

August 15, 2012

Commissioner Michael Conner

In 2009, when Colorado Springs City Council eliminated the stormwater enterprise, there were assurances from Mayor Lionel Rivera, the city attorney and Colorado Springs Utilities' officials that all the Southern Delivery System (SDS) conditions, both stated and implied, in agreements with the Bureau of Reclamation and Pueblo County would be met. Three years later, there has been no substantial action toward keeping promises that were made when Colorado Springs obtained its contract to build SDS.

We are asking Reclamation to revoke the contract immediately until Colorado Springs provides evidence that institutional mechanisms, rather than empty political promises, will be used to implement stormwater improvements and maintenance.

Realistically, Colorado Springs should be spending \$18 million - \$20 million per year for the capital needs and upkeep of its stormwater system. Recent news reports clearly show how negligence of these priorities has led to both external threats such as drainage off the Waldo Canyon Fire burn scar and internal catastrophes such as street flooding during a minor rainstorm and drainage canals collapsing and threatening the foundations of apartment buildings.

The effects on the Lower Arkansas Valley of ignoring the drainage problems on Fountain Creek can be observed from past floods. Pueblo's East Side is vulnerable to a flood of the proportions seen in 1965; North La Junta will almost certainly flood in an early spring rain such as the one seen in 1999. The level of water quality on the entire Lower Arkansas River to Kansas will be degraded as water flows more quickly into Fountain Creek, picks up sediment and debris and sends it downstream.

The Bureau of Reclamation cannot turn its ear and ignore these problems. Lawyers and executives for Colorado Springs promised full compliance with the environmental conditions referenced in the record of decision when the contract with Colorado Springs for SDS was awarded in 2010.

Those conditions included an active, fully funded stormwater enterprise. We interpret that to mean one that has certainty of existing from one year to the next, rather than one that comes and goes on the whim of the voters and the lack of backbone of its elected leaders.

Colorado Springs always raises the defense that SDS would only cause incremental changes in Fountain Creek flows as the city grows. This is faulty reasoning, because in the purpose and need statement for the Final Environmental Impact Statement, SDS also

serves to provide redundancy for existing water delivery systems such as Homestake and Blue River.

By agreeing to the terms of the SDS contract, Colorado Springs (its City Council serving as the Utilities Board) has accepted responsibility for the changes it has wrought on Fountain Creek during the more than 60 years it has spent developing those other transmountain systems.

Bringing new water into the Pikes Peak region has resulted in a fourfold increase in the average annual flows on Fountain Creek. This has increased erosion, sedimentation and the concentration of selenium in Fountain Creek and the Arkansas River.

It is useless to continue arguing to what degree Colorado Springs Utilities or the city itself is responsible. Colorado Springs presented one face to the Bureau of Reclamation when it accepted the terms of the SDS contract. Hiding behind a manufactured political bifurcation when discussing stormwater fees is a dishonest ruse.


By that same token, Colorado Springs should be given some credit for the programs Utilities has engaged in to reinforce sanitary sewer systems. These are de facto stormwater projects, but under the byzantine logic of Colorado Springs government, they are regarded separately. It should also be remembered that the projects undertaken were required by the Colorado Department of Public Health and Environment to atone for nearly a decade of unauthorized sanitary sewer releases into Fountain Creek. The partnership between Reclamation and the people of the Lower Arkansas Valley goes back 50 years, as we are reminded by the anniversary of the Fryingpan-Arkansas Project this year. Colorado Springs has also been a party to this effort. In that spirit, there has always been the realization that the American people have a stake in how water is developed and used in the Arkansas River basin.

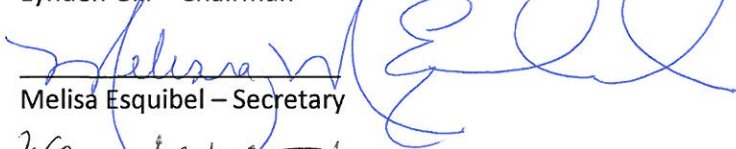
Colorado Springs must mitigate its mistakes of the past as well as be responsible regarding future development. The Bureau of Reclamation is in the best position to assure the city lives up to its commitments.


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Lower Arkansas Valley Water Conservancy District

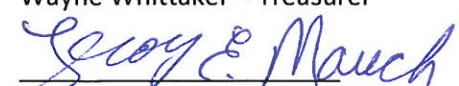
Cc: Ken Salazar, congress people, etc.


Lower Arkansas Valley Conservancy District's Directors

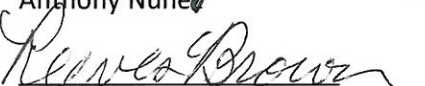

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