

May 1, 2013

FOR DELIVERY BY EMAIL (at [Martha.S.Chieply@usace.army.mil](mailto:Martha.S.Chieply@usace.army.mil))

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**RE: Comments on the Corps' Proposed Use of Non-Federal Funds Under Section 214 of the Water Resources Development Act to "Expedite" Permitting of the Northern Integrated Supply Project**

Ms. Chieply:

On April 3, 2013 we received your public notice regarding your proposal to accept funds from the Northern Colorado Water Conservancy District (NCWCD) to expedite permitting for NISP pursuant to Section 214 of WRDA. We are gravely concerned about the impact these funds may have on an impartial and scientifically based permitting process.

Save The Poudre supports the Corps' efforts to complete its analysis and permitting task because we believe the process will rightly result in a decision to not permit NISP, a project that would drain and destroy the Cache la Poudre River of northern Colorado. As long-standing stakeholders in the process, though, we insist that outside money not be used to short circuit the environmental review for NISP. The deliberative process should be allowed to run its course. The length of the Corps' process to date is a result of the failure during the early steps of the environmental review to do a thorough and meaningful analysis of the true extent of impacts that will result from the proposed project. Contrary to public statements by the project proponents and others with vested financial interests in NISP, the project has not been "delayed." It is a complex and exorbitantly expensive project with an enormous environmental footprint that should be expected to take a long time to review even when that review is done well.

Additional resources should be applied to this project only to increase the quality of review—not merely to move the process along more quickly. Focusing on getting it done at the cost of doing it right would be a travesty and will only invite future challenges to the final analysis and any subsequent approvals.

We urge the Corps to reject the funds for the following reasons:

- a. "Expediting" NISP permitting would not best serve the public interest.** Your *Implementation Guidance for Section 2002 of the Water Resources Act of 2007* ¶ 4 (Oct. 1, 2008) says that "Funds will be accepted only if the public interest is better served through cost-effectiveness, enhanced evaluation capability, streamlined permit processing or other appropriate justification." During the public comment period for the DEIS, and afterwards, the U.S. EPA, the City of Fort Collins, the City

of Greeley, Save The Poudre, and others have provided dozens and dozens of pages of technical comments for the Corps to evaluate with regards to NISP NEPA and Clean Water Act permitting. In addition, since the end of the public comment period, Save The Poudre has provided sixteen letters and technical documents to the Corps regarding specific scientific analyses that we believe must be addressed in the Supplemental DEIS for NISP. In the case of NISP, an extremely controversial and complex project, there is a vast amount of work the Corps must do to protect the river and satisfy federal laws, and so the public interest would be best served through a careful, deliberative, scientific assessment, not an “expedited” or “streamlined” permit processing that you now propose.

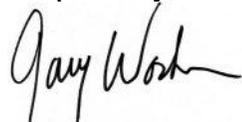
If the Corps insists on accepting the funds, any additional funds should only be used to provide “enhanced evaluation capability” in the form of qualified experts who can more properly evaluate the extensive comments and studies before the Corps. It is imperative that all of these public comments be evaluated soundly, effectively, and thoroughly, not expedited or streamlined – a sound, effective, thorough evaluation of the project and its environmental impacts is the only option in the public interest.

**b. Given the extensive political pressure on the Corps, accepting these funds and permitting the project would give the appearance of conflict of interest with the Corps’ requirement to be impartial.** Over the last two years, your agency has been under pressure from U.S. Congressman Cory Gardner and Colorado Governor John Hickenlooper to expedite and prioritize NISP permitting. Specifically, Governor Hickenlooper wrote a letter to the Corps regarding NISP (May 21, 2012) asking for the permitting process to be a “high priority.” Because you are now considering accepting money from NCWCD to “expedite” the permit, there is an appearance that your agency may be reacting to political pressure. It is the job of the Corp to provide sound science and to thoroughly evaluate the environmental impacts of this extremely controversial project, not to expedite or prioritize NISP permitting due to political pressure. Further, these funds, when coupled with the political pressure, may give the appearance that the process is less than impartial and that the outcome, if it favors the proponent, is tainted.

**c. We question whether the NISP Enterprise Fund and the NISP project is “non-federal.”** Your guidance requires that you can only accept money under Section 214 of WRDA for “non-federal entities.” NISP proposes to use the U.S. Bureau of Reclamation (BuRec) facilities to store and deliver water. Specifically, NISP proposes to use C-BT water to fill Glade Reservoir, proposes to use Horestooth Reservoir (a BuRec facility) to store and transfer that water, and proposes to use Carter Lake (a BuRec facility) to store and deliver that water. In fact, NISP will require a contract with BuRec for those purposes.

Please respond to our request to reject these funds. If you have any questions or comments regarding our request, please contact me.

Respectfully,



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