# Northern Integrated Water Supply Project (NISP)

# Neighborhood Meeting Summary

Meeting Date: April 21, 2021

Location: Virtual Zoom Meeting & Televised via YouTube

Staff Attendees: Alyssa Stephens – Development Review Liaison; Kelly Smith – Senior Environmental Planner; Jennifer Shanahan – Senior Watershed Planner; Julia Feder—Environmental Program Manager

Applicant Team: Stephanie Cecil—Northern Water, Christie Coleman—Northern Water, Jim Struble—Northern Water

## Summary

* **Meeting Topic:** This neighborhood meeting discussed a proposal for a water diversion structure in the Cache La Poudre River at the northwest corner of Lemay and Mulberry, and buried pipeline from the diversion structure to the northeast corner of Interstate 25 and Prospect.
* **Meeting Details**: The meeting included ~118 attendees, including staff and applicants. Meeting was recorded and is available on OurCity for viewing and comment.
* **Summary**: Q&A primarily focused on impacts related to the larger NISP project, particularly around reduced flows in the Poudre River, air quality resulting from regional traffic increases, and a lack of coordination with affected property owners residing outside City limits. Many also questioned the City development review process being applied to the project and asked why the City’s development regulations would not apply. Comments in the chat expressed concern about a lack of transparency from Northern Water about the impacts of the project, particularly to the natural environment.

The following pages include more detailed information, including responses to questions in the neighborhood meeting.

**Staff Presentation**

* Provided an overview of the Site Plan Advisory Review (SPAR), and its applicability to this project.

**Applicant Presentation**

* Provided an overview on project context and why NISP infrastructure is being proposed within City limits, and infrastructure proposed in and around the City
* Larger project includes Glade Reservoir and two main diversion pipelines; one pipeline is within City limits and being reviewed through the SPAR process
* Provided more specific information on the diversion structure and the pipeline route.
* Some focus on mitigating impacts, such as reveging disturbed areas and restricting construction timing in sensitive areas.

**Q&A**

**Traffic**

* **Comment**: Traffic a concern during construction. How will it be mitigated around my home and neighborhood?
  + **Applicant Response:** Will bore under roadways. Will be minimal impacts and will work with City to obtain ROW permits if in the ROW.

**Business Impacts**

* **Question:** Owner of FC Nursery. Very concerned, as only business owner, seems none of my concerns have been heard. This cuts right through my business. It will cripple my business during the construction period and long restoration period. Cuts through middle of our property- this would force us to relocate. This affects one of our permanent structures. How can you assure that I wont be subjected through an eminent domain process and that you will work with me.
  + **Applicant Response:** We’ve identified 6 private properties in City and we want to work with you. Let’s get a meeting scheduled to address all of your concerns.

**Design**

* **Question:** How did you decide on the location of diversion and why two delivery channels?
  + **Applicant Response:** The intake location was chosen because furthest downstream while maintaining water quality for project. For two channels, helped to add water to the river to improve and mitigate impacts to River overall.
* **Question:** Has any study been done on the groundwater impacts in association with this project?
  + **Applicant Response**: Our goal is to maintain groundwater as existing conditions; we use of proper bedding material to minimize environmental impacts to groundwater. This has been extensively evaluated through the groundwater assessments in our EIS.
* **Question:** What is a ripple? It seems like a concrete element. What is the exact appearance and function? I suggest you call it a dam, not a ripple.
  + **Applicant Response:** It is a diversion structure, but designed to be a manmade natural element that is common terminology for this particular structure.

**Environmental Impacts**

* **Statement:** Proposed pipeline and infrastructure will result in long lasting impacts in City Natural Areas. This infrastructure will dewater the river. Pipeline construction activity will undermine the City’s commitment to prioritize healthy river. Env. Assessments have not considered Climate Change and wildfires. It is the yearly variance in flow volumes that support the health of river. No way should CFC promote or allow the NISP project to go forward.
  + **Applicant Response:** Our Final Environmental Impact Statement found this project would protect the Poudre River and you can find it online.
* **Question:** How will flows be restored and what is the anticipated timeline?
  + **Applicant Response:** Will be implemented as the project starts and was approved through the EIS process. You can find all of those documents online.
* **Question:** How will this project affect wetlands that require periodic flooding?
  + **Applicant Response:** Mitigation was evaluated and determined through the EIS. Direct you to the document online.
* **Question:** White crowned sparrows live in the Natural Areas where the pipeline is being constructed. What will be your mitigation approach?
  + **Applicant Response:** Will follow Migratory Bird Treaty Act which gives many tools to minimize impacts to all bird species.
* **Question:** It doesn’t feel like the location of pipe in Natural Areas is being scrutinized closely by staff. Would like to understand from staff how location is being evaluated.
  + **City Response:** This project will require easements from Natural Areas, with an application that must be approved by City Council to move forward.
* **Question:** What are the carbon emission impacts from your project and the regional air quality impacts from users of recreational areas by reservoirs?
  + **Applicant Response:** That was evaluated in the EIS.
* **Question:** Sediment will accumulate in the channel in response to wildfires. How will NISP ensure scouring flows . Will City impacts analysis also look at system wide impacts to loss of high flows? Can City address its perspective on the benefits of accommodating this project?
  + **City Response**: we’re focused only on pipeline for SPAR, we focused on global project affects in EIS reviews.
  + **Applicant Response**: Have a sediment report as part of the EIS.
* **Question:** How will trees be mitigated and why is route not going through less vegetated areas?
  + **Applicant Response:** Working with Forestry Department on tree impacts to mitigate and shift location to avoid larger trees. After construction, easement is not devoid of trees or vegetation. Just want to make sure new vegetation does not impact pipeline so larger trees must be placed further from pipeline
* **Question:** Will there be penalties if don’t meet the minimum flows outlined in EIS?
  + **Applicant Response:** Have IGA with CPW that oversees governance of agreement to mitigate and meet flows.

**Process and Timeline**

* **Question:** Why is this being processed as an improvement and not development?
  + **City Response:** This project is being processed as a development which is broadly defined and improvement falls within the “development” category. Based on the nature of project being processed through the SPAR process.
* **Question:** What is the timeline of the project?
  + **Applicant Response:** Start construction of reservoir in 2023 and end in 2028; once water demand occurs then start sending water through pipelines.
* **Question:** What is the process for reviewing in the GMA?
  + **City Response:** If you are within a proximity to the project you should have received a notification for transparency and inclusive perspective. While the City has no jurisdiction over properties within the county and you live in the county, you may still be interested in providing comment on the project.
* **Question:** Illegal use of SPAR process. The Land Use Code is clear. Your notification process did not include notifying all impacted parties along the Poudre River.
  + **City Response:** We have the term improvement defined our code, and it falls under development. We notified residents within proximity to the structure or buildings part of the SPAR process.
* **Question:** What are other review processes occurring with other agencies?
  + **Applicant Response:** Went through a 1041 permitting process with Larimer County; completed Water Quality certification through state; in the process of wrapping up EIS to obtain 404 permit; completed a Fish and Wildlife Mitigation and Enhancement Plan through the state.
* **Question:** Any other aspects of the project that may be under SPAR review?
  + **City Response:** No, unless the project changes and more infrastructure is being proposed.
  + **Applicant Response:** No, we do not anticipate any other improvements
* **Request:** Request for a continuance of this neighborhood meeting and delay of shot clock till legality of SPAR is addressed. Request a continuance of this meeting
* **Question:** Why is the SPAR moving forward without an approved EIS?
  + **Applicant Response:** In the final stages of EIS and a project of this magnitude requires several permits and studies. This is one of them.