PUBLIC COMMENT

Katie Beilby <beilbykm@co.larimer.co.us>

NISP 1041 - responses to BOCC questions 4+5

Doug Swartz <dswartz@greyrock.org> Mon, Aug 31, 2020 at 10:27 PM
To: bocc@larimer.org
Cc: Lesli Ellis <ellislk@co.larimer.co.us>, Katie Beilby <beilbykm@co.larimer.co.us>

Dear Commissioners,
Attached is a response to your questions #4+5 regarding the impacts on recreation days in the City of Fort Collins Whitewater Park, should NISP be built. I hope you find it helpful.

Please get in touch with any questions.

Sincerely,
Doug Swartz
970-222-0962

PS to staff: could you please be sure this gets to the commissioners before the Q+A session tomorrow (Tuesday). Thank you!

NISP 1041 - Responses to BOCC questions 4 + 5.pdf
634K

31 August 2020

TO: Larimer County Board of Commissioners

RE: NISP 1041 Questions #4 + #5

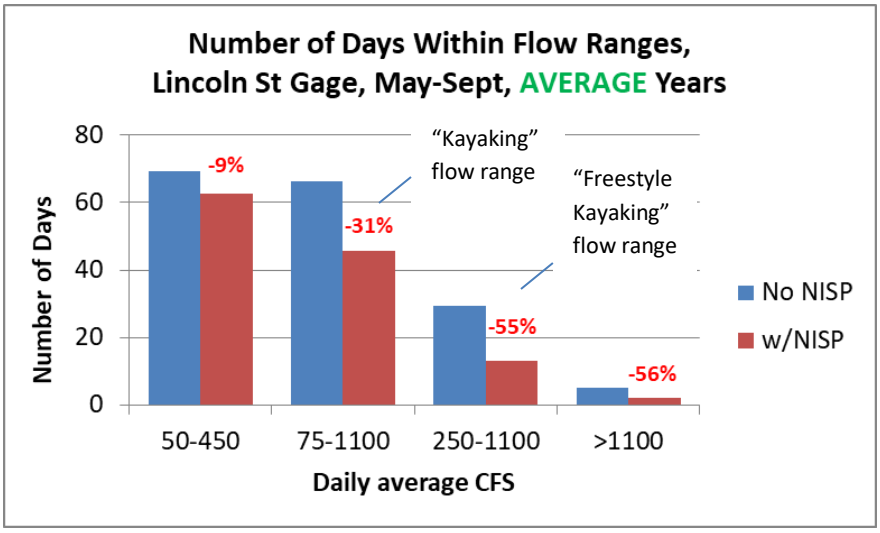
I'm providing a response to two closely related questions that you posed last week in reference to the Northern Integrated Supply Project (NISP) 1041 permit application:

QUESTION #4: Is there a 22-36% reduction in the kayak-able days in the city kayak park?

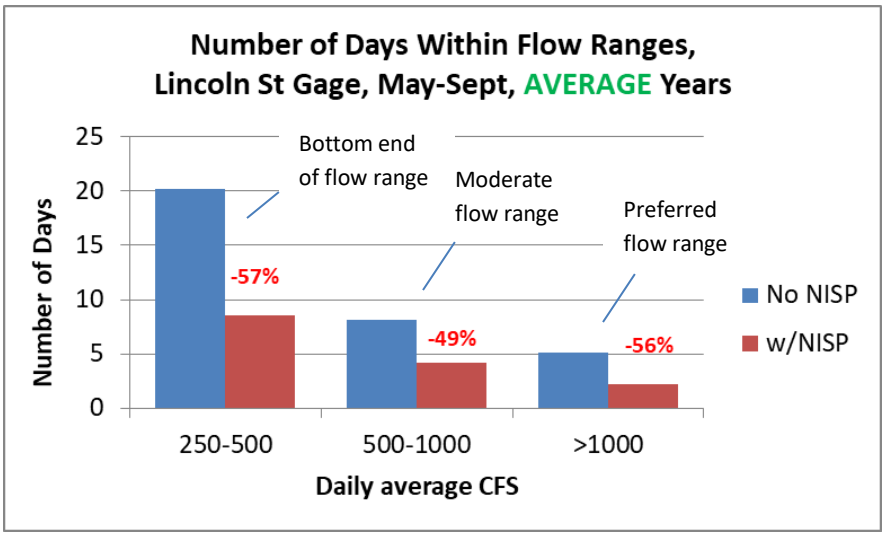
QUESTION #5: Is there a 50% loss of whitewater recreation days on the Poudre?

ANSWER: It depends. On the dataset underlying the analysis and decisions made about which statistics are most relevant.

Using the same dataset that Northern Water (NW) started with, I repeated the analysis and believe that a **reduction in whitewater recreation / "kayakable" days at the City of Fort Collins Whitewater Park of half or more** is a realistic assessment.



This chart shows changes in numbers of days suitable for different types of recreation, without and with NISP, based on NW's defined flow ranges, where 75-1100 cfs represents "Kayaking" and 250-1100 cfs represents "Freestyle Kayaking." Flows above 1100 cfs were ignored in NW's analysis. (Lincoln St Gage measures the flow at the Whitewater park.)



This chart repeats the analysis using flow ranges that are more relevant to whitewater kayakers:

250-500 cfs = bottom end (lower-skilled boaters)

500-1000 cfs = moderate flows

>1000 cfs = preferred flows (for higher-skilled boaters)

Assuming that "whitewater" is important for the Whitewater Park, flows below 250 cfs aren't relevant. As both charts show, for all flow ranges of 250 cfs and higher, **whitewater recreation reductions due to NISP are projected at 49% to 57%**.

Northern Water Analysis

In their August 17 hearing presentation to you, Northern Water included the following slide:

Number of Summer Days	Tubing (50 to 450 CFS)	Kayaking (75 to 1,100 CFS)	Freestyle Kayaking (250 to 1,100 CFS)
Current Conditions	64	63	27
NISP Conditions	79	63	19
Change	+ 15	No Change	- 8

Where do these numbers come from and are they an accurate representation of the impacts that NISP would create? The slide, and accompanying comments, provided no information on the source of the numbers or other context.

The data in the slide are derived from the "Common Technical Platform" (CTP), a flow dataset developed at the direction of the US Army Corps of Engineers, to underpin analysis of multiple water development proposals on the Poudre River (NISP, Seaman Reservoir Expansion, Halligan Reservoir Expansion). This data was intended to be representative of the range of flows that the river experiences in different years with varying snowpacks. The Common Technical Platform starting point included 26 years of daily flow data (in units of cubic feet per second, "cfs"), 1980-2005, from multiple gauges along the river. From this dataset, several modeled scenarios were developed as part of the CTP, as described in the NISP Supplemental Draft EIS "Water Resources Technical Report," CDM Smith 2014 (Sept 2014). These allow analysts to look at the impacts of water projects in different ways – including the impacts to flow at various points on the river if NISP were built. The Lincoln Street gauge, immediately downstream of the Whitewater Park, is one of those points.

In the slide above, "Current Conditions" means flows modeled assuming 2010 water rights and operations, applied to the 1980-2005 hydrology (model "Run 1"). "NISP Conditions" reflects Run 1 flows modified as if NISP had been built and operating (model "Run 3a"). In the table in the slide above, comparing "NISP

Conditions" to "Current Conditions" represents the change in the number of days flows would be in the ranges shown, were NISP in place.

I have a copy of the CTP dataset used in the Supplemental Draft EIS. NW used the slightly different CTP dataset for the Final EIS. The only difference in these datasets is that the latter includes, for the "NISP Conditions" model, NW's proposed "conveyance refinement flows" of about 20 cfs. For the flow ranges relevant to kayaking, this difference is very minor.

Though the slide provides no information in this regard, my analysis of the CTP flow numbers shows that the data in NW's slide are derived from the "All Years" dataset (26 years, 1980 through 2005), for the months May through September, at the Lincoln Street gauge.

My Analysis

The CTP dataset intentionally included years of low, moderate and high runoff. The CTP years are categorized as:

"DRY" = 7 years "AVERAGE" = 12 years "WET" = 7 years Totaling "ALL" = 26 years

I ran the analysis, also using the months May through September, for each of the data subsets (DRY, AVERAGE, WET) and for ALL years. As expected, each yields different results.

I also looked at how the numbers played out using the flow ranges defined in NW's slide (above) and for flow ranges more relevant to the "whitewater" aspect of the Whitewater Park, i.e. 250 cfs and above. These ranges are based on experience of local whitewater kayakers during 2020, the park's first season.

Results for all of my runs are included below (note the vertical axis ranges vary). I believe the run for the "AVERAGE" years is most indicative of what we could typically expect for impacts if NISP is built. The "DRY" and "WET" subsets, by definition, represent less common conditions. And the "ALL" years dataset (used by NW) can be pulled in one direction or the other from average by extremes in those less common conditions (for example, a historically huge snowpack and runoff in 1983).

Summary

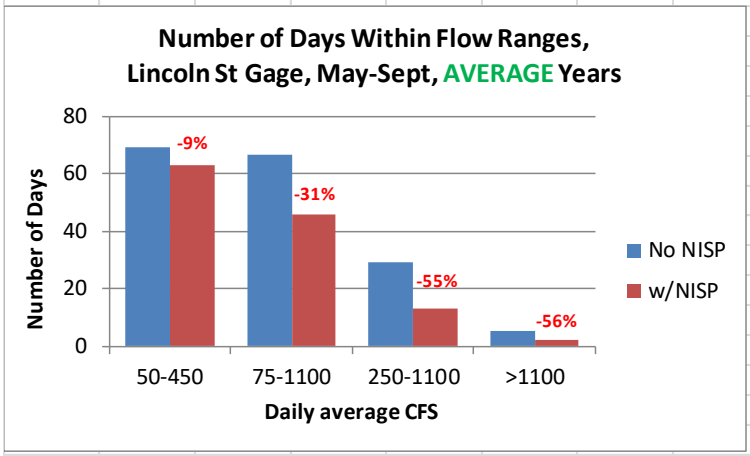
As shown in the charts above, **in "AVERAGE" years, for the range of flows that provide whitewater recreation (250 cfs and above), NISP would reduce the number of usable days by half or more**.

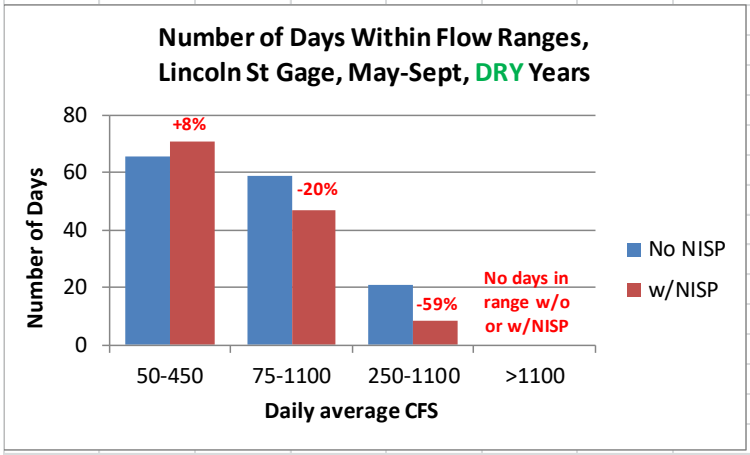
I will be glad to share my analysis with anyone who cares to review it.

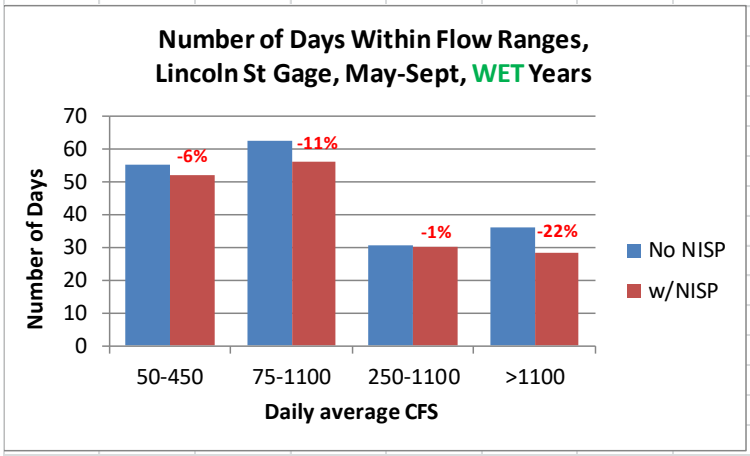
Sincerely,

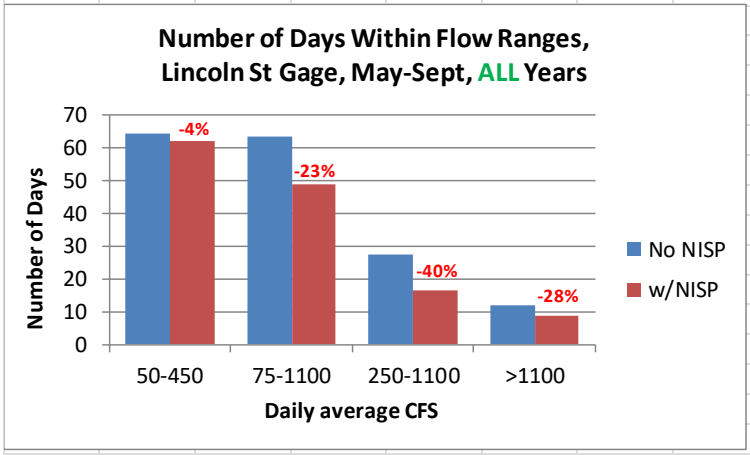
Doug Swartz
2232 Sun Rose Way, Fort Collins
970-222-0962

Flow Ranges in Northern Water Slide 25, Aug 17 2020

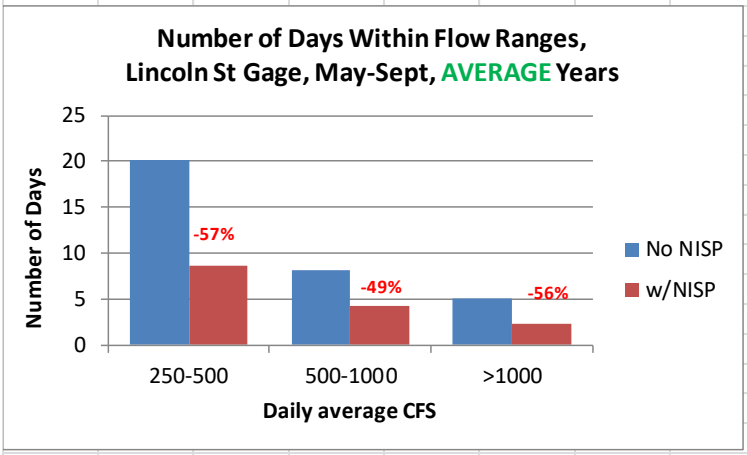


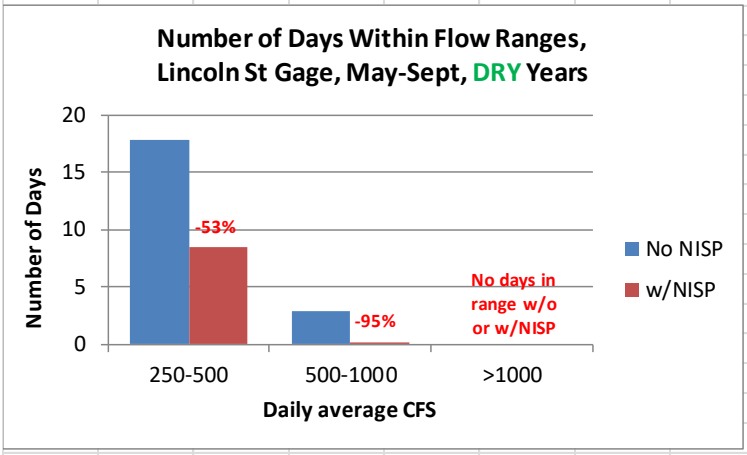


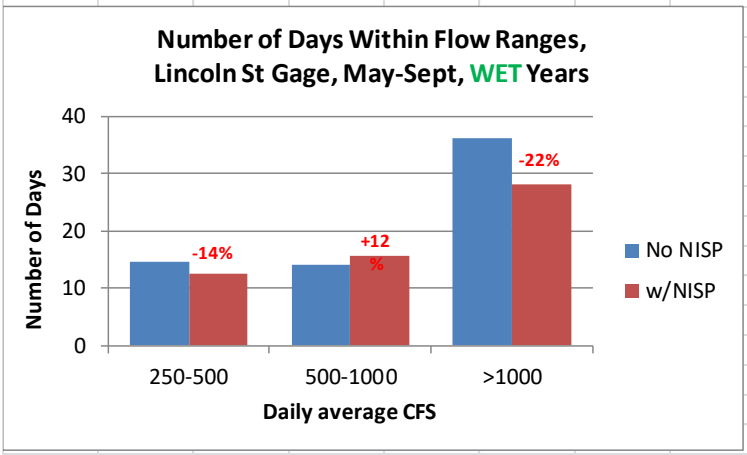


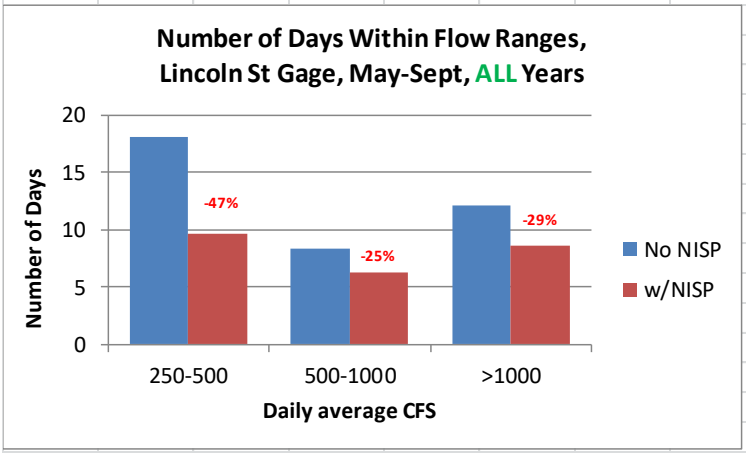


Flow Ranges More Relevant to whitewater Kayakers









Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Kirk Barnes <thereverendkirk@everyactioncustom.com> Mon, Aug 31, 2020 at 9:58 PM
Reply-To: thereverendkirk@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Kirk Barnes
20 NW Hixon Ave Bend, OR 97703-2516
thereverendkirk@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Erica Schelly Billingsley <eschelly@everyactioncustom.com> Mon, Aug 31, 2020 at 8:39 PM
Reply-To: eschelly@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). It is insane that we are even considering this project when water conservation and water restrictions haven't even been discussed. We need to stop dumping water on our lawns and prioritize the health of our river.

Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Erica Schelly Billingsley
3373 Dudley Way Fort Collins, CO 80526-2574
eschelly@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

PLEASE Vote Against Approval of 1041 Permit for NISP!!!

1 message

Eric Cajolet <ecaj33@everyactioncustom.com> Mon, Aug 31, 2020 at 2:32 PM
Reply-To: ecaj33@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Eric Cajolet
3212 Sharps St Fort Collins, CO 80526-2511
ecaj33@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Sean Denison <sean.denison26@everyactioncustom.com> Mon, Aug 31, 2020 at 5:45 PM
Reply-To: sean.denison26@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Sean Denison
3727 Precision Dr # A Fort Collins, CO 80528-4549
sean.denison26@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Fwd: Input on NISP

1 message

Linda Hoffmann <hoffmalc@co.larimer.co.us> Mon, Aug 31, 2020 at 1:25 PM
To: "Helmick, Rob" <helmicrp@co.larimer.co.us>

Please include this message in the public record for the application.

Linda Hoffmann
County Manager

Commissioners' Office
200 W Oak St, Fort Collins, CO 80521 | 2nd Floor
W: (970) 498-7004
lhoffmann@larimer.org | www.larimer.org

---------- Forwarded message ---------
From: **Joyce DeVaney** <JDeVaney6@comcast.net>
Date: Mon, Aug 31, 2020 at 1:01 PM
Subject: Input on NISP
To: <bocc@larimer.org>

I am strongly opposed to NISP. Please vote against the 1041 permit requested by NISP.

The Cities of Greeley and Fort Collins, the U.S. Environmental Protection Agency, the Colorado Water Quality Control Division, many distinguished scientists from Colorado State University, and the SaveThePoudre Coalition, have all pointed to severe impacts that would occur if NISP/Glade Reservoir were to be built.

During peak June Rise flows, the huge pumps would suck up to 71% of the river's flow through Fort Collins, directly harming water quality, river-related recreation, and regional economic vitality. The Poudre River has been declared an Endangered River by American Rivers. Why would we want to damage it further? NISP would contribute greatly to greenhouse gas emissions because of all the high-energy pumping required to move water into the proposed Glade Reservoir.

NISP has been shown by Western Resource Advocates to be more expensive than other reasonable water supply alternatives. NISP would cost at least $500 million, burdening participant community rate payers .

Most of NISP's water would benefit people outside the Poudre basin, while most of the impacts would be left for people inside the basin to deal with. This is a social justice issue.

NISP would impair the river's ability to recover from disasters like the High Park Fire which smothered the river with unsightly ash and black sediment.

NISP and its Glade Reservoir would be enormously expensive, it isn't needed, and it would cause great harm. We can provide all of the water proposed to be delivered by Glade, and more, at a lower financial and environmental cost, through straightforward and proven conservation techniques, improved water use efficiency by municipal and industrial users, and with very modest changes in agricultural water use efficiency and partnerships.

Please listen to the hundreds of citizens and organizations that have given credible reasons to oppose the requested 1041 permit. WE DON'T WANT OR NEED NISP!

Thank you for your consideration of my comments.

Joyce DeVaney, Fort Collins, CO

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Alex Edl <al_edl@everyactioncustom.com> Mon, Aug 31, 2020 at 1:19 PM
Reply-To: al_edl@yahoo.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Alex Edl
296 Scott Dr SE Marietta, GA 30067-7543
al_edl@yahoo.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Ryan Fair <rcfair@everyactioncustom.com> Tue, Sep 1, 2020 at 7:45 AM
Reply-To: rcfair@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Ryan Fair
12289 W Exposition Dr Lakewood, CO 80228-3305
rcfair@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Fwd: letter regarding pipeline easement variance issue

1 message

Linda Hoffmann <hoffmalc@co.larimer.co.us> Mon, Aug 31, 2020 at 6:05 PM
To: "Helmick, Rob" <helmicrp@co.larimer.co.us>, Lesli Ellis <ellislk@co.larimer.co.us>

Rob -- Please include this message in the public record for the application.

Lesli -- Since this message is provided in response to a specific question, I did not know if you would want to handle it in a specific way.

Linda Hoffmann
County Manager

Commissioners' Office
200 W Oak St, Fort Collins, CO 80521 | 2nd Floor
W: (970) 498-7004
lhoffmann@larimer.org | www.larimer.org

---------- Forwarded message ---------
From: **Mike Foote** <mjbfoote@gmail.com>
Date: Mon, Aug 31, 2020 at 2:32 PM
Subject: letter regarding pipeline easement variance issue
To: <bocc@larimer.org>

Dear Commissioner Donnelly: please reference the attached letter in response to your questions about pipeline easement variances from last week's NISP public comment session.

c.c.: Commissioner Johnson
Commissioner Kefalas

Best,

Michael Foote

Principal Attorney

Foote Law Firm, LLC | Litigation & Environmental Law

357 S. McCaslin Blvd., Suite 200

Louisville, CO 80027

303.519.2183 DIRECT |

No Pipe Dream letter to Commissioner Donnelly.docx
45K

FOOTE LAW
FIRM, LLC

August 31, 2020

Dear Commissioner Donnelly:

Thank you for your questions of me during the August 24, 2020 NISP public comment period. In addition to my verbal answers to your questions, I wanted to write you a letter regarding the 100-foot pipeline easement deviation issue just to make sure the position of No Pipe Dream on that issue is clear.

First and foremost, No Pipe Dream – made up of residents who live throughout Larimer County, some of whom (but not all) live on the proposed Northern Tier pipeline route – wholeheartedly believe the Northern Integrated Supply Project will have devastating effects on the Cache la Poudre River. The Poudre is the heart of the Larimer County community and everyone will suffer should NISP be approved.

If NISP is to be approved, allowing the water to flow down the Poudre is a very viable alternative to building the Northern Tier pipeline. This would eliminate the need for disruptive and costly construction of a pipeline and at least mitigate the damage to the Poudre.

One of the questions you asked dealt with the proposed 100-foot pipeline easement variance. It appears the 100-foot variance is merely a staff recommended compromise between the usual Larimer County practice of 50 feet and Northern's request of 200 feet.

Whatever its genesis, a 100-foot variance will not protect the landowners in this circumstance. Included in the 100-foot variance compromise is a language shift from requiring "approval" of the landowner for an easement location to "coordination with" the landowner. This has troubling implications given Northern's lack of due diligence in contacting landowners along the current proposed route. Practically speaking, it means Northern will have the power to dictate a pipeline easement anywhere within a 300-foot radius of the approved route without county approval and without landowner agreement. That amount of variance is likely to affect properties who are not even currently on the proposed route.

The probability of widespread use of eminent domain is increased with a 100-foot deviation allowance. The landowner will have no recourse once Northern determines its preferred pipeline route.

In conclusion, for the good of Larimer County and the Cache la Poudre, No Pipe Dream asks you to deny the NISP 1041 application. In the alternative, No Pipe Dream believes Northern should

be required to take its water further downstream the Poudre to avoid the Northern Tier pipeline entirely. Absent either of those requests, No Pipe Dream asks the county to continue with its current practice of a 50-foot easement deviation and not make a special allowance for NISP.

Sincerely,

Michael Foote
Attorney for No Pipe Dream

c.c.: Commissioner Steve Johnson
Commissioner John Kefalas

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Austin Gifford <austin6ifford@everyactioncustom.com> Mon, Aug 31, 2020 at 12:39 PM
Reply-To: austin6ifford@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Austin Gifford
4112 Beech St Apt 402 Laramie, WY 82070-5335
austin6ifford@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Forest Greenough <forestgreenough@everyactioncustom.com> Mon, Aug 31, 2020 at 12:48 PM
Reply-To: forestgreenough@hotmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Forest Greenough
127 Fishback Ave Fort Collins, CO 80521-2329
forestgreenough@hotmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Fwd: NISP 1041 application

1 message

Linda Hoffmann <hoffmalc@co.larimer.co.us> Tue, Sep 1, 2020 at 8:00 AM
To: "Helmick, Rob" <helmicrp@co.larimer.co.us>

Please include this message in the public record for the application.

Linda Hoffmann
County Manager

Commissioners' Office
200 W Oak St, Fort Collins, CO 80521 | 2nd Floor
W: (970) 498-7004
lhoffmann@larimer.org | www.larimer.org

---------- Forwarded message ---------
From: **Dan Gregory** <dgregory@greyrock.org>
Date: Mon, Aug 31, 2020 at 9:51 PM
Subject: NISP 1041 application
To: <bocc@larimer.org>

Larimer County Commissioners:

I am writing to provide my input on the proposed Northern Integrated Supply Project (NISP) for which you are considering approval of the 1041 application required by the county. I believe the 1041 application should be denied and the proposal sent back to Northern Water for inclusion of more effective mitigation and relocation of the proposed pipeline route.

As you are aware, NISP would divert a substantial portion of the spring flows in the Poudre River that are not currently diverted. These spring flushing flows are critical to maintaining the health of the river through Fort Collins and Larimer County, from the ability to convey flood flows to the quality of the water to the health of the riparian ecosystem. Further reductions in these flushing flows would result in further degradation of the river through town with unacceptable negative impacts on the health of the river and ecosystem. The mitigation plan proposed by NISP is not sufficient to maintain the current (albeit already degraded from existing diversions) quality of the river system. The county commissioners should deny the permit and require that Northern Water bring a more robust mitigation plan to the table.

Another issue of concern to me is the location of the proposed pipeline through the Eagle Lake residential development. Northern Water claims that it would cost too much to route the pipeline around this development. This is an unacceptable reason for the substantial impact the pipeline, both the construction process and the permanent right-of-way during operation, would have on residents of Larimer County. I request that the commissioners deny the 1041 application and require that Northern Water bring forward a revised pipeline route that reduces impacts to residential areas of the county.

Northern Water claims that the proposed project brings benefits to the citizens of Fort Collins and Larimer County in the form of increased recreational opportunities. We already have Horsetooth Reservoir and a number of other reservoirs and do not need yet another reservoir for recreation. The negative impacts of NISP on the health of the Poudre River and the residents of Larimer County far outweigh any perceived, negligible benefit to the county provided by the project.

Thank you for considering my input on the NISP 1041 application process.

Dan Gregory
Larimer County resident since 1980.

Rob Helmick <helmicrp@co.larimer.co.us>

Fwd: No to NISP

1 message

Linda Hoffmann <hoffmalc@co.larimer.co.us> Mon, Aug 31, 2020 at 1:25 PM
To: "Helmick, Rob" <helmicrp@co.larimer.co.us>

Please include this message in the public record for the application.

Linda Hoffmann
County Manager

Commissioners' Office
200 W Oak St, Fort Collins, CO 80521 | 2nd Floor
W: (970) 498-7004
lhoffmann@larimer.org | www.larimer.org

---------- Forwarded message ---------
From: **John Gross** <johngross888@gmail.com>
Date: Mon, Aug 31, 2020 at 1:06 PM
Subject: No to NISP
To: <bocc@larimer.org>

Dear Commissioners,

I urge you to deny the 1041 permit application for the NISP project. There are multiple grounds for this:

Climate has not been adequately accounted for

- With climate change, the reservoir will rarely, if ever, fill. Climate projections are in agreement in forecasting less runoff, primarily due to increased evapotranspiration from higher temperatures (precipitation forecasts are more variable, but drying is consistent).
- Because of wildly fluctuating water levels, there will be a huge weed problem, which will be transported downstream via irrigation water.

The business case is flawed - it's only a pipe dream

- By their own admission, hundreds of farms will need to be bought and dried; Northern Water has only a few of these and they are unlikely to be available.
- The project relies on a "trade" of clean Poudre water for dirty South Platte or irrigation runoff. Who, in their right mind, would do this? So far, none of the other irrigation companies that have been approached.
- There are few or no benefits to Larimer County residents. Eleanor Ostrom won a Nobel Prize for her work on municipal size and efficiency. This project, in the long run, isn't going to deliver what it's promising, and it's not going to pay for itself, environmentally or economically.

Two of three county commissioners need to recuse themselves

- You certainly haven't forgotten the LaPorte gravel pit. The COUNTY REQUIRED several LAPAC members to recuse themselves from an advisory vote for e.g. obtaining information outside the process (a couple members visited the LRM site). The purported transgressions of LAPAC members were FAR less egregious than public statements by Commissioners Johnson and Donnelly supporting the project, BEFORE they had all the information required to make a decision, including public comments such as this one. As a county resident and tax payer, I don't want to funding yet another legal case that Larimer County is likely to lose.

Environmental

- I can't say it better than Barry Noon, Gary Wockner, Doug Swartz, or the City of Fort Collins - this project would be a disaster for the ecology of the riverine and riparian systems. The Poudre River corridor is a gem, enjoyed by Larimer County citizens from its origin to confluence with the Platte. We have an obligation to preserve *and improve* this gem into the future. Will your legacy be to waste this or preserve it?

Sincerely,
John Gross

Rob Helmick <helmicrp@co.larimer.co.us>

Please Please Please! Vote Against Approval of 1041 Permit for NISP

1 message

JD Henderson <jdhenderson2011@everyactioncustom.com> Mon, Aug 31, 2020 at 9:11 PM
Reply-To: jdhenderson2011@hotmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
JD Henderson
10320 W Cherokee Dr Salida, CO 81201-9014
jdhenderson2011@hotmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Eric Huber <hubereric@everyactioncustom.com> Mon, Aug 31, 2020 at 12:57 PM
Reply-To: hubereric@hotmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Eric Huber
2208 W Magnolia Ct Fort Collins, CO 80521-2231
hubereric@hotmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Al Johnson <ajohnson@everyactioncustom.com> Mon, Aug 31, 2020 at 11:46 AM
Reply-To: ajohnson@ntfax.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Al Johnson
91 Valley Rd Nederland, CO 80466-9727
ajohnson@ntfax.com

Rob Helmick <helmicrp@co.larimer.co.us>

Fwd: NISP

1 message

Linda Hoffmann <hoffmalc@co.larimer.co.us> Mon, Aug 31, 2020 at 1:19 PM
To: "Helmick, Rob" <helmicrp@co.larimer.co.us>

Please include this message in the public record for the application.

Linda Hoffmann
County Manager

Commissioners' Office
200 W Oak St, Fort Collins, CO 80521 | 2nd Floor
W: (970) 498-7004
lhoffmann@larimer.org | www.larimer.org

---------- Forwarded message ---------
From: **Jean Korfanta** <jeankorfanta@aol.com>
Date: Mon, Aug 31, 2020 at 9:29 AM
Subject: NISP
To: bocc@larimer.org <bocc@larimer.org>

The Horsetooth reservoir is down to the point of being worrisome. Terry Lake is very low. With the hot and dry summer. how can it be feasible to allow NISP to plow through Northern Colorado and take even more water from a scarce water supply to begin with?

Please listen to the people who have done due diligence in research and the NOCO residents whose lives will be negatively affected by NISP.

We have faith in the Commissioners to protect the residents of Larimer County and the Poudre River and other water supply areas.

Jean Korfanta
5004 Patricia Drive
FC 80524

Rob Helmick <helmicrp@co.larimer.co.us>

STOP NISP

1 message

Chip Kurtzman <chibar3@gmail.com> Tue, Sep 1, 2020 at 6:37 AM
To: rhelmick@larimer.org

Larimer County Commissioners have the responsibility to represent their constituents; to enforce the Land Use Code and County Master Plan that protects an existing neighborhood; to provide ample opportunities for a dialog with their constituents and to support using the Poudre River as the water route rather than a new pipeline.

M.B. Kurtzman

Sent from my iPad

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Katie Loeffler <welchkat@everyactioncustom.com> Mon, Aug 31, 2020 at 11:44 AM
Reply-To: welchkat@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Katie Loeffler
920 Laporte Ave Fort Collins, CO 80521-2523
welchkat@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Curtis Martin <mtkayaker1@everyactioncustom.com> Mon, Aug 31, 2020 at 5:45 PM
Reply-To: mtkayaker1@yahoo.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Curtis Martin
315 N Holcomb St Castle Rock, CO 80104-8909
mtkayaker1@yahoo.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Heather McKelligott <hmckelligott@everyactioncustom.com> Mon, Aug 31, 2020 at 11:48 AM
Reply-To: hmckelligott@outlook.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Heather McKelligott
1523 Mathews St Fort Collins, CO 80524-4125
hmckelligott@outlook.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Daniel Mikalian <dmikalian1@everyactioncustom.com> Mon, Aug 31, 2020 at 8:07 PM
Reply-To: dmikalian1@sbcglobal.net
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

In addition to the letter attached below, I wanted to add a few thoughts of my own. The Cache la Poudre is one the the finest rivers in the state of Colorado, and possibly the most special river on the front range. With it's wild and scenic designation, doing anything to tame the wild heart of this river during spring run off would be an offense against mother nature herself. With the large populations of the front range utilizing resources of the Poudre for recreation year round, removing water from the river will also be removing the incentive for economic stimulus that accompanies the recreationists. Finally, taking steps to tame the river, and change is from what it is, only hurts Colorado, and changes Colorado from what has made it so popular in recent years, and into a less desirable form of it self. I am against the NISP in it's current state, and hope you consider my words as you review NISP yourself.

Thank you.

Dan Mikalian

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Daniel Mikalian
844 Tenderfoot Hill Rd Colorado Springs, CO 80906-4019
dmikalian1@sbcglobal.net

PROTECTING THE WEST'S LAND, AIR, AND WATER

Sent via email to Larimer County Planning Commission and Board of County Commissioners:
bocc@larimer.org, jkefalas@larimer.org, swjohnson@larimer.org, tdonnelly@larimer.org, rhelmick@larimer.org

Larimer County Board of Commissioners
Larimer County Offices
200 West Oak, Suite 2200
Fort Collins, CO 80521

August 31, 2020

Western Resources Advocates' comments to Larimer County Commissioners regarding the Commissioners' consideration of the Northern Integrated Supply Project (NISP) Pending 1041 Permit Application, Project No. 20- ZONE 2657

Dear County Commissioners:

Western Resources Advocates ("WRA") submits the following brief comments regarding the pending 1041 permit process of the Northern Integrated Supply Project ("NISP"), as proposed by Northern Colorado Water Conservancy District ("Northern" or "Northern Water"). WRA is a nonprofit conservation organization, founded in 1989, dedicated to protecting the Interior West's land, air, and water. Since the year 2000, WRA has engaged directly with water utilities, as well as local, state, and federal government agencies, to find solutions to meet growing urban water demands while protecting stream flows, habitat, sensitive species, and recreation.

SUMMARY and RECOMMENDATION

WRA has long followed the NISP proposal, including submitting comments on the U.S. Army Corps of Engineers' Final EIS nearly two years ago. [SEE ATTACHMENT: October 4, 2018 comments] Relatedly, WRA developed a comprehensive alternative to NISP—often referred to as the *Better Future Alternative*, and updated in our October 2018 comments to reflect more current Final EIS data—that we believe would obviate the need for the NISP project for the foreseeable future.

Like many others, we are concerned about the impacts NISP would have on the Cache la Poudre River, river-related recreation, species habitat, ecological function, and local communities. We continue to believe the *Better Future Alternative* (or a similar approach embracing its major elements) would meet growing demands of proposed NISP participants in a way more consistent with the goals and objectives of Colorado's Water Plan and the South Platte Basin Implementation Plan.

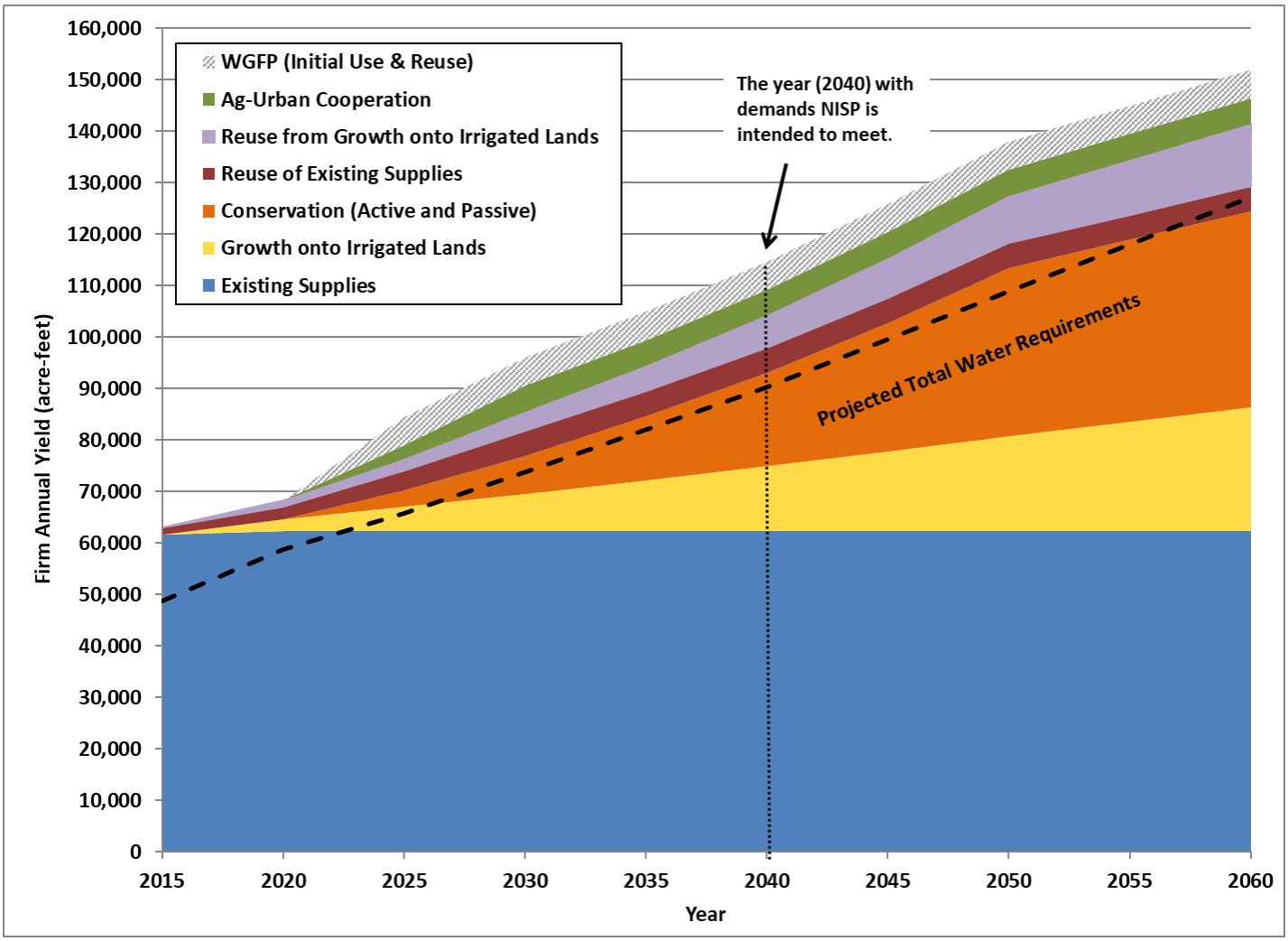
Regarding the County's 1041 process now underway, many of the concerns raised and issues in front of the Commissioners would be substantially different or avoided completely were Northern to pursue an alternative to NISP. As a result, we recommend that the Larimer County Commissioners oppose approval of the NISP permit until an alternative to NISP is provided to the Commissioners.

BETTER FUTURE ALTERNATIVE – 2018 UPDATE

The 2018 update to the *Better Future Alternative*—found at pages 21-25 in WRA's comments on the Army Corps' Final EIS (ATTACHMENT)—explains how it could meet NISP participants' demands through 2060 and beyond, through a close assessment of diverse portfolio that includes:

- Forecast population;
- Total water requirements;
- Existing supplies;
- Growth onto irrigated lands;
- Municipal conservation (passive and active);
- Reuse (of existing supplies and of water freed up from growth onto irrigated lands)

Together, these combine to reveal how existing and future supplies can easily satisfy projected total water requirements over the next several decades, as depicted in the figure below.



If the *Better Future Alternative* were used as the path forward for meeting future water demands, there would not be the NISP-proposed pipeline alignments, highway re-alignment, property impacts, rights-of-way, Poudre flow reductions, wetlands impact, and other issues raised in the current NISP 1041 process.

The Commissioners had many questions following the August 24, 2020, hearing, including:

> *What is the record of conservation in each of the NISP participant communities and how do they compare to conservation that has been achieved (gallons per capita) by the city of Fort Collins*?

At the time of the Final EIS, many NISP participants had relatively old conservation/efficiency plans, some dating back to 2011 or earlier. WRA's 2018 comments included the following table at page 15:

Table 3: Current Status of NISP Participant Water Conservation Plans (according to the 2017 Harvey Report)

NISP Participant	Conservation Plan Adopted (Year)
Central Weld County Water District (CWCWD)	NA
Dacono	2011
Eaton	2011
Erie	2014
Evans	2009
Firestone	2015
Fort Collins-Loveland Water District (FCLWD)	Draft 2015
Fort Lupton	2007
Fort Morgan	2008
Frederick	2011
Lafayette	2009/2010
Left Hand Water District (LHWD)	2015
Morgan County Quality Water District (MCQWD)	In process in 2016
Severance	In process in 2016
Windsor	2015

Fort Collins completed a water efficiency plan in 2015 (here), including a goal of 130 gallons per capita per day by 2030. The city's 2017 Water Conservation Annual Report (here) reflects being well on track.

In 2018, WRA noted the potential for water conservation by proposed NISP participants was largely neglected in the Final EIS, including the Harvey Report's failure to assume levels of municipal conservation consistent with Colorado's Water Plan, where a 1% annual reduction in per capita use would meet the State's objective of saving 400,000 acre-feet of water in the municipal sector. Our comments provided additional information on NISP participant's per capita trends (pages 11-14).

We hope to provide further responses to additional questions raised by the Commissioners.

Sincerely,

Bart Miller,
Healthy Rivers Program Director,
Western Resource Advocates

ATTACHMENT
WRA's October 2018 comments on Army Corps' Final EIS

Conservation Colorado Education Fund
Western Resource Advocates
Sierra Club Rocky Mountain Chapter

Submitted via email to NISP.EIS@usace.army.mil

October 4, 2018

John Urbanic
NISP EIS Project Manager
U.S. Army Corps of Engineers, Omaha District - Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, CO 80128

Comments on the Final Environmental Impact Statement and the Draft General Conformity Determination for the Northern Integrated Supply Project,
including:
Western Resource Advocates' 2018 Update to the Better Future Alternative.

Dear Mr. Urbanic:

Western Resource Advocates, Conservation Colorado Education Fund, and Sierra Club Rocky Mountain Chapter (the "Conservation Groups") herein provide written comments on the Army Corps of Engineers' (Corps) Northern Integrated Supply Project (NISP) Final Environmental Impact Statement (FEIS) and Draft General Conformity Determination.[1] Western Resource Advocates supplied written comments on the Draft Environmental Impact Statement (DEIS) dated September 12, 2008, and the Conservation Groups submitted comments on the Supplemental Draft Environmental Impact Statement (SDEIS) on September 3, 2015. The Conservation Groups respectfully urge the Corps to revise the FEIS or deny a dredge and fill permit for NISP, consistent with these comments.

We are concerned about the impacts that NISP would have on the Cache la Poudre River (Poudre River) and adjacent communities. In our view, NISP would not use Colorado's water resources efficiently, when compared to the Participants' alternative water supply options. We think that the FEIS should be revised to reduce the NISP Participants' water demands, in manner consistent with Colorado's Water Plan and South Platte Basin Implementation Plan (SPBIP) goals. If the Corps does not incorporate all of these strategies into its analysis to reduce the projected water demands applicable to all alternatives, the agency has a statutory duty to consider them in an alternative.

[1] *See* 83 Fed. Reg. 34558-34559 (July 20, 2018).

Arizona
P.O. Box 64128
Tucson, AZ 85728

Colorado
2260 Baseline Rd.
Suite 200
Boulder, CO 80302

Nevada
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The Conservation Groups and Their Interests

Conservation Colorado Education Fund is a state-based environmental advocacy organization with field offices throughout Colorado and a main office in Denver, Colorado. Conservation Colorado protects Colorado's wild places, healthy rivers, wildlife and quality of life by mobilizing people around key conservation issues.

The Sierra Club Rocky Mountain Chapter was formed over 50 years ago to explore, enjoy and protect the environment of Colorado. The preeminent grassroots volunteer-driven conservation organization, we bring tens of thousands of people annually to the Colorado outdoors, and we have a long history of educating, advocating and litigating for a vast range of environmental protections in Colorado. For decades our outings and conservation programs have involved all aspects of exploring, enjoying and protecting the Cache la Poudre River and its watershed.

Western Resource Advocates is a nonprofit conservation organization, founded in 1989, dedicated to protecting the Interior West's land, air, and water. Since the year 2000, Western Resource Advocates has engaged with water utilities, state, and federal government agencies to find solutions to meet growing urban water demands while protecting stream flows, endangered fish, and critical habitat.

The Natural Values at Stake

As detailed in our comments on the SDEIS, NISP poses a significant threat to the Poudre River's natural and related recreational values, particularly in and near the City of Ft. Collins, Colorado.[2] In our view, these potential impacts could be reduced, delayed, or avoided entirely if the Corps adequately considers the Participants' foreseeable future water needs, or selects one of the reasonable and practicable alternatives to NISP that protects the Poudre River's values while meeting the reasonably anticipated water needs of the NISP Participants.

Comments

I. The FEIS Must be Revised to Correct Errors Resulting from the Corps' Reliance Upon the 2017 Harvey and BBC Reports (violation of NEPA and Clean Water Act § 404(b)(1)).

We recently reviewed the July 24, 2017, version of the Harvey Economics' Water Supplies and Demands for Participants in the Northern Integrated Supply Project Final Report, herein referred to as the "2017 Harvey Report" or "Harvey (2017)." The 2017 Harvey Report updates earlier 2006 and 2011 versions of the report that were used in the NISP Draft and Supplemental Draft Environmental Impact Statements. The 2006 Harvey Report concluded that demands would exceed Participants' supplies by 40,000 acre-feet (AF), the requested NISP yield, by 2025 (Harvey 2006). The 2011 Harvey Report found demands would exceed supplies by 40,000 AF around 2030 (Harvey 2011). The most recent 2017 Harvey Report now projects Participants'

[2] Conservation Colorado, et al., Comments on the Northern Integrated Supply Project Supplemental Draft Environmental Impact Statement 1-2 (Sept. 3, 2015).

supply deficits will reach 40,000 AF by 2040, an additional 10 year delay from the previous 2011 estimate.

In addition to reviewing the 2017 Harvey Report, we used the updated data in it and other NISP NEPA documentation to update Western Resource Advocates' 2012 Better Future Alternative for the Poudre River Alternative to the Northern Integrated Supply Project, herein referred to as the "Better Future Alternative" (WRA 2012). Our updated 2018 Better Future Alternative, described in Part II below, finds that NISP participants are likely to have more than 24,000 acre-feet of excess firm yield supplies by 2040 without NISP being built.

The most recent 2017 Harvey Report bases its findings on assumptions which have resulted in inflated demand projections and fails to recognize the potential for future water conservation. Additionally, Harvey (2017) overlooks other new supplies that NISP participants will likely acquire. We credit Harvey (2017) for doing a better job than previous Harvey reports in estimating population growth rates. However, Harvey (2017)'s improvements in its population projections are largely undercut by new errors in other parts of its analysis.

Regrettably, the Corps appears to have incorporated many of these errors into the FEIS.[3] The Corps retained BBC Research and Consulting to prepare a memorandum evaluating Harvey (2017).[4] Chapter 1 of the FEIS refers to the memorandum as "BBC (2017a)," and we adopt that shorthand here. While BBC (2017a) makes several improvements upon Harvey (2017), the memorandum fails to catch or correct several errors, and as a result, those errors now appear in the FEIS and significantly affect the Corps' estimates of the NISP Participants' existing and future water supplies, and future water demands.

Our concerns with the FEIS, discussed in detail below, are as follows:

a) Current firm yield supplies appear to be under-estimated;
b) Projected demands are based on unreasonable and poorly supported assumptions, leading to inflated results and inappropriate conclusions regarding supply needs;
c) Historic and current trends showing decreases in system losses and water charges over time have been improperly overlooked;
d) The 10% safety factor used in the determination of demand multiplies substantial erroneous assumptions elsewhere in FEIS;
e) Water conservation savings and related impacts on the determination of additional supply requirements are largely neglected, though the narrative implies otherwise; and,
f) Water supply projections do not include new supplies from the Windy Gap Firming Project, available new supplies associated with municipal growth onto previously irrigated lands, and the potential for reuse of fully consumable supplies.

[3] *See* FEIS at Ch. 1.
[4] BBC Research and Consulting (BBC). 2017a. Review of 2017 Demand projections for NISP Participants produced by Harvey Economics. Prepared for the US Army Corps of Engineers. August 2, *referenced in full in* FEIS at 7-2.

a) The FEIS significantly understates the sum of its own catalogue of current firm yield supplies.

Harvey (2017) assumes a total firm annual yield from NISP participant existing supplies of 54,600 AF.[5] BBC (2017a) and the FEIS estimate slightly higher totals of 54,900 AF.[6] However, the sum of the total existing supplies using the "Firm Annual Yield (af)" columns for each participant in Appendix P of Harvey (2017) is 61,580.2 acre-feet (AF).

The bulk of this discrepancy found in each document results from the omission of over 6,100 AF of water owned by the City of Evans that the FEIS claims "is not currently available for potable use."[7] Neither Harvey (2017), BBC (2017a), nor the FEIS provide a satisfactory explanation of why the Godfrey and Evans Ditch supplies could not be used to meet potable demands in the future, either directly or indirectly by exchange. Because of this questionable assumption, the Corps predicts that these significant non-potable supplies will go largely unused by NISP participants through 2060.[8] As a result, the FEIS appears to significantly and arbitrarily understate the firm yield of water supplies currently available to NISP participants.

Furthermore, that sum (totaling 61,580.2 AF) does not include water transferred from Windsor to FCLWD, water leased by Fort Morgan from the Riverside Irrigation Company, water used by Fort Morgan for well augmentation, and supplies owned by several NISP participants that have not yet been changed to municipal use. When additional existing firm yield from supplies that are owned by NISP participants but have not yet been changed to municipal use is added, and math error for FCLWD is corrected, the existing firm yield increases to 62,289.7 AF. That is 7,689.7 AF greater than the 54,600 AF that Harvey (2017) assumes. We believe 62,289 AF is the correct existing firm annual yield for NISP participants as these are the supplies listed in Appendix P of the 2017 Harvey Report. Accordingly, the Corps must revise Table 1-2 of the FEIS, which significantly understates existing Participant water supplies.

b) Both Harvey (2017) and the Corps' projected water requirements and demands are inflated.

Harvey (2017) projects that water requirements[9] will increase at a rate significantly faster than historical rates (*see* Figure 1 below). The report also predicts a rate of increasing water demand when comparing 2015 to 2020 data (*see* Table 1 below). However, these projected increases cannot be the result of more rapidly growing populations because Harvey (2017) assumes that population growth rates for NISP participants will decrease over time (see Figure 2 below).[10] Harvey (2017) fails to provide any explanation for the increases in water requirements and demands in excess of population growth noted in the report. This inflated projection appears to

[5] Harvey (2017) at 45.
[6] BBC (2017a) at 5; FEIS at 1-8.
[7] FEIS at 1-8, Table 1-2 n.1; *see also* Harvey (2017) at 51, Appx. P (Water Supply Inventory Form for the City of Evans); BBC (2017a) at 6.
[8] *See* Harvey (2017) at Table II-2 (estimating only 2,670 AF of non-potable water deliveries in 2060).
[9] Water requirements are water deliveries plus any system losses and water delivery charges.
[10] Population growth rates used in Harvey (2017) are generally consistent with Colorado State Demography Office (SDO) county estimates (*see* Figure 2 below). This is a significant improvement over past Harvey Reports.

result from unreasonably elevated per capita use assumptions, losses and delivery charges that the report assumes will increase over time, and negligible conservation.

The Corps' projected annual water requirements of 76,959 AF in 2040 and 103,584 AF in 2060 are lower than Harvey (2017)'s.[11] However, the Corps' estimates still far exceed historical rates of growth in water demand (*see* Figure 1 below). The Corps' bases its estimates on the analysis in BBC (2017a).[12]

It appears likely that BBC (2017a) reaches this result by assuming that per capita water use rates set at the end of conservation plans will remain fixed throughout the entire study period.[13] In other words, BBC (2017a) appears to assume that once a conservation plan reaches its end date, that Participant will see no improvement in its projected water use intensity for years, if not decades. Two of those conservation plans ended two years ago in 2016. All but one of the conservation plans are to be completed by the year 2031, and most of them – eleven – end before 2025. In other words, <u>the FEIS appears to assume that most NISP Participant's per capita water use rates will remain unchanged between the years 2025 and 2060</u>. This assumption is unexplained and is greatly inconsistent with state policy, well-documented regional trends toward reduced per capita water requirements over time, and the fact that, by law, Participants will design and implement new conservation plans that start immediately after their existing ones. Particularly given that BBC (2017a)'s methodology, like Harvey (2017)'s, results in an <u>acceleration</u> in total water requirements over historical growth rates (*see* Figure 1 below), BBC's projected requirements, as incorporated into the FEIS, appear to be significantly inflated.

[11] FEIS at Table 1-7.
[12] *Id* at 1-16.
[13] *See* BBC (2017a) at Figure 6.

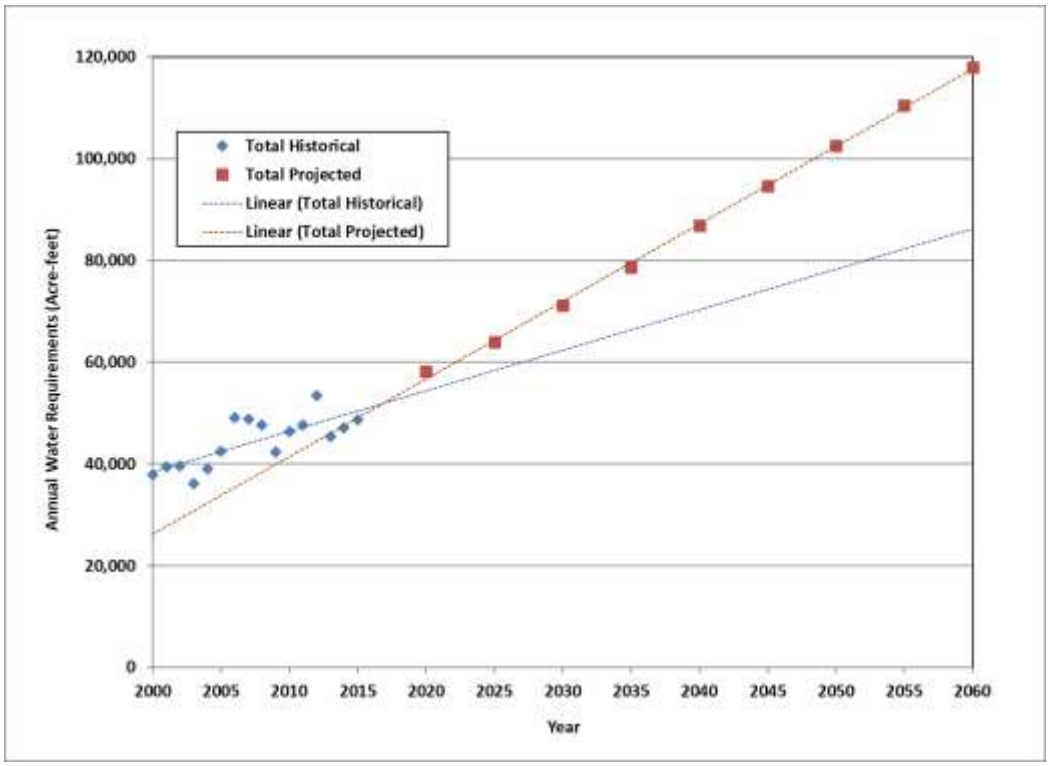

Figure 1: Historical and Projected NISP Participant Annual Water Requirements "Adjusted for Conservation" (2017 Harvey Report data aggregated by WRA)

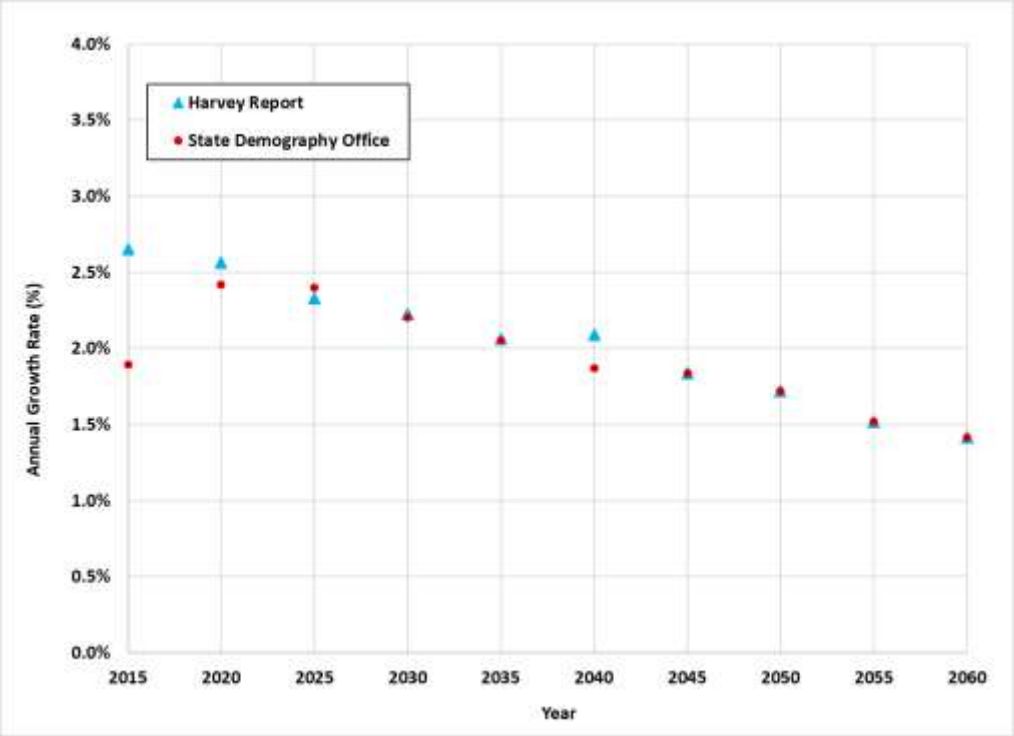

Figure 2: NISP Participant Annual Population Growth Rate for Preceding Period (2017 Harvey Report data aggregated by WRA; weighted by county based on NISP population county breakdown)

Table 1: 2017 Harvey Report Historical and Projected Populations and Water Demands

Period		Population		Water Deliveries		Water Requirements		Water Requirements Adjusted for Conservation	
		Total	% Increase over previous 5 yrs	Total (AF)	% Increase over previous 5 yrs	Total (AF)	% Increase over previous 5 yrs	Total (AF)	% Increase over previous 5 yrs
Historical	2000	128517	---	33995	---	37858	---	37858	---
Historical	2005	180117	40%	37686	11%	42550	12%	42550	12%
Historical	2010	202804	13%	41497	10%	46332	9%	46332	9%
Historical	2015	227774	12%	43649	5%	48747	5%	48747	5%
Projected	2020	258521	13%	54850	26%	60600	24%	58200	19%
Projected	2025	290064	12%	62440	14%	68500	13%	64000	10%
Projected	2030	323833	12%	68870	10%	76100	11%	71100	11%
Projected	2035	358671	11%	75870	10%	84300	11%	78600	11%
Projected	2040	397733	11%	83150	10%	92600	10%	86800	10%
Projected	2045	435628	10%	90520	9%	101500	10%	94600	9%
Projected	2050	474369	9%	97650	8%	109900	8%	102600	8%
Projected	2055	511471	8%	104630	7%	118400	8%	110500	8%
Projected	2060	548662	7%	111620	7%	126900	7%	117900	7%

c) The FEIS overlooks historic trends showing decreases in system losses and water charges over time.

It appears that the FEIS, through its reliance upon BBC (2017a) overlooks historic trends towards decreased system losses and charges over time, thus potentially contributing to the report's inflated demand projections. Figure 3, below, shows the downward trend in the historical data. Nonetheless, BBC's "simplified, alternative" demand projection simply substitutes per capita water use rates set at the end of conservation plans for this analysis.[14]

By contrast, Harvey (2017) did look at system losses and charges. However, our analysis of Harvey (2017) found an abrupt and unexplained <u>increase</u> in projected system losses and delivery charges beginning in 2025. Figure 3 shows the losses and delivery charges that Harvey (2017) applied to water deliveries in each year. The report adds losses and delivery charges to water deliveries to determine water requirements. These data were calculated by WRA by taking the difference between total water requirements (not yet adjusted for conservation) and total water deliveries. We then compared Harvey's water projected deliveries to the report's projected losses and delivery charges. For example, if water deliveries were 10,000 AF and water requirements were 11,000 AF, that would mean losses and delivery charges were assumed to be 10%. (11,000 – 10,000)/10,000 = 0.1 or 10%. Per the 2017 Harvey Report methodology, conservation savings are then subtracted from the water requirements.[15]

[14] *See* BBC (2017a) at 9. Other problems with this approach are detailed in Part I.b *supra*.

[15] This is an extremely unusual method of adjusting for conservation savings. Adjusting water requirements, instead of customer end use (referred to as water deliveries Harvey (2017)), results in higher losses, delivery volumes, and

Furthermore, the Harvey (2017) fails to explain why losses and charges increase over time. Indeed this projected outcome contrasts with the goal that numerous NISP Participants have of decreasing system losses over time, as documented in the Harvey (2017) report's Conservation Program Overview section.[16] This unexplained increase in losses also negates conservation savings and inflates both total water requirements and safety factor volumes.

In sum, the demand projections in the FEIS must be revised to reflect historical trends and the Participants' goals towards reduced water losses and delivery charges.

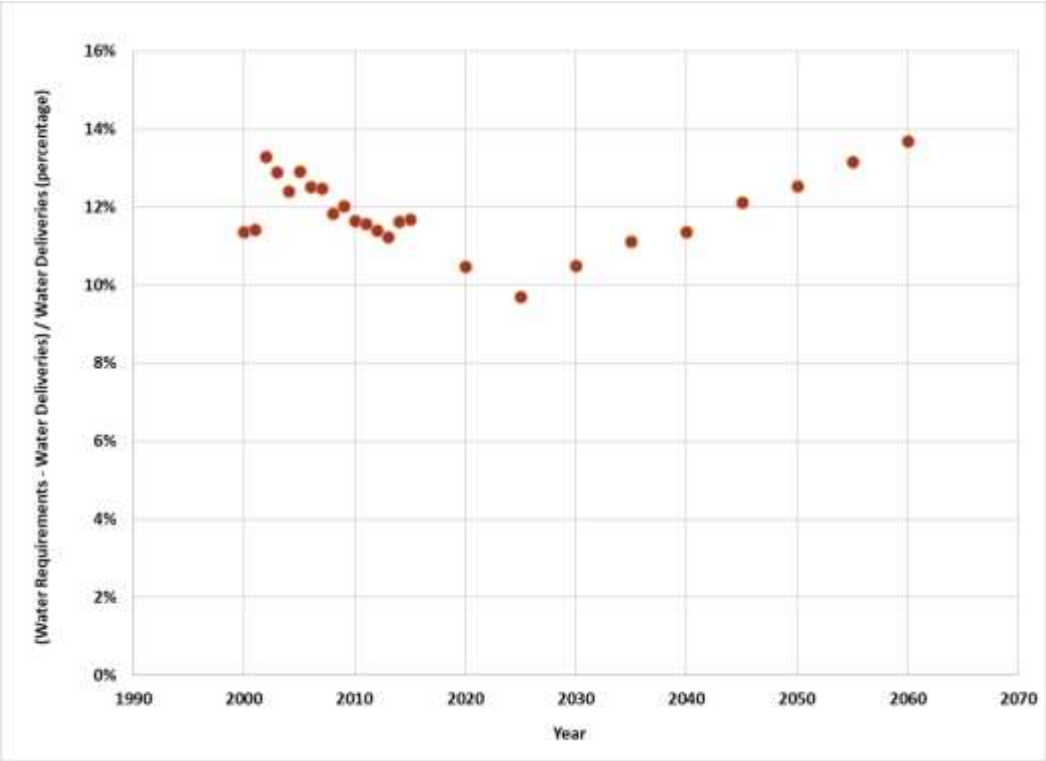

Figure 3: Losses and Water Charges as Percentage of Water Deliveries (2017 Harvey Report data aggregated by WRA

d) A 10% safety factor multiplies substantial errors elsewhere in the FEIS.

The FEIS does not sufficiently explain a 10% safety factor added on top of water requirements. We do not take issue with water planners including some sort of safety factor in this case. However, a 10% safety factor significantly inflates the claimed water needs in the FEIS.

safety factors. By contrast, adjusting end use for conservation savings would have resulted in decreased losses, delivery charges, and safety factor volumes. In other words, the result of taking conservation savings from water requirements is inflation of projected water demands.

[16] Harvey (2017) at 19.

The FEIS' adoption of such a large safety factor requires much greater accuracy in other aspects of the Corps' water needs analysis. The safety factor inflates demands in both BBC (2017a) and Harvey (2017). For example, the FEIS freezes per capita water use rates set at the completion of conservation plans, *see* Part I.b *supra*, and after that conservation savings over the next 45 years are extremely minimal (only a 7.6% reduction in gpcd[17]). Looking at Harvey (2017), Table 2 lists all losses, charges and safety factors for each NISP participant, many of which are substantial, especially in combination. The safety factor compounds the projected demands resulting from already questionable assumptions. The FEIS should revise its projected per capita water use rates, as well as losses and charges, to ensure that the safety factor does not unreasonably inflate the NISP Participants' projected water demands.

Table 2: Stated 2017 Harvey Report NISP Participant Assumed Losses, Charges and Safety Factors

NISP Participant	Losses	Delivery Charges	Total Losses and Charges	New Safety Factor (added on top of water deliveries, charges and losses)	TOTAL[1]
CWCWD	7%		7%	10%	17%
Dacono	9%		9%	10%	19%
Eaton	8%	10%	18%	10%	28%
Erie[2]	13%		13%	10%	23%
Evans	8%	13.5%	22%	10%	32%
Firestone	6%	10%	16%	10%	26%
FCLWD[3]	10%		10%	10%	20%
Fort Lupton	10%		10%	10%	20%
Fort Morgan[4]	17%		17%	10%	27%
Frederick	1%	20%	21%	10%	31%
Lafayette	8%		8%	10%	18%
LHWD5	9.5%		10%	10%	20%
MCQWD	3%		3%	10%	13%
Severance[5]	5%	10%	15%	10%	25%
Windsor[8]	9%	17%	26%	10%	36%

Table 2 Footnotes:

[1]Total percentage is actually slightly higher than shown here because, while losses and charges are added on as a percentage of water deliveries, the safety factor is added as percentage of water deliveries, loss and charges.

[17] BBC (2017a) at Figure 6.

[2]2017 Harvey Report Table II-3 list Erie's losses as 8% but Appendix D states "Total Erie water requirements assume a 13 percent total loss, including losses from the point of diversion to the tap."
[3]2017 Harvey Report Table II-3 list FCLWD losses as 8% but Appendix H states "An additional 10% was added to all water demands to account for distribution system losses."
[4]Fort Morgan assumes lower (12%) loss for non-potable supplies, not shown here.
[5]2017 Harvey Report Table II-3 list Severance losses as 9% but Appendix N states "an additional 5% was added to potable water supplies to account for delivery losses...."
[6]2017 Harvey Report Table II-3 list Windsor's losses as 7% but Appendix O states "Total water deliveries are adjusted by 9 percent distribution losses...."

e) Water conservation savings are largely neglected, though the narrative implies otherwise.

The conservation savings methodology and the extremely limited projected savings over the next forty-two years, raises questions with regards to the approach used by FEIS. A fundamental tenet of responsible water supply planning involves integrating reductions in per capita use resulting from passive and active conservation. If water rates and infrastructure projects are designed based on high historical use rates, they will be oversized.

The water conservation savings estimates in the FEIS diverge significantly from the goals in the Colorado Water Plan and the South Platte Basin Implementation Plan (SPBIP). It is true that Colorado's state-wide water demands are projected to significantly exceed supplies over the next several decades. However, as Colorado's population grows communities are becoming more efficient with their water use.[18] To this end, "Colorado's Water Plan sets a measurable objective to achieve 400,000 acre-feet of municipal and industrial water conservation by 2050." The Water Plan states that, "Colorado must address projected gaps between future water needs and available water provisions from both the supply side and the demand side. Every acre-foot of conserved water used to meet new demands is an acre-foot of water that does not need to come from other existing uses."[19] The 400,000 acre-foot objective equates to an annual reductions in per capita water use of just below 1%. In addition, the SPBIP, which was developed by stakeholders throughout the basin, recognizes the need to maintain leadership in conservation. The SPBIP's vision for meeting the East Slope municipal water supply gap includes "[r]eaching enhanced levels of municipal conservation and reuse."[20]

In addition to potential savings resulting from water provider-specific conservation programs, all new development in Colorado will have more efficient indoor water use than existing developments due to more water efficient technologies and regulations. As an example, Title 6, Article 7.5 of the Colorado Revised Statutes states that only high efficiency lavatory faucets, shower heads, tank type toilets, and flushing urinals may be sold in the state after September 1, 2016.

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[18] For example, as we noted in our comments on the SDEIS, Denver Water uses 5% less water overall than it did in 1990 despite a population increase of more than 30%. A. Best, *Colorado's Rapid Growth Offers a Golden Opportunity to Merge Water and Land Use*, HEADWATERS MAGAZINE (Colorado Foundation for Water Education 2015), *available at* https://www.yourwatercolorado.org/cfwe-education/headwaters-magazine/summer-2015-water-land-use/763-from-the-ground-up.
[19] Colorado Water Conservation Board (CWCB), Colorado Water Plan at Exec. Sum. p.14 (2015).
[20] HDR and West Sage Water Consultants 2015, p. 1-20.

The fifteen NISP Participants vary in their level of conservation planning and programs. Some had well-developed programs in place while others were still establishing their first water conservation plans concurrently with the preparation of the FEIS. Many have not had the focus and resources to make a significant commitment to conservation, nor to evaluate its cost effectiveness as compared to NISP and other supply options. Even the Northern Colorado Water Conservancy District (Northern) has only recently increased its focus on the role water conservation has in water management. For such a significant player in Colorado water, it is notable and a very positive sign that Northern just hired their first Water Efficiency Program Manager this year. Throughout the state, water utilities who have implemented well-developed conservation programs have seen residential and non-residential use rates decrease significantly since the 2002 drought. Savings have been sustainable and permanent.[21] Absent compelling reasons to the contrary, it is reasonable to project similar, if not greater, conservation savings potential for the fifteen NISP Participants by the year 2060.

i. The conservation analysis in Harvey (2017) is inadequate.

The 2017 Harvey Report fails to assume that all project participants would pursue efficient use of Colorado's water resources through conservation, consistent with Colorado's Water Plan and the SPBIP, prior to pursuing new supplies. Figure 4 and Figure 5 show average NISP participant per capita use based on Harvey (2017) water deliveries and water requirements "adjusted for conservation." While there is a clear trend of declining per capita water use in the historical data in both figures, projections show much more limited declines in use. Harvey (2017) projects that per capita use based on water deliveries will actually increase slightly from the recent historical average in initial decades before leveling out (Figure 4). Based on deliveries, the 2060 projection is 182 gallons per capita per day (gpcd) which is only a 3 gpcd decrease from the recent historical (2006 – 2015) average of 185 gpcd. Per capita water use based on requirements "adjusted for conservation" data (Figure 5) clearly illustrates very limited projected water conservation savings. In 2060, 2017 Harvey Report data projects that per capita use will be 192 gpcd as compared to the recent historical (2006 – 2015) average of 207 gpcd. That amounts to a decrease of only 15 gpcd, or 7%, over the next 45 years. In contrast, the Water Plan contemplates a 35% to 40% decrease in gpcd during that time period.

[21] *See* note 18 *supra*.

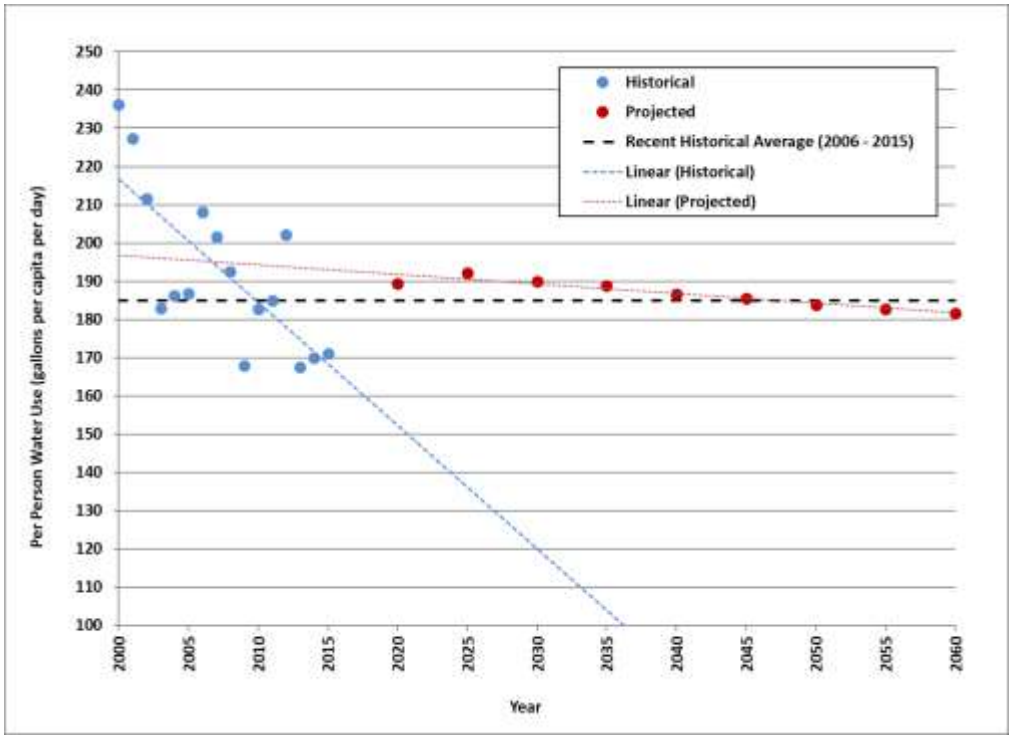

Figure 4: NISP Average per Capita Water Use Based on Water Deliveries (2017 Harvey Report data aggregated by WRA)

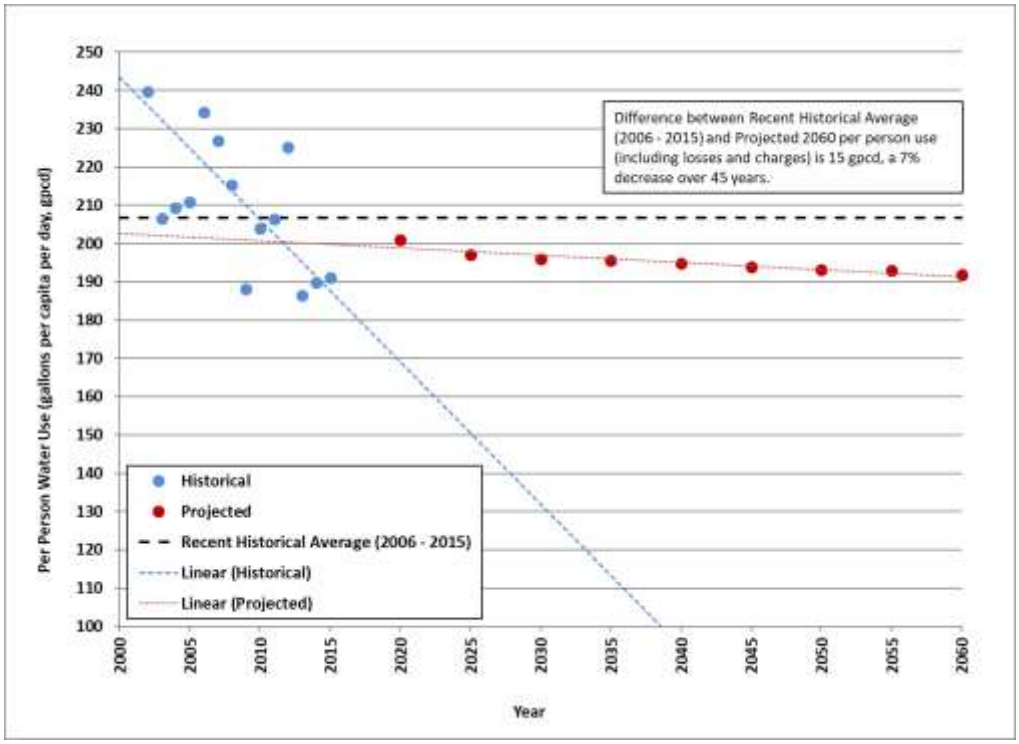

Figure 5: NISP Average per Capita Water Use Based on Water Requirements "Adjusted for Conservation (2017 Harvey Report data aggregated by WRA)

Harvey (2017) relies on an extremely unconventional and questionable method to estimate future conservation savings. According to Harvey (2017), for each participant (with some minor modifications) the approach was to "[c]alculate the difference between the average total gpcd (or gptd) prior to 2005 and the average gpcd (or gptd) between 2005 and 2015 and apply that difference to the population (or taps) in each year from 2005 on, to estimate annual and total historical conservation savings." Using this method, an average volume of historical conservation savings was determined for each participant.[22] Those set volumes were then subtracted from projected water requirements. Then "anticipated savings of future conservation measures and programs, as provided by Participants in their Water Conservation Plans or Water Efficiency Plans" were estimated[23] and subtracted from projected water requirements.

There are several problems with this methodology:

- Failure to project conservation gains beyond those reflected by historical efforts and existing plans: The most significant issue we find with the Harvey (2017) report's analysis is that conservation savings – beyond those rates already achieved or contemplated by exiting plans – do not continue to increase into the future. It is not appropriate to look only at the NISP participants' existing conservation plans and efforts[24] because these plans and efforts have been far from aggressive with conservation. Furthermore, several of these participants did not have conservation plans in place when the 2017 Harvey Report was developed or have older plans that need to, or will soon need to, be revised[25] (Table 3). The 2017 Harvey Report only considers additional conservation savings goals from NISP participants' existing conservation plans even though the report is a planning document that looks out more than four decades to 2060. Therefore, Harvey (2017)'s reliance upon these plans, or lack thereof, when estimating water conservation savings for the next forty-two years is inadequate.

- Inconsistency with prior Corps analysis: When developing the NISP SDEIS, the Corps of Engineers (Corps) independently reviewed WRA's 2012 Better Future Alternative report (BBC, 2013) and developed their own Conservation Scenario that assumed conservation savings very similar to WRA's 2012 Better Future Alternative's. The Corps' Conservation Scenario assumed the combination of passive and active conservation would reduce total water requirements for NISP participants by 35,252 AF by 2060 (Corps 2015, p.2-13). Another Corps SDEIS technical memo recommends that overall NISP water requirements be reduced by 5% each decade resulting in a decline of 25% by 2060 (BBC 2011, p.9).

- Inconsistency with Colorado's Water Plan: Colorado's Water Plan has a goal of saving 400,000 AF by 2050 (CWCB 2015). To achieve this goal, on average, utilities will need to decrease water use through conservation by roughly 1% each year from now until 2050, resulting in an effective savings of 30% from 2015 to 2050.

- Failure to consider conservation potential: A 2016 study by the Water Research Foundation (WRF 2016) found that, even for communities that have embraced conservation, significant

[22] Harvey (2017) at 25 (Table III-1).
[23] Harvey (2017) at 27 (Table III-2).
[24] Harvey (2017) at 26.
[25] Colorado statute C.R.S.§ 37-60-126(4) requires that water conservation plans for entities providing 2,000 AF or more annually be updated at least every 7 years.

potential exists for additional future savings, both indoors and outdoors. Taking "existing conservation savings" and applying them to future growth, especially for communities that have not prioritized conservation in the past, is not an appropriate or objective measure of potential savings. In fact, there is little to no correlation to future savings potential with a robust conservation program in place.

- Improper inclusion of savings achieved via mandatory conservation measures in the "pre-conservation" period: The 2017 Harvey Report used the period prior to 2005 as the "pre-conservation" period and 2005 to 2015 as the "post-conservation" period. The report's authors state that differences in water use before and after the "early 2000s drought" show "the effects of conservation."[26] However, the main year of the drought took place in 2002, and not 2005. Thus, by its own terms, the report's pre- and post- conservation period breakdown underestimates historical conservation savings by including savings from 2002 to 2004 in the "pre-conservation" period. This results in a smaller "difference" between the pre- and post- conservation periods.

  In particular, Harvey (2017) includes gains achieved via mandatory post-drought conservation measures in the "pre-conservation" period. The report argues that it is inappropriate to include conservation resulting from mandatory conservation measures in the post-conservation period;[27] yet, by this same rationale, it should also be inappropriate to include mandatory conservation gains from 2002 through 2004 in the "pre-conservation" period. The result is that the report underestimates the difference between water use before and after the drought.

  The State of Colorado and Colorado water utilities consistently consider the 2002 drought to be a defining moment when water conservation programs were recognized for their importance and ability to manage demands. Since then, water providers have seen sustained decreases in water use among their customers as a result of a range of conservation programs. The 2017 Harvey Report itself states "It is clear that a downward trend in potable water use per capita occurred since 2000."[28] Additionally, applying a set volume of assumed historical conservation savings to all future projected demands is a highly unusual and non-standard way of projecting conservation savings.

[26] Harvey (2017) at 24.
[27] Harvey (2017) at 24 n.5.
[28] Harvey (2017) at 23.

Table 3: Current Status of NISP Participant Water Conservation Plans (according to the 2017 Harvey Report)

NISP Participant	Conservation Plan Adopted (Year)
Central Weld County Water District (CWCWD)	NA
Dacono	2011
Eaton	2011
Erie	2014
Evans	2009
Firestone	2015
Fort Collins-Loveland Water District (FCLWD)	Draft 2015
Fort Lupton	2007
Fort Morgan	2008
Frederick	2011
Lafayette	2009/2010
Left Hand Water District (LHWD)	2015
Morgan County Quality Water District (MCQWD)	In process in 2016
Severance	In process in 2016
Windsor	2015

ii. The conservation analysis in BBC (2017a) is inadequate.

BBC (2017a)'s "simplified, alternative" methodology is easier to understand than Harvey (2017)'s, but is still significantly flawed.[29] As discussed above, BBC (2017a) (and thus the FEIS) freezes per capita water use rates at those set at the completion of existing conservation plans. This method yields a nearly identical rate of conservation gains of only 15 gpcd, or 7.6% over the next 45 years.[30] Accordingly, it shares the following flaws with Harvey (2017):

- Failure to project conservation gains beyond those reflected by historical efforts and existing plans. See discussion of this issue above.

- Inconsistency with prior BBC analysis. See discussion of this issue above. We are particularly surprised that BBC has apparently abandoned its prior recommendation that overall NISP water requirements be reduced by 5% each decade resulting in a decline of 25% by 2060 (BBC 2011, p.9).

- Inconsistency with Colorado's Water Plan. See discussion of this issue above.

- Failure to consider conservation potential. See discussion of this issue above.

[29] *See* BBC (2017a) at 9-14.
[30] BBC (2017a) at 11-12, Figure 6.

In sum, the only major flaw that BBC (2017) does not share with Harvey (2017) with respect to its conservation analysis is Harvey's unusual method to determine "before" and "after" conservation figures.

iii. Our Recommendations for a More Appropriate Water Conservation Analysis

Harvey (2017) states that "[f]rom an economic perspective, it is reasonable to assume that the Participants have sought or will seek maximum cost effective conservation savings before incurring the large costs associated with the NISP Project.[31]" The FEIS should be revised to work from this assumption.

With the recent hiring of a Water Efficiency Program Manager with many years of valuable experience, as well as the ability to apply for funds from the new CWCB grant program to implement the objectives found in Colorado's Water Plan, Northern is now in a position to provide greater leadership and assistance to the communities it serves, especially those which do not have the resources and expertise to develop robust, community-specific water conservation plans and programs. Participants began pursuing NISP before many utilities recognized the significant and sustained way in which water conservation can help manage demands. Many NISP Participants have not yet implemented basic conservation programs, such as increasing rate structures and leak detection. Additionally, Colorado's 2014 high efficiency standards will ensure that new development is more efficient than existing development.

Several participants have customers with large water requirements that account for a high percentage of total water demands. These include, among others, dairy, food processing, feedlot, nursery, sugar and aluminum companies. While Harvey (2017) notes that demands were projected separately for these large customers on the basis of individual interviews, no mention was made of working with them to evaluate potential conservation savings.[32] Many businesses have embraced water conservation to significantly decrease their water and energy footprints, as well as their costs related to those resources. Conservation experts, including Northern's own Water Efficiency Program Manager, should work with NISP Participants and these large customers to evaluate potential industry-specific water and cost saving mechanisms.

Many resources exist to help communities prioritize the most effective water conservation programs. Examples of Colorado-specific resources are the Colorado WaterWise Guidebook of Best Practices for Municipal Water Conservation in Colorado (Colorado WaterWise, 2010) and SWSI 2010 Appendix K, SWSI Conservation Levels Analysis – Final Report (CWCB, 2011). The Colorado Water Conservation Board (CWCB) has many resources available to assist with water efficiency planning listed on their website.[33]

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[31] Harvey (2017) at 36.
[32] *Id.* at 12.
[33] http://cwcb.state.co.us/water-management/waterEfficiency/Pages/WaterEfficiencyPlanning.aspx (last visited Aug. 23, 2018).

We recommend that participants work with conservation experts to develop a cost comparison of conservation activities and possible demand reductions versus cost of NISP supplies. In doing so, it is important to remember that water conservation savings would be compounded as a result of decreased system losses and a smaller 10% safety factor volume. NISP Participants who pay service charges in the form of a percentage of water deliveries would see further savings. In conclusion, the methodology used in the Harvey (2017) and BBC (2017a) significantly underestimates water conservation, resulting in projected savings in the FEIS that are much lower than the Corps' prior estimates (BBC 2011, BBC 2013).

f) Projections do not include new supplies from the Windy Gap Firming Project, growth onto previously irrigated lands, and reuse of fully consumable supplies.

i. Windy Gap Firming Project (WGFP)

Six NISP Participants are pursuing WFGP project firm yield supplies (Table 4), yet these supplies are not included in the FEIS, BBC (2017a), nor Harvey (2017), as existing supplies though this is a reasonably foreseeable project.[34] The Final WGFP Environmental Impact Statement was released in November of 2011 and a record of decision was signed in 2014. Though the project is the subject of ongoing litigation, WGFP yields must be included when determining the need for NISP.

The FEIS' rationale for excluding Windy Gap supplies is unsatisfactory. Essentially, the Corps argues that because the BBC (2017a) and Harvey (2017) conclude that the Participants' needs will be greater than 40,000 AF in 2060, beyond the NISP Participants' anticipated firm yield from Windy Gap, the Corp does not have to consider Windy Gap supplies here.[35] As documented elsewhere in this letter, BBC (2017a) and Harvey (2017) do not persuasively show this need by 2060. Therefore, the Corps reliance upon these documents is misplaced, and the Corps must consider Windy Gap supplies in the FEIS.

[34] *See* FEIS at 1-18 ("[T]he anticipated yield for the five NISP Participants also participating in the Windy Gap Firming Project from the Windy Gap Firming Project, which totals 3,700 AF, was not considered.)"
[35] *See id.*

Table 4: NISP Participants' WGFP Units, Storage Requests and Firm Yield Goals

NISP Participant	Windy Gap Units	Storage Request (AF)	Firm Yield Goal (AF)
CWCWD	1	330	100
Erie	14	6000	2000
Evans	0	1750	500
Fort Lupton	3	1050	300
Lafayette	1	1800	800
Loveland	40	7000	4000
TOTAL	59	17930	7700

Source: WGFP FEIS Table 1-7 (USBR 2011)

ii. Supplies Resulting from Growth onto Irrigated Lands

Neither the FEIS, BBC (2017a), nor Harvey (2017), includes any supplies from growth onto previously irrigated lands in its assessments of future water needs, even though numerous participants have new water development requirements. Harvey (2017) projects that the total population for all NISP participants will increase by nearly 150% between 2015 and 2060. Such growth will require the development of significant acreage in the South Platte Basin, some of which will have been previously irrigated.

As land is developed, consumptive use (CU) water supplies from previously irrigated lands are freed up for other uses. These are often transferred over to municipal water providers and many NISP participants have new development water requirements to that effect (Figure 6). Indeed, such transfers may be required under the municipal codes of some NISP participants.[36] However, an estimate of water supplies associated with these lands and new development requirements was not included in Harvey (2017)'s projections.

In Western Resource Advocates' 2012 Better Future Alternative we used conservative assumptions to estimate that approximately 19,000 AF of new firm yield supplies would be transferred to NISP participants by 2060 due to growth onto previously irrigated lands. This is lower than the Corps' own estimate.[37] During SDEIS development, the Corps evaluated the potential firm yield from transferred agricultural water in Hydros Consulting's 2012 "Evaluation of the 'Healthy Rivers Alternative' Proposed by Save the Poudre: Poudre Waterkeeper Using NISP Alternatives Screening Criteria" (Hydros 2012). Hydros completed a detailed analysis that resulted in an estimated 25,630 AF of water supply limited (WSL) consumptive use (CU) that would be available for transfer as a result of development onto previously irrigated lands (Table 5-3, Hydros 2012, p.44). When decreases in on-farm losses were included, Hydros estimated

[36] *See, e.g.*, Firestone Muni. Code § 16.04.055 ("No subdivision plat, and no final development plan or building permit for any unplatted area, shall receive final approval until the Town becomes titled owner of all water required for the area subject to such plat, plan or permit"); Frederick Muni. Code § 13-55.4(b) (requiring dedication of water rights to support application, potentially including appurtenant water rights), *see also* Figure 6 *infra*.
[37] *Compare* FEIS at 2-27 (citing the Hydros (2012) estimate of 25,600 AF of transferrable consumptive use).

that 36,614 AF of farm headgate (FHG) water supply limited (WSL) consumptive use (CU) would be available for transfer (Table 5-3, Hydros 2012, p.44). The Hydros report states "In addition, since development displaced lands are by definition the conversion of local irrigated lands into municipal use, the likelihood of being able to use the FHG to meet future demands (instead of just the WSL CU) is much higher, provided the municipality can meet RFOs [return flow obligations]" (Hydros 2012, p.40). Estimates of new supplies from growth on to irrigated acreage ranged from 19,000 to 36,600 AF. However, the FEIS did not incorporate any of these new supplies into future projections.

The FEIS excludes from consideration supplies from growth onto previously irrigated lands as part of an alternative because their acquisition does not constitute a "regional project" per the FEIS' purpose and need.[38] For the reasons described in Part III *infra*, we disagree with this reasoning. Regardless, the Corps should have at least considered these supplies as a part the Corps' demand projections. As it stands, the FEIS merely acknowledges the existence of these supplies while failing to incorporate them into its analysis of projected future water demands in any way.

[38] FEIS at 2-27 to 2-28.

NISP Participants' New Development Water Requirements

One of the largest costs for developers is water service. Water dedication policies vary by town and water district. Potential supplies are also evaluated for desirability based on their specifics (e.g., location, quality, seniority, storage). Some towns and water districts may require that they be given first option on any water supplies associated with a parcel. Others may not want a specific water right if it is difficult to transfer the diversion location to their water supply intake. Others may require supplies from specific sources or accept cash in lieu (cash instead of water) rather than requiring the transfer of historical water rights. Furthermore, some supplies may not be suitable for potable use, but may be useful for outdoor irrigation of parks, open space, and other common areas. In some cases, water has already been sold off from land, so either other supplies or cash in lieu are required. The following are examples of the water dedication policies for several NISP participants.

City of Evans (Municipal Code Chapter 13.08)
...It is the intent and purpose of this chapter to require the dedication or transfer of water or water rights to the city sufficient to satisfy any new or additional demand for city water service...

...any person who seeks approval of any of the following: 1. An extension of water service; 2. Annexation of land to the city; 3. Any change in land use, within or outside the limits of the city, if such change in land use will increase the demand for city water service, shall dedicate or transfer to the city a water allotment contract with the Northern Colorado Water Conservancy District (C-BT contract) for sixty-five hundredths (0.65) of an acre-foot (which will yield an average of approximately forty-six hundredths (0.46) of an acre-foot) for each EQR [equivalent residential] unit calculated

...Prior to any extension of service, any person required to comply with the provisions of this chapter shall also grant to the city the option for one year to purchase any and all water rights which are appurtenant to the land to be annexed, or on which the land use is proposed to be changed, but which are in excess of the dedication or transfer requirement of this chapter...

Fort Lupton (Municipal Code Sec. 13-122)
...Any person annexing land to or developing within the City...shall make a cash-in-lieu-of-water payment in an amount as determined by the City or...convey water rights or shares of sufficient quantity and water quality as determined by the City...

Fort Morgan (Municipal Code Sec. 18-2-210)
... At the time of annexation, property owners shall transfer all other water rights associated with the property to be annexed...The property owner shall also purchase water from a source that can be integrated into the City's potable water system sufficient to meet the needs of the property development or the current use of the property...

City of Lafayette (Municipal Code Sec. 120-91)
...The dedication and conveyance of CBT [Colorado-Big Thompson] water, direct flow and/or storage water rights to the city shall be required as a condition precedent to the approval of the subdivision or replatting of any land zoned and/or used as residential property. The dedication and conveyance of CBT water, direct flow and/or storage water rights to the city for all property other than residential shall be required as a condition precedent to the approval of a water service application...

Windsor (Municipal Code Sec. 13-2-80)
All premises requesting original water service...shall furnish...without cost to the Town, water rights in the amount of three (3) acre-feet of water for each acre of land zoned Single-Family Residential SF-1 District, Single-Family Attached Residential SF-2 District and Planned Mobile Home Park PD-MHP Development, and annexed to the Town...The Town may accept cash in lieu of water...

Figure 6: NISP Participant New Development Water Requirements from WRA's 2012 Better Future Alternative Report (WRA 2012, p.25)

iii. Reuse of Fully Consumable Supplies

Several NISP participants have reuse systems in place or have plans to reuse at least a portion of their legally reusable water supplies, yet Harvey (2017) does not include any reuse in their analysis. BBC (2017a) does not expressly consider reuse. BBC (2017a), and therefore the FEIS, only includes reuse to the extent that it is part of existing conservation plans already in place. Accordingly, the FEIS' look at reuse as part of the Participants' need for water also suffers from the defects of its conservation analysis.[39]

As documented above, Colorado's Water Plan and the SPBIP emphasize the reuse of fully consumable supplies as an important component to reduce the municipal and industrial (M&I) Gap. The SPBIP has an additional recommendation to "Implement additional reuse where practicable."[40] Only certain water supplies are legally reusable, or fully consumable, under Colorado water law. Communities with reusable supplies are increasingly finding reuse to be an extremely cost competitive water supply option compared to other supply alternatives. When possible, reuse through exchange is usually the most efficient way for communities to reuse water, but interest in both non-potable and potable reuse has grown tremendously in recent years. Many NISP participant supply portfolios include some reusable supplies. Additionally, WGFP supplies and supplies from growth onto irrigated lands and ag-urban cooperation should be reusable. Given the cost of acquiring new supplies, it is extremely likely that communities with reusable supplies will pursue opportunities to increase yields through reuse.

In sum, Harvey (2017) fails to include water reuse, including reuse that NISP communities are already doing or planning to do (see the 2012 Better Future Alternative report section on Planned and Additional Reuse for information on these supplies). BBC (2017a), and therefore the FEIS, only includes reuse in its water needs analysis to the extent that it is part of existing conservation plans already in place. <u>Accordingly, the FEIS must revise its water needs analysis to account for the reasonable water reuse potential on the Participant's water systems</u>.

II. Western Resource Advocates' 2018 Better Future Alternative Supply Portfolio Update

Western Resource Advocates' 2012 Better Future Alternative relied on Harvey (2011) and other resources to develop projections for future demands and supplies. The Better Future Alternative provides demand management and supplies that meet and exceed NISP participants' water demands while maintaining flows critical to aquatic and riparian environments and recreational opportunities in the Poudre River. The Better Future Alternative relies on conservation, reuse, water from growth onto irrigated acreage, and cooperative agreements with agriculture.

Western Resource Advocates has updated the Better Future Alternative's population and supply projections to reflect the more recent data in Harvey (2017). WRA has also incorporated the Corps' own independent evaluations of future water conservation (BBC 2013, BBC 2011) and water from growth onto irrigated acreage (Hydros 2012). The updated 2018 Better Future Alternative supply portfolio results in excess supplies in all years, and excess supplies of more

[39] *See* Part I.e.ii *supra*.
[40] HDR and West Sage Water Consultants 2015, p. S-13.

than 24,000 AF in 2040 (Figure 7). The 2018 Better Future Alternative meets NISP participant demands through 2060 and beyond.

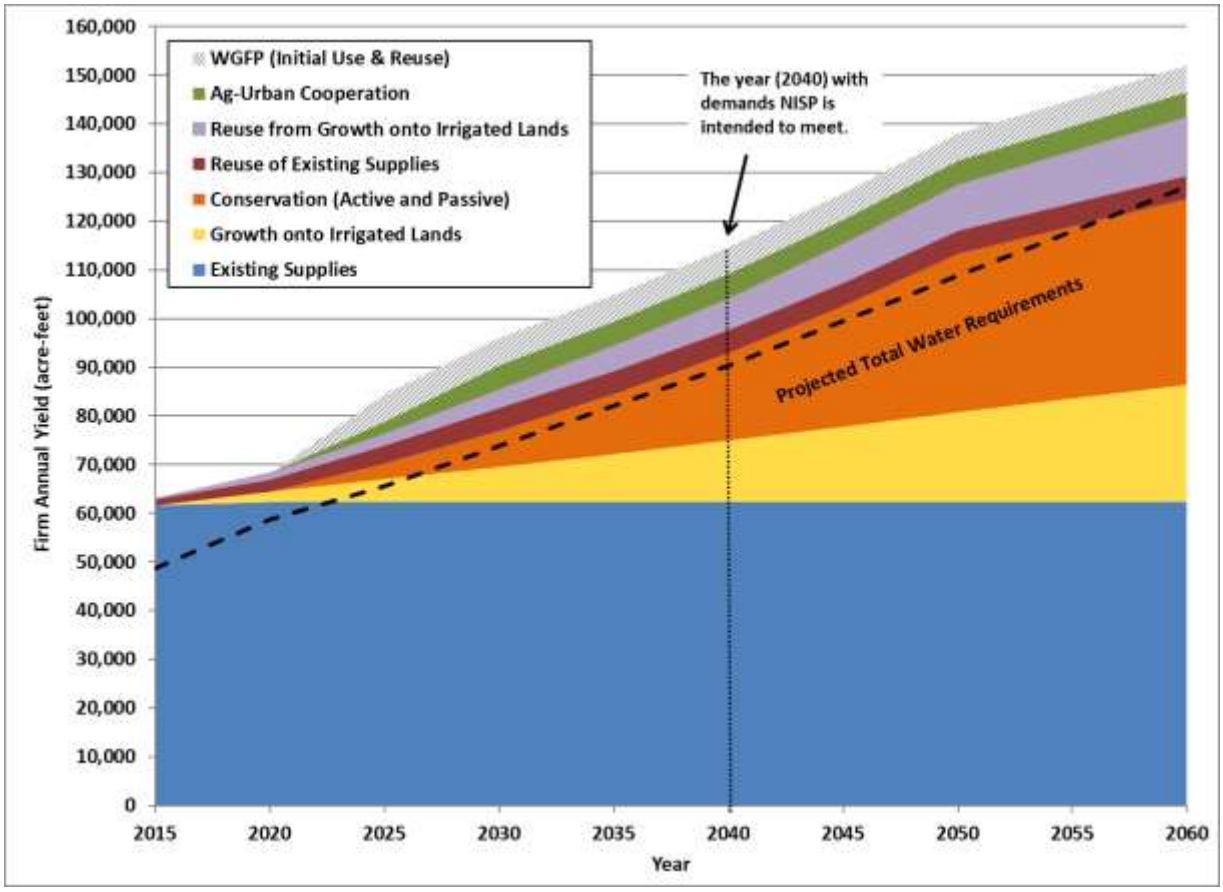

Figure 7: WRA's 2018 Better Future Alternative Supply Portfolio

These updated 2018 Better Future Alternative data are also provided in tabular form in Table 5, which includes a column for supply surpluses or shortages excluding WGFP firm yield and reuse.

Table 5: WRA's 2018 Better Future Alternative Supply Portfolio

A Better Future for the Poudre River Alternative (AF)											
Year	Population	Total Water Requirements	Existing Supplies	Growth onto Irrigated Lands	Conservation (Passive and Active)	Reuse of Existing Supplies	Reuse from Growth onto Irrigated Lands	Ag-Urban Cooperation	WGFP (Initial Use & Reuse)	Supply Surplus (+) or Shortage (-) (AF)	Supply Surplus (+) or Shortage (-) Excluding WGFP Supplies (AF)
2015	227,774	48,747	61,580	0	0	1,479	0	0	0	14,312	14,312
2020	256,690	58,728	62,290	2,227	0	2,621	1,115	0	0	9,525	9,525
2025	289,013	65,658	62,290	4,715	3,283	3,763	2,362	2,500	5,509	18,765	13,256
2030	322,319	73,753	62,290	7,280	7,375	4,905	3,647	5,000	5,509	22,253	16,744
2035	356,836	82,104	62,290	9,938	12,316	4,905	4,979	5,000	5,509	22,831	17,322
2040	391,491	90,284	62,290	12,606	18,057	4,905	6,315	5,000	5,509	24,398	18,889
2045	428,791	99,565	62,290	15,478	24,891	4,905	7,754	5,000	5,509	26,262	20,753
2050	466,924	108,821	62,290	18,415	32,646	4,905	9,225	5,000	5,509	29,169	23,660
2055	503,443	117,974	62,290	21,227	35,392	4,905	10,634	5,000	5,509	26,982	21,473
2060	540,051	127,144	62,290	24,045	38,143	4,905	12,046	5,000	5,509	24,795	19,286

2018 Better Future Alternative Assumptions

We used the following assumptions in the 2018 Better Future Alternative Update:

Population projections - We adjusted Harvey (2017) projected population numbers to adhere to SDO estimates and remove the unexplained Harvey (2017) increase for the 5-years leading up to 2040 (seen in Figure 2), which was likely an error. That adjustment resulted in a small (2%) decrease in the 2060 population (8,611 people fewer than the Harvey (2017)'s projected 2060 population). These rates are consistent with the State of Colorado's Statewide Water Supply Initiative (SWSI) Update Business as Usual Scenario growth rates, which are also based on SDO projections (BBC 2017 Draft).[41]

[41] Local growth projections are often affected by biases of local economic and social elements that have an economic, financial or other interest in growth and development. Accordingly, SDO projections are more appropriate than local projections.

Total Water Requirements – Baseline water deliveries were first calculated by multiplying 2018 Better Future Alternative populations by recent historical average (2006 – 2015) NISP participant per capita water use based on water deliveries of 185 gpcd (calculated using historical water delivery data provided in Harvey (2017)). 2018 Better Future Alternative water deliveries were then multiplied by Harvey (2017)'s percent losses and charges for that year. The percent losses and charges for each year was calculated by subtracting Harvey (2017)'s total water requirements (prior to being "adjusted for conservation") from water deliveries and then determining what percentage the losses and charges were of water deliveries. That percentage was then assumed for 2018 Better Future Alternative calculations. For example, if water deliveries were 10,000 AF and water requirements were 11,000 AF, the percentage losses and charges would be 10% for that year (11,000 – 10,000)/10,000 = 0.1 or 10%.

Existing Supplies – Per Harvey (2017), Appendix P, we assumed 62,290 AF of existing firm yield supplies, which includes 709 AF of existing firm yield supplies owned by NISP participants that have not yet been changed to municipal use.

Growth onto Irrigated Lands – The 2012 Better Future Alternative assumed 19,150 AF of firm yield supplies from growth onto irrigated lands. Given the robust independent analysis completed by the Corps (Hydros 2012) we have chosen to rely on those numbers in the updated 2018 Better Future Alternative. Though Hydros notes that it is likely that their higher estimate of 36,614 AF of farm headgate (FHS) water supplies would be available to NISP participants, here, to be conservative, we rely on the significantly lower estimate of 25,630 AF of water supply limited (WSL) consumptive use (CU). Because the Hydros estimate was based on the 2060 population projection (575,639) from Harvey (2011), we adjusted the 25,630 AF down to reflect updated 2018 Better Future Alternative population projections for 2060 (540,051), a decrease of 6%. That results in a yield of 24,045 AF in 2060, which we phased over time based on population projections.

Conservation (Passive and Active) – The 2012 Better Future Alternative used a somewhat complicated methodology to first apply assumed passive conservation followed by active conservation. For the 2018 Better Future Alternative update we rely on the recommendations from independent analyses completed by the Corps (BBC 2013, BBC 2011) as well as Colorado Water Plan goals. The Corps' Conservation Scenario assumed conservation would reduce total water requirements for NISP participants by 35,252 AF by 2060 (Corps 2015, p. 2-13). In a SDEIS technical memo, BBC Research and Consulting (BBC 2011) recommended that overall NISP water requirements be reduced by 5% each decade resulting in a decline of 25% by 2060. To achieve the Colorado Water Plan conservation goal of saving 400,000 AF by 2050, on average utilities will need to decrease water use through conservation by roughly 1% each year from now until 2050, resulting in an effective savings of 30% from 2015 to 2050. We applied the BBC Research and Consulting 5% per decade water conservation savings to 2018 Better Future Alternative water requirements. However, for consistency with the Colorado Water Plan, we assumed an additional 5%, for a total of 30% conservation savings from 2015 water use. 2018 Better Future Alternative 25% savings are very similar to the Corps Conservation Scenario. 2018 Better Future Alternative savings are 35,392 AF compared to Corps 35,252 AF. The additional 5% conservation savings we then added resulted in an additional 2,751 AF, for a total 2060 water savings of 38,143 AF.

Reuse of Existing Supplies – 2018 Better Future Alternative reuse from existing supplies remain unchanged from the 2012 Better Future Alternative, which describes how they were developed.

Reuse from Growth onto Irrigated Lands – Water supplies from growth onto irrigated lands should legally be fully consumable, as only the consumptive use portion of the original water right can be transferred. 2018 Better Future Alternative supplies resulting from growth onto irrigated lands were multiplied by a reuse factor. We used the same 47% factor that was applied in the 2012 Better Future Alternative to determine reuse from growth onto irrigated lands.

Ag-Urban Cooperation – Significant progress has been made in recent years in advancing Ag-urban and Ag-Ag sharing mechanisms and South Platte Basin entities have been leaders helping to advance those agreements. The 2012 Better Future Alternative assumed 10,000 AF of water supply from Ag-Urban Cooperation. Here we have decreased that to 5,000 AF as population and demand estimates have decreased from the 2018 Better Future Alternative so fewer supplies will be necessary.

WGFP (Initial Use & Reuse) - This includes 3,700 AF of firm yield for the six NISP participants involved the WGFP as well as 1,809 AF of reuse, calculated using the 47% reuse factor. Because WGFP supplies are transbasin supplies, they are fully consumable and can be reused.

In sum, the 2018 Better Future Alternative includes a diverse portfolio of firm yield water supplies to meet and exceed NISP participant demands through 2060 and beyond. The 2018 Better Future Alternative meets water demands while maintaining Poudre River flows that are critical to the aquatic environment, recreation, and local economies.

III. <u>Our Reply to the Corps' Responses to Comments</u> (violation of NEPA and Clean Water Act § 404(b)(1))

The Conservation Groups incorporate by reference the arguments we made in our previous comment letters on the DEIS and the SDEIS. Here we address the Corps' responses to those comments in Appendix A of the FEIS. The parenthetical in each heading refers to the specific comment numbers assigned by the Corps.

a. The FEIS does not persuasively establish the Participants' alleged need of 40,000 AF of additional firm yield per year by 2060 (Corps' response to comments 1002, 1007, 1009, 1017, 1019, 2004, 2006, 2007, 2290, 2312, 3834, 5007).

The Corps dismisses commenters' concerns regarding the adequacy of the agency's water conservation and alternatives analysis, stating that "even with conservation, the 40,000 AF of firm yield that NISP would provide will still be needed by the Participants to meet future water supply needs."[42] However, for all of the reasons stated in Parts I and II of this letter, the Corps has not persuasively established this conclusion. Even using the Corps' restrained view of water conservation as a fixed "demand reducer," our analysis shows that full implementation of reasonable conservation and other alternative water supply strategies could obviate any need for

[42] FEIS at A-122.

NISP before 2060 (*see* Figure 7). The Corps' must take an adequate look at the potential of conservation and other water supply strategies before it issues a record of decision for NISP. The FEIS fails to do so and must be revised.

b. The Corps' reliance upon "State-approved water conservation plans" is misplaced (Corps' response to comments 1007, 1009, 1017, 3834, 5007).

The Corps emphasizes its citation to "State-approved water conservation plans" in projecting the NISP Participants' future water needs though the year 2060. However, the "State-approval" of these plans does not include the full scope of the Corps' analysis through the year 2060. As detailed in Part I of this letter, under the FEIS once a conservation plan reaches its end date, the Corps assumes that Participant will see no improvement in its projected water use intensity for years, if not decades. Two of those conservation plans ended two years ago in 2016. All but one of the conservation plans are to be completed by the year 2031, and most of them – eleven – end before 2025. In other words, the FEIS appears to assume that most NISP Participant's per capita water use rates will remain unchanged between the years 2025 and 2060. This assumption is unexplained and is inconsistent with state policy, well-documented regional trends toward reduced per capita water requirements over time, as well as the fact Participants' conservation plans will be revised at least every 7 years, consistent with statutory requirements. Accordingly, the Corps' reliance upon "State-approved" conservation plans to show future water demands through 2060 is arbitrary and capricious.

c. The Corps' purpose and need for a "regional project" is overly narrow and excludes viable alternatives from consideration (Corps' response to comments 2003, 2004, 2313, 3834, 5007).

Under NEPA, a federal agency may not define a project so narrowly so as to foreclose the consideration of reasonable alternatives.[43] The Corps' purpose and need statement in Section 1.3 of the FEIS violates this rule of law. Specifically, the Corps' requirement that an alternative be "a regional project" serves to arbitrarily exclude water supply strategies such as additional conservation, reuse, or temporary voluntary water sharing with agriculture that will yield thousands of acre-feet per year of firm yield supplies.

The Corps' stated justification for limiting alternatives to "regional projects" because of the Participants' need for a "common solution" is unpersuasive. We see no reason why a "common solution" could not include a Northern Water-administered conservation and alternative water supply program that helps NISP Participants implement the alternative water supply strategies discussed above (*see* Figure 7). As noted in Part I, Northern recently hired a Water Efficiency Program Manager. This program manager could coordinate the implementation of conservation and alternative water supply strategies above and beyond those currently considered in the NISP Participants water conservation plans. As written, the FEIS' statement of purpose and need arbitrarily limits alternatives to structural projects; accordingly, it must be revised.

[43] *Davis v. Mineta*, 302 F.3d 1104, 1199 (10th Cir. 2018), *abrogation on other grounds recognized in Dine Citizens Against Ruining Our Environment v. Jewell*, 839 F.3d 1276, 1282 (10th Cir. 2016).

d. The Corps' agreement with the CWCB and EPA regarding water conservation in NEPA documents does not allow the agency to violate NEPA or the Clean Water Act (Corps' response to comments 1009, 2003, 2004, 2312, 2313, 3834, 5007).

In defending the FEIS' lack of a conservation alternative, the Corps relies heavily upon its 2012 agreement with the CWCB and EPA "in which the parties agreed that conservation should be addressed as a demand reducer during the development of 'purpose and need' if the permit applicant agrees and if they provide an acceptable conservation plan." The Corps' reliance upon this document is misplaced.

First, the FEIS fails to present an "acceptable" baseline water conservation plan and water needs analysis for NISP Participants between now and 2060. As described in Parts I and II of this letter, the FEIS greatly underestimates the potential of water conservation and alternative supplies to meet the NISP Participants' foreseeable water needs. The FEIS must be revised because it fails to adequately evaluate conservation and other alternative water strategies, even as a "demand reducer."

Second, because the FEIS fails to apply all reasonable conservation and other alternative water strategies to each alternative through 2060, <u>such excluded strategies are properly viewed as an alternative to the proposed action that must be considered under NEPA</u>. A "viable but unexamined alternative renders an environmental impact statement inadequate."[44] For example, in *New Mexico ex rel. Richardson v. Bureau of Land Management*, the Tenth Circuit remanded the environmental impact statement and record of decision for the Otero Mesa resource management plan amendment because BLM's conservation alternative "was a far cry" from the most protective alternative allowable under law.[45]

As described in Parts I and II of this letter, Corps has not applied all reasonable water conservation and supply strategies to reduce the NISP Participants' projected demands in the FEIS. The 2012 agreement is not a shield protecting the Corps from considering these strategies, as is required by NEPA and the Clean Water Act. Therefore, the Corps must revise its baseline conservation and water demands analysis to include all reasonable water conservation and supply strategies, <u>or</u> consider those strategies separately in a conservation alternative.

e. The Corps' rejection of a "conservation first alternative" lacks merit (Corps' response to comments 1009, 2004, 3834, 5007).

In rejecting a "conservation first alternative," the Corps cites (1) its projection that the NISP Participants will need 40,000 AF of additional firm yield per year by 2060, and (2) its consideration of conservation solely "as a means to reduce demands." As discussed above, the Corps has not persuasively established that the Participants need 40,000 AF by 2060. Nor has the Corps reduced demands via all viable water conservation and water supply strategies in its

[44] *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985).
[45] 565 F.3d 683, 711 (2009).

baseline analysis of water demand through 2060. Accordingly, the Corps' exclusion of a conservation first alternative from the FEIS is arbitrary and capricious.

f. The 30% or 12,000 AF yield screening criteria are excessively large and exclude alternatives that could meet the water needs of tens of thousands of people (Corps' response to comments, 2003, 2004, 2006, 2007, 2313, 3834, 5007).

The Corps argues that the 30% or 12,000 AF yield screening criteria in the FEIS divides those sources that are "logistically reasonable" from those that are not. The Corps' only justification for this dividing line is that it asserts that no more than four supply sources are appropriate for a "regional project." These criteria are arbitrary, rely entirely upon the flawed "regional project" criterion, and serve to exclude many alternative water supply strategies from consideration.

The Corps fails to provide any compelling response to our prior comment on this important issue, so we restate our comment here:

> [T]he Corps does not appear to dispute the Better Future Alternative's conclusion that additional reuse could yield up to 4,900 acre-feet per year by 2030. By any reasonable measure, this is a lot of water and could support a population of tens of thousands of people. Yet, under the Corps' screening criteria, even doubling this significant amount of water would not qualify for inclusion as a component of an action alternative. While the Corps should not be required to analyze *de minimis* amounts of alternative water supplies, ignoring component sources that, by themselves, could meet the water needs of tens of thousands of people is plainly arbitrary and capricious.[46]

By the Corps' own admission, it uses these screening criteria that exclude many alternative strategies from consideration in the FEIS. The implicit assertion that a large and sophisticated water conservancy district like Northern Water could not manage more than four water supply strategies at once ignores Northern's track record of competence in meeting diverse water needs throughout their service area. The Corps' justification for these highly impactful screens is insufficient and the FEIS must be revised to include consideration of water supplies that could meet the needs of tens of thousands of people.

g. The Colorado Department of Public Health and Environment treats discharges of pollutants into Black Hollow Creek and nearby wetlands as jurisdictional under the Clean Water Act (Corps' response to comments 2005, 2290, 3830, 3831, 3833, 3834, 5007).

The Corps does not appear to question that there would be extensive impacts to wetlands and Black Hollow Creek resulting from discharges of fill associated with the "No Action Alternative" project. However, the Corps claims – without analysis – that it does "not appear" that the construction of a 120,000 AF Cactus Hill Reservoir would be jurisdictional under the

[46] Conservation Groups' Comments on the NISP SDEIS at 20 (internal citation omitted, emphasis in original).

Clean Water Act.[47] This determination is inconsistent with the findings of at least one other responsible agency.

The Colorado Department of Public Health and Environment (CDPHE) has already determined that Black Hollow Creek at or near the Cactus Hill Reservoir site is jurisdictional under the Clean Water Act. As the Corps acknowledges in the FEIS, much of the Cactus Hill Reservoir site is owned by Anheuser-Busch, Inc. and is currently used as a land disposal site for wastewater from the Anheuser-Busch brewery.[48] The Colorado Department of Public Health and Environment (CDPHE) issued Colorado Discharge Permit System (CDPS) Permit CO-0039977 to Anheuser-Busch, Inc. to discharge pollutants from its disposal facility into Black Hollow Creek, at or near the site of the proposed Cactus Hill Reservoir, pursuant to the Colorado Water Quality Control Act and the federal Clean Water Act.[49] Although the land disposal is not itself subject to Clean Water Act jurisdiction, CDPHE issued a CDPS permit specifically for the facility's drop and emergency spillways into Black Hollow Creek and its tributaries.[50]

In sum, CDPHE has already determined that the relevant segment of Black Hollow Creek is jurisdictional under the Colorado Water Quality Control Act and the federal Clean Water Act. Accordingly, it appears that the No Action Alternative in the FEIS is, in fact, a jurisdictional action alternative. Therefore, for the reasons stated in our comments on the SDEIS, the proposed 120,000 AF Cactus Hill Reservoir and associated infrastructure is not a valid "No Action Alternative" under NEPA and its implementing regulations.

Conclusion

Given the large gap between Colorado's water supplies and demands, any analysis of the NISP Participants' future water demands should assume that they will commit to pursuing alternative water supplies and greater levels of conservation through the year 2060. As written, the FEIS fails to work from this assumption. The Corps should revise the FEIS to incorporate all reasonable water conservation and alternative water supply strategies into its analysis. If the Corps does not incorporate all of these strategies into its analysis to reduce the projected water demands applicable to all alternatives, the agency has a statutory duty to consider them in an alternative.

Thank you for your review of our comments. We respectfully urge the Corps to revise the FEIS or deny a dredge and fill permit for NISP, consistent with this letter.

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[47] FEIS at A-131.
[48] *Id.* at 2-49.
[49] CDPHE, Authorization to Discharge Under the Colorado Discharge Permit System, Permit No. CO-0039977 (April 18, 2008), *attached as* Exh. 4.
[50] CDPHE, Summary of Rationale, Anheuser-Busch, Inc., Nutri-Turf, Inc., CDPS Permit Number CO-0039977 (April 15, 2008), *attached as* Ex. 5.

Sincerely,

Robert K. Harris[51]
Staff Attorney
Western Resource Advocates
rob.harris@westernresources.org
720-763-3713

Kristin Green
Front Range Field Manager
Conservation Colorado Education Fund
Kristin@conservationco.org
(970)286-4804 (c); (303)405-6719 (o)

Will Walters
Executive Committee Chair
Sierra Club Rocky Mountain Chapter
will@walters-consulting.com
970-690-3543

REFERENCES

BBC 2017. Statewide Water Supply Initiative Update Technical Memorandum. Subject: Methodology for Developing SWSI Population Scenarios. Technical Memorandum from Doug Jeavons and Michael Verdone. Prepared for the Colorado Water Conservation Board. June 29, 2017 Draft.

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BBC 2011. Review of 2010-2011 Demand Projections from Harvey Economics and Recommendations for NISP Supplemental EIS. Technical Memorandum from Doug Jeavons to Steve Dougherty, ERO Resources and Chandler Peter, U.S. Army Corps of Engineers. May 4, 2011.

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[51] This letter benefitted substantially from analysis performed by Laura Belanger, P.E., of Western Resource Advocates, as well as comments and suggestions from John Gerstle, P.E., of Gerstle & Co. LLC. However, the undersigned is solely responsible for the content of this document.

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Rob Helmick <helmicrp@co.larimer.co.us>

Western Resource Advocates comments on NISP 1041

1 message

Bart Miller <bart.miller@westernresources.org> Mon, Aug 31, 2020 at 6:11 PM
To: "bocc@larimer.org" <bocc@larimer.org>, "jkefalas@larimer.org" <jkefalas@larimer.org>, "swjohnson@larimer.org" <swjohnson@larimer.org>, "tdonnelly@larimer.org" <tdonnelly@larimer.org>, "rhelmick@larimer.org" <rhelmick@larimer.org>
Cc: Bart Miller <bart.miller@westernresources.org>, Laura Belanger <laura.belanger@westernresources.org>

Dear County Commissioners:

Please see the attached comments related to the Northern Integrated Supply Project's 1041 permit process. We would be happy to answer any questions.

Sincerely,

Bart Miller | Western Resource Advocates

Healthy Rivers Program Director

2260 Baseline Road, Suite 200

Boulder, CO 80302

W 720-763-3719

C 303.886.9871

Twitter: @WaterBart

www.WesternResourceAdvocates.org

WRA comments to County Commissioners_Aug 31_combined.pdf
1697K

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Derek Moody <dereklmoosy@everyactioncustom.com> Mon, Aug 31, 2020 at 12:02 PM
Reply-To: dereklmoosy@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

I request you to vote against the approval of a 1041 permit for NISP. As a frequent user of the Poudre River, I want to be able to enjoy the world-class recreation opportunities of this river. If NISP is approved, two generations of children will not get to experience the Poudre River in the ways that we do, and the loss of local identity that the river brings to Larimer County will be felt from the Canyon's mouth to the confluence with the South Platte.

Thank you for your time.

Sincerely,
Derek Moody
7305 LOOKOUT Rd 50803
dereklmoosy@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Mark Morehouse <morehouse.mark@everyactioncustom.com> Mon, Aug 31, 2020 at 12:11 PM
Reply-To: morehouse.mark@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Mark Morehouse
136 E Harvard St Fort Collins, CO 80525-1736
morehouse.mark@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Josh Palmer <joshpalmer78@everyactioncustom.com> Mon, Aug 31, 2020 at 1:50 PM
Reply-To: joshpalmer78@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Josh Palmer
239 N Mckinley Ave Fort Collins, CO 80521-1793
joshpalmer78@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Renee Patrick <renee.patrick@everyactioncustom.com> Mon, Aug 31, 2020 at 9:58 PM
Reply-To: renee.patrick@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Renee Patrick
20 NW Hixon Ave Bend, OR 97703-2516
renee.patrick@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Kent Phillips <kent.phillips71@everyactioncustom.com> Mon, Aug 31, 2020 at 12:48 PM
Reply-To: kent.phillips71@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Kent Phillips
325 Skysail Ln Fort Collins, CO 80525-3129
kent.phillips71@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Shawn Sabo <saboshaw@everyactioncustom.com> Mon, Aug 31, 2020 at 2:18 PM
Reply-To: saboshaw@isu.edu
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

I am writing to you today to express my concern about the Northern Integrated Supply Project (NISP). Your vote on the 1041 permit for this project will prove to be a vote that will impact the water quality in the Poudre River Watershed for future generations of Coloradans, and the hundreds of thousands of visitors that recreate in Larimer County. NISP's impacts on the Poudre River will remove peak flows from the river at the mouth of the canyon, and will negatively affect the water quality and recreational benefits of the river. The Poudre River Whitewater Park, which only opened in October of 2019, will indefinitely experience reduced recreational opportunities due to flow reduction. This multi-million dollar project was built using both public and community funding in order to create a space where people can access the river safely in the heart of Fort Collins. Throughout the entire summer, the park has been filled each and every day with people boating, tubing, wading, and relaxing by the river. If NISP is approved, the flows in this stretch of river will be reduced by ⅓ to ½ of current flows, and this valuable resource will be squandered.

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Thank you for your time.

Sincerely,
Shawn Sabo
2833 Azalea Pl SW Loveland, CO 80537-6015
saboshaw@isu.edu

Rob Helmick <helmicrp@co.larimer.co.us>

Please Vote Against Approval of 1041 Permit for NISP

1 message

Samuel Seiniger <samseiniger@everyactioncustom.com> Mon, Aug 31, 2020 at 1:20 PM
Reply-To: samseiniger@gmail.com
To: rhelmick@larimer.org

Dear Larimer County Senior Planner Rob Helmick,

The river makes Fort Collins what is is. Less water will mean less boating, swimming, and fishing. It will mean the path sees less use as the vegetation and surrounding climate are negatively impacted. Let's share the water with the front range, but in a way that does not do significant harm to the Fort Collins community.

Sincerely,
Samuel Seiniger
510 Pearl St Fort Collins, CO 80521-1744
samseiniger@gmail.com

Rob Helmick <helmicrp@co.larimer.co.us>

Fwd: NISP objection

1 message

Linda Hoffmann <hoffmalc@co.larimer.co.us> Mon, Aug 31, 2020 at 8:16 AM
To: "Helmick, Rob" <helmicrp@co.larimer.co.us>

Please include this message in the public record for the application.

Linda Hoffmann
County Manager

Commissioners' Office
200 W Oak St, Fort Collins, CO 80521 | 2nd Floor
W: (970) 498-7004
lhoffmann@larimer.org | www.larimer.org

---------- Forwarded message ---------
From: **Robert and Marinda Trout** <troutrm@icloud.com>
Date: Sun, Aug 30, 2020 at 7:26 PM
Subject: NISP objection
To: <bocc@larimer.org>

To: The Larimer County Commissioners
From: Robert Trout
Coordinator of L.I.M.B
Loveland Initiative for Monarch Butterflies

Re: Objections to NISP

L.I.M.B. is a citizen based conservation group dedicated to helping increase the number of monarch butterflies in the midwestern U.S. migration. Due to a loss of habitat the monarch numbers, previously near one billion, have dropped 90% in the last two decades.

That brings me to my objection to the NISP project. It is well known that damage to riparian habitat has a detrimental effect on butterflies and other pollinators. Reduced river flow and warmer water temperatures will adversely affect willows, cottonwoods, and milkweed along the river banks. Monarch butterflies must have milkweed to reproduce and continue their migration. The forest canopy along the river through

town would die off, leaving less shade and less habitat for all pollinators.

I hope you will consider the crucial rule that monarch butterflies and other pollinators play in our area, and that you will deny this project.

Thank you,
Robert Trout. 970-412-9690

354	Sarah	Hufnagel		Finsofshark@msn.com	Please don't dam the Poudre!
353	Nick	Haws		nick@northernengineering.com	I'm writing in support of Northern Water's Northern Integrated Supply Project (NISP). I've offered similar comments earlier in the process, but I want to be sure these are reflected in the public record for the County's 1041 permitting. The importance of NISP as part of Colorado's long-term water supply and management plan cannot be overstated. While there are many advantages to the project, my comments focus on the environmental benefits of the Fish and Wildlife Mitigation and Enhancement Plan. Being a lifelong Colorado resident, who has held multiple hunting licenses and perpetual fishing licenses, I find the following points of great benefit: • The Plan will conserve land to the west of the Glade Reservoir site for big game habitat • The Plan will establish (and maintain) a recreational fishery at Glade Reservoir, the potential of which could surpass the entire region • The Plan will provide bypass of diversions on the Poudre River during peak flows in nearly all years, which can support critical flushing of sediments for aquatic life • The Plan will provide bypass of the major diversion structures to provide connectivity for fish passage upstream and downstream • The Plan will provide a water release program that guarantees minimum streamflows in the Poudre River from Glade Reservoir through downtown Fort Collins These are extremely beneficial items to fish and wildlife, none of which could be made possible by any other means currently available. I know the plan has critics. Some contest that the plan does not go far enough, but the simple fact is that the Cache la Poudre River and neighboring habitats will be better off with this plan than without. There is little factual argument that the plan does not improve the current condition. Why should we settle for status quo when such a great opportunity is being presented? We have seen recent fish kills due to low flows and high water temperatures. The NISP mitigation plan will help minimize, if not prevent, this from happening again! Thank you for considering the ecological enhancements made available by NISP.
351	Troy	Jones		troy@architex.com	Regarding NISP, Essential Humans are Important Too! Like it or not, encourage it or not, there will be more people in northern Colorado in the future than there are here now. Every person everywhere uses water as part of every day life. There are a lot of things we can do to reduce the

					amount we use, and by all means, we should be doing those things, however having a finite supply of water, and having an increase in population as time goes on, among other things, means those with less money will have a harder and harder time affording to have water, and thus a larger piece of a person's income will simply have to go toward the cost of more expensive water. A big piece of the cost of housing is the cost of water, and thus the more scarce water is, the greater the impact on housing affordability. Certainly whether or not to approve NISP is a balance of priorities. Virtually all of the concerns voiced thus far as part of the public input for the NISP are raised by smart individuals and smart groups of individuals that have valid concerns with how NISP would affect things that are important to them, commonly of an environmental nature. That's understandable, and our environment is important. I just suggest that the low income worker's struggle to afford a place to live is also important, and should also be considered when this tough decision requires a balance of priorities. Although we have limited supply of water from our snowmelt and rainfall, some years we have way more water than we can use and store. This doesn't happen very often, but when it does, we have no choice but to send the excess water down stream to eventually make its way to the Gulf of Mexico. Yes, some of the high-flows on wet years have some essential periodic flushing for streambeds which have some essential functions for wildlife, and that's important. Some wet years have a lot more water flowing than necessary to satisfy this essential healthy flushing. On those years, up to now, we have had no choice but to let our extra water flow on down the river and out of our State. We desperately need to capture some of that extra water on years when flows exceed the necessary riverbed flushing quantities. We simply need a place to store it on years when that happens. I truly believe that we can manage the flows in a way that doesn't hurt the fish, the streambed, the flora and fauna, and also benefits humans. Especially the teachers, fire fighters, restaurant workers, nurses, and truck drivers that are already struggling to afford housing. As water prices go up the next generation of these essential workers won't be able to afford to live here. Please support the NISP project, for our future generations of essential humans.

350	Mark	Andre		mark123andre@gmail.com	Respectfully submitted, I am in opposition to NISP and in favor of maintaining current Poudre River water flows through Fort Collins and Larimer County.
348	Mike	Brown		m.brown@wsb.bank	This project is a win for everyone. It increase water storage in the region, creates additional recreational opportunities, improves the quality of the river with more consistent flows through Fort Collins. Please move forward on the permit process.
347	Jim	Welch		jameswelch1009@gmail.com	I want to thank the commissioners for allowing this extensive period of Citizen input regarding NISP. The root of this concern, is that we believe as citizens that the Poudre is the lifeblood of our communities. Lifeblood by definition is "the indispensable factor or influence that gives something its strength and vitality". You have heard the science that this current attempt to divert our river will end up with worsening water quality , reduced wetlands, and overall lower quality of river life, in short "sapping our lifeblood". Please act now and reject NISP. Thank you.... Jim Welch