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Via U.S. Mail and Email
Ms. Tara Piper (tpiper@usbr.gov)
Bureau of Reclamation
11056 W. County Road 18E
Loveland, CO 80537



Re: Bureau of Reclamation Resource Management Plan and NEPA Environmental Assessment for Lake Pueblo State Park and the Lake Pueblo Wildlife Area

Dear Ms. Piper:

Our law firm serves as special counsel to Pueblo County on water rights and related land use and environmental matters. We understand that the Bureau of Reclamation (Bureau) is seeking public input on its preparation of a Resource Management Plan (RMP) for the Lake Pueblo State Park and Lake Pueblo Wildlife Area, and that the Bureau is also preparing a separate Environmental Assessment (EA) for these locations in compliance with the National Environmental Policy Act. We are submitting this letter at the request of the Pueblo County planning staff and the Pueblo County Attorney (collectively Pueblo County) to provide input on the Bureau's preparation of both the RMP and EA.

Pueblo County's main comment is that the Bureau ensure that future operations in the RMP and the environmental assessments in the EA prepare for and adapt to reduced and changing lake levels, river flows, and water quality caused by new water projects. These water projects include the Southern Delivery System (SDS), Aurora long-term storage contract, the proposed Master Storage Contract sponsored by the Southern Colorado Water Conservancy District, the proposed Arkansas Valley Conduit (AVC), and Pueblo West's proposed Wildhorse Creek Return Flow Pipeline.

Lake Pueblo is a valuable amenity that provides not only important water for municipal and agricultural uses, but also recreational, wildlife and aesthetic benefits to a wide variety of outdoor enthusiasts, and economic benefits to the residents of Pueblo County. Lake Pueblo State Park is one of Colorado's most popular water sports areas and one of the top fisheries in the State. The State Park attracts 1.7 million annual visitors to the 6.8 square miles of surface water, 64 miles of shoreline, and approximately 25 square miles of state park wildlife lands.

The Arkansas River below Lake Pueblo is also a valuable amenity and provides many of the same benefits as the Lake. The Arkansas River below the dam and downstream through much of the City of Pueblo has become a popular cold water fishery, especially attracting anglers

during the winter months.¹ The Pueblo Whitewater Park encompasses a half-mile stretch of the Arkansas River near downtown Pueblo and has become a popular recreational outlet for local residents and visitors. The Legacy Project, a combined federal and local effort, has created improvements in the Arkansas River channel through Pueblo and helped turn a once-abused river into an asset, with features such as the Historic Arkansas Riverwalk of Pueblo, a 32-acre urban waterfront experience which returned the river to its historic location and revitalized a segment of the downtown Pueblo area. These features are supported by the Pueblo Flow Management Program (PFMP), created under intergovernmental agreements whereby water users temporarily reduce their water exchanges to allow more water to flow in the Arkansas River through Pueblo to preserve flows downstream of Lake Pueblo for fisheries and recreation enhancement.

To protect these assets, Pueblo County requests that the RMP be promulgated and implemented in order to optimize water storage and deliveries while maximizing recreational, wildlife and other uses of Lake Pueblo and managing releases from the Lake to provide water at times when it will have the most benefit for downstream recreational and outdoor uses. It is especially important for the Bureau to promulgate and implement mechanisms in the RMP to address projects like the SDS, Master Storage Contract and AVC that have either not yet been completed or are awaiting approval, and which will have impact both to Lake Pueblo and the Arkansas River downstream.

Specific examples of mechanisms that should be considered in the RMP, and examined in the EA, include:

1. Storage Pool for Low-Flow Releases. Establishment of an additional reserve storage pool in Lake Pueblo for the release of water during times of low flow in the Arkansas River. The 1041 permit issued by Pueblo County for the SDS included a provision whereby Colorado Springs Utilities and the Pueblo Water Board agreed to release up to 3,000 acre-feet of water into the Arkansas River below Pueblo Reservoir during times when the flow would otherwise fall below 50 cfs. The Bureau had previously included a commitment to establishing a reserve pool in Lake Pueblo or upstream storage facilities to mitigate impacts of the AVC and Master Contract federal actions, but has apparently backed away from that commitment. The Lake Pueblo RMP should include such a reserve pool maintained by the sponsor and beneficiaries of the Master Contract and AVC, as well as Aurora and other recipients of long-term contracts for storage of non-Fry Ark Project water.
2. Lake Level Management Plan. Establishment of a plan to manage storage levels in Lake Pueblo. In paragraph 16 of its 1041 permit for the SDS, Colorado Springs Utilities committed to “voluntarily participate, when and if the Southeastern Colorado Water Conservancy District, the Bureau of Reclamation, and any other affected party agree to

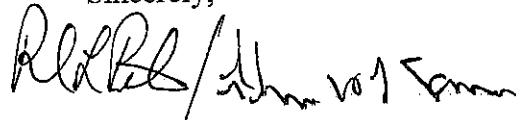
¹ See e.g. *Seeing is Believing for Winter Fishermen below Lake Pueblo*, Denver Post, December 18, 2013. Available at http://www.denverpost.com/outdoors/ci_24745253/seeing-is-believing-winter-fishermen-below-lake-pueblo.

participate, in developing a reservoir management plan for Pueblo Reservoir designed to protect reservoir levels and recreational opportunities on Pueblo Reservoir to the extent feasible given the potential for future changes in hydrology and water demands by project beneficiaries." The RMP provides an opportunity for the Bureau to join Colorado Springs Utilities in this effort and to engage the support of the Southeastern Colorado Water Conservancy District in developing a lake level management plan.

3. Fish and Wildlife Plan. Promulgation of a Fish and Wildlife Plan that optimizes aquatic life and wildlife enhancement in Lake Pueblo and in the Arkansas River downstream of the Lake.
4. Recreation Plan. Promulgation of a Recreation Plan that optimizes recreational opportunities in Lake Pueblo and in the Arkansas River downstream.
5. Pueblo Flow Management Program. Implementation of PFMP. A purpose of the PFMP is to maintain target flows downstream of Pueblo Reservoir. These target flows protect fisheries, riparian habitat, and water quality downstream of Lake Pueblo. The RMP should include mechanisms that provide for storage and operation of Lake Pueblo by all water users in a manner that will meet the target flows created under the PFMP.

Pueblo County recognizes the inherent challenges of managing storage facilities to maximize beneficial use while also meeting the Bureau's mission to protect water in an environmentally sound manner. However, the RMP, and the EA, should consider and integrate the economic, recreational, aquatic, wildlife and other resources both in Lake Pueblo and downstream in the Arkansas River. Thank you for the opportunity to provide comments on the RMP and EA.

Sincerely,



Raymond L. Petros, Jr.
Thomas W. Korver