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Congress of the United States
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June 26, 2008

<http://markudall.house.gov/HoR/Co02/home>

Mr. Mike Collins, Area Manager
U.S. Bureau of Reclamation
Eastern Colorado Area Office
11056 W. County Road 18E
Loveland, CO 80537-9711

Dear Mr. Collins:

I understand that the public comment period has closed regarding the Bureau of Reclamation's draft environmental impact statement (DEIS) for the Southern Delivery System (SDS) project--a project involving diverting water from the Arkansas River to Colorado Springs. I also understand that serious concerns about the adequacy of the DEIS have been expressed by a good number of people, including Mr. R.H. Rawlings, Publisher of the *Pueblo Chieftain* newspaper, who submitted detailed comments.

I've had an opportunity to review Mr. Rawlings' extensive comments, and I hope you will give them your serious attention and full consideration. His comments, and others, really underscore the depth of concern that exists about the project and how it might affect water users throughout the Arkansas River basin.

Given these comments and others like them, and in light of the significance of this proposed delivery system to the economy and environment of this region, 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. I probably do not need to remind you that, depending on Reclamation's process and decision, this project also has the potential for dividing the Colorado Congressional Delegation.

For those reasons, I urge Reclamation to heed these warnings and slow down work on the final EIS so that public comments and concerns can be seriously considered and to provide time to find more collaborative, less contentious and potentially less litigious resolution.

As a member of the House Natural Resources Committee, and the Subcommittee on Water and Power, I have taken an active role in addressing the often controversial issues related to water diversions, contracts and storage in the Fryingpan-Arkansas Project in Colorado. I expect that questions related to the SDS project could also make their way to the attention of the committee. Should that happen, I believe Reclamation's evaluation and decision-making processes will come under additional scrutiny.

I appreciate that a great deal of work has been done in preparing the DEIS for this proposal. However, it is clear that this proposal is unusually controversial -- not least because of its implications for water quality and use in the Arkansas River Valley as well as water quality and flooding issues along Fountain Creek.

I have first-hand awareness of the potential problems for the Fountain Creek drainage, having taken an extensive tour of the area earlier this year. I am also concerned about the implications for legislation I have introduced (H.R. 4928) that would require a study of the feasibility of a Fountain Creek storage facility to benefit the communities of Pueblo and along Lower Arkansas Valley.

For all of these reasons, and particularly because I think it is likely that Reclamation's analysis may be challenged in court, I would suggest that Reclamation take a hard look at the public input, slow down and work with all parties to seek a mutually acceptable resolution of concerns. By way of example, I understand that the U.S. Forest Service recently delayed further work on its environmental analysis regarding a proposed expansion of the Breckenridge Ski Area in Summit County, Colorado. The Forest Service took heed of the intensity of public feelings surrounding the proposal, including the amount of public input and decided to slow down the process -- in essence postponing the final EIS -- to give both expansion proponents and opponents an opportunity to explore other avenues of resolution. I would urge the Bureau of Reclamation to look at this example and consider a similar approach.

Thank you for your serious consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Udall". The signature is fluid and cursive, with a long horizontal flourish at the end.

Mark Udall