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1                   STATEMENT OF JOSEPH SANTARELLA,  
2           7050 Puma Trail, Littleton, Colorado 80125  
3                   SPEAKER SANTARELLA: First of all I would  
4 like to thank Jaci and Diane for allowing me to  
5 have this time. I will try to be as quick as  
6 possible. However, I warn you, the quicker I  
7 speak, the more I lapse into New Yorkese.

8                   Good evening. My name is Joseph  
9 Santarella. I serve as counsel for the Rocky  
10 Mountain Environmental and Labor Coalition.  
11 Together with a host of environmental  
12 organizations we submitted comments to the Bureau  
13 of Reclamation on the draft EIS within the  
14 proposed Southern Delivery System, or SDS  
15 Project.

16                   I'm here to voice our continuing  
17 objections to the SDS Project as now modified by  
18 the Supplemental Information Report and highlight  
19 the most significant deficiencies in the SIR.

20                   while the SDS participants have modified  
21 the project to address certain concerns raised by  
22 the commenters, significant issues remain  
23 unaddressed or have been exacerbated by the SIR.

24                   First of all, the SIR rejects criticisms  
25 raised by the RMELC, environmental groups and

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1 United States Army Corps of Engineers regarding  
2 the DEIS'S narrowly defined purpose and need  
3 statement for the proposed SDS Project to

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4 expressly include the project proponents'  
5 interest in perfecting and delivering existing  
6 Arkansas River Basin water rights as a purpose  
7 and need for the SDS project.

8 Based on this decision other viable  
9 mechanisms for meeting the project proponents'  
10 water demands in an economic and sustainable  
11 manner have not been considered in the DEIS or  
12 the SIR, including water conservation, water  
13 reuse and land use planning strategies.

14 The Bureau's endorsement of participants'  
15 narrowly defined purpose and need is misguided  
16 and violates the letter and spirit of NEPA and  
17 CEQ regs.

18 Secondly, the SIR fails to address  
19 significant comments made by the CDPHE and the US  
20 EPA regarding lack of analysis of the cumulative  
21 impacts from growth in the area associated with  
22 the proposed SDS Project.

23 Notwithstanding EPA's recommendation to  
24 BoR that the cumulative impacts of induced growth  
25 resulting from the SDS project be estimated and

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1 mitigation strategies associated with the  
2 exponential growth associated with the project be  
3 developed, neither the DEIS nor the SIR provide  
4 adequate analysis of impacts associated with the  
5 growth issue.

6 Third of all, neither the DEIS nor the SIR  
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7 adequately address requests made by both the EPA  
8 and the Army Corps of Engineers regarding  
9 analysis of water quality and wetlands impacts of  
10 the proposed SDS Project to fully assess  
11 environmental impacts and identify the least  
12 environmentally damaging practicable  
13 alternatives, or LEDPA.

14           Indeed, the letter from Donald Borda,  
15 Chief of the Regulatory Division of the  
16 Albuquerque District of the Army Corps of  
17 Engineers, to BOR specifically states: "The  
18 Corps cannot support the findings of the DEIS for  
19 the Section 404 purposes because the document  
20 does not substantiate that the participants'  
21 proposed action Alternative No. 2 represents the  
22 LEDPA. There is no detailed 404(b)(1) analysis  
23 within the DEIS and the LEDPA has not been  
24 identified."

25           Yet, the SIR for the first time identifies

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1 Alternative No. 2 as the Bureau's preferred  
2 alternative while brazenly disregarding EPA and  
3 the Corps's concerns regarding LEDPA  
4 identification and necessity for additional  
5 analysis.

6           Finally, the SIR pays only lip service to  
7 the EPA's environmental justice concerns,  
8 including the need for mitigation measures to  
9 address the potential for disproportionate

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10 impacts on low income water users in Pueblo  
11 County due to increased exposure to contaminants  
12 in Fountain Creek.

13 Moreover, RMELC is concerned that the  
14 proposed action has the potential to  
15 significantly elevate levels of methylmercury and  
16 inorganic mercury concentrations in aquatic and  
17 terrestrial biota within the newly formed  
18 reservoirs and the downstream water bodies  
19 including Fountain Creek and the Arkansas River  
20 resulting in mercury exposure risks for low  
21 income water users who may eat fish taken from  
22 these water bodies.

23 Scientific literature documents that  
24 bacteria convert inorganic mercury to  
25 methylmercury, which then builds up or

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1 bioaccumulates in the tissue of fish and may be  
2 eaten by wildlife or people.

3 Scientists now recognize that mercury is a  
4 pervasive contaminating probable for reservoirs  
5 and, in particular, new reservoirs, where the  
6 decomposition of submerged vegetation and soils  
7 creat an ideal environment for transferring  
8 inorganic mercury to methylmercury.

9 The failure of the SDS DEIS and SIR to  
10 consider and discuss the significant  
11 environmental justice concern is a glaring and  
12 fatal deficiency.

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13           In sum, the draft EIS and the related SIR  
14           for the proposed project are fundamentally  
15           flawed. RMELC therefore respectfully requests  
16           that the Bureau of Reclamation withdraw the draft  
17           EIS and the SIR and address these issues prior to  
18           issuing the final EIS.

19           Thank you for your time and your  
20           attention.