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## NEWS

# Northern Water overturns Fort Collins' denial of NISP pipeline

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Northern Water's board of directors unanimously overturned the city of Fort Collins' denial of infrastructure associated with the Northern Integrated Supply Project, clearing the way Wednesday for construction of a pipeline and Poudre River diversion in city limits.

Fort Collins' Planning and Zoning Commission rejected a SPAR (site plan advisory review) application for NISP infrastructure in a 3-2 vote on June 30. But state law allows governing boards to overrule denials of SPAR applications for public infrastructure with at least a two-thirds majority vote.

The Northern Water board's decision means the water district, after getting the necessary city permits, should be able to build a river diversion on the Poudre at Homestead Natural Area and about 3.4 miles of pipeline in city limits. The diversion and pipeline are part of Northern Water's plan to release between 18-25 cubic feet per second of the project's Poudre River diversions through a 12-mile section of the river in Fort Collins before piping it to NISP participants.

NISP would take water from the Poudre and South Platte Rivers to deliver an estimated 40,000 acre-feet of water annually to 15 small municipalities and water districts in Northern Colorado, including Fort Collins-Loveland Water District and Windsor. The water would be stored in two new reservoirs: Glade Reservoir, with a capacity of 170,000 acre-feet located northwest of Fort Collins at the mouth of the Poudre canyon, and Galeton Reservoir, with a capacity of 45,600 acre-feet located northeast of Greeley.

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The releases associated with the diversion and pipeline in city limits would be part of NISP's "conveyance refinement plan," which would run about one-third of NISP's annual water deliveries through the Poudre from a point near the canyon mouth to the diversion about

500 feet upstream of the Mulberry Street bridge. The releases of 18-25 cfs would eliminate some dry-up spots on the Poudre in lower-flow months, though streamflows overall would decline both in and outside of the 12-mile stretch.

The pipeline would start at the river diversion structure and run southeast, passing through Williams, Kingfisher and Riverbend Ponds natural areas in Fort Collins. City staff recommended that the Fort Collins planning commission reject the SPAR application in part because of construction impacts to sensitive wetlands and cottonwood restoration efforts in natural areas.

Northern Water staff said they've since refined their plans to address some of the city's concerns. They decreased the acreage of impacted wetlands near one segment of the pipeline from 0.11 acres to 0.08 acres, will allow cottonwood planting on half of an easement corridor in the same segment, will move the construction corridor closer to the Poudre in one section to minimize impacts to Fort Collins Nursery, and are co-locating an easement near Riverbend Ponds with existing easements to minimize the construction footprint.

Northern Water staff and board members pledged to continue working with Fort Collins but said they felt their application met the city requirements for location, character and extent of development. They added that Northern Water proposed the conveyance refinement plan specifically to address Fort Collins' concerns about NISP's impacts on streamflows in the city.

"This pipeline project is a result of Northern listening to the concerns that were expressed and collaborating with Fort Collins," Northern Water board president Mike Applegate said. "I believe NISP overall is going to make the Poudre River corridor better than it's been in the last 100 years."

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Critics of NISP say Northern Water is overselling the conveyance refinement plan. They argue there is no way to adequately mitigate the impacts of diverting 40,000 acre-feet annually from a river that is already heavily diverted.

"Northern Water is a bad-neighbor bully agency that continues to try to ram this massive Poudre River-destroying dam down the throats of Fort Collins citizens," Save the Poudre director Gary Wockner said in a statement provided to the Coloradoan. "Rather than

collaborate to keep all the water in the Poudre, they again chose a path of conflict and litigation, and conflict and litigation is what we will give them."

He added that Save the Poudre will continue to fight NISP "for as long as it takes." Save the Poudre has consistently argued that SPAR was the wrong approach for the NISP pipeline and diversion in the first place because Northern Water doesn't own the land where the infrastructure would be located, among other reasons.

Northern Water board members discussed possible ways to better address Fort Collins' concerns about the project, such as considering a narrower construction easement in some areas. Several members said they chose to override the city planning commission's decision because of NISP's projected benefits for participants, which have been involved in the project for decades in search of a secure water supply for their growing populations.

"I think the Fort Collins Planning and Zoning Commission fulfilled their responsibility to Fort Collins to the best of their ability," Northern Water board member Dennis Yanchunas said. "But we have a much broader constituency and have to take a much broader view of things, which is exactly why the statutes are written the way they are. We have to fulfill our responsibility now to the region."

Northern Water staff expect construction of the pipeline could begin as soon as 2023, though NISP is still awaiting a crucial record of decision from the U.S. Army Corps of Engineers. Staff expect that to come this year.

***Editor's note:*** This story contains a correction. Northern Water board member Dennis Yanchunas does not sit on the board of NISP participant Left Hand Water District.

*Jacy Marmaduke covers government accountability for the Coloradoan. Follow her on Twitter @jacymarmaduke. Support her work and that of other Coloradoan journalists by purchasing a digital subscription today.*