



Planning, Development & Transportation

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RE: Referral Comments for the Northern Integrated Supply Project (NISP) 1041 Application

The following are the City of Fort Collins ("City") staff review comments specific to the Northern Integrated Supply Project ("NISP") infrastructure that the Northern Colorado Water Conservancy District ("Northern Water") has proposed within the Fort Collins Growth Management Area ("GMA") as described in the Northern Water application to Larimer County under Chapter 14 of Larimer County's Land Use Code, which contains the County's 1041 regulations.

The submittal of these comments does not alter the Fort Collins City Council's current position on NISP as expressed in Council Resolution 2018-093 as:

"the City Council cannot support NISP as it is currently described and proposed in the Final Environmental Impact Statement (FEIS) with the understanding that the City Council may reach a different conclusion with respect to a future variant of NISP and its mitigation plan, if such variant and associated mitigation address the City's fundamental concerns expressed in the City's comments to the DEIS, SDEIS, the State Fish and Wildlife Mitigation and Enhancement Plan, and FEIS through improved mitigation or other means."

The comments have been compiled specifically for the City's review of the NISP 1041 application made with Larimer County. Many of the following comments (as they may be amended or updated) may appear in subsequent City review processes that will be required of NISP, such as the Site Plan Advisory Review ("SPAR") for pipeline portions located within the City of Fort Collins and an evaluation of the project's design and construction relative to the City's Natural Areas Department easement policy.

As a referral agency in the 1041 review process, City staff acknowledges that the comments are advisory in scope and encourages Northern Water to take the following recommendations and requests for additional information into consideration. Recommendations are based on the City's Land Use Code standards and organized around the applicable 1041 Review Criteria found in Larimer County Land Use Code ("LCLUC") Section 14.10.D.

Please direct any questions regarding City staff's comments to Cameron Gloss, Long Range Planning Manager, at 970-224-6174 or cgloss@fcgov.com.

Comment Summary:

1. LCLUC 14.10.D (1) (The proposal is consistent with the master plan and applicable intergovernmental agreements affecting land use and development).

1. Most of the Poudre Intake Pipeline lies within the Fort Collins GMA and is governed by the East Mulberry Corridor Plan, which was jointly adopted by Larimer County and the City in 2002 (amended in 2003). No evaluation of the proposed pipeline alignments relative to the East Mulberry Corridor Plan is contained in the 1041 application and should be addressed as the adopted plan is an element of Larimer County's Master Plan and further implements the Intergovernmental Agreement between the City and Larimer County Regarding Cooperation on Managing Urban Development (2000).
2. The portion of the preferred pipeline location, between Lemay Avenue and Timberline Road, is designated within the East Mulberry Corridor Plan as "Natural Buffer." The plan cites the need for the "preservation, restoration and enhancement of these designated areas," in that "they provide a valuable wildlife habitat and contribute to the area's scenic quality." The following policy relates specifically to the preservation of this portion of the corridor:

Policy EMC. ONL – 1.1 The interface between the Poudre River riparian habitat and development along East Mulberry Street, should be coordinated to retain environmental quality, encourage wildlife habitat and, where impacts can be appropriately buffered, provide recreational use.

3. The City thus requests that Northern Water provide an analysis of the proposal's consistency with the East Mulberry Corridor Plan relative to all adopted Plan Goals, Principles and Policies.

2. LCLUC 14.10.D (2) (The applicant has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available.).

Six alignment alternatives were considered and evaluated for those portions of the Poudre River Intake Pipeline, (2 for the Poudre Intake West and 4 for the Poudre Intake Pipeline toward the east) located within the Fort Collins GMA. The City has significant concerns over the methodology that Northern Water used. The City recommends that Northern Water perform a new alternatives analysis for the Poudre Intake Pipeline using the comments below as guidance for location and analysis, to determine the least environmentally damaging practicable pipeline route.

1. It is unclear why additional alternatives that extend the pipeline along the Mulberry right-of-way (longer than currently proposed) were not evaluated, or if modifications to the proposed alternatives could be made that further decrease negative impacts on public, private, and environmental resources.
2. Alternative routes for the Poudre Intake Pipeline could be reviewed through a framework that evaluates environmental impacts and selects the least environmentally damaging one. It is the City's understanding the proposed pipeline alignment was presented for

the first time in the NISP Final Environmental Impact Statement (“FEIS”). Therefore, an evaluation of alternatives and associated environmental impacts comparing pipeline alignments did not occur within the federal National Environmental Policy Act (“NEPA”) process. Instead, it occurred this year using the decision matrix of review criteria, which is a very different approach to evaluating alternatives.

3. The methodology for the Poudre Intake Pipeline Alternatives Analysis provides scoring through a decision matrix of criteria with only two environmental criteria included. The two criteria are weighted equally with 16 other criteria, so the combined weight of the environmental criteria contributes only 9% to the total score. The City disagrees with this undervaluation of environmental impacts and the approach where environmental impacts were given equal value to other criteria, such as “Easement Difficulty.”
4. Furthermore, the methodology does not evaluate the alternatives based on the relative importance (weights) of each criterion. The scoring approach essentially treats each criterion as independent and of equal weight, when many are interrelated and not of equal importance. The City recommends applying weights to each criterion to better address tradeoffs between disparate goals.
5. The criterion labeled “Environmental Impacts” only considers linear feet of wetlands and riparian areas. Linear feet of wetland is not a standard or meaningful approach to evaluating impacts to wetlands. The federal permitting process typically evaluates a number of environmental factors, yet many of these factors and resources were unaccounted for in the alternatives assessment for the pipelines that will be impacted by the proposed alignment.
6. Linear feet of pipeline in City-owned natural areas is the second of the two environmental criteria. With impacts to 5,700 linear feet in high visitor use and sensitive Natural Areas, the short- and long-term impacts are of concern to the City. The City disagrees with Northern Water’s designation of this criterion as the yellow or middle scoring category because it is only the middle category due to the range of alternatives presented, not the actual impacts of 0.6 miles of pipeline installation would have on natural habitats.
7. The alternatives analysis did not consider the disruption and impacts on wildlife. Floodplain corridors provide wildlife with a mosaic of aquatic, wetland, riparian, and forest and grassland habitat types all along a narrow corridor within a developed landscape. Therefore, these corridors contribute a disproportionate (high) value towards supporting wildlife, both local and migratory. The City recommends adding a wildlife criterion as a factor in the alternatives analysis.
8. The floodplain criteria state the floodplains are not a risk to the pipeline, but the perspective needs to also consider the risk that the installation of a pipeline close to the river may impact opportunities for increasing resilience to large floods. The pipeline running through Kingfisher Point Natural Area adjacent to the river will prevent future opportunities for increasing the conveyance capacity through the lowering of floodplain elevations (for example with the creation of overflow side channels).

9. While the alternatives analysis considers impacts to traffic, it does not consider impacts to visitor use of City-owned and publicly-accessible lands and trails.

10. It should be noted that the City's Natural Areas Department easement policy does not consider cost as a factor in the analysis of proposed routes.

3. LCLUC 14.10.D(3) (The proposal conforms with adopted county standards, review criteria and mitigation requirements concerning environmental impacts, including but not limited to those contained in this Code.)

No comment at this time.

4. LCLUC 14.10.D(4) (The proposal will not have a significant adverse affect on or will adequately mitigate significant adverse affects on the land or its natural resources, on which the proposal is situated and on lands adjacent to the proposal)

Wetlands and other Waters of the US (WOTUS)

Reported impacts to Wetlands and other WOTUS are inconsistent throughout key permitting documents. For this reason, it is more difficult to determine the sufficiency of proposed wetland mitigation in Larimer County and within the GMA.

The 1041 Wetland and Water Mitigation Plan prepared by the NISP WAE (Pinyon, 2020) presents a reduction of impacts across almost all categories. For example, Pinyon (2020) shows a reduction in impacts at Glade. Furthermore, the permanent functional losses to Poudre River wetlands are treated differently across alternatives and reports.

This leads to uncertainty over which set of values will form the basis for the mitigation commitments in the forthcoming Wetland and Open Water Mitigation Plan. Pinyon, 2020 states:

“the Project is in the process of developing a Wetland and Open Water Mitigation Plan (January 20, 2020 Draft) in order to comply with the USACE 2008 Mitigation Rule (33 CFR Part 332) (USACE, 2008a; Pinyon, 2020). The Wetland and Open Water Mitigation Plan describes how the Project will mitigate for unavoidable permanent impacts to WUS.”

It is unclear whether this forthcoming plan will compensate for the discrepancies documented here, as well as the functional losses to aquatic resources (wetland and streams) as required in the 2008 rule and the Colorado Mitigation Procedure (USACE, 2019).

Understanding there are small differences in the scope and sequencing of these documents, the City recommends that additional information be provided that clarifies the aquatic resource impacts by project component, associated mitigation, regulatory scope, and the relationship between the documents that describe them.

	Alt 2M	Alt 2M	Alt 2	Alt 2
	FEIS Table 4-64	1041-Pinyon ¹ Table 1	FEIS ² Table 4-67	FWMEP ² Table A2
Permanent Wetland Impacts				
Glade Reservoir	42	31.3	42	Not broken out
US 287	3	Not listed	3	
Conveyance Systems	<1	0.044	<1	
Total	45+	31.344	45+	44
Temporary Wetland Impacts				
Glade Reservoir	4	2.361	4	Not broken out
US 287	<1	Not listed	<1	
Conveyance Systems	10	5.697	5	
Total	14+	8.181	9+	8
Permanent Impacts to Waters of the US				
Glade Reservoir	8	0.93	8	Not broken out
US 287	1	Not listed	<1	
Conveyance Systems	<1	0.59	1	
Total	9+	1.52	9+	12
Temporary Impacts to Waters of the US				
Glade Reservoir	2	2.361	2	Not broken out
US 287	<1	Not listed	<1	
Conveyance Systems	5	2.292	4	
Total	7+	4.653	6+	3
Permanent Indirect wetland impacts to riparian wetlands				
Poudre wetlands	0 (30)	Not addressed	17	9

1- 1041- Pinyon, 2020

2- FWMEP- the state approved Fish and Wildlife and Mitigation Enhancement Plan reported wetland impacts based on Alternative 2 therefore Alternative 2 from the FEIS is presented for comparative reference.

General City Environmental Protection Standards

While this project is following Federal, State and County environmental studies and protection standards through NEPA, State, and 1041 permitting processes, the City has separate, and often more stringent study requirements and protection standards for development projects outlined in the City's Land Use Code. In acknowledging the work already performed by Northern Water, the comments below describe the City's requirements (found in Section 3.4.1 of the Land Use Code) that are applicable to this project within the GMA. City staff encourages Northern Water adhere to these City Land Use Code standards.

1. If a project is within 500 feet of a known or potential natural feature, the City requires an Ecological Characterization Study (ECS) be performed by a qualified professional that describes resources and their respective value, ecological function and character. The ECS is the guiding document in staff's decision-making process related to mitigation and protection requirements. Because the information provided through this application is

conceptual in scope the value of resources has not been evaluated to allow City staff to determine existing conditions and adequate mitigation measures, City staff recommends completing an ECS for areas within the GMA, using the criteria outlined in Section 3.4.1 (D)(1) of the Land Use Code.

2. The City's adopted Natural Habitat and Features standards in Land Use Code Section 3.4.1 (D)(2) protect wetlands irrespective of their jurisdictional determination. Therefore, any non-jurisdictional wetlands that are impacted and unaccounted for require mapping and mitigation. Detailed recommendations for protecting, mitigating and enhancing all wetlands are required within the ECS. Based on impacts, City staff may require a Wetland Restoration Plan, Weed Management Plan and Monitoring Plan (3+ years) to ensure mitigation success.
3. If a proposed development disturbs a jurisdictional wetland, the developer is required per Land Use Code Section 3.4.1(D)(2) to provide to the City a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations as established in the federal Clean Water Act. City staff recommends that Northern Water provide this letter to the City.

City Buffer Standards and Environmental Protocols

Section 3.4.1 of the City's Land Use Code identifies natural habitats and features for protection and requires specific buffer distances to protect the character and function of these resources from the impacts of construction and ongoing activity associated with the development. Given the noise and impacts from construction activities and the continual access needs for ongoing operations and maintenance along the pipeline corridor, City staff recommends adhering to the following requirements.

Buffers

1. Poudre River Corridor 300' Buffer (measured from top of bank or edge of riparian forest/vegetation whatever is more stringent). The Poudre River is designated as a National Heritage Area and is considered the City's highest valued regional and urban wildlife corridor. The value of riparian forest and bird habitat impacted along the river would take decades to re-establish and may result in nest failure, as stated in the Wildlife Conservation Plan. City staff is concerned about the close proximity of the pipeline to the river from north of Kingfisher Point Natural Area to the crossing of Timberline Road. The proximity results in impacts to soils, native vegetation, wetlands, and restoration projects previously performed by the City's Natural Areas Department. The grasslands at the Kingfisher Point Natural Area is particularly hard to restore given the beet lime waste material underneath. Therefore, restoration progress is slower than usual. Starting restoration all over again for a strip in the middle of a field is not preferred. Additionally, nearby cliffs have long supported various cliff nesting birds such as bank swallows and (today) a nesting kingfisher. City staff recommends the pipeline be moved further from the Poudre River to reduce impacts.
2. Boxelder Creek: 100' Buffer (measured from top of bank or edge of wetlands, whichever greater). Boxelder Creek is considered a regional wildlife corridor and the crossing of Boxelder Creek immediately west of I-25 is concerning. Staff recommends boring the

pipe under the creek and digging bore pits 100' from top of bank or edge of wetlands (whichever is greater) to minimize impacts to the creek, habitat and associated wetlands.

3. Irrigation Canals: 50' Buffer (from top of bank or edge of wetlands, whichever greater). The City of Fort Collins views irrigation canals as wildlife movement corridors. The City recommends the value of ditches be evaluated in the ECS from a wildlife corridor, vegetative quality and habitat perspective and provide mitigation for impacts. The City also recommends bore pits occur 50' from the ditch's top of bank or edge of wetlands at ditch crossings, whichever is greater, to minimize impacts.
4. Lakes: 100' Buffer. The City is concerned about the close proximity of the pipeline to the ponds at the Riverbend Ponds Natural Area. The City recommends the width of temporary construction easement be reduced in this area to minimize impacts to the pond embankments, wetlands and wildlife using the ponds.
5. Dry Creek: 100' Buffer. The City views Dry Creek as a wildlife movement corridor. The City recommends bore pits to occur 100' from the Creek's top of bank or edge of wetlands, whichever is greater, to minimize impacts.
6. Riparian Forest: 50' Buffer. Riparian forest along the Poudre River and Boxelder Creek will be impacted by the proposed project. The City recommends avoiding these sensitive areas by providing a 50' buffer from the edge of forest canopy.
7. Wetlands Buffer: As noted above the City protects all wetlands irrespective of jurisdictional status. For all wetlands, the City requires the following buffers for wetlands and recommends Northern Water to adhere to these standards.:
 1. Wetlands >1/3 acre in size: 100'
 2. Wetlands <1/3 acre in size: 50'

Wildlife Protocols

City staff encourages Northern Water to adhere to the following requirements related to mitigating wildlife impacts, found in 3.4.1 of the City's Land Use Code.

1. The City requires that construction activity be organized and timed to minimize the disturbance of Sensitive or Specially Valued Species occupying or using on-site and adjacent natural habitats or features. City staff is concerned about construction noise near wetlands at Riverbend Ponds, along the Poudre River and irrigation ditch corridors. The activity could have negative impacts on wildlife such as nest failure for breeding birds, or the inability of prey to detect predators.
 - a. Raptors and Song Birds: The City requires that trees that are known to have served as raptor nest sites not be removed within five (5) years of the last known nesting period. If the tree is removed, it shall be mitigated in accordance with Section 3.2.1, Landscaping and Tree Protection Standards.
 - b. The City requires raptor nests be inventoried within a 500' buffer on either side the Right of Way and indicated by species (when possible).

2. Fox, coyote and badger dens: 50' Buffer. The City requires surveys be performed to determine the location of fox, coyote, and badger dens throughout the limits of development and adhere to the 50' buffer requirement.
3. Prairie Dogs:
 - a. If more than 1 acre of prairie dog colonies are eradicated, Northern Water would be required to mitigate for the resource value lost either through a payment-in-lieu or trap and donate.
 - b. Methods for removing prairie dogs must be reviewed and approved by the Colorado Parks and Wildlife.
 - c. Following relocation or eradication activities for prairie dogs, the City requires that a report be provided that documents when prairie dog removal occurred, the method(s) that were used to remove prairie dogs, measures taken to ensure that prairie dogs will not re-inhabit the site, and confirmation that no threatened or endangered species were harmed by removal activities.

Restoration Protocols

1. Under the Buffer Zone Performance Standards in Land Use Code Section 3.4.1(1)(g), the applicant must undertake restoration and mitigation, such as regrading and and/or replanting of native vegetation, to enhance the natural ecological characteristics of the buffer area.
2. The width of the temporary construction right of way varies between documents (120' in Wetland Mitigation Plan (Pinyon, 2020), 100' in Technical Memorandum No. 3 (Northern Water, 2020), etc.). City staff recommends the width for temporary construction Right of Way be minimized, particularly around sensitive natural and recreational resources (wetlands, mature trees, trails, etc.).

Comments specific to Natural Areas lands

City of Fort Collins Natural Areas Policy:

City of Fort Collins Natural Areas are conserved due to citizen ballot measures that specify these lands are to be protected and enhanced for native plant and wildlife communities.

Therefore, siting of facilities needs to consider how these resources will be protected and enhanced within City Natural Areas.

Homestead Natural Area:

1. The diversion point and pipeline installation is located within a recently restored and highly active riparian wetlands. Significant efforts went into ensuring the success of this restoration which has now been establishing for the past seven years. The location is also flooded at relatively low flows so the immediate success of future restoration is uncertain due to annual scouring flows. The proposed mitigation for these temporary impacts is to return the habitat to its current condition, but this does not offset the *temporal* loss. For this reason, the City recommends Northern Water collaborate with the City's Natural Areas Department to determine the best location for the diversion.

2. The City understands that Northern Water has identified a preferred diversion point, but that there may be some flexibility in the precise location. There may be pros and cons to subtle adjustments of the take-off point. Moving the location of the new diversion somewhat upstream may result in multiple benefits including; avoiding damage to the recently restored active riparian zone, minimizing construction footprint in sensitive areas, taking advantage of existing slower backwater conditions upstream, and minimizing erosion from spring flows on vulnerable post-construction that occurs frequently in low lying zone.
3. The City owns the land (in-channel and in the riparian zone) at the location of the proposed diversion structure near Mulberry Avenue. To avoid further fragmentation of aquatic habitat and sediment and to ensure fish passage, the City recommends using a low-profile design approach such as a riffle-crest structure. The tie in to either bank must be resilient to scouring flows but as natural functioning and looking as possible to avoid disconnecting the channel from the riparian zone.
4. According to the Colorado Mitigation Procedures (USACE, 2019) the impacts of a new diversion to stream functions must be fully mitigated. Without baseline hydrogeomorphic and biological data analyses of this complex river reach it is impossible to ensure mitigation of impacts to stream functions. It also impossible to ensure the longevity of the new diversion structure or that it will results in a resilient reach of river. The City recommends spatial footprint for the design process and hydrogeomorphic analysis is larger than just the immediate footprint of the structure (i.e. it extends further upstream and downstream). Also, because the river is a split channel at this location, proper evaluation of river dynamics at the reach scale will be essential for guaranteeing the protecting of local infrastructure during large flood events (the Mulberry Treatment plant and the Mulberry Avenue Bridge).
5. Because this area sees frequent visitor use, City staff recommends the design elements strongly consider public safety and potential vandalism.

Kingfisher Point Natural Area:

1. The City recommends the footprint of the infrastructure on the Kingfisher Point Natural Area (pumphouse and settling pond) be minimized to the greatest degree possible.
2. Through the Kingfisher Point Natural Area, the pipeline is proposed to run near to the river and justification for this is not provided. By laying pipeline in the middle of the natural area/floodplain and close to the river, it will limit future opportunities for excavating floodplain material to increase the conveyance capacity (for example with the creation of overflow side channels). Also, at this location the riverbank forms a cliff and hosts several cavity nesting birds, including Northern rough-winged swallow, bank swallows, and kingfishers. Nesting success is uncertain with this work nearby. The City recommends the pipeline be routed as far north as possible (away from the river) from the pumphouse to the Fort Collins Nursery.

3. The City will not consider the sale or conveyance of any real property rights on any City property for the NISP project until Northern Water has a final and non-appealable Clean Water Act Section 404 permit.
4. The City may wish to have input on specific aspects of aesthetics and screening of the proposed infrastructure to best fit the landscape and character of the Kingfisher Point Natural Area.
5. As previously noted, the City's Natural Areas Department easement policy does not consider cost as a factor in the analysis of proposed routes.

Riverbend Ponds Natural Area:

1. Along the eastern end of the pipeline route through Riverbends ponds the pipeline is located along a narrow zone available immediately adjacent to a high value wetlands complex. In addition to hosting higher diversity of birds, this area is also home to three rare plants: *Carex lasiocarpa*, *Glaux maritima*, *Eustoma grandiflora*. The City recommends the temporary construction easement for this section of pipeline use as narrow a width as possible to completely avoid impacting the adjacent wetlands.

Easements from Natural Areas

1. In addition to the City comments presented in this 1041 review, the *Natural Areas and Conserved Lands Easement Policy* (adopted 2012, updated 2018) requirements will apply during the easement application process and can be found in the Easement Request Packet at <https://www.fcgov.com/naturalareas/easement.php>
2. Please identify the permanent easement width, as well as the frequency and type of operations and maintenance activities along the permanent easement.
3. Permanent and temporary easement width justification will be required by the Natural Areas Department easement policy.

Visitor Use Impact

Consistent with the Natural Areas Easement Policy, the City will require a minimization/mitigation plan for the visitor use impacts anticipated during construction. The four areas of particular concern are:

1. Homestead Natural Area, Williams Natural Area, and the Poudre Trail in the vicinity of Mulberry Bridge.
2. The Timberline parking lot at Riverbend Ponds Natural Area.
3. Trail closures and detours on Riverbend Ponds Natural Area.

There may be a potential conflict with the future trail near Prospect and I-25. Timing of the NISP piping construction may or may not affect this trail or the potential future development at the Prospect Gateway. Further coordination may be required. The City of Fort Collins 2013 Paved Recreational Trail Master Plan, including any future updates to this plan, indicates the general location of future paved trails. Trail crossings of the pipeline may be required to construct the buildout of the trail system. Paved trails will be allowed to cross the

pipeline easement as long as construction or maintenance of the trail does not impact the operation or construction of the pipeline.

Based on the City's Natural Areas Easement Policy, the following will be required:

- Trail and public access closure plan
- Detour plan for the Poudre Trail
- Potential temporary paved trail if trail(s) are closed longer than 2 weeks.
- Parking alternative plan for Riverbend Ponds Natural Area parking lot. The plan should include only partial lot closures and offsite parking.
- Trail closure plan for Riverbend Ponds Natural Area and advanced public notice for closures will be required by the Natural Areas easement policy.

5. LCLUC 14.10.D(5) (The proposal will not adversely affect any sites and structures listed on the State or National Registers of Historic Places).

1. Any aspect of the development plan that will include federal involvement through permitting or funding triggers compliance with Section 106 of the National Historic Preservation Act, through a review coordinated by the State Historic Preservation Office (History Colorado). An area of potential effect (APE) would define the geographic area or areas within which an undertaking may create adverse effects on archeological and historic resources and require documentation forms and potential mitigation of any determined adverse effects. While that requirement is separate from local historic review and compliance, the City of Fort Collins would be a consulting party for that review process. Please provide more information to Maren Bzdek, Senior Historic Preservation Planner, mbzdek@fcgov.com, regarding compliance with this federal legislation to date.

2. The 1041 submittal asserts that the EIS included an evaluation of cultural resources so that potential impacts had been covered in this previous analysis. Given that the Poudre River Intake pipeline was not included in the original EIS, the revised 1041 application should include historic and cultural resource survey information.

3. Please include "Impact to Historic and Cultural Resources" as an evaluation criterion in the Alternatives Evaluation for the Poudre Intake Pipeline.

6. LCLUC 14.10.D(6) (The proposal will not negatively impact public health and safety).

No comment at this time.

7. LCLUC 14.10.D(7) (The proposal will not be subject to significant risk from natural hazards including floods, wildfire or geologic hazards.).

Floodplain Comments

1. A portion of this project is currently located in the FEMA-regulated, 100-year and 500-year Poudre River floodway and floodplain; the 100-year Dry Creek floodway and floodplain; 100-year Boxelder floodway and floodplain and therefore must comply with Chapter 10 of City Code. Any construction activities in the floodplain within the City limits must be preceded by an approved floodplain use permit as required under Chapter

10 of City Code, the appropriate permit application fees, and approved plans. Any construction activities in the regulatory floodway must be preceded by a No-Rise Certification, which must be prepared by a professional engineer licensed in the State of Colorado. Development review checklists for floodplain requirements can be obtained at https://www.fcgov.com/utilities/img/site_specific/uploads/fp-checklist100-2018-update.pdf?1522697905. Please utilize these documents when preparing your plans for submittal.

2. Scour analysis must be performed for any channel crossings as a requirement of 10-27(d)(4) of the City Code.
3. A stability analysis for any proposed development within an erosion buffer zone will be required under Section 10-27(d)(5).4. Please show the boundaries of the floodplain and floodway on site drawings as applicable.

8. LCLUC 14.10.D(8) (Adequate public facilities and services are available for the proposal or will be provided by the applicant, and the proposal will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.)

Traffic Operations comments

1. The submittal documents include a traffic review of reservoir construction (long term but temporary), pipeline construction (short term at various locations), and recreational (permanent). The 1041 submittal provided summary information on traffic impacts and referred to the overall detailed evaluation done in the FEIS in Volume 2, Section 4.13.3. The relocation of US287 is not a part of the City's 1041 review.
2. The southern end of the reservoir is about 5 miles from the closest point to the Fort Collins GMA. The newly realigned US 287 will be more than 2 miles from the closest point to the GMA. The pipeline will include locations within the Fort Collin city limits.
3. The document indicates the following regarding traffic impacts:
 - a. For reservoir construction: the construction (2-4 years) will create anywhere from 400 (winter) – 1600 (summer) daily trips with an average of 800. The document notes that construction traffic should utilize 'major' roads for haul routes. For all reservoir construction activities, haul routes should be specified. To the extent feasible, they should not include City roadways.
 - b. For pipeline construction: the construction will include short term disruption (anywhere from 2 to 10 weeks) at locations within Fort Collins city limits. It notes that roadway crossings with paved facilities will be trenchless (bored), while roadway crossings that are non-paved will be open cut. For pipeline construction, early coordination with the City is important especially for construction in the vicinity of major roadways, and approved Work Area Traffic Control (WATC) plans from Fort Collins will be required
 - c. For permanent recreational impacts: identifies access roads and parking lots in vicinity of the reservoir. Anticipated trips related to recreation are estimated to be as high as 1,200 daily vehicular trips in the summer. For future recreational traffic: The City encourages Northern Water to complete intersection evaluations at locations that will be impacted by recreational traffic (such as the intersection of US 287 and CR 21C) for operational and safety improvements. In addition, a

review of potential bike facilities (such as shoulders / paths) between Fort Collins and in / around the vicinity of the new reservoir would be important.

Development Review Engineering Comments

1. The proposed Poudre Intake Pipeline project will be crossing through the Fort Collins city limits. The City would require encroachment permits at right-of-way crossings within the city Limits. The encroachment permit would establish maintenance operations and utility location responsibility within City Rights-of-Way.
2. Northern Water would be responsible for utility location requests associated with the Colorado Revised Statutes.

Water, Wastewater, Stormwater Comments

3. The site disturbs more than 10,000 sq. ft. and/or meets the criteria for a need for Erosion and Sediment Control Materials to be submitted. The erosion control requirements are located in the Fort Collins Stormwater Criteria Manual in Chapter 2 Section 6.0 a copy of the requirements can be found at www.fcgov.com/erosion
4. It is expected the proposed pipelines will maintain standard separation from existing utilities when ultimately designed.
5. It is the understanding of the City's Stormwater Utility that this project will maintain existing grading and drainage patterns and not impede existing drainage.

9. LCLUC 14.10.D(9) (The applicant will mitigate any construction impacts to county roads, bridges and related facilities. Construction access will be re-graded and re-vegetated to minimize environmental impacts.).

No comment at this time.

10. LCLUC 14.10.D(10) (The benefits of the proposed development outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.).

Under the Larimer County 1041 Regulations, the decision regarding the 1041 Application rests with the Board of County Commissioners (BOCC). The City respectfully requests that the BOCC consider the City of Fort Collins' review comments when making its decision.

11. LCLUC 14.10.D(11) (The proposal demonstrates a reasonable balance between the costs to the applicant to mitigate significant adverse affects and the benefits achieved by such mitigation.).

Under the Larimer County 1041 Regulations, the decision regarding the 1041 Application rests with the Board of County Commissioners (BOCC). The City respectfully requests that the BOCC consider the City of Fort Collins' review comments when making its decision.

12. LCLUC 14.10.D(12) (The recommendations of staff and referral agencies have been addressed to the satisfaction of the county commissioners.).

Under the Larimer County 1041 Regulations, the decision regarding the 1041 Application rests with the Board of County Commissioners (BOCC). The City respectfully requests that the BOCC consider the City of Fort Collins' review comments when making its decision.