Swift Creek Sediment Management Action Plan (SCSMAP)
And SCSMAP Phase 1 Project Plan
Final Environmental Impact Statement

Appendix B

Public Hearing Comments
March 13, 2013 Public Hearing Transcript
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MR. SCHROEDER: Well, I guess we'll get started.
If everybody can hear me, I won't use the microphone.
Can you hear me in the back there? Not all the way back. Leticia can probably hear me.

I'm Tyler Schroeder. I'm the SEQPA official for Whatcom County, and tonight we're having a public hearing on the Swift Creek Sediment Management Action Plan Draft EIS, and that also includes the Phase 1 Project Plan.
So I hope you guys grabbed cards at the front table. It gives a good understanding of where we're at and where we're going to be moving forward in the next little bit.

And what we're going to be doing today is having people talk about and give comments on, specifically, the EIS that we've prepared. This EIS is to provide information to the county council or to decision-makers on the action plan, as well as the Phase 1 Project Plan, which is construction of some of the ideas that are laid out in the action plan.

There is also a comment period. If you want to provide written comment, that has to be provided by March 18th, which is Monday, I believe, and so I do have a couple of slips of people that want to speak.

If there are members in the public in the crowd that want to speak as well, after I call these people up, I'll make sure that you guys can come up. I do need the form filled out if you are going to speak, so I just want to introduce a couple of people that are here.

Jeff Hargus is here from the health department, and he's in the back of the room. And Leticia Wheeler from Element is here as well who prepared the -- that was the consultant for the county that helped prepare the EIS.
And then Roland Middleton from public works is here as well. He's the project manager for Swift Creek.

I'm going to give Roland just a little bit of time to give more information to the Management Action Plan and to the project plan, and then we'll go into the hearing and get some comments.

MR. MIDDLETON: Okay. Well, as Tyler mentioned, we're here tonight to take comments on the Environmental Impact Statement and -- specifically that document.

But we felt it would be a good idea to let you know what we've been working on for the last couple of years and besides getting this done.

We were putting together the Management Action Plan and the Phase 1 portion of that. And that, as you can see on the one board back there, okay, it talks about the sediment basin's removal of the material that's between Goodwin and Oat Cole, as well as putting some sediment traps
and a protective barrier for Great Western.

That is the Phase I portion. To let you know:

I’m in constant communication, and I’ll say “communication,”

with the Environmental Protection Agency; somewhat heated

debates are continuing to go on as they’re moving forward

with the federal process that is on top of and overlaps our

process.

But we’re confident for the first time in years,

department of Ecology, Whatcom County, and EPA are

going to work together to get some things done to address

the sediment out on Swift Creek.

So I’ll be available after you’re done with the

hearing on the EIS itself to answer questions, provide

information, and, if I don’t have the answer, I’ll try to

get it to you, and we can deal with that right after the

hearing.

MR. SCHROEDER: Great.

MR. MIDDLETON: We’ll go ahead and go with on the

hearing.

MR. SCHROEDER: Yeah. That’s great. So I have

some names that I’ll call up.

If you don’t want to speak, just let me know.

And if you do want to speak, then you can fill out these

cards and go from there.

So the first person is Joni Hensley.
1a. so just to let you know.
2 Great. And the next person is Curt Meenderink.
3 Is that correct?
4 MR. MEENDERINK: Sorry. I’ll pass.
5 MR. SCHROEDER: Okay. Thank you, sir. Tom?
6 MR. WESTERGREEN: Okay. Is that my name, Tom?
7 Westergren?
8 MR. SCHROEDER: Yes. Yes, it is.
9 MR. WESTERGREEN: I don’t know about -- I’m glad
10 that Joni read the whole thing because I don’t know if the
11 rest of you have, but I tried to get through that some.
12 I was telling some people that, you know, back in
13 May of 18 -- 18th of 2011, is when we first gave the
14 original, kind of, information to do this.
15 And I was the only -- so I’ve kind of gone
16 through the document to see how my questions were answered,
17 and to be honest with you, I had trouble finding where those
18 were answered. And so, I guess, I was just going to read
19 some of the stuff that I’d talked about and share with
20 everybody.
21 You know, one -- I’ll just read. One of the
22 points was, the EIS needs to answer questions of the
23 relative asbestos exposure risk from different Swift Creek
24 sediments and locations for impacts of possible -- or
25 proposed actions and no-action alternatives before actions

1b. and no-action alternatives could be properly compared.
2 And so I know the health department does some
3 stuff, but maybe I can get some questions answered. But I
4 didn’t really get some good answers on that. So, I mean, of
5 all of those of us that live there, I mean, if we’re within
6 a quarter mile of the creek, are we safe? Are we not safe?
7 And it seems like there’s a lot of assumptions
8 being made here. I mean, if it’s a health problem where we
9 need to be evacuated, that’s one thing. If we can still
10 live there, I guess I need to understand that to get the
11 impact of what’s being proposed.
12 And the other thing -- well, several other
13 things: One, is I know the flood control, the local flood
14 control committee and some of the neighbors had proposed
15 some other possible actions. And, really, you just had the
16 no-action, which is, you know -- that needs to be taken
17 right now, is clean out under the bridges.
18 And then the -- pretty much what the county flood
19 control or the county public works put together. And so
20 some of these other ideas that the neighbors had, really, I
21 didn’t see where they were addressed in there.
22 And one of those was the -- between the Old Cole
23 and Goodwin Roads, the area -- well, the Spry property
24 (phonetic), whether a property like that could be purchased
25 and sediment be put there. And the issue’s been that it’s
federally protected wetlands, so we can’t put anything there. And that has never made such sense to me where those are so important where, you know, a hundred acres of our forest land up there can all be graded off to put in these structures. So there’s just something that’s never settled with me there; and I didn’t see where that was really answered.

The other thing that gets back -- and I don’t mean to jump around, but just kind of going through -- is we’ve never really understood, as a community, I don’t think, what the background levels are on the asbestos in the air. If it’s in the air, that’s the issue.

And I know at a meeting not too long ago I was asking EPA about, you know, they have -- at the Parker property, they’ve got those test things there, and that’s what they’re supposed to be doing.

And the answer I got: Well, we don’t talk to that other agency; we really don’t know what information they’re getting.

So there’s some basic information that the community needs that I had trouble finding in the document; so if somebody can help us with that, that would be good.

And then the other -- you know, the big project on this is the large basin they want to put on the Great Western property just east of the -- which will be just exactly east of where our gate is where the Swift Creek comes through, that’s where that basin’s going to be. It’s going to take up that whole piece of property there.

And so I don’t know if some of the neighbors that live next to that -- you know, we’ve got trees there now. That’s not what it’s going to be later on, and I don’t think the neighbors really understand that.

But part of the issue was, and I think it was getting addressed, was how that was going to affect the water table because that’s going to be down where it’s closer to the water table.

I know that was looked at, but I didn’t, in the document, really get that kind of an answer.

MR. SCHROEDER: Okay.

MR. WESTERGREEN: We know what’s going on, on the surface, but that was an issue.

MR. SCHROEDER: Okay. Great.

MR. WESTERGREEN: So that’s all the time I get?

MR. SCHROEDER: That’s all.

MR. WESTERGREEN: Okay.

MR. SCHROEDER: I was going to provide a little bit more clarification. We’re allowing three minutes for speakers.

MR. WESTERGREEN: Okay.

MR. SCHROEDER: And in responses to all of the
1. comments to the draft EIS, in the final EIS it will point out how those comments were addressed.

   MR. WESTERGREEN: Okay. But in this one, that wasn’t there.

   MR. SCHROEDER: And so we’ll have that discussion with you after this, Tom. We can talk to you about that.


   MR. SCHROEDER: So next is Justin Adams.

   MR. ADAMS: Want my face towards everybody here or --

   MR. SCHROEDER: If you speak up, I think you can just kind of go in the middle. We just need to make sure the court reporter hears.

   MR. ADAMS: Okay. My name is Justin Adams. I represent Williams Gas Pipeline, and we’re located at 4738 Jones Road, and I just wanted to express a few concerns from a pipeline perspective.

   We own and operate large natural gas transmission facilities in the area, serving Seattle and everything between that. Some of the concerns that we have as a company, at this particular crossing at Swift Creek, we have a 26-inch diameter line, a 30-inch diameter line, and also a 36-inch diameter line.

   I do see our crossing identified on this Swift Creek work plan, but some of the concerns that we do have, it’s critical that we maintain cover over all of our lines, at least two feet. And one of the things that we’d like considered as part of this is: The sediment basins do not undercut our pipeline, and, also, that the basins are sufficiently high enough to prevent our lines from being exposed.

   And then one thing is: We’re willing to work with you all as far as depth or any facility information there. But one of the things looking at this, I saw references to Exhibit F, D, E, and I didn’t see any detailed design information on what was available online.

   And then I’d like to have some contact information on who to coordinate with regarding design.

   We’d have to run that through our tech services department out of Salt Lake City.

   And then, also I am curious whether all of these designs are multiple options or kind of a phased approach. And I think you touched on that at the beginning, but that’s some of the concerns we have, as a pipeline company.

   MR. SCHROEDER: Okay.

   MR. ADAMS: Thanks.

   MR. SCHROEDER: So the next name I have is Rose Schmidt. Do you still want to speak? Please come on up.

   Then I don’t have any other names.

   So do other members of the public want to speak
as well? If you want to, just raise your hand or be ready,
and then I'll call for you after this, after Ms. Schmidt speaks.

MS. SCHMIDT: All right. My name's Rose Schmidt, and we live down on 8263 Gillies Road in Everson, and I haven't read through the whole thing because my computer crashed. But so far, what I've read, I am in agreement with, and I like the idea of the things you have planned.

I'd like to see a little bit more brought up with the mitigation program because we're more down on the flats and we are one of the properties that gets hit pretty good because we've got a big drainage ditch that's going through there.

Little bit of background. We've lived there almost 25 years now. Even up to 10 years ago, the ditch that ran by that house, the county only had to come out once to clean out. Now it's like yearly.

Right now the ditch is clear up to the top filled with silt, so that is hitting on our property. It's making our property more susceptible to flooding. The road gets flooded. It's making it harder to get out. We're almost at flood level right now again; so yeah, anything you guys can do to help us out as a low-lying landowner, we'd appreciate it.

MR. SCHROEDER: Thank you.
go through — down through there, and whatever, so I don’t know. That’s my comment. You got to do a little more work up on the top and some exploration and get some people that have done it with some knowledge up there and been in some tough situations. And I’ve been in a lot of those and I’m willing to go look at things and help out a little bit here because it’s never going to stop coming because gravity still works in this earth every day.

And you’re going to have to control that water up on top and try to figure out how to cut it off; get down into rock or whatever. I don’t know. I haven’t been there, but I’ve talked to Lonnie Schroeder on it today and I talked to Len Nuscoo that’s flown over in the helicopter, and that’s what he says.

Because it’s just going to continue to come, and it’s not going to get fixed by building ponds at the bottom. I don’t know what they’re planning on doing, but that’s not a solution. That’s not trying to fix it and cut off most of the problem.

You got to start with a problem. That’s on top of that mountain. It’s on the water that’s coming through here.

And all that’s doing is making a slush with that water and that material coming down that hill, and it’s going to continue. And I’d put a lot of HDPE pipe, if there...
I'd like to know when something's going to get done.

MR. SCHROEDER: And we'll be able to provide you that after this hearing gets accomplished so that everybody else can provide their comment. We have people here from public works to give you an answer.

MR. SMITH: This is a snowball job.

MR. SCHROEDER: So would anybody else like to speak?

Give you a little bit of background for the people that came in later, we're talking comments on the draft EIS, which is looking at the Phase 1 project plan and the sediment action plan.

So if you have any comments, this is the hearing and we're going to wrap up the hearing. If there is anybody else that wants to speak, we will be available if you have specific questions for a limited amount of time today.

But if you have questions, we can try to get you those answers. So if nobody else wants to speak, I'll wrap the hearing up.

And I want to thank everybody for coming and, again, we would be available if anybody has questions.

Okay?

(Discussion held off the record.)

(Deposition concluded at 6:30 p.m.)
STATE OF WASHINGTON  
COUNTY OF WHATCOM  

I, BETH L. DRUMMOND, Certified Court Reporter in and for the State of Washington do hereby certify;  

That the foregoing is true and correct to the best of my skill, ability, and knowledge, taken on the date and at the time and place as shown on Page Two hereto;  

That I am not related to any of the parties to this litigation and have no interest in the outcome of said litigation;  

Witness my hand and seal this 28th day of March, 2013.  

BETH L. DRUMMOND, CCR #2064  
CERTIFIED COURT REPORTER  
IN AND FOR THE STATE OF  
WASHINGTON, RESIDING AT  
BELLINGHAM.