

Springs snaps at Udall request to delay SDS

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Mayor, businesses, politicians and groups not happy with U.S. Senate candidate's stance on pipeline project.

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A request by U.S. Rep. Mark Udall to delay the environmental impact statement for the Southern Delivery System has sparked an angry response from some Colorado Springs business leaders and politicians.

The group wrote Udall last week to express "strong opposition" to Udall's June 26 letter to the Bureau of Reclamation, requesting a delay in the EIS because of the potential for a lawsuit over the document. Udall also cited comments by Bob Rawlings, publisher of *The Pueblo Chieftain*, and "others like them" as his support for seeking a delay.

"I am concerned that this proposal may be headed for an inevitable and costly legal battle not unlike the current litigation surrounding Reclamation's recent environmental analysis approving 40-year contracts with the City of Aurora for surplus water storage in Lake Pueblo," Udall said in the letter, referring to a lawsuit filed by the Lower Arkansas Valley Water Conservancy District.

Udall echoes the major point in Rawlings' letter to Reclamation was that growth and development in Colorado Springs will impact flooding on Fountain Creek, and that this issue was not adequately addressed in the draft EIS.

"Pueblo and the Lower Arkansas Valley will have to live with the consequences," Rawlings wrote in his letter to Reclamation. "It's not enough to serve the interests of the SDS participants, alone. Everyone in the region has a stake in the outcome." Udall, a Democrat who is running for the U.S. Senate, said he wrote the letter as a member of the House Natural Resources Committee, which has a responsibility in protecting the Fryingpan-Arkansas Project. He said there is the possibility the committee would give any contract issued for SDS "additional scrutiny."

Udall's statement got an immediate reaction the next day from Colorado Springs Mayor Lionel Rivera.

"We believe a delay would be an unnecessary and costly mistake," Rivera said in a press release on June 27. Colorado Springs has spent \$14 million and five years to get to this point in SDS.

In a letter sent to Udall, Reclamation and other members of the Colorado delegation on Thursday, 24 businesses, politicians or organizations told Udall they were "extremely disappointed" with his letter.

Among those who signed it are Harold Miskel, as vice president of the Southeastern Colorado Water Conservancy District. Miskel retired from and still does minor consulting work for Colorado Springs Utilities, the primary proponent of the project. He is a former member of the Colorado Water Conservation Board.

Miskel made it clear in his own follow-up letter to Udall that he was not speaking for the Southeastern district, but he agreed to support the letter as a long-time resident of Colorado Springs.

"I was disappointed they used my association with the Southeastern district, it wasn't my intent," Miskel said. "I signed it as a resident of Colorado Springs who knows a lot about the issues."

Miskel added he does, in fact, support SDS.

Others who signed include State Reps. Robert Gardner, Larry Liston and Amy Stevens; State Sen. Andrew McElhany; Fountain Mayor Jeri Howells; Cap Proal, chairman of Security Water and Sanitation; several Colorado Springs employees; Tyler Stevens, chairman of the Pikes Peak Area Council of Governments; and David Csintyan, chief executive officer of the Colorado Springs Chamber of Commerce.

Organizations include the Council of Neighbors and Organizations, the Housing and Building Association of Colorado Springs and the Apartment Association of Southern Colorado.

Among businessmen signing on was Lon P. Mateczyk, publisher of the Colorado Springs Business Journal.

"We would encourage you to look at all comments submitted to Reclamation before suggesting that there is widespread opposition to the project," the group stated in its letter. "We are extremely disappointed that you are calling for a delay at this stage in the process Ñ after almost five years of study and an extensive public comment period."

Reclamation has received more than 375 comments about SDS, a proposal to build a 66-inch diameter pipeline 43 miles north from Pueblo Dam to meet water needs of Colorado Springs, Security, Fountain and Pueblo West through the year 2046. The cost of the SDS pipelines, associated reservoirs and treatment plants would be more than \$1 billion.

Reclamation issued a draft EIS on Feb. 29, with its preferred alternative being the proposed action. However, it evaluated seven alternatives, including options from Fremont County and downstream from the dam. Reclamation is required to evaluate SDS under the National Environmental Policy Act because the participants would need federal contracts to use Lake Pueblo and the Dam, which are part of the Fry-Ark Project.

Some of the comments, including those from Colorado Springs officials, have been made available to The Chieftain since a public comment period ended on June 13. Reclamation has compiled all of them and will make them available to The Chieftain in the near future, said Kara Lamb, Reclamation public affairs officer.

Colorado Springs Utilities counted 78 comments in favor of its alternative during its review of the documents.

"The comments give us ideas regarding issues that may need additional analysis," said John Fredell, SDS project manager for Colorado Springs Utilities. "At the same time, we think it's important to demonstrate support."

Colorado Springs Utilities was surprised by Udall's letter and worked with the Chamber of

Commerce in drafting the letter last week, but was able to talk with Udall's staff as a result.

"We think it's important to advocate our perspective, just as your publisher (Rawlings) advocates his," Fredell said.

Udall said he was not advocating slowing down the SDS study.

"I appreciated hearing from both Mayor Rivera and the Colorado Springs Chamber. However, I believe they misunderstood the purpose behind my letter to the Bureau of Reclamation. I did not urge the bureau to slow its review of public comments," Udall said. "I urged the agency to be thorough in developing responses to public comments and to avoid a situation where a bureaucratic timetable results in a flawed analysis, or prevents collaboration and spurs costly litigation."

Reclamation is looking for facts it might have missed in compiling the draft EIS, not support or opposition to SDS, Lamb said.

"The purpose of NEPA is to get substantial information, data we may have overlooked," Lamb said. "Simply having more people say, 'I like it,' is not going to help our analysis."

Reclamation has not yet sifted through all the comments to determine how many issues were raised, since many of the comments contain more than one issue, Lamb said.

Reclamation plans to address all of the issues in its final EIS, which it expects to complete by the end of the year. A comment period would follow and a record of decision would be issued in early 2009. Public contract negotiations would begin during that time.

Permits from other agencies, including the Army Corps of Engineers and commissioners in either Pueblo or Fremont County, would also be needed before SDS could be constructed.