

## **Key Concerns for Letter Writing for Revised 1041, May 1, 2018**

**Concerns with the Thornton Northern Project in relation to the Thornton Water Project**--Recent news articles from April 25, 2018 (see links to these at our NPD site) have confirmed that it's possible Thornton will eventually request not just one but additional pipelines through Larimer County. Documents obtained by No Pipe Dream via a CORA request, and relating to the Colorado Supreme Court decision of City of Thornton v. Bijou Irrigation Co., have confirmed the potential for a three-phase pipeline project (including pipeline for return flow) known as the Thornton Northern Project (TNP). The Thornton Water Project (TWP) is the name for the single pipeline development project that is the subject of the current 1041 permit application (and that can now, in light of our more recent public understanding, also be thought of as Phase I of the larger TNP vision). Thornton has stated that it may turn out that the TWP is the only pipeline needed through 2065 to meet their municipal water needs, but this remains an estimate that could be shortened at any time. **On 4/25/18, NPD and Save the Poudre (STP) provided a news release and letter to all Larimer County commissioners involved with the 1041 review and decision-making process, requesting that Thornton's 1041 application "be withdrawn, until all present and future impacts of the city's water transfers on land uses in Larimer County can be satisfactorily demonstrated." If this request is declined, the letter requests that the public hearing dates be canceled for an application that is "premature, piecemeal, incomplete and fails to comply with the requirements of the land use code."**

**Concern that a river transport vs. pipeline option is not receiving fair and reasonable consideration and analysis in the 1041 application process**—This topic has received more and more press coverage recently, helping to support a need for greater dialogue and analysis before any decisions are reached on a pipeline permit application. The pipeline is described as a matter of "state interest" for the 1041, but some would argue the status of the Poudre is also a matter of "state interest." Rather than constructing a damaging and disruptive pipeline, Thornton could let the river act as a natural pipeline and divert the water farther south vs. the diversion point currently described for its project. No Pipe Dream has heard from hydrology experts who point out well-known and documented concerns with river health involving portions of the lower Poudre and fluctuating water levels, impairment of water quality, increasing inputs from upslope land use activities, and impact of increasing diversions (or possible diversions) that can impact wildlife, river habit, and recreational river use. Questions relating to Thornton's 1041 included the following: Won't Thornton's conversion of water rights from agricultural to municipal usage affect timing of water diversions and stress the Poudre in new ways? What will this mean in tandem with any NISP plans that go through? What will this mean in connection with Fort Collins plans for a water park? Doesn't there need to be (and per Larimer County's Land Use Ordinance) a much more thorough analysis of potential impacts from a TWP pipeline (and potentially even broader TNP implementation) in connection with the 1041 application and also considering possible parallel impacts such as NISP? Shouldn't the county also require Thornton to more thoroughly analyze the possible benefits of leaving water to travel through the Poudre and be diverted at a point farther south? It is true that this would involve new legal issues for Thornton in order to obtain the necessary approvals and Clean Water Act 404 permit, but why should this be omitted as a reasonable alternative at this time? Thornton bought water rights, but they were never guaranteed a pipeline system.

**Concerns with additional aspects of how the 1041 process has evolved**—In addition to the above, there have been a range of concerns and frustrations voiced (in meetings, via opinion pieces, through communications with Thornton and staff involved with the 1041 review process, documented in

feedback quoted in the 1041 itself, etc.) as to how the 1041 process as a whole has been handled. These concerns have involved gaps and inconsistencies with citizen outreach (both in regard to soliciting input and providing 1041 status updates and contextual guidance), the large amount of guidance Larimer County has given Thornton with their 1041 application over a period of years and how this might be interpreted by some as a type of conflict of interest, a lack of clear explanation as to how the 1041 process is working to help benefit Larimer County citizens and local environment, and a lack of clear and convincing explanation for emphasizing Douglas Rd. as a pipeline route choice in the 1041 application when other reasonable alternatives exist (including a river alternative or other pipeline route options), and whether Thornton's plans have been discussed in relation to possible NISP pipeline needs and if this relates in any way to a vision for Douglas Rd. as a pipeline corridor.

**Concerns specific to construction/development if the current 1041 is approved (including, but by no means limited to, the following examples)**

\_\_ Difficulties posed for over 300 residences relying on single-access to Douglas Road, potential impediments to emergency vehicles, potential delays for thousands of commuters, extended stress on other routes, potential traffic mitigation concerns with other large residential projects being scheduled near Douglas Rd. that may involve road work and closures beyond Douglas (It's been reported that the Hearthfire HOA will be reduced to daily single access via Douglas during development of Waters Edge, for example, and that work will occur on Turnberry.)

\_\_ Loss, destruction, disturbance, noise, dust, pollutants (incl. possible noise and light pollution from pump station), potential leakage and flooding from the pipeline (including concerns that roadway vibrations may contribute to this)

\_\_ Effects on wildlife and bird habitat, including Terry Lake area

\_\_ Extensive time frame for development (see latest 1041 amendment materials for most recent timeline estimates) that also includes a need for construction staging sites (also described in some detail in the original 1041)

\_\_ The fact that a range of details related to final placement and design of pipeline, pump station, etc. will not be finalized in detail until after the 1041 permit is approved

\_\_ Possible effects on property or property values, including the fact that private land will need to be acquired for a pump station along Douglas Rd.—The owner is currently in negotiation with Thornton, trying to avoid eminent domain. (See recent *Rocky Mountain Collegian* article.) A recent article and Editorial Board piece in the Greeley *Tribune* also mentions concerns over residents facing possibilities of eminent domain in Weld County. These and other articles are on our website under News and Resources. The 1041 itself describes possible land divisions needed and numerous county crossovers, easements, permits, and negotiations with property owners needed related to miles of pipeline as well as the large pump station in LC and storage facilities and appurtenances affecting landscapes and residential areas across multiple counties.

We continue to urge Thornton to “do the right thing” and re-approach what they are asking from Larimer County citizens as well as citizens involved in other counties.