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Advocates for our rivers

Ms. Marcia Gilles, District Ranger (Acting)
c/o Matt Klein, Realty Specialist
White River National Forest
PO Box 190
Minturn, CO 81645

June 30, 2020

Dear Ms. Gilles,

Thank you for the opportunity to provide comments regarding the Special Use Permit (SUP) by Homestake Partners for geophysical investigations in the Homestake Creek watershed. Eagle River Watershed Council (ERWC) advocates for the health of our rivers and to sustain the numerous environmental, social, and economic values they provide our communities. Vigorously protecting our aquatic resources ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity. ERWC works in close partnership with federal, state, and local entities for water resource protection and planning.

ERWC is a partner in ongoing stakeholder activities relevant to the Homestake reservoir siting work, including the Eagle River Memorandum of Understanding (ER-MOU) and Eagle River Community Water Plan. White River National Forest (WRNF) is also a default and important stakeholder of these activities due to its unique position as the primary non-urbanized land management agency in the watershed. We have reviewed the scoping letter and Special Use Permit (SUP) Application for geotechnical investigations in Homestake Creek and associated documents and offer the following comments, which relate to the categories of water quality protection and aquatic-dependent wildlife concerns. We also offer here a few words of caution regarding the current activity and its nexus with activities that are larger and more-impactful to the watershed down the road.

Level of NEPA analysis

In correspondence with the Homestake Partners, WRNF has opined that the level of analysis required by NEPA for the current geotechnical investigation activities related to a Whitney Creek reservoir siting study in the Homestake Creek watershed is a Categorical Exclusion (CE) consistent with 36 CFR § 220.6(e)(8).

This class of CE requires a decision memo and specifically addresses short-term geophysical investigations and incidental activities that may cause temporary surface disturbances including temporary roads, subsurface boreholes, vegetation clearing, and post-project restoration work.

ERWC observes that the proposed SUP will also involve surface water disturbances within the Homestake Creek floodplain, including activity within floodplain wetlands and temporary stream crossing by heavy machinery.

ERWC has concerns about the ability of the project proponents to complete the work as outlined within one year as stipulated for all CE's. By beginning after the avian breeding season (after August 1, 2020), which ERWC supports, there is a small window of time in which to drill and then reclaim the bore holes before snow fall. If the project isn't completed before the onset of winter in this high-country area, the project partners would have to wait until the snow falls and the next avian breeding season ends, which would be more than a year since the project start. If the partners cannot complete the project in one year, a CE does not appear to be appropriate.

Impacts to aquatic resources

In our review of WRNF response comments to the applicant in the Addendum to Appendix 1, we believe Eagle-Holy Cross District staff in general has applied careful consideration to the proposed action's impacts to aquatic resources including wetlands, fens, and surface water crossings. ERWC noted that some of the wetlands were delineated aerially, as these are such a critical resource, ERWC encourages WRNF to request verification and submittal of the wetland mapping outputs from ERO as a publicly available geospatial dataset. Impacts are likely to include degradation to vegetation and Homestake Creek from access ways, as well as degradation to aesthetic/scenic values in the watershed. However, the report notes these impacts are unlikely to persist beyond a season or two. Due to the irreplaceable nature of fens, ERWC would like to see more detail on the location of fens and wetlands in relation to the project area. To provide some level of mitigation, the applicant has specified that the "timing of such work would be coordinated to provide a safe streambank approach and reduce the potential to erode the stream bank or introduce sediment into the stream." Homestake Creek watershed provides a substantial amount of extremely high-quality habitat for many species, both aquatic and terrestrial. ERWC believes the SUP can additionally benefit from a more-explicit delineation or guidance of this timing such that creek crossings and sediment-generating activities will avoid negative impacts to spawning activities of native and sport fisheries during September and October, as well as disturbances to seasonally important times for the USFS-designated sensitive amphibian and avian species noted in the report such as boreal toad.

Nexus of current proposed action with future major actions

Section CFR § 220.6(b)(1) also directs USFS to consider whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an Environmental Assessment (EA) and determination of No Significant Impact rather than a CE. Such conditions and circumstances relevant in the Homestake Creek watershed include: 1) impacts to federally listed threatened or endangered species and their critical habitats, 2) impacts to USFS sensitive species, 3) the presence of floodplains, wetlands, and municipal watersheds, and 4) impacts to congressionally designated wilderness areas.

Although the currently proposed action (geophysical investigations) by itself appears covered by the list of currently available CEs, ERWC believes WRNF and other stakeholders should remain

cognizant of the long-term picture and acknowledge that this current work may potentially be seen as a connected action. Geophysical exploration has an obvious significant nexus and direct relation to additional future actions, i.e. dam construction, which may in time massively impact the Eagle River watershed—regardless of whether the future actions are yet ripe for decision. This may include loss of Homestake Creek’s prized wetlands and fishery, significant hydrologic impacts to the mainstem Eagle River (and thus Colorado River) via the additional trans-basin diversion of close to 5% of the annual native flow, and significant changes to the overall state of ecosystem services and function on public and private lands within the Eagle River Watershed. Population growth and climate change provide continually increasing pressure both locally and statewide to develop water resources, potentially to the irreparable detriment of the natural environment. These decisions will need to be considered holistically in the public forum, informed by the combination of best available science and social values of affected populations, rather than piecemeal.

Thank you again for the opportunity to comment. We hope to remain engaged in the project so that the end product will avoid negative impacts to Homestake Creek and Eagle River watersheds and associated environs. Please contact us with any additional questions or information that you require.

Sincerely,

Holly Loff, Director
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