



June 30, 2020

Ms. Marcia Gilles, Acting District Ranger  
c/o Mr. Matt Klein, Realty Specialist  
White River National Forest  
Post Office Box 190  
Minturn, Colorado 81654

*Delivered via electronic mail to [matthew.klein@usda.gov](mailto:matthew.klein@usda.gov)*

Re: Whitney Creek Geotechnical Investigation

Dear Ms. Gilles,

On behalf of Trout Unlimited, Colorado Trout Unlimited, and Eagle Valley Trout Unlimited (collectively, "TU"), we are pleased to offer these comments on the White River National Forest's proposed issuance of a special use permit ("SUP") for the Whitney Creek Geotechnical Investigation. The purpose of the proposed geotechnical investigation is to evaluate the feasibility of constructing a new dam and reservoir in Eagle County, Colorado on White River National Forest lands in the Homestead Creek drainage. The project proponents are the City of Aurora and the City of Colorado Springs ("Project Partners").

TU is a non-profit conservation organization with more than 300,000 members and supporters nationally and over 12,000 members in Colorado. TU's mission is to conserve, protect, and restore coldwater fisheries and their habitats. Eagle Valley Trout Unlimited is the local TU chapter and focuses on the health of the Eagle River and its tributaries.

As outlined below, TU submits that before issuing any SUP for the geotechnical investigation, the Forest Service must fully analyze and disclose the environmental impacts of the project under the National Environmental Policy Act ("NEPA"). Further, we submit that, should the Forest Service elect to issue the SUP, it must do so under terms and conditions that will mitigate the impacts of the project and provide protection for the natural environment.

### **Use of Categorical Exclusion**

In its scoping letter to interested parties, the Forest Service indicates that it intends to disclose the potential impact of this project through a categorical exclusion. The Forest Service must explain the rationale for using a categorical exclusion rather than a more in-depth environmental impact statement or environmental assessment under NEPA. Even if the Forest Service proceeds with the use of a categorical exclusion as opposed to an environmental impact

statement or an environmental assessment, it is important that the categorical exclusion document provide a thorough and in-depth discussion of all possible impacts from the geotechnical investigation and a discussion of terms and conditions to mitigate those impacts.

### **Impacts to Resources**

The Whitney Creek Geotechnical Investigation project would include two phases: geophysical survey and subsurface exploration. It is important that the Forest Service analyze and disclose the full scope of environmental impacts of both phases of the project.

As described in the Technical Report dated November 27, 2019 and prepared by Project Partners' consultants ("Technical Report"), the geophysical survey phase of the project involves up to ten sounds bursts, at 170 decibels, per day for up to 14 days. The Forest Service must analyze and disclose the impacts of the sound bursts on fish and wildlife resources and any other elements of the natural environment. The analysis should consider whether these impacts would be only temporary or whether there is any possibility that the impacts could be permanent. In this context, we note that that, "detonation of explosives in or adjacent to fish habitat has been demonstrated to cause disturbance, injury and/or death to fish and marine mammals, and/or the harmful alteration, disruption or destruction of their habitats, sometimes at a considerable distance from the point of detonation." See D.G. Wright and G.E. Hopky, "Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters," available at <https://www.racerocks.ca/wp-content/uploads/2015/09/DND-explosive-guidelines.pdf>.

Similarly, the Forest Service should disclose the means by which the sound bursts would be produced. If the sound bursts are to be produced with ammonium nitrate-based explosives, the environmental review must consider whether there could be nutrient loading or other adverse water quality impacts as a result.

The subsurface exploration phase of the geotechnical investigation also raises concerns. The subsurface exploration would involve drilling bore holes with a diameter of 4 – 8 inches and a depth of 150 feet at ten locations in the project area. Access to the boring sites would require construction of temporary roads. Vegetation would need to be removed along the access routes and well as at the boring locations. Heavy machinery would need to be mobilized over the access routes to the boring sites. Operation of the drilling rigs would create noise impacts and would require that water be withdrawn from local streams. After use, sediment-laden water would need to be discharged.

These proposed activities raise a number of potential environmental impacts that the Forest Service must address in its environmental review of the project. In particular, TU is concerned that constructing roads and clearing vegetation for boring sites could cause a loss of wildlife habitat, erosion, and degradation of water quality in local streams. Likewise, mobilizing heavy machinery to the boring sites, especially where access roads cross waterways or wetlands, could result in erosion, water quality degradation, or damage to stream beds or stream banks. The Technical Report does not identify the location of these access roads or boring sites which amplifies the concerns regarding these activities.

Bore drilling activities also could result in other potential impacts to the natural environment. The Technical Report indicates that depletion of water from Homestake Creek would be minimal relative to the normal flow in the stream in average years, as measured at the Red Cliff gage. The Red Cliff gage is on the Eagle River, upstream from its confluence with Homestake Creek. Therefore, measuring average flow at this gauge is not an appropriate measure of impacts to Homestake Creek.

Using an appropriate gauge, in its environmental review of the project, the Forest Service should evaluate the impacts of pumping on the aquatic resources of Homestake Creek during not just average years, but in any year type that this project might be implemented. Likewise, the Forest Service should evaluate whether water depletions to smaller order tributaries to Homestake Creek, which have less flow than Homestake Creek, could have greater impacts to the aquatic resources than depletions to Homestake Creek itself.

Finally, the Forest Service should analyze the noise impacts of the drilling activities on fish and wildlife and other elements of the natural environment, and it should consider whether discharge of water used in drilling activities would have impacts to the quality of the receiving water body.

### **Mitigation Measures**

In order to minimize or avoid environmental impacts, the Forest Service must include terms and conditions in the SUP for the Whitney Creek Geotechnical Investigation. The Technical Report discusses a number of mitigation measures that the Project Proponents could adopt, including careful selection of access routes, minimizing tree removal, erosion control measures, reseeding disturbed areas, avoiding wetlands, crossing streams in locations that will avoid permanent impacts to the stream bed and banks, and other best management practices. The Forest Service should incorporate all of the mitigation measures discussed in the Technical Report into the SUP for the project, as well as any other mitigation measures that are needed to avoid possible environmental impacts that become evident through the environmental review process for the project.

Specifically, TU suggests that the Forest Service require at least three additional mitigation measures beyond those discussed in the Technical Report. First, if the environmental review reveals that sound bursts during the geophysical survey phase of the project could have adverse impacts to aquatic species or aquatic habitat or that use of ammonium nitrate-based explosives could result in nutrient loading to waterways, the Forest Service should require setbacks from streams for these activities.

Second, in the Technical Report, the consultants for the Project Partners indicate that, if the Forest Service requests it, the Project Partners would hire an independent biological monitor to be on site for stream crossings and riparian clearing activities. TU believes that it would be appropriate to have an independent biological monitor on site for the duration of the project, including blasting activities during the geophysical survey phase and all activities in the subsurface exploration phase, including locating access routes and boring sites, clearing vegetation along access routes and at boring sites, and mobilizing equipment to boring sites. We

encourage the Forest Service to include a requirement in the SUP that the monitor be on site for the duration of the project. An independent biological monitor would be charged with helping Project Partners to avoid or minimize impacts to the environment, especially streams and wetlands.

Third, upon completion of the project, the Forest Service should conduct an evaluation of the project area. In this evaluation, the Forest Service should ensure that disturbed areas have been properly reseeded, that wetland areas have not been disturbed, and that stream beds and banks have not been damaged as a result of construction of access routes or mobilization of machinery. The SUP should require that the Project Partners restore any damage found during the post-project evaluation.

### **Conclusion**

Thank you for considering TU's comments on the proposed issuance of a SUP for the Whitney Creek Geotechnical Investigation. If there are questions or concerns regarding this letter, please contact Drew Peternell at . TU looks forward to being involved with the environmental review of this project as it moves forward.

Sincerely,



Drew Peternell  
Trout Unlimited

David Nickum  
Colorado Trout Unlimited

Nick Noesen  
Eagle Valley Trout Unlimited