

Data Submitted (UTC 11): 5/28/2020 8:34:32 PM

First name: DJ

Last name: Duerr

Organization: Ark Initiative

Title: Director

Comments: The scoping notice indicates that the Homestake Partners are seeking a permit for "geophysical surveys" and "subsurface studies" to realize 28,000 acre-feet of yield and 3,000 acre-foot storage of water from the Colorado River basin.

As a threshold matter, before committing any federal funds and other resources to this proposed action, the USFS should meet with the US EPA and US Fish and Wildlife Service to discuss the likelihood that those agencies may not approve any new reservoir sought by the Homestake Partners. Water in the Colorado River Basin is already heavily over-committed. The existing reservoirs downstream, notably Lake Powell and Lake Mead, have generally remained well below capacity except in anomalous wet years. One result of the over-utilization of water is the imperilment of at least 4 species of native fish, including the Bonytail, Razorback Sucker, Humpback Chub, and Colorado Pikeminnow. The first two species are not known to be reproducing and are effectively biologically extinct in the wild.

Given the severe over-utilization of water in the Colorado River basin, the FWS has previously determined that additional depletions of even 1 acre-foot could result in a jeopardy for one or more of these species. A new reservoir of the size contemplated by the Homestake Partners would likely cause significantly greater additional depletions through evaporative and seepage losses and by diverting more water from the Colorado River system into non-essential uses. For these reasons, the FWS (if it remains free from political interference / corruption) is likely to issue a jeopardy opinion that would preclude USFS issuance of a permit. There are no reasonable and prudent alternatives that could mitigate the additional depletions associated with this project.

Likewise, the EPA (if it remains free from political interference / corruption) is likely to deny a 404 permit under the Clean Water Act on similar grounds. The EPA denied a 404 permit for the proposed Two Forks Dam because it posed "unacceptable adverse effects on fishery areas and recreational areas." Although the present proposal involves less water storage, the Colorado River is, ecologically, in far shape than the South Platte River tributaries at issue in the Two Forks proposal. There was no jeopardy situation at issue in Two Forks.

At the very least, the USFS should discuss this concern with the FWS and EPA before proceeding to determine whether this proposal is a non-starter. Granting geophysical surveys to search for a viable site to construct a dam and reservoir that will never be built would be wasteful and would also cause unnecessary environmental impacts from the survey activities, even if they never lead to any development.

Concerning the proposed geophysical survey and subsurface study activities at issue in the CE, the scoping notice states none of the activities would not occur within designated Wilderness areas, but some may occur within designated Roadless Areas. If any roadless lands may be affected - including lands that were removed from Roadless inventory maps in the wake of the Colorado Roadless Rule but continue to meet the criteria for Roadless inventory and potential future Wilderness - a categorical exclusion is non appropriate. At the very least, given the significant public controversy over these lands, the USFS should prepare an EA to fully disclose the nature of the activities in roadless area, evaluate and publicly disclose the potential impacts, and identify alternatives that would avoid these impacts. My personal view is the impacts of any project that would accomplish the stated objectives are so obviously significant there is no point in piecemealing this project out with a CE or EA for the exploratory and survey work. An EIS should be initiated now since the impacts from the water depletions will be similar regardless of the location.

The Homestake Partners should be required to pay for the NEPA analysis and public outreach. The era of wasteful, special-interest dam building is over. The Partners should be aware this proposal is unjustifiable and

isn't likely to be approved, so the taxpayers should not be burdened with paperwork triggered by their pipe dreams.

Thank you for considering these comments.