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Memorandum

10 June 2020

To – City Council
From – Land Conservation and Stewardship Board (LCSB)
Subject – Northern Integrated Supply Project (NISP) v Fort Collins Natural Areas

The people of Fort Collins and Larimer County highly value their natural areas and open lands. So much so that in 2014 the citizens taxed themselves in support of continued land conservation, by a margin of 82% to 18%. This is an overwhelming mandate for conserving nature in Fort Collins and Larimer County.

Fort Collins taxpayers have invested tens of millions of dollars to conserve unmatched ecological resources running through the heart of the City. There are 18 Natural Areas that either border on the Poudre River or are connected to it by riverside forests and wetlands; they encompass 1800 acres, nearly three square miles. Riverside forests and wetlands do not drink primarily from rainfall; they drink from the river. NISP's removal of water from the river will, quite simply, dehydrate our Natural Areas' ecological resources and degrade them; hundred-year-old trees will die, understory plants will shift to more drought tolerant species, biodiversity will decrease, and forest- and wetland-dependent animals will disappear.

The citizens of Fort Collins, as they have invested in Natural Areas, have believed that those areas and their ecological resources and recreational opportunities would be protected in perpetuity. In the opinion of this Board, perpetuity ends on the day that NISP bulldozers arrive to divert water from the Poudre River.

NISP brings no benefits to the City of Fort Collins, and City Staff previously identified dozens of risks to the physical river, its biota, and its surrounding ecosystems. We have watched, over many years, as Northern Water has proposed mitigations and how these mitigations have then required further mitigations. Continuing this pattern, the recent 1041 application to Larimer County proposes heretofore unseen details for which Staff and this Board have identified numerous unaddressed mitigation requirements (see attached analysis). By now it is clear that the cascade of mitigations is unending. The impacts of NISP on the river and adjacent Natural Areas cannot be mitigated. Our Natural Area assets, assembled with decades of effort and tens of millions of dollars investment, will, under NISP, suffer devastating permanent harm.

Thus far, City leaders have opted to provide Staff's technical comments to regulatory authorities at Federal, State, and County levels in lieu of comprehensively defending our Natural Areas or expressing unequivocal opposition to NISP. If these regulatory authorities issue NISP the required permits, then the only defenses that we have left are derived from City land use code, which does not in any way address the elephant in the room: the damage to Natural areas caused by the loss of water from the Poudre River.

Natural Area conservation and stewardship are duties of City Council and the City Manager, and these duties call for a change of position on NISP. Active opposition, led by City Council, is urgently needed. If there is no change in position, and if NISP is implemented, then ecological and recreational treasures will be injured beyond repair. Fort Collins can join other entities in opposing NISP under Federal and State permitting processes, and this Board urges Council to do so without delay.

Analysis

by the Land Conservation and Stewardship Board
City of Fort Collins

Northern Integrated Supply Project (NISP): Proposed Infrastructure in the City and Deficiencies in Environmental Analysis

Executive Summary

The Fort Collins Land Conservation and Stewardship Board (LCSB) continues to have deep concerns about the proposed NISP project and its effects on the Poudre River and on our City's Natural Areas.

In particular:

- The 1041 Permit Application proposes construction of multiple industrial water transmission facilities within Fort Collins Natural Areas (a new concern)
- There has been no resolution of dozens of unacceptable insufficiencies in the Final Environmental Impact Statement, as documented in the City's earlier response to the FEIS.

NISP planners continue to demonstrate insensitivity to environmental values of the City of Fort Collins. NISP's selection of a preferred pipeline route running through Natural Areas is cogent demonstration of this tone deafness (particulars are shown on pages 2 and 3). There are alternative pipeline routes that would have little adverse impact on Natural Areas, yet NISP prefers the route that maximizes environmental and aesthetic injury.

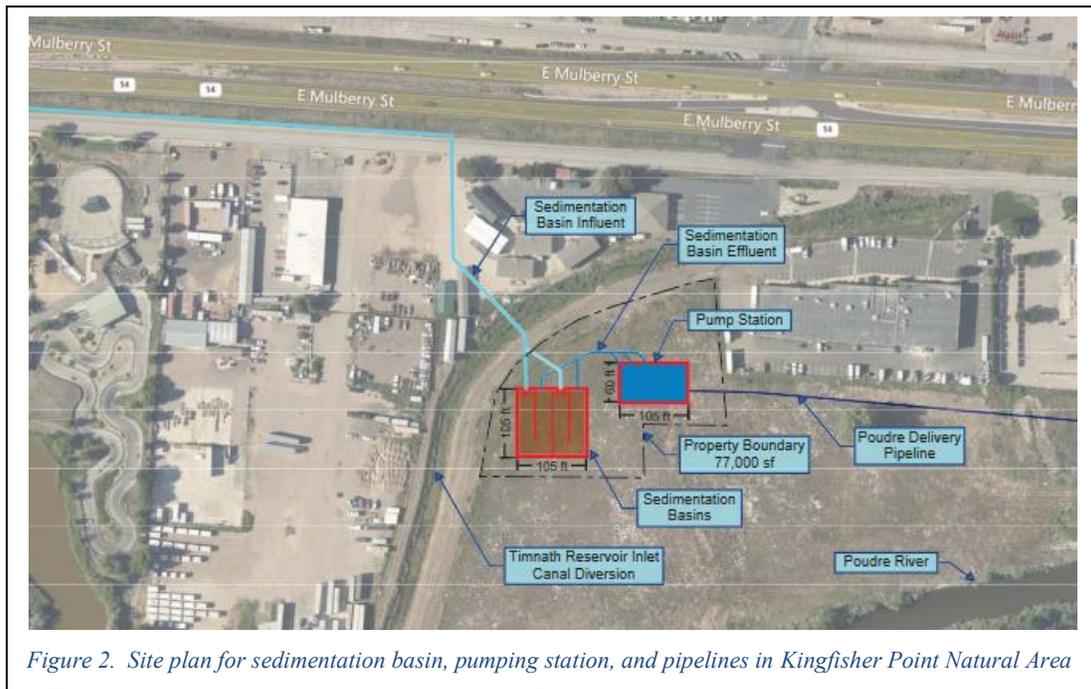
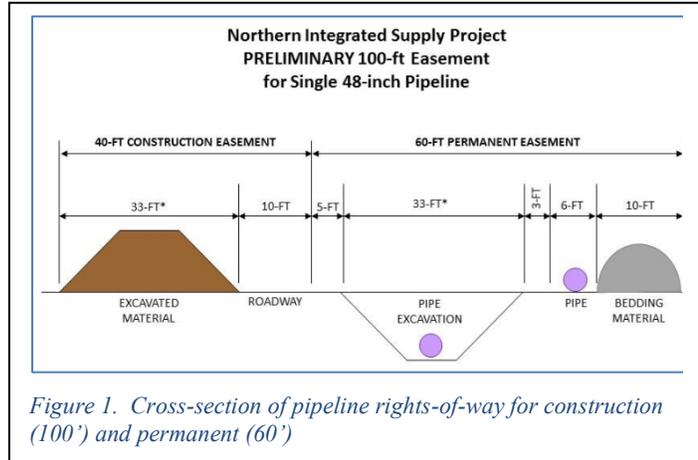
The LCSB anticipates continued identification of certain or potential NISP-induced injuries to the Poudre and to our Natural Areas, and a continued pattern of insufficient plans for NISP's monitoring, mitigating, and compensating for those injuries.

Therefore, the LCSB recommends to City Council that City policy be changed from "no opposition" to active opposition to NISP. The 1041 permit review by Larimer County is a current opportunity to exercise opposition. More effective, though, would be to exercise rights under Federal and State permitting processes, by joining other groups in their opposition to NISP.

Specific new concerns about NISP water conveyance infrastructure

NISP’s preferred route in the 1041 Permit Application uses Natural Areas to accommodate the infrastructure that supports NISP’s augmentation of river flows through most of Fort Collins. This infrastructure is comprised of:

- A new diversion structure within Homestead Natural Area (this is necessary to recapture flow augmentations)
- 100-foot-wide easements for 1.1 miles of underground pipeline through Homestead, Williams, Kingfisher, and River Bend Ponds Natural Areas, as shown in Figure 1.
- 77,000 square feet of land at Kingfisher Natural Area for a pump station, sedimentation basin, and associated above-ground infrastructure, shown in Figure 2.



The LCSB supports the proposed flow augmentation, but only under the dire assumption that earlier proposals for NISP infrastructure and operation come to pass. We do not accept any siting of NISP infrastructure in Natural Areas, with the possible exception of the diversion structure just upstream of the Mulberry Water Reclamation Facility—and for that, we have seen no designs that would indicate acceptable ecological or aesthetic design.

We also observe that the proposed diversion structure will cause upstream sediment accumulation (this happens above ALL dams). That will decrease river gradient and widen the river channel, which will have further impacts on the Homestead Natural Area. There are absolutely no evaluations of these physical effects, or their consequent ecological or recreational impacts. These concerns were identified by the Land Conservation and Stewardship Board and were not addressed previously in City Staff's memorandum to Larimer County under its 1041 permitting review for NISP.

These observations are indicative of a never-ending series of (1) NISP-introduced damages, (2) proposed mitigations of those damages, (3) recognition of new damages caused by the mitigations, (4) proposed mitigations of these new damages, (5) recognition of new problems...*ad infinitum*. This has been going on for far more than a decade. NISP cannot be mitigated because its effects are too serious and too far reaching.