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Good evening, my name is Mark Heiden and I'm president of the Eagle Lake Homeowners Association.

There are many aspects to this project but I'm here to only talk about one of those as it impacts Eagle Lake – the pipeline with a route directly through our neighborhood.

I titled my talk as a contrast between the County upholding principles of its own making or throwing those out the window in a double standard. Here's why:

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This slide shows the preferred path of the NISP pipeline that Northern is proposing that runs through our neighborhood and the remaining undeveloped plots.

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According to the Land Use Code frequently quoted by the Board of Commissioners in their review and denial of Thornton's pipeline application, it was unacceptable to them to have to use eminent domain to cross private property when other alternatives exist. Rights of individuals were being violated and neighborhoods were not being protected. Yet this pipeline is going between homes on private property and Northern wants to use our private roads for hauling and construction staging.

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Another issue the Commissioners had with Thornton was the lack of transparency and input from stakeholders. NISP claims it did a lot of outreach in the process, but I contend it wasn't with the right people.

Here's some quotes from Carl Brouwer, Project Manager for NISP, to the Coloradoan regarding their approach. They wanted no surprises and wanted to talk to every resident in the path of the pipeline – quote “demystifying the process” before a review.

Well, how did they do?

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Here is a list of the stakeholders in and around the Eagle Lake part of the pipeline who have either never been contacted or haven't been in years dating from the early days of the project. All told, there are seven different stakeholder groups here with dozens of residents who have not been spoken to about the process. Northern's strategy is not transparency and cooperation – it is eminent domain all the way.

Let's look at some of the impacted residents:

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The Helgeson's and Bieritz's yards will be crossed by the proposed pipeline. The center picture here shows the path of the pipeline as it crosses between the dam on Reservoir 3 and 4 and makes a turn along Water Supply land behind the Bieritzs and turns sharply east between their homes. Does this – (construction photo) – really belong in a residential neighborhood when there are alternatives that don't require it? What happened to not traversing private property or eminent domain?

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In addition, the stakeholders who are homeowners in Eagle Lake have not been talked to about the use of our private roads as a construction staging and hauling route. The dark blue line here is a private dirt road that runs behind several homes and is next to the Larimer canal. The dotted blue line is a busy private road in the subdivision that runs up to the proposed truck turn around on another homeowners private, undeveloped land. None of the owners of the ditch road and no residents or the Eagle Lake HOA have been approached by NISP to allow this.

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Here's one example of the lack of planning and due diligence on the part of NISP. This is what the ditch road looks like in sections plus the turn onto the road from Eagle Lake's private entrance. We hired an engineering consulting firm to analyze the turning radius onto the ditch road. No truck over 40 feet can make the turn. That is smaller than most equipment and material hauling vehicles. Does this road look like it will support heavy construction traffic for the projected 8+ weeks without it caving in? The Hauan family –**one of the owners of the ditch road – has never been contacted.**

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After traveling the length of Eagle Lake Drive in front of residences, the trucks and equipment haulers expect to turnaround and exit the same way on the private property of a homeowner who is developing newly platted parcels and a house for his mother. The homeowners near this cul-de-sac are within close proximity to the turnaround and will be subject to truck noise, dust, diesel exhaust and disturbance of their

peaceful existence for weeks. Again, where is the standard of keeping neighborhoods protected - especially when there are alternatives.

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I'm going to show you three maps here that are 3 or 4 years apart. These first two were 'projected routes' for the NISP pipeline before route alternatives were studied by Northern. The third here

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Is the preferred alignment Northern chose for this segment of the pipeline. Not much different – what was the point of doing route studies when it seems the final route was pre-determined long ago by drawing a straight line on a map through our neighborhood? Were other options really considered?

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So let's look at some options Northern doesn't seem to see as route alternatives. The map on the left is their preferred route 1.1 as it travels east from Glade Reservoir and approaches Water Supply reservoir 3. I have it turning north around the reservoirs and both the Lochland and Eagle Lake neighborhoods and it then follows part of their route 1.6 across open land. The route picks up on the second map above the reservoirs and follows part of their route 2.5 across open land down to a point where it picks up on their preferred route 2.1 while avoiding several neighborhoods.

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The route then picks up and follows their preferred Route 2.1 and runs south of Annex Reservoir 8 as they wanted. The only difference between their preferred routes and this is the northerly jog around the reservoirs and neighborhoods on what I call the Human Mitigation route. They spent a lot of time on wildlife mitigation – how about a little for us voting, taxpaying residents? This route also benefits wetlands. It avoids crossing one of the wetlands currently in the pipeline path north of the actual Eagle Lake.

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There’s another option as well – a lake tap across Reservoir 3. Here’s what Larimer County had to say about this option in their answer brief before the court to Thornton’s routing analysis – After hiring an engineer to study it, The Board Found that the use of Lake taps may significantly mitigate the impacts on neighborhoods and further study is needed”

Has this been forgotten or excused when it comes to the routing options for Northern?

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The only difference here between what Northern is asking and what they may get is a short jaunt of a lake tap to hook up their preferred Route 1.1 and 2.1 north of the Eagle Lake neighborhood.

Where are these options in their analysis?

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So what’s the cost to Northern? During the Thornton hearings, the Board of Commissioners made it clear that additional costs associated

with choosing alternate routes or difficulty of construction were disqualifying reasons for rejecting routes over ones that impacted private property owners and individual rights. At one point in this process, Northern was agreeable to going down Douglas Road at additional expense to them. My uneducated estimates of what the new route may cost nearly equal what they were willing to pay to go down Douglas Road – not that significant in the overall cost of the project.

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Northern will spend tens, or hundreds, of millions of dollars on mitigating objections, problems, regulations, politics and wildlife on this project – why not ask for a little more to resolve additional suffering and inconvenience for some human mitigation?

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Which brings us to the close of all this – Why is this being decided without considering the joint impact of the Thornton pipeline project on routing?

We've always felt these should be considered as a joint project to minimize the impact to residents in the County. The county has felt that way all along as well – with many references to co-location, meetings with Thornton and NISP to work on joint conveyance, and these quotes and doings by the County and NISP in that regard: “future pipelines may not be able to co-locate which compounds the impacts on Larimer County through multiple different pipelines in separate locations.”

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And these quotes from NISP management and a letter that was sent to Larimer County – “By working cooperatively with the City of Thornton, NISP supports minimizing impact to citizens of Larimer County by co-locating the pipelines.”

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From Wikipedia: Planning combines forecasting with [preparation](#) of scenarios and how to react to them. These directives with planning foresight were from County staff in the Thornton review. “Individual pipeline alignments within unincorporated Larimer County shall be coordinated between Northern Water and the City of Thornton to arrive at a final pipeline alignment”

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This acknowledgment from NISP that they still can work with Thornton

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The Land use code is intended to **Foster convenient, harmonious and workable relationships among land uses**; And a Colorado Supreme Court ruling involving the Larimer County Board of Commissioners in 1979 stated that the 1041 statute allows you to “supervise land use which may have an impact on the people of this state beyond the immediate scope of the project.”

So do the right thing – delay the Northern Water 1041 application until such time that there is resolution to the Thornton issue so both pipelines can apply for a co-location routing option. Both entities can share costs and choose routes they might not otherwise consider around residential areas. Our specific properties and the Eagle Lake neighborhood should not have to

shoulder the burden of these two projects for the sake of Larimer County.

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Use the same principles that were applied before and not a double standard:

“If this information is not considered now, future pipelines may not be able to co-locate which would result in the disorderly development of Thornton’s (and NISP’s) project and compound the impacts on Larimer County (and Eagle Lake) through multiple different pipelines in separate locations.”