

FOUNTAIN CREEK
CONFLICT ASSESSMENT

-- Prepared for --

The Colorado Department of Public Health and Environment

-- Prepared by --

The Osprey Group

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I. SUMMARY

Fountain Creek presents a contentious and multi-faceted challenge. Over two-thirds of those we interviewed think conditions on the Fountain are getting worse. Some see the Fountain as symptomatic of bigger and more fundamental issues. There are organizations addressing some of the Fountain concerns, but their effectiveness is widely questioned. Many are frustrated with a lack of coordinated, comprehensive thinking and action.

In spite of the contentiousness in the debate over the Fountain, there are reasons for optimism. This report sets forth perceptions about and challenges related to Fountain Creek, examines the nature of the dynamics, considers options for addressing the challenges, and recommends two approaches for moving forward:

- Form a Policy Committee to Complement the Technical Work of the TAC
- Invest in the Fountain as an Asset: A Collaborative Approach

Neither option is a panacea, but, taken together, they have the potential to address difficult environmental challenges and to convert a liability into an amenity for future generations.

II. INTRODUCTION

Problems on the Fountain have become more highly publicized with recent sewage spills from Colorado Springs Utilities. The latest major spill occurred in January 2006.

This assessment describes the controversy surrounding Fountain Creek, with particular emphasis on what, if any, expanded community involvement might be helpful. We asked two fundamental questions: How did the situation evolve in the way it has? What will it take to move ahead?

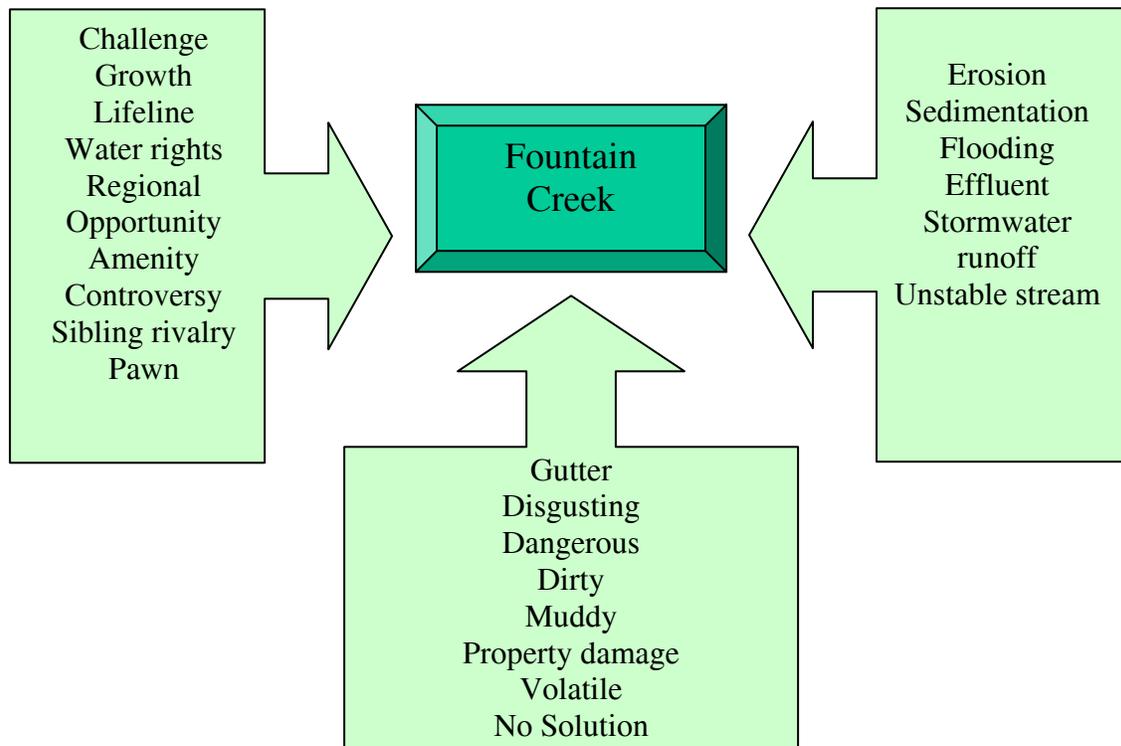
The Osprey Group interviewed 25 people in conducting this assessment. Detail about how the assessment was performed is provided in Appendix A. The list of those we interviewed is provided in Appendix B. We have tried to impartially reflect what we heard about the nature of the challenges and the potential for solutions. To the extent there are errors, they belong solely to us.

III. PERCEPTIONS AND ISSUES

Words that Describe the Fountain

One of our initial questions was to ask for words that describe Fountain Creek. In reviewing the responses, it is clear that individuals see the challenges of the Fountain differently. Some have a visceral and negative response. Some see the Fountain as reflective of bigger issues between Pueblo and Colorado Springs, such as growth and water rights. Others hone in on specific environmental challenges. Many see

tremendous opportunity. The chart below lists various words or phrases that people use to describe the Fountain:



Clearly there are vast differences in how individuals perceive Fountain Creek and its challenges. There are also differences in peoples’ views about the potential for finding solutions. On the one hand, there is a minority who see “no solution.” On the other hand, there are people who see the glass half full, cite the potential for moving ahead constructively, and want to get beyond parochial and technical challenges. Some of the quotes below highlight this sense of optimism and the desire to seek solutions:

“We cannot unring the bell. We have to move forward.”

“Both counties have a similar interest in solving the problem to get the Fountain off their radar screen.”

“People want to get beyond ‘this is what happened to us’ to ‘this is what we’re going to do.’”

Our interviews revealed a number of issues. We have divided them into three categories: (a) overarching issues; (b) environmental issues; and (c) perceptual issues. Our analysis of the issues in these categories is what underpins our formulation of the challenges and options for addressing them presented later in this report.

Overarching Issues

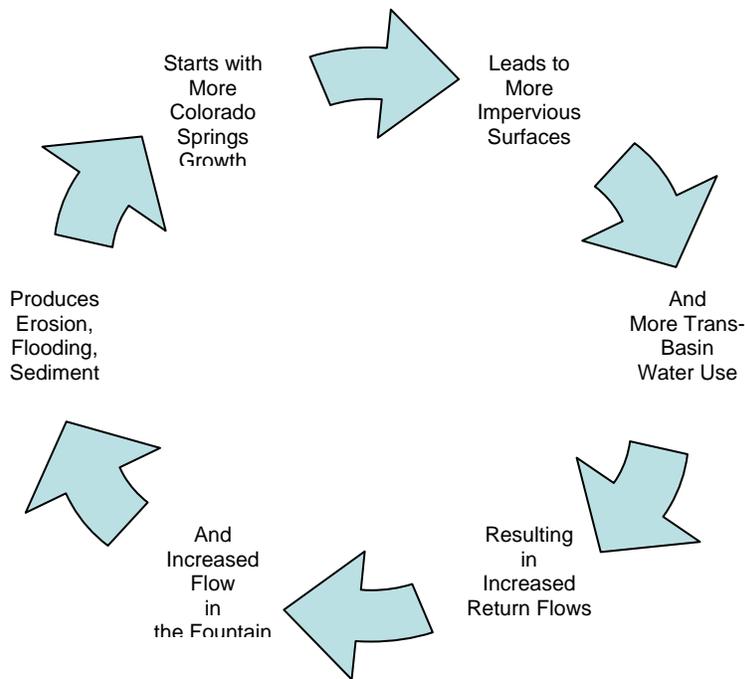
“This is about more than Fountain Creek.
It’s about water and growth.”

To a number of people we interviewed, growth and the associated need for water are the fundamental causes of the problems on Fountain Creek.

The Colorado Springs metropolitan area continues to grow at a rapid rate. This growth requires increasing amounts of water that come from trans-basin diversion. Flows down the Fountain are continually increasing and are higher than historical levels. Historically, the mean annual flow of the Creek was approximately 60 cubic feet per second. Mean annual flow has now almost quadrupled. It will continue to rise in the future.

Thus, the overarching issues are:

- Growth, particularly in and around Colorado Springs.
- The nature of development in the watershed, especially the increase in the amount of impervious surfaces.
- Water rights and the proposed Southern Delivery System.



A number of individuals see addressing these fundamental issues as necessary before any long-term solutions to environmental problems can be implemented on the Fountain. They believe that addressing the more immediate environmental issues is only attacking the symptoms of the problem and not the underlying causes.

Environmental Issues

“The problem with the Fountain is too much water.”

As a result of growth and the importation of water from the West Slope, the nature of the Creek has changed significantly. Several of the people we interviewed grew up near the Creek. They remember it as seasonal; there was no running water much of the year. And they remember significant floods and the resulting damage. The contrast was extreme, from dry to raging.

Today Fountain Creek runs year round. Increased water flow has translated into increased sedimentation, more erosion, changes in aquatic and wetland habitats, reduced water quality and rising risks of flood.

Perceptual Issues

“This is a dispute between two towns.
One is overshadowed. One is a bully.”

In addition to the overarching and environmental issues outlined above, a whole host of perceptual issues exist. These are important because they affect peoples’ motivations, attitudes and actions. We have divided the perceptions we heard into two categories: general perceptions and perceptions about the two largest cities.

Here is a brief list of general perceptions and comments:

- There is lots of communication within communities, but limited communication between communities.
- Colorado Springs is transient; Pueblo isn’t.
- These are not “acts of God;” people need to admit responsibility.
- There is a need for greater integration of policy with technical analysis.
- The Creek has been studied for years, but it is hard to get to the action stage.
- Everything is being approached piecemeal.
- The history and needs of Pueblo’s East Bank residents are being overlooked.
- Staffs, if left alone, would make more progress.

The distinct nature of the two major cities along Fountain Creek is important and is highlighted by the perceptions below:

Perceptions about Colorado Springs

- The most conservative community in Colorado.
- Their citizens are particularly resistant to taxes and fees.
- They have tremendous resources: smart people and a lot of money. They are relentless.
- They look at Pueblo as a “punk little blue-collar town that’s just in the way.”

Perceptions about Pueblo

- Pueblo officials have the attitude that Colorado Springs will win.
- Not sure what Pueblo’s goals are.
- It’s a problem that Pueblo doesn’t have a mayor.

Because perceptions are subjective, they do not warrant explanation or comment at this point. They did, however, influence our analysis of what process options might make sense because stakeholders act on the basis of their perceptions.

IV. STUDIES AND COMMITTEES

Currently, there is considerable focus on Fountain Creek and its challenges. To understand our Options for Moving Forward, a brief review of particularly relevant studies and ongoing efforts is helpful. Thus we provide elemental information and illustrative opinions from our interviews.

The TAC and the Watershed Study

Numerous governmental entities are directly involved in the Fountain Creek Watershed Plan Technical Advisory Committee (TAC). Housed at the Pikes Peak Area Council of Governments (PPACG), the TAC meets monthly and includes representatives of El Paso, Pueblo and Teller counties, numerous cities, conservation districts, and state and federal agencies as well as Fort Carson and the Air Force Academy.

The TAC’s primary focus has been the study conducted for the U.S. Army Corps of Engineers on the Fountain Creek watershed. A report was released in March 2006. The next anticipated step is the formulation of projects to address identified problems, but ongoing Federal funding has not been secured. Information from the report and about the TAC is available at <http://www.fountain-crk.org>

Opinion varies widely about the usefulness of the TAC. Those who think it is valuable noted that the TAC:

- Brings everyone together to talk about concerns.
- Has been able to focus the watershed plan.
- Is producing studies that are “very informative.”
- Includes people who are “very sincere in their efforts.”
- Promotes good technical dialogue.
- Includes significant technical expertise.

Conversely, those who question the TAC’s usefulness noted:

- Its primary concern is in perpetuating itself.
- It is stalemated.
- Only two TAC representatives come from south of the El Paso county line.
- “Boring as sin unless you are a real data junkie.”
- “Cash cow for the COG.”
- “Classic technocrats’ process.”
- The TAC has little impact on policy – “no attempt to translate into anything meaningful on the ground.”

The SDS EIS. An environmental impact study is being conducted by the U.S. Bureau of Reclamation on the proposed Southern Delivery System (SDS). The draft “Alternatives Public Review Summary Report” describing seven preliminary alternatives was published in March 2006. Visit <http://www.sdseis.com/AlternativeReport.html#1> for details.

Other Groups

A number of other groups are also active and involved. These include Friends of the Fountain (A Task Force of the Pueblo City/County 2010 Commission), Colorado Open Lands, The Nature Conservancy and the Sierra Club. Numerous levels of government have varying degrees of direct or indirect involvement.

The Media.

The two major daily newspapers in Colorado Springs and Pueblo devote significant attention to Fountain Creek. Numerous articles can be found by visiting either of their websites.

The media have been and continue to be important players in the current conflict. Not surprisingly, opinions vary widely about the role and contribution of the media.

- The media is the biggest source of conflict.
- In some ways, it's been a war between the "Chieftain" and the "Gazette."
- "The Pueblo Chieftain" is on this all the time reinforcing the "us versus them."
- "The Colorado Springs Gazette" has consistently supported Colorado Springs growth and its policies.
- The "Chieftain" has a vendetta.
- People are becoming more emotionally and less scientifically involved because of the newspaper coverage.
- Both papers have their own biases.
- It's good – more exposure brings light to the various issues.
- It's bad – too much publicity.

V. CHALLENGES

Clearly, there are many challenges on the Fountain. This is one reason why the debate is so acrimonious, so misunderstood and seemingly stalled. People define the problem differently. As with the proverbial elephant, many see and identify with only portions of the problem. The most appropriate procedural course depends on which problem is under consideration. Based on our interviews, three challenges emerge:

Challenge 1: Growth

Some see growth in Colorado Springs as the root of Fountain Creek problems. The Springs is seeking, through the Southern Delivery System, to move additional supplies of water to its metropolitan area. There are those who see the SDS project as exacerbating the problems in Fountain Creek over time. These individuals see a distinct need to address the causes (i.e., growth and trans-basin diversions) rather than the symptoms.

Challenge 2: Specific Water Concerns

A number of those we talked with see the problems on Fountain Creek as more narrowly defined. For these people, the challenges are specific to the nature of the environment of and flows in the Creek. They cite concerns about increased sedimentation, erosion, changes in aquatic and wetland habitats, bank stabilization, water quality and flooding.

These are challenges being address by the existing Technical Advisory Committee (TAC), which includes technical representatives from affected jurisdictions. The TAC's focus has been on analytical studies. Some believe this technical analysis is exactly the right thing to do before the communities consider projects that might help address challenges on the Fountain. Others think that technical analysis alone is insufficient. They think that the shortcoming of these efforts is that they fail (a) to address the more fundamental growth and water issues and (b) to translate studies into an impact on policy or "on the ground" actions.

Challenge 3: Fountain as Asset

Currently, the Fountain is widely viewed as a liability. There are, however, those who are expressing interest in how Fountain Creek can become more of an amenity for the area. They see this challenge as ripe for collaboration among various affected parties. The vision for exactly what this might entail is in its infancy, but individuals we talked with cited the potential for recreation, trails, habitat restoration, and preservation of open space. This is a nascent effort, but one that has various individuals excited about its prospects.

VI. OPTIONS FOR MOVING FORWARD

“There is no coordination.
The city council is working in one direction. The county
is moving in another. The legislature is doing things.
There is no coordination.”

As reflected by this quote, there is frustration about how Fountain Creek issues are currently being addressed. We have identified three options for moving forward. The options address the three challenges discussed in the previous section. We think the latter two have merit and could be pursued simultaneously.

Without a doubt, there are permutations for each, but we offer them as fairly distinct choices to address current challenges. For the latter two, there is a brief description of how each might be structured and a list of the conditions necessary for success.

Option A. Community Collaboration to Address Growth

“Everyone is pointing fingers at everyone else instead of
looking for a regional solution.”

Community collaboration in one form or another could focus on the issues of growth, trans-basin water diversion, and SDS. It could attempt to find common ground solutions. It is our belief, however, that these overarching issues are sufficiently complex, ideologically charged and acrimonious that resolution is not likely to be found through a collaborative effort in the near term.

Option B. Form a Policy Committee to Complement the Technical Work of the TAC

“A policy arm would be helpful as a complement to the technical analysis.”

In the best of lights, the TAC is seen as offering objective and thoughtful analytical work that will result in meaningful on-the-ground solutions. Those who express frustration with the TAC, however, typically focus on their belief that there is too much studying and too little action or that the TAC emphasizes the symptoms and not broader causal factors. These individuals often suggest that the technical work of the TAC needs to be complemented by a parallel effort that focuses on policy changes and project advocacy. It is our understanding that there was originally a desire to have a parallel policy focus under the auspices of the PPACG. At present, this effort seems dormant.

We recommend that a policy committee be formed consisting of elected officials and others with a policy focus. The TAC, under the auspices of the PPACG, already involves the affected jurisdictions and has recently released research and analytical work. It is logical that, if the TAC findings are to make a difference, they need to be digested and acted upon soon by those with a policy perspective and ability to influence action. In a policy committee recommended projects and policy changes will be subject to debate about what is in the best “public interest” and how suggested priorities compete with other demands for scarce public resources. Mechanisms should be considered for adequately including the perspectives of non-governmental entities and the general public.

Conditions for success:

- There needs to be clarity about the purpose of the effort.
- Focus should be on the implications of technical findings for policy and projects.
- Key policy makers, particularly elected officials for affected counties and cities, need to be actively engaged on the policy committee.
- Adequate funding must be available to support the effort.
- Staff must be enthusiastic.

Option C. Invest in the Fountain as an Asset: A Collaborative Effort

“The only way it will be fixed is with a cooperative partnership
between the stakeholders.”

A number of individuals saw the Fountain as creating a division between Colorado Springs and Pueblo. Yet, many of these same individuals thought that with vision, leadership and thoughtful implementation of meaningful programs, the Fountain could become both an asset or amenity and something that unites the interests of the two communities, not to mention smaller communities that are integrally tied to Fountain Creek.

We asked the people we interviewed: “Do you feel there is merit in having a diverse group convened to attempt to resolve the problems on Fountain Creek?” Eighty four percent said, “yes.” While this “yes” response was based on various assumptions (for example, how is the group convened, what is the charge and scope for the group, and what is the group’s membership), there, nevertheless, is a broad willingness and desire to become engaged in a collaborative effort that could make a difference on the Fountain.

We think an initiative like Option C is ripe for community collaboration. The charge for such an effort would need to be carefully crafted and limited. Early steps might be to research and explore success stories on other waterways, develop a common vision for Fountain Creek and explore the interest in and viability of various mechanisms (e.g., open space acquisition, conservation easements, setbacks from streambanks, trail systems, habitat restoration) that could help convert Fountain Creek from a liability to an asset.

Conditions for Success:

- There must be clarity about the purpose of the effort.
- There must be widespread support for the effort.
- There must be balanced representation.
- Key policy makers, particularly elected officials from affected counties and cities, need to be involved and supportive.
- The group must be perceived to be civic-minded and solution-oriented.
- This effort should include both governmental and non-governmental organizations.
- Staffing must be available.
- Funding must be sought and obtained to sustain the effort.
- A collaborative effort must be viewed as a long-term commitment.

VII. RECOMMENDATION

We have identified two options that have merit: Options B and C. Neither is a panacea and each has its own problems. But, both have significant upsides and warrant local consideration.

We recommend:

- Option B, form a policy committee to complement the technical work of the TAC, as a structural mechanism to address a number of the specific water-related challenges on the Fountain, and,
- Option C, create a community collaboration to convert what many see as a liability into a community asset.

APPENDIX A BACKGROUND ON THE ASSESSMENT

Why was this Assessment Conducted?

Fountain Creek is a tributary of the Arkansas River, draining nearly a 1,000 square mile area that includes portions of El Paso, Teller, and Pueblo counties. The population of the watershed has grown dramatically and now exceeds a half million people.

The rapid rise in population has resulted in a substantial increase in water entering Fountain Creek. This includes discharges from wastewater treatment plants and stormwater runoff from impervious surfaces in developed areas. For instance, 85 percent of Colorado Springs' water is pumped from west of the Continental Divide and, after use, is treated and discharged into Fountain Creek. The increased flows on the Fountain have resulted in a number of environmental problems from streambank erosion to loss of productive farmland.

Problems on the Fountain have become more highly publicized with recent sewage spills from Colorado Springs Utilities. The latest spill occurred in January 2006. In addition, Fountain Creek fails to meet stream standards for bacteria *E. coli* and selenium.

This assessment describes the controversy surrounding Fountain Creek, with particular emphasis on what, if any, expanded community involvement might be helpful. We asked two fundamental questions: How did the situation evolve in the way it has? What will it take to move ahead?

Who Conducted the Assessment?

The Osprey Group was selected to conduct this assessment. Osprey, based in Boulder, Colorado, acts as a neutral third party to help address and resolve a range of public policy disputes, often involving natural resources and environmental issues. Dennis Donald and John Huyler, Principals with the firm, conducted this assessment.

How was it Performed?

A number of interested and potentially affected individuals and organizations were interviewed as part of this assessment. Osprey conducted interviews with 25 people in El Paso and Pueblo counties, the vast majority of which were face-to-face. A list of those interviewed is shown in Appendix A. Our goal was to gain a range and balance of perspectives from the broadly-defined community with many interviews conducted in Colorado Springs and Pueblo. Undoubtedly, we missed some people with worthwhile views. We augmented the personal interview process with a number of telephone interviews.

All our interviews were conducted in confidence; thus, the results of these interviews are synthesized without attribution. This report is Osprey's summary of Fountain Creek

issues and challenges as we understand them. The report has been reviewed by the Colorado Department of Public Health and Environment for factual correctness. The report is being sent simultaneously to an email distribution list of individuals we interviewed as well as others who have expressed an interest. We have tried to impartially reflect what we heard about the nature of the challenges and the potential for solutions. To the extent there are errors, they belong solely to us.

APPENDIX B
FOUNTAIN CREEK INTERVIEWEES

Gary Belew
Natural and Cultural Resources Division, Fort Carson

Kandi Buckland
El Paso County Department of Health and Environment

Kim Headley
Department of Planning and Development

Dennis Hisey,
El Paso County Commission

Loretta Kennedy
Pueblo County Commission

Heather Maio
Pueblo City-County Health Department

Dennis Maroney
City of Pueblo Stormwater Utility

Mike McCarthy
El Paso County Department of Health and Environment

Liane “Buffy” McFadyen
State Representative

Rick Miklich
El Paso County Department of Health and Environment

Margaret Mora
Colorado Progressive Coalition

Rich Muzzy
Pikes Peak Area COG

Greg Nyhoff
City of Fountain

Gil “Bo” Ortiz
Pueblo City Council

Sean Paige
Colorado Springs Gazette

Ray Petros, Jr.
Petros & White

Jane Rawlings
Pueblo Chieftan

Bea Roybal
Pueblo East Bank Resident

Ken Sampley
Colorado Springs Stormwater Engineering

Larry Schaad
El Paso County Department of Health and Environment

Gary Soldano
Colorado Department of Public Health and Environment

Scott Steven
City of Fountain

Abel Tapia
Colorado State Senate

Ross Vincent
Sierra Club

Jay Winner
Lower Arkansas Valley Water Conservancy District

APPENDIX C
RESPONSES TO SELECTED QUESTIONS

1. Do you think conditions on Fountain Creek are getting better, staying about the same, or getting worse?

<u>Response</u>	<u>Percent</u>
Better:	5%
Same:	26%
Worse:	69%

2. Do you believe there has been adequate public involvement in Fountain Creek to date?

<u>Response</u>	<u>Percent</u>
Yes:	20%
No:	60%
Don't Know/Neutral:	20%

3. Do you feel there is any merit in having a diverse group convened to attempt to resolve the problems on Fountain Creek?

<u>Response</u>	<u>Percent</u>
Yes:	84%
No:	16%