump generators and it will be a way of
24 preventing brown and blackouts throughout the whole
25 Western United States using this new renewable energy

1 that we're creating.

2 So -- and -- and it's a similar concept of
3 water -- nobody has ever thought of this before -- but
4 we're talking about being able to wield water throughout
5 the -- throughout Colorado, six major river basins --
6 the Gunnison itself, the upper Colorado, the South
7 Platte, the Republican, the Arkansas and the Rio
8 Grande -- and by doing this you're -- you're taking a
9 million two acre-foot new storage on the Continental
10 Divide, that storage would -- is really equal to about
11 10 to 20 million acre-feet, and what it can do for the
12 whole state, and even downriver states.

13 And I've got -- I've got a -- a seven-page
14 handout here which touches on all of the benefits, I
15 don't have time to go through all of that, I suggest
16 that all of you get a copy of this, it'll give you a
17 general feel (indicating).

18 But, basically, my -- my recommendation is --
19 well, first, let me touch on one point that was brought
20 up about dam safety. One of the experts that was
21 mentioned in -- when this gentleman talked about safety
22 was a gentleman by the name of "Ublocker", he's one of
23 the top dam safety experts in the world, and he -- he
24 agrees that -- and, in fact, there's a Department of
25 Interior study which says that Pueblo Dam cannot be

1 modified or increased to handle more than 55 percent of
2 the problem maximum flood, and the project that we're
3 talking about with having additional storage at high
4 altitude, it can be operated to relieve that situation.

5 But right now Pueblo Dam -- this valley could
6 lose up to 13,000 lives if Pueblo Dam fails. And this
7 is a real consideration.

8 The Colorado Springs SDS is not an -- an
9 efficient system at all if you can't enlarge Pueblo Dam.
10 Pueblo Dam enlargement should have been considered in
11 the EIS in the first place, somehow it got segregated
12 out, I think that's a violation of national laws
13 actually, because you -- you're supposed to consider all
14 aspects of a -- of a water project.

15 So I -- I think I'm going to close on that
16 point, but we've got a -- we've got an alternative where
17 you could actually reduce -- by creating -- increasing
18 the productivity of both water and energy resources
19 throughout six major river basins we can actually reduce
20 consumer costs, we can improve safety, we can enhance
21 the environments, we could save farming, we can protect
22 Nebraska and Kansas, and my recommendation is the County
23 Commissioners slow this process down, within a few
24 months you could do a system-wide modeling to show the
25 benefit cost ratios. We're talking about benefit cost

1 ratios as high as 10 to 1, the best water project ever
2 conceived in the west is 2 to 1. So we're talking about
3 a major breakthrough, and you can get a feel for it in
4 this handout I've got right now (indicating).

5 Thank you very much, and I appreciate your
6 listening.

7 COMMISSIONER NUNEZ: Thank you.

8 (Applause.)

9 MR. RASO: That concludes the -- at least
10 those speakers who signed up, is there anyone else
11 present who wants to speak in opposition?

12 Mr. Alt?

13 (A break was taken for the court reporter to
14 change floppy disks.)

15 MR. ALT: Thank you very much for your
16 patience, and thank you very much for the opportunity to
17 say two words.

18 My name is Bill Alt --

19 MR. RASO: Bill, your mike's -- it's not
20 working. Bill, your mike isn't working, let's see if we
21 can get it fixed.

22 MR. ALT: You want me to go over to the other
23 one?

24 COMMISSIONER NUNEZ: Yeah, if you could,
25 Bill, please.

1 MR. ALT: (Complied.)

2 Once again, my name's Bill Alt, and I'm a
3 long-time resident of Pueblo County, and President of
4 the Turkey Creek Conservation District, which covers the
5 valley from the county line to the confluence.

6 My constituents encouraged me to send you a
7 letter, which you have for your records, and I hadn't --
8 I had planned to let that stand as the Turkey Creek
9 comments here this evening; however, I do want to say
10 one more thing that wasn't in that letter.

11 The -- the -- the constituents of Turkey
12 Creek still believe that the river -- we call it a
13 "river" -- they call it a "creek" in Colorado Springs,
14 but we call it a "river" -- has too much water in it,
15 has for -- since the '50s, and that is a concern to us.

16 However, that being said, the thing -- one of
17 the things that wasn't mentioned in my letter is the
18 fact that nonnative waters that run down the Fountain
19 watershed create all kinds of extra vegetation in the
20 stream bed and in the riparian areas alongside it, and
21 this is a -- a serious concern since most of those
22 plants are noxious weeds and on the state noxious weed
23 list. I'm talking about tamarisks for one thing, and
24 Russian Olive for another.

25 And the reason that's a concern is not only

1 do they suck up a lot of water which we could use other
2 places, but they also tend to come loose in a flood, and
3 they come loose and they wedge up against big
4 cottonwoods, and because of that added resistance to the
5 flow that big cottonwood falls over and, then, it starts
6 floating down the river, and these cottonwoods and these
7 other smaller vegetative plants combine in the center of
8 the -- of the stream bed during those flood events and
9 divert the river one way or another, and you can never
10 predict which way it's going to go.

11 Further, those are a cause of significant
12 structural threat to bridges and approaches to bridges,
13 because that vegetation wedges up against bridge
14 abutments and structures and cause bridges to fail.

15 Certainly that was the case in the case of
16 the 1965 floods of the Pinon Bridge.

17 This last flood in '99, we're not real sure
18 what happened to the Pinon Bridge, we can't even find
19 it.

20 But I would like to encourage the
21 Commissioners to include in a mitigation effort the
22 control of those noxious weeds in Fountain Creek.

23 There -- this could -- any monies that could
24 be applied to that would be leveraged by other federal
25 and state and even local funds to further control those

1 weeds.

2 And I think this would be good for Colorado
3 because it would save water if we get rid of a lot of
4 that tamarisk; it would also be good for Pueblo County
5 because those weeds have seeds, they're in the water,
6 they go downstream, they pollute the fields and the
7 riparian areas in the -- in the Arkansas. And, so, I
8 think it would be a -- to everybody's benefit to -- to
9 control those weeds.

10 And I think that Pueblo County would be very
11 cooperative with El Paso County and the utilities people
12 if they want to work on that project. And I would offer
13 my service in that regard as well.

14 So with that I think it's time we all went
15 home.

16 COMMISSIONER NUNEZ: Thank you, Bill. Thank
17 you.

18 (Applause.)

19 COMMISSIONER NUNEZ: At this time I would
20 like to thank everyone for coming out, I would like to
21 thank Mayor Rivera and Vice Mayor Small for being here.

22 I will now direct the Pueblo County staff, in
23 accordance with your recommendations to us, to
24 immediately start developing mitigation conditions in
25 this process. We expect that you will discuss these

1 issues with the Colorado Springs Utilities staff for the
2 application.

3 So thank you very much.

4 Mr. Raso?

5 MR. RASO: Yes.

6 These hearings will be continued to December
7 29th, 2008, commencing at 6:00 p.m. here in this same --
8 in the same place. Once again, to December 29th, 2008,
9 at 6:00 p.m. in the same place.

10 The -- we'll put out another agenda, and The
11 Chieftain's been very cooperative in getting some
12 articles out on that, but generally what we will be
13 re -- considering at that point -- Colorado Springs has
14 a opportunity to offer a rebuttal case, and they've
15 indicated that they would like to submit that in
16 writing, but that they will be here to answer questions.

17 The Board would also ask that our staff be
18 here for questions, and certainly any members of the
19 public that would like to be here will be welcome also.

20 Thank you.

21 COMMISSIONER NUNEZ: We stand adjourned.

22 (The meeting was adjourned at the hour of
23 9:34 p.m.)

24 * * * * *

25

C E R T I F I C A T E

STATE OF COLORADO)
) ss.
COUNTY OF PUEBLO)

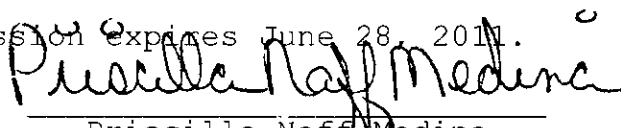
I, Priscilla Naff Medina, a Professional Court Reporter and Notary Public within and for the State of Colorado, do hereby certify that previous that said proceedings were taken in shorthand by me at the time and place heretofore set forth, and was reduced to typewritten form under my supervision;

That the foregoing is a true transcript of the proceedings had;

That I am neither attorney nor counsel, nor in any way connected with any attorney or counsel for any of the parties to said action, nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of December, 2008.

My commission expires June 28, 2011.


Priscilla Naff Medina
Registered Professional Reporter
Notary Public

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