

P O Box 25181
Arlington, VA
22202
March 23, 2015

Scott Fitzwilliams
Forest Supervisor
c/o Matt Grove
Project Leader, Biologist
White River National Forest
P O Box 190
Minturn, CO 81645

RE: Camp Hale Restoration and Enhancement Project EIS

Sir,

As an interested party please find our comments on your project proposals.

We find several of your recommendations to be helpful if actually followed:

1. Your claim for incorporating “early and meaningful participation”
2. Your claim “to work collaboratively and cooperatively with water rights holders”
3. Your claim that the project “shall in no way negatively impact private lands or existing rights”
4. Your claim that the project “must take account of existing water “ rights

Since this is the first we have heard of your project we are dismayed that we were not given notice of the exclusive process used to make your recommendations. It was possible for you to notify water rights holders on the Eagle River, but you did not. Therefore, your claims of “early and meaningful participation” are hollow, as well as your claim to “take account of existing water” rights holders and not negatively impact them.

We object to the proposals specifically:

- a. Excluding water rights holders, other than the chosen ERMOU parties, does not evidence your commitment to “to work collaboratively and cooperatively with water rights holders”
- b. Along those same lines, your position to “not foreclose potential collection, storage, and

transmission facilities located in the Camp Hale area.” indicates a lack of participation of other water rights holders who may be damaged by such actions

- c. The appeasement of the ERMOU parties, without participation of other water rights holders, is particularly galling where you have suggested “pay in advance credits”, “compensatory wetlands mitigation program”, and “**first to the ERMOU parties**”
- d. If you were to follow your earlier quoted recommendations, 1-4 above, you would not have restricted your preferential payoff scheme to the ERMOU parties, you would let all water rights holders participate equally

Because the recommendations specifically favor specific participants in your project proposal preparations, to the exclusion of other water rights holders on the Eagle River, we find your recommendations concerning water rights on the Eagle River to be discriminatory and damaging to all the other water rights holders who were not allowed to participate.

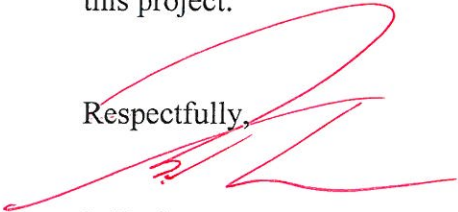
Therefore, your suggestions of “first to the ERMOU parties” should be stricken and replaced with “***first to all water rights holders on the Eagle River, in a blind draw system to allocate credits for wetlands mitigation.***”

If you truly have a commitment to the quoted recommendations 1-4 above then you will make the suggested changes in fairness to other water rights holders.

If you do not make those changes it is likely that you will be causing additional litigation that you would not encounter if your recommendations did not discriminate against water rights holders who are those other than the ERMOU parties your recommendations are designed to benefit. Your recommendation appears to be a sweetheart deal for ERMOU and would disadvantage other water rights holders on the Eagle River.

Please make sure we are on the mailing list in all future actions and communications on this project.

Respectfully,



J. Tucker
Representative for
Battle Mountain Corporation
Battle Mountain Limited Liability Company
Sensible Housing Co
Battle Mountain Resorts
Pine Martin Mining Company
Land and Water Rights holders on the Eagle River