

RESOLUTION 2008-082
OF THE CITY OF FORT COLLINS
DIRECTING THE CITY MANAGER TO SUBMIT TO
THE U.S. ARMY CORPS OF ENGINEERS COMMENTS ON
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (“DEIS”)
FOR THE NORTHERN INTEGRATED SUPPLY PROJECT (“NISP”)
AND EXPRESSING THE CITY COUNCIL’S OPPOSITION
TO NISP AS DESCRIBED IN THE DEIS

WHEREAS, the Northern Colorado Water Conservancy District (the “District”) is seeking approval of a large water storage and supply project known as the Northern Integrated Supply Project (“NISP”); and

WHEREAS, in order to move forward with the necessary permitting for NISP, the District is required by the National Environmental Policy Act (“NEPA”) to complete an environmental impact review process, conducted in this case by the U.S. Army Corps of Engineers (the “Corps”) as the permitting agency under the federal Clean Water Act; and

WHEREAS, as part of the review process, the Corps on April 30, 2008, issued a draft Environmental Impact Statement (“DEIS”) describing the “proposed action” and three alternative projects, and the environmental impacts associated with each, and providing for submission of public comment up to September 13, 2008; and

WHEREAS, the proposed action involves the construction of a new reservoir to the northwest of Fort Collins near the mouth of the Cache la Poudre River (“Glade Reservoir”) and related projects; and

WHEREAS, at the direction of City Council, City staff has undertaken a thorough and detailed technical analysis of the DEIS primarily as it pertains to the proposed action and its direct impacts in Fort Collins and to the City; and

WHEREAS, based on the efforts of City staff, working with the assistance of outside technical experts, the City has concluded that the DEIS is substantially deficient in its analysis of potential impacts to the City; and

WHEREAS, the City’s review has identified major adverse impacts that the proposed action would have upon that portion of the Cache la Poudre River that flows through Fort Collins and is a focal feature of the City’s Downtown River Corridor Project, and upon other short-term and long-term City interests, plans and projects; and

WHEREAS, based on its thorough and detailed analysis, the City also believes that the proposed action as described in the DEIS will have profound and detrimental impacts upon associated aquatic and terrestrial plant and animal populations; the use and value of recreational facilities, parks, natural areas and other public assets on or near the river in Fort Collins; the quality

of City drinking water sources and supply, City wastewater treatment operations and restrictions, stormwater and floodplain mapping and requirements in the Poudre River Basin; quality of life and economic development in the City; and other matters of concern to the City; and

WHEREAS, such impacts to the City's economic plans, its quality of life, and in particular to the City's drinking water sources and supply and wastewater treatment operations could cause one-time damages in excess of \$200 million and ongoing costs of millions of dollars annually; and

WHEREAS, in the course of its review of the DEIS, the City has identified data gaps, insufficient analyses, and technical inconsistencies and significant errors in the DEIS that call into question and undermine important conclusions in the DEIS; and

WHEREAS, to the extent reasonably possible in view of these data gaps, limitations, and errors, the limited time for review of the DEIS, and the lack of information and description provided in some portions of the DEIS pertaining to the proposed action, City staff has outlined major comment themes (the "Comment Themes") as the basis for a formal comment document to be prepared and submitted to the Corps by its September 13, 2008, deadline, as more specifically described on Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, in order to maximize the amount of staff time available to further develop, refine, and finalize the comments to be submitted to the Corps, the City Manager has requested and recommended that the Council approve the Comment Themes as the general basis for the comments to be submitted to the Corps, recognizing that staff's ongoing work will produce a better refined, more comprehensive and technically detailed explanation of the Comment Themes, and the primary and other issues within each Comment Theme, and additional related matters identified as concerns regarding the DEIS; and

WHEREAS, the Council has reviewed the preliminary review information at the Council's December 11, 2007, and June 10, 2008, work sessions, and at this September 2, 2008 regular meeting, and has considered the Comment Themes and supporting information provided by staff, and supports the approach that the City Manager has recommended; and

WHEREAS, it is clear from the Comment Themes, the DEIS, and staff's analysis that the DEIS is substantially deficient and that a Supplemental Draft Environmental Impact Statement must be prepared by the Corps in order to meet the requirements of NEPA and the federal Clean Water Act; and

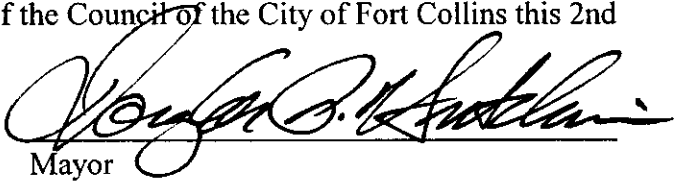
WHEREAS, in view of the significance of the impacts that NISP would have upon the City and the Fort Collins community, it is in the City's best interest to comment upon the DEIS and the proposed action and to carefully monitor the response to the City's comments and other comments submitted.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council opposes NISP as it is described and proposed in the DEIS and also opposes any variant of NISP that does not address the City's fundamental concerns about the quality of its water supply and the effects on the Cache la Poudre River through the City, which are critical to the City's quality of life, health, economic development and environment.

Section 2. That the City Manager is hereby authorized and directed to further develop, refine and finalize formal comments for submission to the Corps that are consistent with and that build upon the Comment Themes and this Resolution, and to submit those comments to the Corps in response to the NISP DEIS in accordance with the deadline for such submission.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 2nd day of September A.D. 2008.


Mayor

ATTEST:

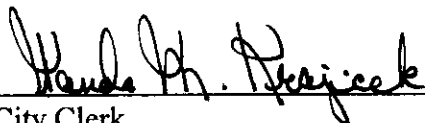

City Clerk

EXHIBIT "A"
SUMMARY OF COMMENT THEMES
NISP DRAFT EIS

1. WATER MANAGEMENT ISSUES - Source Water Quality

Issue: Deliveries to Horsetooth Reservoir from the Glade-to-Horsetooth pipeline for NISP have the potential to degrade water quality at the Fort Collins Water Treatment Facility intake at Soldier Canyon Dam.

2. WATER MANAGEMENT ISSUES - Wastewater Treatment

Issue: Reduced flows in the Cache la Poudre River and degradation of water quality in the River due to NISP may force the City to design, operate, and maintain, "advanced wastewater treatment systems" at great expense.

3. WATER MANAGEMENT ISSUES - Trichloroethylene (TCE) Groundwater Contamination

Issue: TCE contaminates groundwater near the Glade pumping site and NISP may cause TCE to contaminate public drinking water supply and/or the Cache la Poudre River.

4. ENVIRONMENTAL ISSUES - Riparian Vegetation and Wetlands

Issue: Reductions in annual Spring flows in the Cache la Poudre River of from 25% to 71% are expected to have a significant detrimental impact on the riparian vegetation in the River corridor through Fort Collins.

5. ENVIRONMENTAL ISSUES - Aquatic Habitat Quality and Aquatic Life

Issue: The hydrologic, geomorphic, and water quality changes from NISP are expected to have a significant detrimental impact on fish and aquatic insects in Fort Collins.

6. ENVIRONMENTAL ISSUES - Terrestrial Wildlife and Bird Species within the Poudre River Corridor

Issue: The DEIS and Wildlife Technical Report fail to adequately identify and analyze the potentially significant impacts the proposed action could have on terrestrial wildlife and bird species within the Cache la Poudre River's riparian corridor.

7. ENVIRONMENTAL ISSUES - Loss of River Channel Capacity through Sedimentation

Issue: Increased sedimentation of the Cache la Poudre River through Fort Collins is expected to reduce river channel flood capacity.

8. RECREATION ISSUES

Issue: Reduced flows in the Cache la Poudre River, and the effects on the River corridor from reduced flows, are expected to have a significant detrimental impact on recreation along the River, including boating, tubing, fishing, walking, biking, running, hiking, and nature and wildlife viewing.

9. AESTHETIC AND SOCIOECONOMIC ISSUES – Aesthetics

Issue: Reduced flows in the Cache la Poudre River, and the effects on the River corridor from reduced flows, are expected to have a significant, detrimental impact on the aesthetics of the River corridor.

10. AESTHETIC AND SOCIOECONOMIC ISSUES - Socioeconomics

Issue: The DEIS does not address socioeconomic impacts NISP would have on Fort Collins (other than recreation), which may be significant and are expected to be detrimental.

11. CUMULATIVE IMPACTS

Issue: The DEIS section on “Reasonable Foreseeable Actions” does not identify or consider several important Fort Collins projects, such as the Discovery Science Museum, the Mason Transportation Corridor, and other planned improvements that have a relationship to the River.

12. MITIGATION

Issue: The DEIS does not develop sufficient information regarding impacts to predict impacts in a meaningful way, hindering consideration of avoidance, minimization and mitigation of impacts. The DEIS offers mitigation ideas but insufficient information to allow evaluation of those ideas. The mitigation approaches that are suggested in the DEIS have not been sufficiently analyzed to know whether they will effectively address the concerns they are intended to address. Moreover, the DEIS fails to offer any mitigation measures at all for several of the City’s concerns.

13. CLIMATE CHANGE AND AIR QUALITY IMPACTS

Issue: The analysis of climate change and air quality impacts from NISP in the DEIS is inadequate, and the DEIS does not sufficiently characterize or address these impacts.

14. ERRORS AND OMISSIONS

Issue: The DEIS contains other technical, procedural and logical errors and omissions that impact the validity and sufficiency of the conclusions.