

TOWN OF MINTURN  
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Town Council  
Mayor – John Widerman  
Mayor Pro Tem – Earle Bidez  
Councilmember – Terry Armistead  
Councilmember – George Brodin  
Councilmember – Brian Eggleton  
Councilmember – Eric Gotthelf  
Councilmember – Chelsea Winters

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April 1, 2020

Scott Fitzwilliams, Forest Supervisor  
White River National Forest  
900 Grand Avenue  
Glenwood Springs, CO 81601

**Re: Holy Cross Energy Avon-to-Gilman 115-kV Transmission Line project**

Dear Mr. Fitzwilliams,

Thank you for the opportunity to provide scoping comments on the Avon-to-Gilman electric transmission line (“project”), proposed by Holy Cross Energy (“HCE”). While the project is being proposed to increase electrical service reliability for several communities in eastern Eagle County, it will create a number of environmental effects that the Forest Service (“USFS”) must evaluate in its environmental assessment (“EA”). We appreciate that the USFS has committed to an additional public commenting period subsequent to the release of the draft EA. We believe that this project could potentially cause significant impacts to our community, and have outlined such concerns in this letter.

As a home rule municipality, the Town of Minturn (the “Town”) represents and promotes the interests of its residents, and is responsible for the health, safety, and welfare of the community. The Town is a close-knit community that treasures its natural resource amenities. The Town is centered on the Eagle River, which is a resource of significant importance to our residents and visitors alike. Our residents value and rely on the scenic nature, access to recreation and public lands, and dramatic mountainous setting for their well-being, economic opportunity, and quality of life.

The Town has the power, under the Local Government Land Use Control Enabling Act to plan for and regulate the use of land within the town. This includes protecting lands from activities which could endanger wildlife habitat, regulating development in hazardous areas, regulating based on the impacts on the community and surrounding areas, ensuring that the environment is protected, and that orderly use of the land can be consistent with constitutional rights.<sup>1</sup>

Additionally, local governments are authorized to identify, designate, and regulate proposals of state interest within their jurisdiction, commonly referred to as “1041 powers.” These powers are applicable in areas that have a significant impact on natural resources of

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<sup>1</sup> C.R.S. § 29-20-101, *et seq.*

statewide importance (such as wildlife or the Eagle River), and around areas that have key facilities such as interchanges, mass transit facilities, and other public utilities (such as around Dowd Junction).<sup>2</sup>

Based on the extensive footprint of the project through the Town, and the responsibilities the Town has to its residents, the Town appreciates that it has been designated as a cooperating agency.<sup>3</sup>

Overall, the Town has three overarching concerns about the project, as proposed:

1. Protection of the aesthetic values relative to Minturn's mountain and river corridors.
2. The issues related to the Dowd Junction/Minturn Gateway area including impacts to recreation, wildlife, future development, transportation, and access.
3. Concerns over the proximity of the project to the shooting range just south of town and resulting fire hazards and other management challenges.

### **Strategic Plan and Town Survey**

The Town adopted its "Economic Development Strategic Plan"<sup>4</sup> in 2016, acknowledging foremost that Minturn exists as part of a regional tourism and service-based economy. The Town's operating budget is heavily dependent upon sales tax revenue from small businesses set within this economic reality. This provides a critically important lens through which the Town assesses potential impacts from this proposed project. As our regional economy is especially hard hit and planning for recovery from the COVID-19 pandemic, careful consideration of economic impacts is of paramount importance.

Several objectives of the Strategic Plan are relevant to this project. One in particular is that the Town will create a multi-use river plan to include seasonal usage and environmental issues. The Town is committed to the health of the river, appropriate use restrictions and sustainable recreational access that preserve its natural benefits.

In 2019, the Town surveyed its residents to gain a better perspective on why people choose to live in Minturn, what is important to the community, and where to focus efforts and resources. Among respondents, 48% cited recreational activities as a reason for living in Minturn<sup>5</sup>, the second highest result after quality of life. Respondents time and again cited the proximity of the Eagle River and open space access as important assets that drives both recreational opportunities and quality of life. These results have recently been reaffirmed in the Town's 2020 community survey.

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<sup>2</sup> C.R.S. § 24-65.1-101, *et seq.*

<sup>3</sup> 40 CFR § 1501.6.

<sup>4</sup> [Minturn Economic Development Strategic Plan](#)

<sup>5</sup> [Town of Minturn Community Survey](#), June 2019

USFS must analyze how the project may impair the Town's goals of providing scenic recreational resources for its residents and visitors related to both public lands and the river corridor.

### **Scenery resources**

The Town is concerned about the visual and aesthetic impacts of the project to the town. The Town's 2019 community survey indicates that scenery is important to residents, ranking as the third highest attribute (65%). Project impacts could harm the natural, mountainous setting and diminish property values and the overall scenic values of the town.

In particular, these concerns acutely apply to Dowd Junction. While the proposal would co-align with existing power lines entering Dowd Junction from Avon to the west, the project would site lines above U.S. Highway 24, adjacent to the interchange with Interstate 70 and U.S. Highway 6 (between poles 27 and 28 on the project map). These lines, strung high above the area also known as the Minturn Gateway, could have a negative visual impact that is harmful to the community. Additionally, although the alignment from poles 28-39 follows an existing utility ROW, the existing utilities are buried. A new aerial powerline would create additional visual impacts above the Eagle River from Dowd Junction south towards town.

Likewise, project locations south of Town will have negative visual impacts as visitors and residents depart Town into the mountains.

The USFS must take a hard look at the visual impacts from the aerial sections of the project and how they will affect the Dowd Junction/Minturn Gateway area and along the Eagle River south towards the transition point to underground near town. Likewise, the visual impacts to mountain scenery south of Town must be considered. The USFS should consider mandating more undergrounding of the proposed power line to mitigate these potential impacts.

### **Aerial development restrictions**

The Town has significant interest in any aerial development limitations that the project, once complete, would impose on future development, particularly in the Dowd Junction area. The Town's longer-term interests for the Minturn Gateway include responsible commercial development, mass transit facilities, and recreational public access to Meadow Mountain. The Town has been in negotiations with the White River National Forest about the development of the Dowd Junction parcel for several years prior to this project. The intent of such development is to contribute to the Town by providing new commercial services for residents and visitors, additional sales tax revenue, and further employment and residential opportunities within the Town. Potential socioeconomic impacts to the Town's sustainable growth opportunities must be included in the USFS analysis.

## **Wildlife**

The Town notes that Eagle County has been leading the Safe Passages for wildlife program along with Colorado Department of Transportation and other partners such as Vail Resorts. They have identified areas of concern where there is a high incidence of vehicular accidents with wildlife and a need for safe wildlife passage under or over highways. One of the areas identified is Mud Springs, which encompasses a section of I-70 from Vail to Avon that includes Dowd Junction. The Town is concerned about how the project might impact efforts to create or enhance safe wildlife movement in both the short term and over the long term. We note that several aerial poles (28 and 29 on map) are on a parcel owned by Colorado Parks and Wildlife (“CPW”) which is managed for wildlife. Likewise, an elk migration corridor that is directly adjacent to Dowd Junction may be impacted by the proposal.

Construction of the project is proposed for spring, summer and fall, based on when conditions are favorable for such activities. However, USFS should, in consultation with CPW, analyze impacts to wildlife based on season and timing. The proposed action should seek to minimize disruption to wildlife generally, and especially during critical times in the lifecycle such as calving season.

## **River, water quality and riparian concerns**

The Town is deeply invested in being a good steward of the Eagle River, and our residents rely on the Eagle River and its tributaries for their recreational and scenic attributes. Protecting these values are of paramount importance to the Town. For example, the Town has adopted development setbacks from the river shore and invested in stormwater drainage infrastructure to protect the river from runoff impacts.

In the early 2000s the Town spearheaded the Eagle River Restoration project Phases 1 and 2 in cooperation and approval of Colorado Department of Public Health and Environment (“CDPHE”), the federal Environmental Protection Agency (“EPA”), and others to clean up the river by eliminating direct runoff of drainage to the river, and restore the natural ripple/pool river flow, riparian environment and successfully restored flora and fauna to the stream ecosystem. The Minturn River Project was a \$1.1 million, mile-long river restoration project that was funded with fines against the owners of the Eagle Mine. The restoration of the section of the river through Minturn included restoration of the river channel, planting over 34,000 native shrubs and trees, and bank stabilization. The project was part of broader recovery efforts to address impacts from mine pollution.

The proposed project alignment is close to the river through Town, especially the underground sections. The USFS must analyze a variety of potential impacts to the river, including runoff pollution/sedimentation, disruption of riparian habitat, diminishing recreation opportunities, and visual impacts during and after construction. South of Town along the route to Gilman, the project proposes many poles within feet of the Eagle River. The Town is concerned that the riverine and riparian ecology could be impacted or impaired. Visually, such close pole placement to the river will diminish the natural values of the Eagle

River, just upstream of our community. These impacts may have cumulative and unforeseen effects counter to the improvements which have been so diligently worked for by CDPHE, EPA, and the Town of Minturn

### **Recreational impacts**

The Town is concerned that the project could have impacts on recreation. The Meadow Mountain area is an important recreational access point for residents and visitors alike. This access could be temporarily interrupted by construction of the project, or there could be more lasting impacts to recreational opportunities such as diminished scenery due to power lines and poles visible to recreationists at Meadow Mountain. We appreciate that USFS has eliminated the alternative that would have directly impacted the Meadow Mountain area.

Significant recreational opportunities exist along the Eagle River. The Town has made significant investments in access and recreational improvements to the riverfront. For example, the Town received a \$30,000 grant from Colorado Parks and Wildlife's Fishing is Fun program in 2018 to improve fishing access to the river. Also, the Town partnered with Eagle County Open Space and Eagle Valley Land Trust to acquire and protect the Boneyard Open Space under a conservation easement that facilitates access to the river. Fly-fishing has become a focal point for interacting with the river, supporting a fly shop and several local guides. In fact, the whole upper Eagle River has become a fly-fishing destination, so the entire stretch benefits the Town. The extremely close pole placement to the Eagle River upstream of the Town could diminish the natural setting that attracts anglers and boaters to our area. The USFS should look carefully to assess impacts on fishing (as well as our local guides and outfitter) and other forms of recreation along the entire stretch of the project.

There is a popular local footpath that partially is co-aligned with the project and the existing utility right-of-way, part single track and part old two track, running between Lions Lane south to Cemetery Road and the cemetery. Perhaps one mitigation to the disruption of construction to recreation in the town would be designation and improvement of this social trail. FR 762 is an important recreational access to both the shooting range as well as the Two Elk trailhead. Impacts to any of these access points should be considered by the USFS.

### **Wildfire hazards and risks**

The Town notes that power lines can be a hazard for wildfire. Recent fires in Eagle County, including a very close call within the town have created heightened awareness of this hazard in our community. There have been two wildfires in recent years near the shooting range, both were human-caused but one was started at the shooting range by the illegal use of exploding targets. This points to the significant and ongoing hazards posed to our community associated with the unmanaged shooting range on USFS land. We note that the Lake Christine fire in 2018 tragically illustrated the wildfire risks that improper uses of shooting ranges can have on communities in Eagle County. And massive blazes caused by transmission lines in California affirm the potential that such facilities in the town can exacerbate such hazards. USFS should take a hard look at how the project could increase

wildfire hazard for the Town and anticipate what kind of mitigation would be appropriate to protect our community, as well as what kinds of visual and erosional impacts such mitigation may cause.

### **Geologic Hazards**

Portions of the project's alignment are below steep slopes and potentially are at risk of damage from rock fall. The USFS must analyze the hazards posed from these steep slopes and how this type of damage could threaten the Town, including by increasing the risk of wildfire.

### **Shooting Range**

The Town notes that the project proposes the transition from underground line to aerial south of town in a location that coincides with the Two Elk Shooting Range. We have noted the increased risk of wildfire already. A transmission line over the range also creates concerns about safety for shooters as well as for the electrical line itself. The USFS should consider what measures could mitigate this impact, including extending the underground section on USFS lands south beyond the range.

The Town notes that this unmanaged shooting range, on USFS lands, already is problematic for our community. While some of our residents appreciate the shooting opportunities it provides, it also poses risks of wildfire, vandalism, accidents and noise nuisance for our residents. We continue to ask that the USFS, as well as CPW, work with the Town to find ways to mitigate these concerns, including looking at alternative locations in the area for a CPW-managed shooting range.

### **Short Term Construction Impacts**

The USFS must analyze the socioeconomic impacts during the construction phase of the project. Temporary loss of access to residences or businesses could cause economic or other interruptions. Impacts on recreation access or trail access in areas impacted by the construction of the project should also be assessed. And infrastructure impacts on Town resources, including construction traffic, must be included in such an analysis.

### **Areas of undergrounding versus aerial concerns**

The USFS should consider alternatives that would mandate undergrounding more of the project, especially in the Dowd Junction area, to minimize the impacts listed above. While undergrounding is more expensive for the proponent in the near-term, it will help protect the environment, scenery and way of life that is important to the Town's residents and visitors alike in the long-term. Additionally, the added expense of undergrounding more of the line seems more reasonable when weighed against the high costs of a wildfire or wildlife recovery.

Thank you again for the opportunity to raise issues with this project that are important to the Town of Minturn. We look forward to working with the USFS as a cooperating agency as it conducts its analysis of impacts from this project and ultimately makes a decision.

Sincerely,

A handwritten signature in black ink, appearing to read "John Widerman". The signature is fluid and cursive, with a prominent flourish at the end.

John Widerman, Mayor