



June 30, 2020

**Mr. Scott Fitzwilliams
Forest Supervisor
White River National Forest
900 Grand Ave.
Glenwood Springs, CO 81601**

**Ms. Marcia Gilles
Acting District Ranger
Holy Cross Ranger District
24747 US Hwy 24
P.O. Box 190
Minturn, CO 81645**

Re: Scoping Comment Letter re: Whitney Creek Geotechnical Investigation

Dear Mr. Fitzwilliams and Ms. Gilles:

Thank you for this opportunity to submit comments on the proposed Whitney Creek Geotechnical Investigation Project (the "Project") proposed by the City of Aurora and City of Colorado Springs (together, "Homestake Partners"). The Town of Red Cliff (the "Town") sits approximately six miles from the proposed site of the Project. This site is also a contemplated location for the eventual construction of a massive new reservoir and accompanying transmountain diversion ("Whitney Reservoir"). Because the Town holds substantial senior water rights in the Eagle River basin, we harbor significant concerns about how such proposals may impair our water future. We also have serious concerns about the environmental and economic impacts that these proposals will have on the Town and the region generally. Importantly, the proposed adjustment of the Holy Cross Wilderness boundary and accompanying flooding of the Homestake Valley would be extremely harmful to the regional economy and environment. Given the uncertainty in Congress and opposition of the House member representing this area, it seems premature to be pursuing the Project now.

Homestake Valley is a unique and irreplaceable place of great importance to our community. It provides access to recreation, wild places, wildlife, and solitude that we cherish. Homestake Road provides significant recreational opportunities including snowmobiling, skiing, camping, cycling, and access to the

Holy Cross Wilderness beyond. Hunting and fishing both within the valley and its surrounding mountains are outstanding. The valley contains some of the highest quality wetlands and potential fens in the state of Colorado. Our residents live here because of places like the Homestake Valley. It also brings visitors that spend money in our Town and generate sales tax revenues. Altering the valley as Homestake Partners propose would irreparably harm our community. Likewise, the work proposed in the Project is likely to have significant impacts on these same resources, and requires additional analysis before WRNF can approve it. The Town also has ongoing concerns, considering its proximity to Homestake Creek, of any dam breach and ensuing floods, damage, and loss of life and property.

While the Project itself is part of a larger proposal, the Town wishes to express its opposition to the White River National Forest's ("WRNF") approach to this environmental review and request additional analysis and opportunities for public comment. The use of a Categorical Exclusion ("CatEx") from environmental documentation to shortcut a fuller environmental review process is inappropriate in this situation. Importantly, we have identified impacts to wetlands, Wilderness, and roadless values that require further analysis as an Environmental Assessment ("EA"). Due to the lack of documentation currently available, WRNF should additionally make the EA available for an additional public comment period. Generally, this rushed process seems aimed to facilitating the Homestake Partners attempting to complete the Project in this calendar year, without regard to Forest Service policies or environmental impacts associated with the proposal.

Given the proximity and impacts of the Project and the proposed Whitney Reservoir to the Town of Red Cliff, we request to be designated a Cooperating Agency under 40 CFR § 1501.6 to provide special expertise of local recreational, socioeconomic, and land use conditions that may be affected by these proposals.

We also note with some displeasure that the Homestake Partners have apparently conducted unauthorized and therefore illegal geologic sampling or rock collection. WRNF should further investigate if and how these activities impacted resources, including within the Wilderness and at Camp Hale, which is listed on the National Register of Historic Places.

WRNF should not utilize a Categorical Exclusion to approve the Whitney Creek Geotechnical Investigation, but instead require an Environmental Assessment

None of the documentation provided in support of the Project specifies which CatEx WRNF intends to employ to authorize the proposed activities. We presume that the CatEx described in 36 CFR § 220.6(e)(8), which can be used to authorize short-term impacts related to geophysical investigations is the proposed tool. This should be made clear for the public to understand how the project is being authorized.

However, even if the (e)(8) CatEx is being used here, we are not persuaded that Homestake Partners can complete the Project within one year as required by the regulations. The Town knows all too well how short of a summer work season we may have in any given year. The Technical Report notes that Project Activities are proposed to occur Summer and Fall 2020 – a timeframe we are already well into. Between some fifty days of boring, following tree removal and road construction, it seems unlikely that the Project can be completed before snow begins falling and elk and lynx move into the area. And the Technical Report

notes uncertainty regarding the timeframes of work that may occur “months apart”, or within a five to six-week period (which seems optimistic). Even if work began as soon as snow is clear in 2021, there does not appear to be any guarantee that it can be completed within one year, given our short work season and additional preliminary field work requirements. Because of the uncertainty around the timing of work, WRNF cannot determine whether there may be a significant impact caused by work exceeding one year, and should require an EA.

Similarly, construction of new – if only temporary – roads may violate (e)(8), which contemplates coring only from existing roads and construction of less than one mile of new road. The Technical Report does not contain information relating to total mileage of roads proposed to be constructed, and the maps provided are not detailed enough to allow the public understand this issue. The Technical Report concedes that road locations may vary from those proposed, making it impossible to actually know whether the road construction length meets (e)(8) limitations.

We also note that regardless of which CatEx is being proposed here, there exist at least four Extraordinary Circumstances (“EC”) described at 36 CFR § 220.6(b) and 40 CFR § 6.204(b) that should require an EA to be employed. These include:

- Flood plains, wetlands, or municipal watersheds;
- Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;
- Inventoried roadless areas or potential wilderness areas
- Expected public controversy

As you have noted publicly, the Project area contains “some of the finest high-elevation wetlands in the forest.” (Blevins, Jason; Aurora. Colorado Springs own water near Leadville. They may need to redraw a wilderness area to access it; Colorado Sun, Nov. 21, 2019.) The Technical Report fails to accurately characterize the nature of the wetlands present in the Project area, and does not provide sufficient documentation of wetland locations as they relate to the proposed work. With the potential existence of irreplaceable fens, which are prioritized in Forest Service Region 2 policy, such maps and survey work must be included and analyzed. Simply noting in the Technical Report Addendum that “there are no fens in/near the project area related to this application” is insufficient given contrary publicly available information and WRNF’s specific request. The Technical Report attempts to address potential impacts, but only pledges to avoid wetlands “to the extent possible”, leaving substantial uncertainty given the resource conditions, about whether wetlands and fens will be impacted. An EA must analyze the potential impacts to wetlands and fens, and propose avoidance and mitigation techniques should these resources be encountered.

We are all aware of this Project’s, and Whitney Reservoir’s potential impacts on wilderness and roadless resources. Several boreholes are located extremely close to the Wilderness boundary, the closest appearing to be a mere 90 feet away. And geophone transects traverse Colorado Roadless areas. While we understand that the Colorado National Forest Wilderness Act of 1980 contains a “no buffer zone” provision, this does give WRNF permission to ignore impacts to Wilderness values such as solitude and naturalness. Impacts to wilderness and roadless resources from drilling and geophone noise are present in this proposal

and must be analyzed in an EA. Furthermore, the Technical Report fails to discuss mitigation of potential incursions into the Wilderness area on temporary roads. While WRNF has appropriately raised obliteration of the access routes following completion, incursions through access routes during field work must also be addressed, given the extreme proximity to the Wilderness boundary. There is a significant amount of traffic on Homestake Road, some of which will inevitably turn on these temporary roads, even while work is occurring. Considering all of these potential impacts to wilderness and roadless resources, WRNF should conduct an EA instead of a CatEx.

And lastly, the Project is a piece of a larger extremely controversial proposal. But the Project itself stands to be controversial as the potential impacts listed above come to the public's attention. Homestake Partners' moves to make Whitney Reservoir a reality is already generating controversy in our community and the region. Documenting the Project as a CatEx will only amplify such controversy because the public will rightly believe it is an attempt to short circuit the full environmental review.

Due to the presence of at least four extraordinary circumstances, this Project should in no way be documented as a CatEx.

An Environmental Assessment must address the Homestake Shear Zone

A major concern within our community is the stability of the existing Homestake Reservoir as well as any future Whitney Reservoir. Red Cliff is located within a tight canyon at the confluence of Homestake Creek and the Eagle River. Any breach of either dam would undoubtedly harm the Town. There appears to be a substantial amount of existing research on drilling within shear zones, such as the one that is visible in the Homestake Valley. An EA should explore this research and how the visible history of earthquakes could impact the Project and downstream communities. Such discussion should include analysis of the Project and the proposed Whitney Reservoir.

An EA must include a cumulative effects analysis

While also an EC, cumulative effects should be included in any analysis of this Project. This includes reasonably foreseeable future actions. Among such actions proposed by Homestake Partners is the construction of Whitney Reservoir – which includes direct and indirect impacts to recreational, wetlands (specifically fens), wildlife, wilderness, and roadless resources.

Whitney Reservoir is a connected action

The Project clearly relies upon the Whitney Reservoir proposal as its justification. Put another way, this Project would not exist were it not for Homestake Partners pursuing reservoir construction, as they note in their application. While the precise location of a reservoir proposal is still under consideration – pending this Project – it is neither speculative nor hypothetical enough to disconnect such analysis. Known direct and indirect impacts from reservoir construction include effects on the Eagle River Watershed, the Homestake Shear Zone, recreational, wilderness, roadless, wildlife, and wetland (including fens) resources, as well as economic impacts to recreation industries and the communities that host them. These should be considered in an EA or EIS encompassing a full analysis of the Homestake Partners' proposal(s).

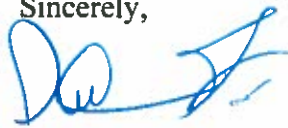
Unauthorized geologic mapping and rock collection

WRNF rightly points out that Homestake Partners conducted geologic mapping and rock collection in 2019 without authorization. This apparently includes work in designated Wilderness and at Camp Hale, which is on the National Register of Historic Places. The response: “we didn’t know”. We expect better of the entity proposing to flood an irreplaceable valley, change a Wilderness boundary, and divert our water. WRNF must conduct an investigation and take appropriate remedial actions. We fear that this approach to ask forgiveness later sets a dangerous precedent as Homestake Partners pursues its ultimate goals.

Conclusion

We appreciate this opportunity to register the Town’s opposition to the Whitney Creek Geotechnical Investigation. A Whitney Reservoir would irreparably change and harm our community. We are paying close attention to these proposals, other moves by Homestake Partners, and the public controversy. This categorical exclusion is rushed, harmful, and unlawful. We urge WRNF to take a step back, look at the bigger picture here and require Homestake Partners to go through a full analysis of the Project and the reasonably foreseeable Whitney Reservoir in order to fully inform the public of these proposals’ true impacts.

Sincerely,



Duke Gerber, Mayor