

24 November 2008

Mr. Michael Ryan
Regional Director, Great Plains Region
U.S. Bureau of Reclamation
P.O. Box 36900
Billings, MT 59107-6900

RE: SDS-DEIS Responses to the Supplemental Information Report

Dear Mr. Ryan:

Having worked through the Supplemental Information Report to the Draft Environmental Impact Statement to the proposed Southern Delivery System of Colorado Springs Utilities, I am submitting my responses to that document and the problems it poses. These concerns I would like to express to you both personally and professionally.

Issues

- I. Failure of the BOR, its agents and operatives, to follow the BOR's own express guidelines for conducting such studies.

The first problem with the Southern Delivery System (SDS), and with the Bureau of Reclamation's (BOR's) Draft Environmental Impact Statement (DEIS), is that the principals for the Bureau—Pat Mangan, Beth Boaz, and now Jaci Gould, have not followed the express guidelines laid down for such project studies by the BOR itself. I would like to call your attention to the BOR's own water resources technical guide—*Earth Manual: A Water Resources Technical Publication. A guide to the use of soils as foundations and as construction materials for hydraulic structures. 2nd Edition*: United States Department of the Interior, Bureau of Reclamation, 1974 (The most recent edition is **EARTH MANUAL - PART I. A guide to the use of soils as foundations and as construction materials for hydraulic structures. 3rd Edition, 1998.** This manual has been written as a guide and aid for the construction of a safe and stable structure with utmost concern for the safety of lives. Publ. USBR.) This manual, *henceforth incorporated by reference into the official administrative record of this NEPA process*, is recognized throughout the world as the definitive work on water projects and their related structures, and on the study, selection and specification and construction of such structures. For this fact, every member of the USBOR should be proud. Yet during the BOR's current investigation of Colorado Springs' Utilities proposed SDS project, the BOR's representatives have abandoned

these—their foundational documents. To wit, the BOR’s own methodology specifies a staged approach to project investigation which includes three phases: 1) reconnaissance, 2) feasibility, and 3) specification (2nd. Edition, pp. 65-72). This methodology is followed throughout the world by first-rate water projects companies and engineering and construction firms, and yet it has not been adhered to in this project.

For instance, under “Assumptions and Limitations” the October 2003 CH2MHill Engineering report on the Southern Delivery System, in support of Colorado Springs 2003B Utility Revenue Bonds offering (*herewith incorporated by reference into the official administrative record of this NEPA process, along with Colorado Springs’ 1996 Water Resource Plan*) lays out the phases of the proposed SDS project as it stood at that time. These included the preferred storage option, or PSOP, which would involve enlarging Pueblo Reservoir by raising Pueblo Dam, and without which CSU’s own engineers determined at that time that the SDS was not feasible; 2) a connection to the outlet piping system from Pueblo Dam, three raw water pump stations, 45 miles of 66-inch diameter raw water pipeline, a new 50 mgd water treatment plant, the Upper Williams Creek Reservoir (UWCR), and the Jimmy Camp Creek Reservoir (JCCR). In all the documents submitted as a part of this DEIS process, however, no real reconnaissance (or pre-feasibility) study which adduces the available public information on the proposed project was ever done. According to the BOR’s own *Earth Manual*:

“the investigations during the reconnaissance stage should lead to an appraisal of the general subsurface conditions throughout the area of the project as well as an evaluation of the broad aspects of the foundation conditions of alternative selected for specific major or critical structures.” (p. 67)

The NEPA Act, CEQ Guidelines, and the Department of Interior’s own guidelines on how such investigations should be conducted, mandate that the information both employed and generated by such study be objective and scientific in nature. Yet neither the studies supplied by the BOR, nor those conducted and supplied by its own contracting agents, particularly Montgomery Watson Harza Americas (MWA) and CH2M Hill, accurately address the physical, geological and hydrological conditions pertaining to the proposed reservoir sites at Jimmy Camp Creek and Upper Williams Creek, at Pueblo Dam (which the DEIS avoids altogether), and along the proposed pipeline route. The available documentation on these sites is widespread and much of it was generated by the BOR’s own personnel and agents.

In the present DEIS and its Supplemental Information Report, however, the BOR and its representatives and agents have (apparently deliberately) ignored the available scientific and engineering data, not only that generated by the BOR’s own agents, but the data generated by allied agencies such as the US Geological Survey (USGS), the Mined Land Reclamation Division of the Colorado Department of Natural Resources, and other aligned agencies and recognized experts as well. The latter category includes the works of the late Colorado agricultural consultant Frank Milenski—

Water: the Answer to a Desert's Prayer. Aurora, Colorado: Milenski Agriculture Consulting Service, 1990; and *In Quest of Water: A History of the Southeastern Colorado Water Conservation District and the Fryingpan-Arkansas Project*. Aurora, Colorado: Milenski Agriculture Consulting Service, 1994—along with that of John E. Moore, John E. Moore and Moore E. Moore: *Field Hydrogeology- a Guide for Site Investigations and Report Preparation*. Lewis: July 2002, and W. A. Wahler & Associates' definitive study of the Pueblo Dam Project: *Review of the Design, Construction, and Operation of Pueblo Dam Project, Colorado*. Washington, DC: US Department of the Interior, June, 1977, and the related study of the problematic Mt. Elbert Forebay, *The Wahler Report: Review of the Design, Construction and Operation of the Mt. Elbert Forebay Dam and Reservoir Project, Colorado*, for the United States Department of the Interior, Washington, D.C. Contract No. 14-01-0001-77-C-10. W. A. Wahler, June 1977. ***Each of these works is expressly and herewith directly incorporated into the formal administrative record of this NEPA process by reference. Other critical studies available to the BOR and its agents, yet ignored in this DEIS process are incorporated by reference in the Appendix to this letter.***

The failure to treat the on-ground engineering details pertaining to these four key project components—Pueblo Dam enlargement, pipeline, JCCR and UWCR—in a forthright reconnaissance study available to the public constitutes a direct violation of the BOR's own established, published, disseminated and world-renowned methodology. Accordingly, such a failure cannot be accidental, but must result from a deliberate effort by USBR representatives such as Ms. Jaci Gould (and where the DEIS is concerned, Mr. Pat Mangan and Ms. Beth Boaz) to subvert the honest investigation process prescribed by the BOR itself.

A key issue left out of the DEIS, and which should have been uncovered at the outset of the BOR's own investigations is that the JCC site is totally unsuitable for any water storage purposes at all—based on established and well-known geological and hydrological conditions. Both the Bingham and Klein study (Bingham, Donald L. and Klein, John M., “Extent of development and hydrologic conditions of the alluvial aquifer, Fountain and Jimmy Camp Valleys, Colorado, 1972”) and the Emmons study (Emmons, Patrick J., “Artificial-recharge tests in Upper Black Squirrel Creek Basin, Jimmy Camp Valley, and Fountain Valley, El Paso County, Colorado,” U.S. Geological Survey, July 1977.) confirm this fact, and ***both are herewith expressly incorporated by reference into the official administrative record of this NEPA process.*** According to those studies, the Jimmy Camp Creek Valley constitutes a potential alluvial recharge zone for the region south of Jimmy Camp Valley, particularly at the junction of Jimmy Camp and Fountain Creeks. The lateral water conductivity/absorption rate in the Jimmy Camp Valley is 135 feet per day (Emmons, p. 7), with the vertical absorption rate ranging between 4 and 25 feet per day (Emmons, p. 36). These characteristics make the Jimmy Camp Valley notably unsuitable for water storage, and are confirmed by the most recent USGS maps of the site.

The Mined Land Reclamation Division of the Colorado Department of Natural Resources has also documented extensive coal-mining activities in the Jimmy Camp Valley, including immediately beneath the proposed JCCR site. This information cannot be found either in the DEIS or its supplement, but it should have disqualified the JCCR site from further consideration, either as a component of the Applicant's preferred alternative, or as a component of any other alternative. The coal seam mined in this area extends from northeast-central Colorado Springs in a gentle, southeasterly arc, and forms the base of the ridge which would constitute the eastern bank of the UWCR facility. This information is public and easily accessible. Accordingly, it should have been considered in any objective assessment of the proposed UWCR site for potential water storage. These facts alone should have disqualified not only the proposed JCCR site but also the proposed UWCR site from further consideration as SDS project components, yet both remain key components of alternatives (#4, #5, #6, #7), and the UWCR remains a key component of the Applicant's preferred Alternative #2.

The two-volume set, *Their Silent Profile: Inactive Coal and Metal Mines of Colorado-Colorado Inactive Mine Reclamation Plan* (published under the auspices of The Inactive Mine Program of the Colorado: Mined Land Reclamation Division, Department of Natural Resources. 1982), ***is critical to understanding further problems with the proposed JCCR and UWCR sites, and is herewith incorporated by reference into the official administrative record of this NEPA process.*** This work gives detailed treatment to the main shaft of the McFerran Mine (Vol. 1, pp. V-26-29, and Fig. V-32), the works of which underlie the southern end of the Jimmy Camp Valley either directly beneath or just to the south of the proposed earthen dam for the JCCR. The cross-section of the geologies of the Jimmy Camp Valley provided in Fig. V-32, Vol. 1 of this work is instructive here. The JCC valley floor consists of "gravelly silt" to an approximate depth of 27 feet, followed by a layer of porous sandstone approximately 9 feet in depth, then a "thin-bedded" layer of "sandy-clayey shale" (also porous), an even thinner second layer of sandstone (porous), and a layer of "carbonaceous clayey shale" to a depth of about 51 feet before the coal seam is reached. Neither the DEIS nor its supporting documents contain an accurate description of these conditions, nor any engineering discussion of the impact such conditions would have either on the engineering or cost feasibility of the proposed JCCR project itself. Nor does the DEIS or its supplement address the implications of this geology for the water quality in the downstream aquifers fed by the JCC Basin, and depended on for fresh drinking water by the citizens of the communities of Widefield, Security and Fountain.

Since all of this information is easily available in known and accessible public documents, its omission constitutes a serious breach of the BOR's own express investigative methodology. A credible study following the BOR's established and recognized methodology would have resulted, per the BOR's own standards of evaluation, in the elimination of these two proposed project elements from the initial screening process and would have forced the Applicant to rethink the preferred alternative and its components.

Besides the non-feasibility of the JCC and UWC sites, any sound reconnaissance would also have shown that the other two components of the proposed SDS, the preferred pipeline route and the raising of Pueblo Dam, are also non-feasible. The study of the pipeline route proposed here by the Applicant was first carried out in detail by the late Colorado water consultant, Frank Milenski, in his rare but critical tome, *In Quest of Water: A History of the Southeastern Colorado Water Conservation District and the Fryingpan-Arkansas Project*. Aurora, Colorado: Milenski Agriculture Consulting Service, 1994. Milenski documents the unstable geologic nature of the Applicant's preferred pipeline route, a route where unsound underlying geologies led to a construction schedule that completed the first 38-mile traverse of this route in five years (completing less than 7 and-a-half miles of line per year!) and that at one point resulted in a ruptured pipeline the could not be repaired for 19 months. These bare facts show that neither the BOR nor its agents carried out a serious engineering reconnaissance study of this route. Consequently, no serious feasibility study of the route, its geologies, its foundation soils, and its stability, as required by the BOR's own guidelines (above), was produced, and no actual pipeline specifications can be provided by the BOR's current DEIS and supplement, per the BOR's own methodology.

The barest reconnaissance of this route would have compelled the withdrawal of this project segment and forced the search for alternative routes (the Hwy 115 route, for instance). Yet the USBR's own simple and prescribed steps were not taken. Accordingly, the BOR is not in the least ready to carry out the third step of its project selection process—specification, since the BOR and its operatives and agents have simply sought to approve the Applicant's preferred alternative, and have thereby denied the tax-paying and rate-paying public the possibility of a soundly considered and reviewed decision.

A segment of the proposed SDS project, and one never considered in detail in either the DEIS or the Supplemental Information Report, comprises the proposed raising of Pueblo Dam, or PSOP. PSOP has been the *sine qua non* throughout this project, that element without which the rest of the project would have been non-feasible (CSU Water Resources Plan, 1996). PSOP has been the cause of several costly Intergovernmental Agreements (IGAs) between Colorado Springs and Pueblo, the Colorado River District, and other governmental entities, ***which documents are herewith incorporated in the official administrative record of this NEPA process.*** PSOP has been the subject of 5 unsuccessful attempts at Federal Legislation, all on the assumption that PSOP was the necessary first step of the SDS (CSU Water Resources Plan, 1996). Likewise, furtherance of PSOP has been the stated grounds for two large bond issues let by CSU—series 2003B and 2005B. ***All of the documents cited here, including the respective IGAs, the two CSU bond prospecti, and proposed Federal legislation documents, are hereby incorporated by reference into the official administrative record of this NEPA process).***

Yet the BOR apparently allowed one of the Applicant's agents, MWH, to remove this key element from the SDS project completely without announcement and without public comment. To wit, MWH issued, in May, 2005, a statement wholly withdrawing PSOP from the SDS. ***This memo and its attendant documents are herewith incorporated into the formal administrative record of this NEPA Process.*** No reason was given for this change. Still, this critical alternation in the project specifications—unannounced and never publicly vetted—either makes the proposed SDS completely dependent on the current (and already fully allocated) south outlet works at Pueblo Dam (the joint-use manifold on the south side of the Dam, the capacity of which is already fully allocated to entities other than CSU) or mandates the construction of new and complex outlet works—new outlet works on the north side of the Dam, including one and possibly two 10-foot-diameter cross-channel pipelines which would affect designated parkland adjacent to the Dam on the north side, an expansion of the south outlet works, and federal permits for pipelines crossing the Arkansas.

These changes would also have to be studied and approved by the US Army Corps of Engineers (USACOE). No such novel proposals, however, have been subjected to the requisite EA/EIS/NEPA review and are considered neither in the DEIS or in the current Supplemental Information Report. MWH's role in this affair is made suspect because of that company's prior commitment to the SDS project in terms of a formal contract to develop the Clear Springs Ranch Water Treatment Facility (Professional Services Agreement No. 200316026; 10 September 2003; between CSU and MWH, ***and herewith incorporated into the official administrative record of this NEPA process.*** 40 USC 1506.5 (c), specifies that "a consulting firm preparing an EIS must execute a disclosure statement". The CEQ "interprets this requirement broadly requires disclosure of any active contractual to cover any known benefits other than general enhancement of professional reputation". Even when... "a consulting firm has been involved in developing initial data and plans for the project, but does not have any financial or other interest in the outcome of the decision, it need not be disqualified from preparing the EIS. However, a disclosure statement in the draft EIS should clearly state the scope and extent of the firm's prior involvement to expose any potential conflicts of interest that may exist." (Citizen Tool Box—NEPA 40 Q & A – 17). Neither the USBR nor MWH took even these minimal steps to ensure the integrity of the NEPA process.

Both MWH's failure to disclose its prior interest in the Applicant's preferred Alternative #2 and the BOR's failure to follow its own explicitly stated procedures of project evaluation invalidate the DEIS and Supplemental Information Report. That is, the BOR should first have carried out a reconnaissance study of CSU's PSOP proposal, and passed on its recommendations for a formal feasibility study, culminating with a specification of project scope and definition. Yet none of these prescribed steps were taken. The BOR ignored its own expressly stipulated processes in this regard, and its own engineering reviews and other materials, including the definitive study of Pueblo Dam contained in W. A. Wahler & Associates' *Review of the Design, Construction, and Operation of Pueblo Dam Project, Colorado.*

Washington, DC: US Department of the Interior, June, 1977, as well as more recent critical studies by Bureau engineers. These studies also include the following documents, *incorporated herewith by reference into the formal administrative record of this NEPA process*:

“Evaluation of Design Modifications, Pueblo Dam”; letter from Horst Ueblacker, P.E., of Ueblacker Associates, 29 Sept. 2000, to Gary Bostrom of CSU and Douglas Kemper, City of Aurora. [*This critical evaluation was unfortunately left off the reference list of my original submission on safety issues pertaining to the SDS, but was included in the text of this response. The letter shows that PSOP was under active consideration, and provides the best summary available on the problems that inhere in Pueblo Dam and Colorado Springs’ proposals to raise it.*]

Pueblo Dam – Risk Analysis – Modified Dam Including Contraction Joint Leakage and Concrete Dam Tension Issues. Prepared by Mark Steers and John Trojanowski, US Dept of the Interior, USBR, July 2000.

Pueblo Dam Study to Raise the Operating Pool for Southeastern Colorado Water and Storage Needs Assessment Enterprise, by John Trojanowski, 31 August 1999

Supplement to the Final Environmental Impact Statement on the Frying-Pan Arkansas Project, USBR, 1978.

The Seedskadee Project, by Toni Rae Linenberger (USBR History Program, Denver, Colorado; Research on Historic Reclamation Projects, 1997), treating the Fontenelle Dam in southwestern Wyoming; accessed 18 April 2008.
<http://www.usbr.gov/dataweb/html/seedskadeeh.html>

The Teton Basin Project. USBR Lower Division, Idaho. Accessed 18 April 2008.
<http://www.usbr.gov/dataweb/html/teton1.html>

The Wahler Report: Review of the Design, Construction and Operation of the Mt. Elbert Forebay Dam and Reservoir Project, Colorado, for the United States Department of the Interior, Washington, D.C. Contract No. 14-01-0001-77-C-10. W. A. Wahler, June 1977.

The Wahler Report: Review of the Design, Construction, and Operation of Pueblo Dam Project, Colorado. Washington, DC: US Department of the Interior, June, 1977.

“100 Years of Embankment Design and Construction in the US Bureau of Reclamation”, by Richard Lyman Wilshire, P.E., Civil Engineer, Principal Designer, Geotechnical Services Division, Group I, Technical Services Center, Bureau of Reclamation, U.S. Dept. of the Interior, Denver, Colorado. Presented at the Bureau of Reclamation History Symposium, University of Nevada—Las Vegas, June 18-19, 2002.

Any professionally conducted reconnaissance study of a project of the explicit preliminary scope definitions of the SDS (PSOP, the pipeline, JCCR and UWCR) could easily have identified the problems with the PSOP from known and available USBR source documents and thus have eliminated that element from the project clearly and forthrightly. This course, however, was not chosen by the BOR. Even though the Applicant's own documents called the entire SDS project non-feasible without PSOP (the raising of Pueblo Dam; See Colorado Springs 1996 Water Resource Plan), the BOR completely ignored this fact, as well as the Bureau's own documented facts of the non-feasible nature of PSOP itself, and allowed the Applicant to continue to push this non-feasible project. To date, the cost to the community has been over \$80 million.

Conversely, the USBR's own expressly stated methodology should have resulted in the elimination of PSOP and consequently the SDS early in the NEPA process (the more especially as the damning documentation belongs to the BOR itself), and should have then compelled the search for better alternatives, which is actually the intent of the NEPA process. This result may in fact have ensued from this NEPA process, *except that the components of the Proposed Action*—as documented over the preceding decade, beginning with Colorado Springs 1996 Water Resource Plan—*were never subjected to the screening process!* Since none of these valid and time-proven procedures was followed, and the BOR should now throw in the towel and kill this project, before its proponents are allowed to do further damage to the financial infrastructure of this community.

II. Further Problems with the DEIS and its Supplemental Information Report.

A. Segmentation

The problems detailed in the preceding analysis also reflect the fact that the USBR, its operatives and agents, particularly MWA, which stood throughout the process in a compromised and undisclosed contractual relationship with the Applicant, engaged in the illegal practice of project segmentation throughout the DEIS and the development of its Supplemental Information Report. That is, the SDS and its components were never holistically compared to other viable alternatives. Instead, the SDS project was illegally segmented, and then only those segments approved by the Applicant were considered, and then not in terms of the actual objective, scientifically established engineering facts available for consideration. Pat Mangan of the USBR actually admitted that USBR was allowing the Applicant, Colorado Springs Utilities, to drive this process in the first public hearing on the SDS project in Pueblo (Woodka, Chris. "Fountain Creek By-pass added to SDS". *Pueblo Chieftain*, 8 Oct 2005). Thus, the critical PSOP element was never considered, and those elements designed to replace PSOP—long-term excess capacity contracts between CSU and the USBR for storage in Pueblo Reservoir, alteration or expansion of one or more of the outlet works at Pueblo Reservoir, and so forth—have not been considered from engineering,

environmental or cost standpoints, either. Such deliberate and illegal omissions from the Alternatives Analysis portion of the DEIS and its supplement have been designed to make the Applicant's preferred alternative, #2, appear to be far less costly, environmentally impactful, and feasible in engineering terms than other alternatives. The practice of segmentation is expressly illegal under the law (Ref.) and requires that this DEIS be rejected in its entirety as a result of this NEPA process.

B. Problems with the Supplemental Information Report: Applicant continues to drive project evaluation and alternatives analysis.

Several critical problems with the Supplemental Information Report must also be brought to your attention. First, at the public forum for the supplemental DEIS held in Pueblo on 29 October 2008, USBR representative Jaci Gould openly stated that the final DEIS would be completed by December 2008. This information came both from Colorado Springs City Councilman Tom Gallagher, in attendance, and Pueblo Chieftain Reporter Chris Woodka, also in attendance. Since the period for filing responses only ends on 24 November 2008, it is impossible to see how the USBR's staff can review, evaluate, respond to these submissions and incorporate them into a final DEIS in so short a time. This very claim implies that *the final DEIS has already been drafted, in complete disregard for the public comments*, most of which, it can be assumed, are still in preparation.

Accordingly, I am appealing to you to counsel the personnel of the Loveland office on this issue. I have been spending my own time in research, and have only begun drafting my responses to this supplement. One wonders here again whether the USBR's own operatives have again violated the legal and procedural guidelines of the NEPA to work with the Applicant to craft a favorable DEIS despite the evidence provided through the public comment period. The documentation provided above (and attached to this letter) clearly shows that from the USBR's perspective, their job was to advance the particular interests of the Applicant, rather than conduct a bona fide NEPA process. At the first Pueblo hearing, where I was personally in attendance, Mr. Pat Mangan specifically directed those of us with issues on alternatives selection and consideration to Mr. Gary Bostrom of CSU, who Mr. Mangan expressly said was "driving that process". Such cozy, hand-in-glove relations between the USBR and Applicant are prohibited by law in the NEPA process, which is supposed to be conducted according to principles of scientific veracity and factual objectivity (Ref.). The same sort of collusion between USBR personnel and the Applicant appear to be forcing the rapid completion of the DEIS process despite the late reopening of the public comment process.

The USBR's relationship to the Applicant undermines public confidence in the integrity of the NEPA process. The American public relies on the USBR, its personnel and allied agencies, for an objective and scientifically founded process for evaluating the project proposals their alternatives. The USBR has not allowed such an open, scientifically founded and objective process to take place. In fact, Colorado

Springs Utilities has consistently been allowed to keep any objective presentation of the one viable and foreseeable project alternative, the Phantom Canyon Pumped-Storage Project (FERC Permit #P-12714-00, November 2006) out of the alternatives consideration altogether, even though this project has long since progressed beyond the reconnaissance and feasibility stages and is in the process of preparing for construction. Also in contravention of NEPA policy, the CSU's own personnel have instead been allowed to substitute their own adulterated version of this option—skewed so as to make it appear unworkable (replete with shifting high points along the same proposed pipeline route!). This skewing of the proposed alternative is also manifest in the following ways. First, while the Supplemental Information Report rejects the proposed JCCR as a part of the Applicant's preferred Alternative #2 for the following reasons (Sec. 4.1, p. 9)—

- to avoid effects on wetlands
- To minimize potential effects on cultural resources
- To avoid effects on important paleontological resources
- To minimize potential increased Bird Aircraft Strike Hazard

—this deeply flawed project element is retained for alternatives 1, 4, 5, 6 & 7 (the Fremont County or Hwy 115 Alternative). The proposed JCCR was retained in these five alternatives allegedly to “provide a full range of reasonable alternatives.” (Sec. 4.0, p. 4) Of course, this claim is patently untrue. While the USBR is to be commended for rejecting the proposed JCCR as an element of the Applicant's preferred alternative, the Bureau also owes it to the public to make sure that this unsound project component is eliminated *FROM ALL OTHER ALTERNATIVES* as well.

The BOR seems here to be continuing to act under the direction of the Applicant (Colorado Springs Utilities), and has thus never permitted a complete presentation of the Hwy 115 alternative. This alternative, on account of the already FERC-permitted expanded Brush Hollow Reservoir, requires no “terminal storage” at Jimmy Camp Creek. The analytic observer, indeed, wonders why the Hwy 115 or Fremont County alternative is made to bear the costs of both the proposed JCCR since the USBR has rejected it as feasible in its Supplemental Information Report, and the costs of the proposed UWCR as well.

It is apparent, with the Hwy 115 alternative most closely resembling an already permitted project not linked to these proposed new pieces of infrastructure—the already permitted Phantom-Canyon Pumped Storage Hydro-Project—that the addition of these elements to Alternative #7 were necessary from the Applicant's point of view to drive up the costs and impact of that alternative to ensure that it would not be able to compete with the Applicant's preferred Alternative #2 from a cost, feasibility and environmental impact perspective.

In fact, had the USBR's Alternatives Analysis followed scientific and objective standards, the JCCR would have been eliminated from *all* alternatives, rather than

being retained for #4, #5, #6, and #7 to exclude these from consideration, and the Hwy 115 alternative would have been presented according to the demonstrably feasible layout provided by the owners of the Phantom Canyon project, and not by the Applicant's interpretive knock-off version of that undertaking. In fact, NEPA law and CEQ guidelines *require* that competing projects and project proposals be actively sought out by the sponsoring agency and evaluated on their own merits. The current BOR Procedures states that any alternative received from a third party should be evaluated as is, with no modifications, especially if that alternative has been provided by a source hostile to the proposed action. Again, the USBR refused to follow its own guidelines in this process, and by the express admission of its own representative, Mr. Pat Mangan, allowed the Applicant to make the critical decisions regarding Alternatives Analysis.

Here then is yet another instance where the USBR and its agents have refused to comply with their own directives. Mr. Pat Mangan's repeated interjections throughout the NEPA process that the BOR could not consider the Phantom Canyon project is refuted by the stated objectives of the NEPA Act itself, which emphasizes identification and consideration of alternatives which have "beneficial impact" on the environment.

C. USBR takes further action allowing Applicant to eliminate competing alternatives and skew the presentation of viable, foreseeable alternative projects.

Moreover, the BOR and its representatives refused to comply during the process with a formal request by Colorado Springs City Council that the USBR both submit and consider the Phantom Canyon Project (April 2005). This refusal is confirmed in the minutes of the April 2005 meeting between USBR representative Pat Mangan and MWA representative Bill Vandever. In another conflict of interest, CH2M Hill contracts with Colorado Springs Utilities, and CSU then provides that material to MWA as part of the EIS. In this capacity, CH2M Hill also deliberately misrepresented the CSU Staff's responses to Mark Morley on the Brush Hollow option. ***These and all other pertinent documents are herewith incorporated into the official administrative record of this NEPA Process.***

These actions by the USBR in the course of this NEPA process have to be considered in light of NEPA, CEQ, and BOR Procedures guidance to consider alternatives other than those proposed by the Applicant. The Supplemental Information Report on the DEIS is required by law to address the deficiencies in the original DEIS document (Ref.) and by these deliberate and open misrepresentations it fails to do so.

Additionally, the USBR allowed the consulting contractor, MWA, to alter the fundamental scope of the proposed SDS project on 5 May 2005. Prior to this date, the scope of SDS included the critical PSOP element: "...PSOP includes the re-operation of Pueblo Reservoir to store non-Fryingpan-Arkansas project water, and the

enlargement of the Pueblo Dam and reservoir system.” (p. 1-3; Draft Engineering Report for Colorado Springs Utilities Series 2003B Revenue Bonds; reference below). The Citizens of Colorado Springs, through their Utilities Board, incurred the liability of these bonds in good faith. Then, on 5 May 2005, after tens of millions of dollars in bonds had been let for this purpose, MWH (A) issued to a critical, scope-changing memo to Colorado Springs Utilities. In this memo, MWH stated that “The Participants have proposed use of Pueblo Reservoir without modification for regulating storage.” (p. 1) Neither the DEIS nor its supplement subject this fundamental alteration in project scope to any discussion or environmental investigation. This change, however, is crucial to understanding the SDS project and it needs to be studied.

Even more shockingly, however, CSU’s newly submitted 1041 permit application (August 2008) for the pipeline from Pueblo Reservoir to the Upper Williams Creek Reservoir changes this fundamental document’s stipulations. In fact, the 1041 application describes precisely the critical new different pipeline and project specifications. These include a 78-inch diameter welded steel pipe capable of conveying 96 mgd of raw water connecting to approximately 110 feet of buried, 72-inch diameter welded steel pipe capable of conveying 78 mgd of raw water. This pipeline will deliver water from the Joint Use Manifold (JUM) near Pueblo Reservoir to the Juniper Pump Station (JPS).” (p. B-1) *Since the capacity in the JUM is already fully allocated, with CSU’s participation the question must be raised as to how the additional capacity will be provided in the JUM.* (As population increases, available capacity in the JUM decreases because of increased usage by those holding the legal allocation rights: Pueblo West Municipal District, pp. 34 & 36, but not included in the DEIS). *That is, does CSU plan further expansion of the JUM—in further contradiction to the May 2005 MWH memo?* This question needs to be answered and any ensuing and required environmental assessment carried out to determine the impacts of these changes.

CSU’s 1041 application further describes a “78 mgd pump, JPS...with seven 3,000...(hp) vertical turbine pumping units...located near Pueblo Dam in proximity to the existing Pueblo West and the FVA pump stations.” (p. B-1) The 1041 application further specifies a “115...(kV) substation and overhead electric transmission facilities to connect existing Black Hills Corporation infrastructure from south of the Arkansas River to the JPS”...on the north side of the river. (B-1) *These changes to the absolute scope of the SDS project have received no study within either the DEIS or its supplement, thus invalidating the DEIS and its Supplement.* Additionally, the Federal Register: September 8, 2003 (Volume 68, Number 173) Notices [Page 52953-52955] address the particular case (p. 52954) when Springs Utilities might request “approval to convey their non-Fry-Ark water through the South Outlet Works to the Joint Use Manifold and Pipeline” and noted that the Pueblo EA (2000) had already “acknowledged additional environmental compliance would be needed” when that time came. This “additional environmental compliance” has not been carried out, more especially as Colorado Springs’ 1041 application for their proposed pipeline (August 2008) post-dates the completion of the SDS DEIS (13

June 2008) and is not treated in detail in the Supplement (October 2008). To validate these points, *the following documents are herewith included in the formal administrative record of this NEPA Process:*

Federal Register: September 8, 2003 (Volume 68, Number 173) Notices [Page 52953-52955];

MWH(A) memo to Colorado Springs Utilities, 5 May 2005—Subject: Participants' Proposed Action, Southern Delivery System Environmental Impact Statement;

Southern Delivery System Pueblo County 1041 Permit Application (Submitted to Pueblo County Department of Planning and Development August 2008);

Southern Delivery System Engineering Report, City of Colorado Springs, Colorado Utilities System Subordinate Lien Improvement Revenue Bonds Series 2003B; prepared for Colorado Springs Utilities by CH2MHill, October 2003; The Pueblo EA.

Accordingly, the USBR needs to reconsider both the DEIS and its Supplemental Information Report. A new public comment period needs to be opened to allow for the USBR's reconsideration of these key points, and to allow further public address of the issues left out of this process—the unconsidered project elements of the proposed SDS including PSOP and its newer alternatives, and the Phantom Canyon Project. In this latter vein, the public needs more time for meetings on this subject, and *TO ALLOW REAL ALTERNATIVES* to be presented—something that has never been allowed in this Applicant-controlled NEPA process. As matters currently stand, all proposed alternatives simply constitute variations on the Applicant's preferred Alternative #2 as originally presented. Ergo, no valid alternatives analysis has ever been undertaken in the course of this NEPA process.

The purpose of the NEPA process is not to allow the applicant to control the process so as to force the selection of the Applicant's preferred Alternative, as the BOR has allowed here. The purpose of the NEPA process is *to identify and select the least environmentally impactful project alternative*. That purpose has not been carried out by the present process.

What is needed in this case is a completely new process, stripped of the Applicant's influence and those persons within BOR who allowed it (Pat Mangan, Beth Boaz, Jaci Gould, et al.).

D. Water Quality and Other Issues

In my initial responses to the DEIS, I concentrated my work on the Jimmy Camp Creek Reservoir (JCCR) and its negative impacts on water quality, safety, defense, and cultural and paleontological resources. In this response, I am compelled to address similar issues with respect to the proposed Upper Williams Creek Reservoir (UWCR).

First, neither the DEIS nor the Supplemental Information Report to that document addresses critical environmental concerns with respect to the proposed UWCR site. These concerns can be broken down into the following categories: 1) open garbage dumps on site; 2) proximity to the same coal seam that underlies the proposed JCCR; 3) the Pierre Shale formation underlying the proposed UWCR site, and 4) the negative impact of the proposed UWCR site on Bradley Road, a Defense Access Road (DAR) linking Ft. Carson, Peterson AFB and Shriever AFB, the construction of which was funded directly from DAR funds authorized by Congress.

- 1) The open garbage dumps visible on the UWCR site require a minimum Level 1 Environmental Investigation. Yet neither the BOR, the Applicant, nor the BOR's investigative agents (MWH, CH2MHill and others), has as of yet even gained access to this site and these dumps to survey, investigate, or study them for their potential impacts on the water quality of the proposed reservoir, or for any mitigating strategies.
- 2) The large coal seam that underlies the JCCR site continues in a long southeastern arc toward the UWCR site, eventually running partially under the site and partially along the ridge that covers the eastern flank of the site. This coal seam poses the same risks to downstream alluvial aquifers and groundwater supplies that are posed by the JCCR site, and thus stands as a perhaps diminished but still present threat to the water supplies of Widefield, Security, and Fountain. That is, water seepage from the proposed dam would at least produce methane gas abundantly, and could also result in the leaching of petroleum distillates into this highly sensitive alluvial basin, poisoning the water on which tens of thousands of persons depend, to say nothing of livestock. The environmental risks posed by the open coalmine shafts upstream of this site are detailed in the standard reference work, *Their Silent Profile: Inactive Coal and Metal Mines of Colorado*, Vol. II, pp. 11-8, 11-9. Nowhere in the DEIS or the supplement does the reader find any reference to this critical environmental reference work.
- 3) The UWCR site is 100% underlain by the selenium-rich Pierre Shale layer that also underlies much of the Fountain Creek basin, and which is primarily responsible for the high saline content at the mouth of Fountain Creek on the Arkansas River, and which continues to impact not only the waters of Pueblo negatively, but those of the farmers east of Pueblo in the Lower Arkansas Valley. Neither the DEIS nor Supplemental Information Report makes any

mention of this problem or its potential impact on water quality downstream of the proposed reservoir facility.

- 4) The critical Defense Access Road—Bradley Road—serves Shriever AFB and would have to be moved. Shriever is the USAF's #1 mission-control installation for space activity. Among other tasks, it maintains the GPS system, which has both military and civilian impacts, and is home to the military communications, surveillance and intelligence satellites controlled by the 50th Space Wing. Neither this issue, nor the costs associated with such a move, have been either presented to or discussed with the respective service representatives at the three impacted bases (Shriever & Peterson AFBs; Ft. Carson), the commandants of these bases, or the service heads themselves. The negative impacts to our defense readiness of moving such a key facility have not been addressed in either the DEIS or its supplement. Nor has even the possibility of locating a similarly east-west oriented geological formation capable of supporting such a facility (capable of supporting columns of multiple 60+-tonne Abrams tanks, as well as 30-tonne Bradley Fighting Vehicles). Both the DEIS and its supplement owe the public a thorough, objective, and scientifically-grounded study of these issues, with real alternatives to moving Bradley Road.
- 5) The varying ecoli counts east of Pueblo Dam, which, per the Supplemental Information Report of the SDS DEIS, October 2008, vary according to project alternative, are without scientific basis. The ecoli counts cannot vary per individual alternative, since the water below the dam is affected only by the water behind the dam, and its flows, which, absent CSU's flow management program, are wholly dependent on the downstream water calls.

E. Ethical Compliance Issues

The BOR has yet to address the ethical compliance issues raised in the responses I first submitted to this agency, to wit: the SDS DEIS process has throughout violated both NEPA and CEQ guidance as well as United States Supreme Court decisions identified in the Council on Environmental Quality's (CEQ's) 1983 memo on additional guidance, 40 CFR Sec. 1506.5C. As the BOR's principal environmental contractor and field analyst, Montgomery Watson Harza Americas (MWA) was required to submit disclosure statements identifying its contractually established fiduciary interest in the Applicants proposed action—Alternative #2, the proposed Southern Delivery System. Yet MWA has had demonstrated long-term involvement in and commitment to the Preferred Storage Option (PSOP) as well as a contractual obligation to the Applicant at the Applicant's Clear Springs Ranch water treatment facility.

On this point, *The Southeastern Colorado Water and Storage Needs Assessment Enterprise Preferred Storage Options Plan* (prepared by GEI Consultants, Inc., Richard A. Westmore, P.E., Project Manager, for the Southeastern Colorado Water Conservancy District and Enterprise Board, 21 September 2000, Project 99061) is extremely telling. There, critical consultants for the DEIS are listed with visible relationships to the Applicant. Thus, "MW" (MWA) is specifically identified as a consultant retained by

CSU, the Applicant in this process. ERO, another consultant on the DEIS, is listed as a sub-consultant to “MW” (MWA). Thus, not only MWA, but other entities as well engaged by the USBR to carry out the EIS were in prior undisclosed conflicting relationships with the Applicant at the time the USBR contracted their services. Thus, *The Southeastern Colorado Water and Storage Needs Assessment Enterprise Preferred Storage Options Plan* (prepared by GEI Consultants, Inc., Richard A. Westmore, P.E., Project Manager, for the Southeastern Colorado Water Conservancy District and Enterprise Board, 21 September 2000, Project 99061) **is herewith incorporated into the official administrative record of this NEPA process.**

Although the Applicant now says that PSOP is not part of the proposed SDS project, the Applicant’s paper record reveals that the case is otherwise. Thus, both CSU’s 2003B and 2005B Bond series describe PSOP as critical to the legal authority for long-term contracting with the BOR for capacity in Pueblo Reservoir, and require expansion of Pueblo Reservoir.

Other ethical irregularities involving MWA, again, the BOR’s principal environmental contractor, can be seen in the MWA memo of September 2005, where the Applicant’s notice of intent was apparently changed, but never publicized in accordance with the rules governing the NEPA process. This document is also **herewith incorporated into the official administrative record of this NEPA process.**

These egregious and gross ethical violations of Federal law, guidelines and regulations have had a deeply compromising effect on this entire NEPA process, and are largely the reason for the continual violations of the USBR, US DOI, and US EPA scientific accuracy standards. I should also note the demonstrable lack of truthfulness on the part of USBR representative Pat Mangan in his administration of this process. Not only did Mr Mangan work closely with the Participant’s representative, Gary Bostrom, to exclude critical information harmful to the Participant’s preferred alternative, and to exclude known, foreseeable and less environmentally damaging project alternatives than the Participant’s proposed alternative (particularly the FERC-permitted Phantom Canyon Pumped Storage Hydro Project (*Permit #P-12714-00*)), he also specifically contracted for the bulk of his scientific and engineering studies with entities such as MWA, ERO, and others, which had known but undisclosed contractual commitments to CSU’s preferred alternative. For these and other reasons, the DEIS and its supplement are invalid from the ground up and need to be entirely rejected, or entirely redone.

Your patience in reading through this material is greatly appreciated. I am forwarding these comments to the Commissioner of Reclamation and the Secretary of the Interior as well.

Sincerely,

Dr. Don G. Schley, PMP
Principal
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24 November 2008

Mr. Michael Ryan
Regional Director, Great Plains Region
U.S. Bureau of Reclamation
P.O. Box 36900
Billings, MT 59107-6900

RE: SDS-DEIS Responses to the Supplemental Information Report—Addenda to the official administrative record.

Dear Mr. Ryan:

The cited documents below are herewith and henceforth incorporated by reference into the official administrative record of this SDS-NEPA process. *Specific documents are not attached in compliance with the express CEQ guidelines that paperwork be minimized.* All documents are from the public domain and can be provided or accessed as needed. The documents so referenced include, but are not limited to, the following citations.

All Articles from the Pueblo Chieftain pertaining to PSOP and SDS, especially those written by Chris Woodka, and especially including, but not limited to the following: Woodka, Chris. "Fountain Creek By-pass added to SDS". Pueblo Chieftain, 8 Oct 2005, as well as all those in which USBR representative Pat Mangan and CSU representative Gary Bostrum deny that any extant studies exist on the proposed Hwy 115 route (cf. Fryingpan-Arkansas Project environmental documents, below).

All CEQ Guidelines and Regulations.

All documents pertaining to the Colorado Springs' City Council and Utilities Board's efforts to have the Phantom Canyon Pumped-Storage Hydro Project considered in the alternatives analysis, including meeting minutes, inter-office memos, e-mails, and communications with MWH(A), CH2MHill, and other consultants. Pertinent communications would be between March and May 2005.

All Federal Register documents pertaining to the SDS project, including but not limited to Federal Register: September 8, 2003 (Vol. 68, No. 173) [Notices; pp. 52953-52955], which documents the need for further EA compliance studies "when Springs Utilities requested approval to convey their non-Fry-Ark water through the South Outlet Works to the Joint Use Manifold and Pipeline." This document seems to be reflected in the SDS 1041 application to Pueblo County of August 2008, but is nowhere reflected in the NEPA process.

All Intergovernmental Agreements (IGAs) between either the City of Colorado Springs, Colorado, and/or Colorado Springs utilities enacted in furtherance of the Preferred Storage Option Proposal (PSOP) and the SDS, including but not limited to those with Pueblo, The Colorado River District, and others.

All documents of the Citizen Tool Box—NEPA 40 Q & A.

All Draft and Formal Prospecti for Colorado Springs' Utilities bond offerings supporting PSOP and/or the proposed Southern Delivery System (especially those issued in furtherance of the 2003B and 2005 Bond offerings).

All Intergovernmental Agreements (IGAs) between either the City of Colorado Springs, Colorado, and/or Colorado Springs utilities enacted in furtherance of the Preferred Storage Option Proposal (PSOP) and the SDS, including but not limited to those with Pueblo, The Colorado River District, and others.

All MWH(A) memos of critical import to the SDS process, including the memo of 5 May 2005 which states explicitly that “The Participants have proposed use of Pueblo Reservoir without modification for regulating storage.” (P. 1), and the memo of September 2005, where the Participant’s notice of intent was apparently changed, but never publicized as required by the rules, regulations and guidelines governing the NEPA process.

All NEPA regulations and guidelines, including but not limited to US District Court, US Circuit Court of Appeals, and US Supreme Court decisions pertaining to the interpretation and application of NEPA rules, guidelines and regulations.

All pertinent US Statutes, including but not limited to 40 USC 1506.5 (c), which specifies that “a consulting firm preparing an EIS must execute a disclosure statement”.

All responses to the original SDS-DEIS (due 13 June 2008) by the following individuals: Dr. Don G. Schley, PMP, AEON Project Development; Tom Gallagher, Colorado Springs City Councilman; Mark Morley, Principal, H2O Providers, and The Morley Companies; Warren Paul, P.E., Washington Group International, Division of URS Corporation, as well as all responses submitted to the current Supplemental Information Report, October 2008.

Bingham, Donald L. and Klein, John M., “Extent of development and hydrologic conditions of the alluvial aquifer, Fountain and Jimmy Camp Valleys, Colorado, 1972”.

Bureau of Reclamation Information Quality Guidelines.
<http://www.usbr.gov/main/qoi/guidelines.html> (accessed 22 May 2008).

Bird/Wildlife Aircraft Strike Hazard Assessment Report (for the Southern Delivery System Environmental Impact Statement). Prepared under contract with MWH Americas, Inc., September 2007.

Colorado Springs Utilities Water Resource Plan, 1996.

Draft Engineering report on the Southern Delivery System, in support of Colorado Springs 2003B Utility Revenue Bonds offering; prepared by CH2MHill for CSU, October 2003.

Draft Environmental Statement on the Fryingpan-Arkansas Project, Vols 1-3, 1973; and the *Supplement to the Environmental Statement*, Fryingpan-Arkansas Project, 1978. These documents prove that USBR representative Pat Mangan and CSU representative Gary Bostrom were lying consistently throughout the NEPA process when they claimed that neither CSU nor USBR had any knowledge of any formal environmental documents on the Highway 115 route. These official USBR documents were extant, known and available to both Bostrom and Mangan at the time these claims were made.

Earth Manual: A Water Resources Technical Publication. A guide to the use of soils as foundations and as construction materials for hydraulic structures. 2nd Edition: United States Department of the Interior, Bureau of Reclamation, 1974 (The most recent edition is *Earth Manual—Part I. A guide to the use of soils as foundations and as construction materials for hydraulic structures.* USBR. 3rd Edition, 1998.

Emmons, Patrick J., “Artificial-recharge tests in Upper Black Squirrel Creek Basin, Jimmy Camp Valley, and Fountain Valley, El Paso County, Colorado,” U.S. Geological Survey, July 1977.

FERC Permit #P-12714-00, November 2006 (Phantom Canyon Pumped-Storage Project). This document proves that knowledge of such a project was available to USBR, its representatives, and to the Participants throughout the NEPA Process. The Feasibility study on the project prepared by the Washington Group International, a Division of URS, was also potentially available to the USBR, but CSU and MWA prevented this material ever being part of the process, and USBR never sought to correct this deficiency in the NEPA process.

Federal Register (40 CFR 1502.24). Requirement for Scientific Accuracy.

Federal Register/ Vol. 69, No. 45, Monday, March 8, 2004, pp. 10866-10887. *National Environmental Policy Act Revised Implementing Procedures; Notice.*

Final Environmental Assessment, Pueblo Board of Water Works, July 2000.

Final PSOP Implementation Committee Report: Addendum to Preferred Storage Options Plans Report. Developed by PSOP Implementation Committee, 19 April 2001. Submitted

to the Southeastern Colorado Water Activity Enterprise, 31717 United Avenue, Pueblo, Colorado 81001.

Fountain Creek Watershed Study. Task Order No. 2. Contract Number W912PP-04-C-0006. Prepared by URS Group, Inc. for the US Army Corps of Engineers, March 2005.

Hazardous Materials Assessment (for the Southern Deliver System Environmental Impact Statement). Prepared under contract with MWH Americas, Inc., July 1997.

Letter to Colorado Springs Utilities and the City of Aurora, 29 September 2000 RE: EVALUATION OF DESIGN MODIFICATIONS, PUEBLO DAM. Ueblacker Associates, Lakewood, CO

MWHA Professional Services Agreement No. 200316026; 10 September 2003; between CSU and MWHA. 40 USC 1506.5 (c), specifies that “a consulting firm preparing an EIS must execute a disclosure statement”.

MWHA memo of 5 May 2005, where the SDS project’s scope was changed, eliminating PSOP as part of the SDS, but was never publicized in accordance with the rules governing the NEPA process.

MWHA memo of September 2005, where the Applicant’s notice of intent was apparently changed, but never publicized in accordance with the rules governing the NEPA process.

Memorandum for Heads of Agencies: “Guidance on Applying Section 404 (r) of the Clean Water Act To Federal Projects which Involve the Discharge of Dredged or Fill Materials into Waters of the U.S., including Wetlands.” Executive Office of the President, Council on Environmental Quality, 17 November 1980.

Milenski, Frank. *Water: the Answer to a Desert's Prayer*. Aurora, Colorado: Milenski Agriculture Consulting Service, 1990.

Milenski, Frank. *In Quest of Water: A History of the Southeastern Colorado Water Conservation District and the Fryingpan-Arkansas Project*. Aurora, Colorado: Milenski Agriculture Consulting Service, 1994.

Minutes of meeting between USBR representative Pat Mangan and MWH(A) representative Bill Vandever (April 2005) regarding the CSU Board’s request that the Phantom Canyon project be included in the Alternatives Analysis.

Moore, John E. E.; Moore, John E., & Moore. Moore E. *Field Hydrogeology- a Guide for Site Investigations and Report Preparation*. Lewis: July 2002.
Their Silent Profile: Inactive Coal and Metal Mines of Colorado-Colorado Inactive Mine Reclamation Plan (published under the auspices of The Inactive Mine Program of the Colorado: Mined Land Reclamation Division, Department of Natural Resources. 1982.

National Environmental Policy Act Revised Implementing Procedures; Notice. Federal Register/ Vol. 69, No. 45, Monday, March 8, 2004, pp. 10866-10887.

Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act; 40 CFR Parts 1500-1508 (2005).

Response to Mr. Morley's Comments made at the January 2006 Utility Board Meeting (18 Jan 2006). Prepared by CSU Staff.

Southeastern Colorado Water and Storage Needs Assessment Enterprise: Preferred Storage Options Plan. Prepared by GEI Consultants, Inc. 21 September 2000 and submitted to the Southeastern Colorado Water Conservancy District and Enterprise Board, 31717 United Avenue, Pueblo, Colorado, 81001. Project 99061.

Supplement to the Final Environmental Impact Statement on the Frying-Pan Arkansas Project, USBR, 1978.

Steers, Mark and Trojanowski, John. *Pueblo Dam – Risk Analysis – Modified Dam Including Contraction Joint Leakage and Concrete Dam Tension Issues.* Prepared by Mark Steers and John Trojanowski, US Dept of the Interior, USBR, July 2000.

Supplement to the Final Environmental Impact Statement on the Frying-Pan Arkansas Project, US Bureau of Reclamation, 1978.

The Seedskadee Project, by Toni Rae Linenberger (USBR History Program, Denver, Colorado; Research on Historic Reclamation Projects, 1997), treating the Fontenelle Dam in southwestern Wyoming; accessed 18 April 2008.
<http://www.usbr.gov/dataweb/html/seedskadeeh.html>

The Southern Delivery System Pueblo County 1041 Permit Application (August, 2008), which reverses the MWH(A) memo of 5 May 2005 to CSU proposing “use of Pueblo Reservoir without modification for regulating storage...” and thus documenting a further reversal a project scope, all outside of the NEPA process.

The Teton Basin Project. USBR Lower Division, Idaho. Accessed 18 April 2008.
<http://www.usbr.gov/dataweb/html/teton1.html>.

The Ticknor Report: Utilities and Economic Development Competitiveness for Colorado Springs. Prepared for the Greater Colorado Springs Economic Development Corporation by the Economic Development Research Group, Ticknor and Associates; 1 August 2005.

Trojanowski, John. *Pueblo Dam Study to Raise the Operating Pool for Southeastern Colorado Water and Storage Needs Assessment Enterprise*, for the USBR, 31 August 1999.

Ueblacker, Horst. "Evaluation of Design Modifications, Pueblo Dam"; letter from Horst Ueblacker, P.E., of Ueblacker Associates, 29 Sept. 2000, to Gary Bostrom of CSU and Douglas Kemper, City of Aurora. [*This critical evaluation was unfortunately left off the reference list of my original submission on safety issues pertaining to the SDS, but was included in the text of this response. The letter shows that PSOP was under active consideration, and provides the best summary available on the problems that inhere in Pueblo Dam and Colorado Springs' proposals to raise it.*]

USBR. *Pueblo Dam, Safety of Dams, Final Environmental Assessment, 1998.*

Vegetation Resources Technical Report. SDS Environmental Statement. Prepared by ERO Resources Corp. under contract with MWH Americas, Inc., November 2007.

Wahler, W.A., & Associates. *The Wahler Reports: Review of the Design, Construction, and Operation of Pueblo Dam Project, Colorado.* Washington, DC: US Department of the Interior, June, 1977.

Wahler, W.A. & Associates. *The Wahler Report: Review of the Design, Construction and Operation of the Mt. Elbert Forebay Dam and Reservoir Project, Colorado,* for the United States Department of the Interior, Washington, D.C. Contract No. 14-01-0001-77-C-10. W. A. Wahler, June 1977.

Wildlife Technical Resources Report. SDS Environmental Statement. Prepared by ERO Resources Corp. under contract with MWH Americas, Inc., November 2007.

Wilshire, Richard Lynn. "100 Years of Embankment Design and Construction in the US Bureau of Reclamation". Richard Lyman Wilshire, P.E., Civil Engineer, served as Principal Designer, Geotechnical Services Division, Group I, Technical Services Center, Bureau of Reclamation, U.S. Dept. of the Interior, Denver, Colorado. Paper presented at the Bureau of Reclamation History Symposium, University of Nevada—Las Vegas, June 18-19, 2002.

I am forwarding this record of critical process documents to be added to the official administrative record of this NEPA Process to the Commissioner of Reclamation and the Secretary of the Interior as well.

Sincerely,

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