

Proposed Southern Delivery System National Environmental Policy Act, EIS Process Most Frequently Asked Questions

June 15, 2006

The following questions are those asked most often of Reclamation staff. They are taken directly from e-mail and telephone conversations over the last three years while the NEPA process has been underway. We hope that answering these questions will provide a better understanding of the proposed Southern Delivery System project (SDS) and clear up some common misconceptions.

1. “What is NEPA?”

“NEPA” is an acronym for the National Environmental Policy Act. The Act requires the federal government to publicly disclose proposed actions that involve the federal government in some way (*e.g.* by using federal dollars, connecting to federal projects, crossing federal properties, etc.) and to assess the impacts of those proposed actions to the “human environment,” as defined by NEPA regulations. More information on NEPA was provided in the September 2004 SDS EIS Newsletter, available at:

<http://www.sdseis.com/files/2004.09.20%20SDS%20EIS%20Newsletter.PDF>

You may also access the Council on Environmental Quality’s NEPA website at:

<http://ceq.eh.doe.gov/nepa/nepanet.htm> or read their 40 most frequently-asked questions at:
<http://ceq.eh.doe.gov/nepa/regs/40/40p3.htm>

2. “Why is Reclamation preparing an EIS for SDS?”

The City of Colorado Springs, City of Fountain, Security Water District and Pueblo West Metropolitan District, referred to as the “Project Participants,” have proposed the Southern Delivery System. As proposed, SDS would require contracts with Reclamation to allow use of the federal Fryingpan-Arkansas Project to store and convey water. SDS could also include a physical connection to Pueblo Dam. Because Reclamation owns and operates the Fryingpan-Arkansas Project, including Pueblo Dam and Reservoir, Reclamation is the lead agency for the NEPA review. Reclamation chose to start the NEPA review directly at the EIS level, because it is anticipated that the proposed SDS may have significant impacts to the human environment. Upon completion of the EIS, Reclamation will select their “preferred alternative,” which may be one of the seven currently under consideration, or some combination of the components included in those seven. The preferred alternative and any environmental mitigation measures will be documented in a Record of Decision signed by Reclamation.

3. “Who is paying for the environmental review of the SDS?”

Because they proposed SDS, the City of Colorado Springs, City of Fountain, Security Water District, and Pueblo West Metropolitan District are also paying for the NEPA review. Payment for NEPA reviews are the obligation of the entities making the proposal, ensuring that: 1) the federal agencies do not curtail their evaluations based on their individual federal budgets; and 2) *all* federal taxpayers do not pay to analyze a proposal benefiting only a small group.

4. “How can Reclamation be non-biased in the EIS?”

Reclamation is required by law to provide an unbiased environmental analysis. We can be non-biased in this review because we do not stand to gain or lose based on its outcome.

5. “Who ultimately decides what Colorado Springs and the other cities can build and where?”

Reclamation will only enter into contracts for the agency’s preferred alternative, documented in the Record of Decision. In addition, a wide range of other federal, state, and local laws and agreements may impact what action the Project Participants can take on SDS.

6. “What will be Reclamation’s role in the project after the EIS is completed?”

After the Record of Decision is issued, if the Project Participants choose to pursue an action other than Reclamation’s preferred alternative, Reclamation would have no further involvement. If the preferred alternative were pursued, Reclamation’s role in the proposed Southern Delivery System would be limited to issuing and administering the required contracts, overseeing construction of a physical connection to Pueblo Reservoir if one is required, and ensuring that the Project Participants comply with their environmental commitments. The proposed pipeline would not be built with federal dollars, nor would it be the responsibility of the federal government to operate or maintain the SDS facilities.

7. “What about population growth? Does your EIS study explain that the SDS is encouraging more people to move here?”

Population growth is probably the most frequently asked question in the EIS study. We recognize it as an important question not only for communities in southeastern Colorado, but for the entire state. Independent studies, such as the State-wide Water Supply Initiative, commissioned by the State of Colorado, estimate high rates of growth for Colorado, including the southern I-25 corridor. These high rates of growth are projected to occur regardless of what water projects are built. Under NEPA, every EIS must analyze a “No Action” alternative, which is what is expected to occur if the proposed activity does not happen. Each EIS compares the environmental effects of the proposed activity and its alternatives to those resulting from the No Action alternative. In developing the SDS No Action alternative, Reclamation consulted with the Project Participants on what steps they would take in the absence of SDS. Each participant assumes growth would still occur, as projected, and is focused on alternative ways of meeting those future water demands.

8. “What can Reclamation do to make the project participants be better neighbors to the Lower Arkansas Valley?”

Reclamation’s work with municipalities is limited to contracts or agreements directly concerning our facilities. Those contracts include any environmental mitigation provisions documented in their associated NEPA documents. Cities and communities have other means available for resolving their differences. For example, Pueblo, Colorado Springs and other entities have negotiated several Intergovernmental Agreements addressing water issues.

9. “I’ve heard a lot of talk—at your public meetings and in the local papers—about a “Petros Plan.” What is it, exactly? Are you looking at it in your study—why or why not?”

The “Petros Plan” is a name used to describe a proposal submitted during the fall 2005 public meetings by attorney Ray Petros, a consultant to Pueblo County. It would address Fountain Creek flooding and water quality concerns by constructing a flood control dam on Fountain Creek and requiring Colorado Springs to reuse its wastewater. Reclamation subjected this alternative to the same screening process applied to all other potential alternatives. Its water reuse component is included as a part of the “No Action” alternative. The flood control dam of the “Petros Plan” was eliminated from further consideration due to serious technical, legal and environmental issues, some of which are documented in the Corps of Engineers’ 1971 flood control study. Ultimately, as described below, we cannot include a flood control dam in the SDS EIS because it focuses on issues beyond the scope of SDS. Our Alternatives Report recommends that this proposal be considered in other studies, as described in question 13, below.

10. “Why isn’t Reclamation concerned about flooding and water quality in Fountain Creek?”

Reclamation is concerned about flooding and water quality in Fountain Creek, but we are limited in what we can study under this particular EIS. Under NEPA, each proposal must have a Purpose and Need Statement that declares the reasons for the proposed project. That Statement sets a perimeter around the study, limiting variables, and focusing the evaluations on what the Project Participants require. Consequently, while there might be other important issues, like Fountain Creek, our SDS EIS scope can only study and evaluate alternatives that meet the **purpose**, to: “provide a safe, reliable and sustainable water supply for the Participants through the foreseeable future,” and fulfill the following **needs**:

- “Use developed and undeveloped water supplies to meet most or all projected future demands through 2046
- Develop additional water storage, delivery, and treatment capacity to provide system redundancy
- Perfect and deliver the Participants’ existing Arkansas River Basin water rights”

Once a Purpose and Need Statement is finalized, alternatives and screening criteria are developed. The public scoping process in fall 2003 helped develop some of those alternatives and screening criteria for the proposed SDS. At that time, we received numerous comments regarding flooding and water quality in Fountain Creek. As a result, the “Fountain Creek” alternative was designed *specifically* to minimize impacts on Fountain Creek.

We are also incorporating into our EIS information available from other technical studies, such as the one being conducted by the U.S. Army Corps of Engineers in cooperation with local entities. The Corps is a “Cooperating Agency” in the SDS EIS, enabling us to share pertinent information between the two agencies.

11. “Will the Corps of Engineers’ Fountain Creek study be done in time to be used in the SDS EIS?”

Although its completion date is unknown at this time, the Fountain Creek study is already providing useful information for the SDS EIS. Because the Corps of Engineers is a “cooperating agency” in the SDS EIS, Reclamation has access to their data and analysis while they continue the study. Even incomplete data will support Reclamation’s analysis, and complies with NEPA regulations requiring an agency to use the “best available” information.

12. “How much will Reclamation consider the costs of the various alternatives in selecting its preferred alternative?”

Cost is one of many factors which will impact Reclamation’s decision. Estimated project cost was a factor used in developing the current list of seven alternatives. The draft EIS will discuss how each of those alternatives would impact water rates for customers of the project participants as well as for those whose water comes from elsewhere on the Arkansas River. The socioeconomic impacts will be among the many environmental impacts weighed by Reclamation in selecting its preferred alternative.

13. “What is the Alternatives Analysis Report and is that the final document in the NEPA process?”

While not specifically required by NEPA, Reclamation felt an Alternatives Analysis Report would help explain where we are in the lengthy process of analyzing the proposed SDS. The Alternatives Analysis details the screening criteria we employed to whittle down the multitude of possible facilities and pipeline routes. It then names the seven alternatives moving forward for thorough EIS evaluation. Ultimately, as stated above, the alternative selected in the Record of Decision may be one of those seven, or some combination of the intakes, pipelines, etc. that make up those alternatives.

In the fall of 2005, we held another round of public meetings to fine-tune the screening criteria and remaining alternatives. The Alternatives Analysis Report documenting that public process is now available at www.SDSEIS.com.

In that report, we also explain why other proposed alternatives will not be included in the draft EIS. Some, such as the proposed enlargement of the existing Brush Hollow Reservoir, had environmental issues and/or did not meet the project's Purpose and Need. For alternatives such as the one proposed by Mr. Petros, we note that other efforts are currently underway to address issues specific to Fountain Creek, and recommend that it be considered as part of those efforts.

14. "What are the next steps in the NEPA Process?"

Reclamation is working to analyze the impacts the remaining seven alternatives would have on a number of key resources, from water quantity and quality to socioeconomics. The results of those analyses will be documented in a Draft Environmental Impact Statement scheduled for release in 2007. The release of the Draft EIS will be followed by a public comment period before the Final EIS is published in early 2008.

15. "Where can I go for more information?"

Information on the alternatives being studied and timelines, as well as electronic versions of project newsletters and all published reports are available at www.SDSEIS.com. Or, you may contact Kara Lamb at (970) 962-4326 or KLAMB@gp.usbr.gov.