

## Wallingford-Ingo, Gail

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**From:** Larry Swisher <lswisher555@gmail.com>  
**Sent:** Wednesday, November 27, 2019 1:03 PM  
**To:** Wallingford-Ingo, Gail  
**Subject:** Re: Form submission from: Contact Gail Wallingford-Ingo  
**Attachments:** Pueblo BOCC Nov 26 Presentation.pdf

Ms. Wallingford-Ingo,

Thanks for the quick response. Attached is a PDF version of the presentation I made during opponent testimony for 1041 2019-003. Well, I speed read through the first two pages.

Rules are rules and without time limits, these public hearings would become a free for all. That being said, "views" became a hot topic and on page three I did get around to how it's all about whose ox is getting gored.

Please free to contact me if any further information would be helpful for the Commissioners' deliberations and decision making.

Happy Thanksgiving.

Larry Swisher  
Penrose, CO

> On Nov 27, 2019, at 12:32 PM, Wallingford-Ingo, Gail <gailwi@pueblocounty.us> wrote:

>

> Mr. Swisher:

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> Please send the .pdf transcript to me via email and I will contribute it to the file as well as provide it to the appropriate entities.

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> Gail L. Wallingford-Ingo

> Deputy Director / Interim Director

> Department of Planning and Development

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> Department of Planning and Development

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> [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_county.pueblo.org\\_planning&d=DwlFaQ&c=wg1N6ZAH9HKASN9rnHAE79c7I1ziG5DBWbThRDmG7Lg&r=tpEPZ5cMuUj3cqr52mu9F29vRQBIEFVx3H9SuSeGB14&m=Jldkmc4i4PND53Zs0phpTj4kdrItX-hMIIwXltOiqGg&s=\\_NBMV6ceGrqZYI9k3c2dlt0uROhhQVUVSAXKhrNQpNI&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__county.pueblo.org_planning&d=DwlFaQ&c=wg1N6ZAH9HKASN9rnHAE79c7I1ziG5DBWbThRDmG7Lg&r=tpEPZ5cMuUj3cqr52mu9F29vRQBIEFVx3H9SuSeGB14&m=Jldkmc4i4PND53Zs0phpTj4kdrItX-hMIIwXltOiqGg&s=_NBMV6ceGrqZYI9k3c2dlt0uROhhQVUVSAXKhrNQpNI&e=)

> [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_county.pueblo.org\\_planning&d=DwlFaQ&c=wg1N6ZAH9HKASN9rnHAE79c7I1ziG5DBWbThRDmG7Lg&r=tpEPZ5cMuUj3cqr52mu9F29vRQBIEFVx3H9SuSeGB14&m=Jldkmc4i4PND53Zs0phpTj4kdrItX-hMIIwXltOiqGg&s=\\_NBMV6ceGrqZYI9k3c2dlt0uROhhQVUVSAXKhrNQpNI&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__county.pueblo.org_planning&d=DwlFaQ&c=wg1N6ZAH9HKASN9rnHAE79c7I1ziG5DBWbThRDmG7Lg&r=tpEPZ5cMuUj3cqr52mu9F29vRQBIEFVx3H9SuSeGB14&m=Jldkmc4i4PND53Zs0phpTj4kdrItX-hMIIwXltOiqGg&s=_NBMV6ceGrqZYI9k3c2dlt0uROhhQVUVSAXKhrNQpNI&e=)

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> Notice: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

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> -----Original Message-----

> From: Pueblo, Colorado [mailto:webadmin@pueblo.org]

> Sent: Wednesday, November 27, 2019 7:49 AM

> To: Wallingford-Ingo, Gail <gailwi@pueblounty.us>

> Subject: Form submission from: Contact Gail Wallingford-Ingo

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> Submitted on Wednesday, November 27, 2019 - 2:48pm Submitted by user: lswlsher Submitted values are:

>

> Your first and last name: Larry Swisher

> Your email: lswisher555@gmail.com

> Your phone number (optional): 719-214-0894

> Subject: Submit presentation to case record

> Message:

> Hello Ms. Wallingford,

>

> I'm the presenter from Penrose that didn't bother to practice my presentation with a stopwatch before yesterday's 1041 application hearing. I have a PDF of the transcript for submittal but do not know the process. Please provide the details.

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> Larry Swisher

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> The results of this submission may be viewed at:

> [https://urldefense.proofpoint.com/v2/url?u=http-](https://urldefense.proofpoint.com/v2/url?u=http-3A_pueblo.org_node_34419_submission_31098&d=DwIDaQ&c=wg1N6ZAH9HKASN9rnHAE79c7I1ziG5DBWbThRDmG7Lg&r=tpEPZ5cMuUj3cqr52mu9F29vRQBIEFVx3H9SuSeGB14&m=0x_XxrSA_RuVLMGxzAQ7fN45f24-HXaMAN6p3pXzVdY&s=hCvGqfL3wMbb8CfABfdJU3X0I1U9iWwecI_jJtGi4L8&e=)

[3A\\_pueblo.org\\_node\\_34419\\_submission\\_31098&d=DwIDaQ&c=wg1N6ZAH9HKASN9rnHAE79c7I1ziG5DBWbThRDmG7Lg&r=tpEPZ5cMuUj3cqr52mu9F29vRQBIEFVx3H9SuSeGB14&m=0x\\_XxrSA\\_RuVLMGxzAQ7fN45f24-HXaMAN6p3pXzVdY&s=hCvGqfL3wMbb8CfABfdJU3X0I1U9iWwecI\\_jJtGi4L8&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_pueblo.org_node_34419_submission_31098&d=DwIDaQ&c=wg1N6ZAH9HKASN9rnHAE79c7I1ziG5DBWbThRDmG7Lg&r=tpEPZ5cMuUj3cqr52mu9F29vRQBIEFVx3H9SuSeGB14&m=0x_XxrSA_RuVLMGxzAQ7fN45f24-HXaMAN6p3pXzVdY&s=hCvGqfL3wMbb8CfABfdJU3X0I1U9iWwecI_jJtGi4L8&e=)

Good Morning Commissioners and Staff.

My wife, Penny, and I reside in Fremont County, near Penrose. We are here in solidarity with our Pueblo West North friends, who have supported our advocacy group, Penrose Neighbors for a Better Route, through this difficult and lengthy process.

I would be less than honest by not stating that we have a dog in this fight. In July 2018, we were approached by an HDR employee who presented an offer from Black Hills Energy (BHE) to purchase a utility easement across the property we call home.

For strategic reasons, BHE has chosen to first approach Pueblo County officials for siting approval of county-specific, Reliability Upgrade for Southern Colorado (Project) components. Make no mistake, if approval is obtained from this board, then BHE will submit a Special Use Permit application in Fremont County.

Why one jurisdiction before the other? In addition to a local water district and state and federal land, there are scores of private properties in Fremont County from whose owners BHE must acquire rights-of-way. Of particular concern for BHE is that though eminent domain may not be a factor in Pueblo County it is a distinct possibility across the county line.

There are many aspects of the Project and its promotion I find contentious but this morning I want to focus on conservation of rare plants and animals. In its 1041 application, **BHE selectively invokes such conservation concerns.** When evaluating alternatives to the preferred route, Nature Conservancy easements protecting rare plants and CPW/USFWS black-footed ferret recovery efforts are some of the reasons given for disqualification. **However, BHE does not apply the same logic when assessing the Preferred Route.** I will elaborate.

Please refer to the route maps found in the 1041 application. I want to draw your attention to the hatched areas designating Nature Conservancy easements, as well two Potential Conservation Areas (PCAs). The easements are entirely on Walker Ranch, whereas the PCAs are partially on the ranch.

I did visit the Colorado Natural Heritage Program website to become more familiar with the Biodiversity Significance Rank system and found a report, titled:

*Survey of Critical Biological Resources of Pueblo County, May 2003*

This study was partially funded by Pueblo County.

Biodiversity Significance Rank B1, aka Outstanding Significance, is the highest rank. The report designates two B1 PCAs in Pueblo County: **Pumpkin Hollow and Beaver Creek**. Please note that the **Preferred Route**, by following the existing natural gas pipeline, **passes through both of these PCAs** before crossing into Fremont County.

In the report introduction, CNHP states:

- *The PCA boundaries delineated in this report do not confer any regulatory protection of the site, nor do they automatically recommend exclusion of all activity.*

**However, in the report Conservation Strategies section, CNHP states:**

- *Use this report in the review of proposed activities in or near Potential Conservation Areas to determine whether or not activities adversely affect elements of biodiversity.*

Several BHE route alternatives were rejected, in part, based on conservation concerns: A2/B1 & A5 due to rare plants and Nature Conservancy easements, and A4/B4 due to ferret habitat near a fence line along US 50.

In the eastern sector, just south of Fort Carson and along the northern edge of adjacent private lands, BHE is concerned about the impact on rare plant communities but that concern is muted when the **Preferred Route crosses Pumpkin Hollow and Beaver Creek PCAs** in the western sector.

God bless those ferrets — tiny but fearsome predators. But their prey: black-tailed prairie dogs — builders and fellow inhabitants of extensive burrows — are evident along most stretches of US 50, a four-lane, commercial and commuting thoroughfare. **Why would the transmission line construction phase be any more disruptive to ferrets along US 50 than to ferrets elsewhere on Walker Ranch?**

Gary and Georgia Walker should be commended for their active and longterm participation in the ferret recovery program and the protection of rare plants. However, they have been compensated by the Department of Defense, Nature Conservancy, and — if the Project goes as planned — by BHE through easements granted on Walker Ranch for any loss of use, property devaluation and restrictions on development. **Residents of Pueblo West North that would be harmed by the Project will receive no compensation.**

I'm unaware of any published comments by the Walkers regarding the Project other than the letter they submitted under the 2018 1041 application, which may be found in the prior-year planning case documents. **My takeaways were self-promotion, self-righteousness and a lack of empathy.** One would think there is a caste system wherein the size of one's property establishes one's authority on land use, as exemplified by this sentence:

*If the "view" is of such importance why do we continue to subdivide the vistas of Colorado?*

**Residents of Pueblo West North** that I have met in the past year **are concerned about preserving their neighborhood's natural setting** and I've seen no evidence they are less concerned than Gary and Georgia Walker.

Thank you for this opportunity to comment.

Larry Swisher  
Penrose, CO