

Proposal to Protect the Holy Cross Wilderness Area and Homestake Creek Wetlands



prepared by
Colorado Headwaters
a 501(c)(3) nonprofit
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Executive Summary

The phrase “Whiskey is for drinking and water is for fighting over” certainly applies to the Holy Cross Wilderness and Homestake water projects. That fight dates back to the designation of the 126,000-acre Holy Cross Wilderness Area in 1980. The wilderness area was set aside to be “an area of undeveloped federal land retaining its primeval character and influence, without permanent improvements of human habitation, which is protected and managed so as to preserve its natural conditions” (Wilderness Act of 1964).

However, the cities of Aurora and Colorado Springs had previously acquired water rights within what became the Holy Cross Wilderness Area. Aurora and Colorado Springs, acting as Homestake Partners, had already completed construction of the first phase of their Homestake project, including Homestake Reservoir and the Homestake Tunnel, to bring water from the West Slope to the Front Range. To fully utilize their water rights, the cities planned to develop the Homestake II project, which would have sent more water from the region to the Front Range.

Seemingly in direct contradiction to the nondevelopment requirements of the 1964 Wilderness Act, the Colorado Wilderness Act of 1980, which created the Holy Cross Wilderness Area, states, “[T]his act shall not interfere with the construction, maintenance, and/or expansion of the Homestake Water Development Project of the cities of Aurora and Colorado Springs in the Holy Cross Wilderness” (Public Law 1980: Special Provision 8). After two decades, the Homestake II chapter of the Holy Cross water fight ended with a negotiated settlement, in which Aurora and Colorado Springs agreed to provide water for West Slope development under the 1998 Eagle River Memorandum of Understanding.

As part of the settlement, Homestake Partners agreed to abandon any additional diversion points within the Holy Cross Wilderness Area. Now, however, Aurora and Colorado Springs are proposing to construct a dam on Homestake Creek that would create the proposed 20,000-acre-foot Whitney Reservoir. For the project to proceed, as much as 500 acres would need to be eliminated from the Holy Cross Wilderness Area. The reservoir would also likely produce more significant environmental damage than the Homestake II project.

While growth is considered good for the Colorado economy, Statewide Water Supply Initiative studies have demonstrated that open-ended growth is not sustainable due to projected water shortages. In the meantime, ongoing research-and-development efforts have revealed better water-supply alternatives to building dams, which ultimately create more harm than good for the state’s crucial water resources. This proposed project will ensure the protection and the integrity of the Holy Cross Wilderness and the outstanding wetlands in the Homestake drainage, which includes irreplaceable fens.

Background

The currently proposed Homestake project – construction of a dam to create Whitney Reservoir – would damage irreplaceable headwaters wetlands in order to deliver even more West Slope water to the Front Range. A 2016 study estimated 180 acres of wetlands, including fens, on lower Homestake Creek could be destroyed by Whitney Reservoir. Fens are high-value wetlands with mineral-rich water and interconnected surface- and ground-water systems. They rely on complex natural flows and pristine water quality and support a high level of biodiversity. White River National Forest Supervisor Scott Fitzwilliams has said the wetland that would be destroyed by the development of Whitney Reservoir “is one of the finest wetlands we can find in our forest,” noting that it would be impossible to replace an ecosystem that has evolved over the course of 10,000 years.

Aurora and Colorado Springs took the first step toward reservoir construction June 25, 2019, when they submitted an application to drill 13 test holes at four potential dam sites. The 150-foot-deep boreholes would be part of “a fatal-flaw level reservoir siting study” to “evaluate feasibility of dam construction on lower Homestake Creek.” The drilling would likely require 65 days to complete, and Fitzwilliams’ team is analyzing the request to see if it qualifies for a “categorical exclusion” under the National Environmental Policy Act (NEPA). Potential impacts to fens from construction of temporary roads and use of a skid steer and an 8- x 22-foot drilling rig suggest that the proposed drilling should require more intensive NEPA scrutiny. The drilling proposal could be opened up for public comment as soon as January 2020.

In addition to eliminating one of the finest wetlands in Colorado, construction of a dam and impoundment of water at Whitney Reservoir would require removing as much as 500 acres from the Holy Cross Wilderness Area (HCWA). Changing the boundary of the wilderness area would require congressional and presidential approval, and Homestake Partners have already begun lobbying members of Colorado’s congressional delegation to do just that.

Additionally, the 1998 Eagle River Memorandum of Understanding (MOU) changed the political landscape. The MOU – signed by Colorado Springs, Aurora, the Climax Mine, the Colorado River Water Conservation District, the Eagle Water and Sanitation District, the Upper Eagle Regional Water Authority and Vail Resorts – states that none of the signatories can object to a Homestake Partners reservoir project as long as such a project minimizes environmental impacts, is technically feasible and “can be permitted by local, state and federal agencies.” The MOU, therefore, effectively eliminates key opponents who helped to defeat Homestake II.

While Aurora and Colorado Springs own the rights to the water in question, they have yet to demonstrate a true need for construction of Whitney Reservoir. For the long-term benefit of the Holy Cross Wilderness Area (HCWA) and Colorado’s natural water resources, our coalition believes the Whitney Reservoir project should be withdrawn from consideration (just as Colorado Springs withdrew its Elephant Rock Reservoir application on the upper Arkansas River in 2012). However, the Homestake drilling permit application demonstrates that Aurora and Colorado Springs prefer to continue the fight to take even more Holy Cross Wilderness water from its natural setting.

Homestake Creek, the Eagle River and the wetlands in question already incur tainted runoff and erosive effects from local roadways, including U.S. Highway 24 and Homestake Reservoir Road. The State of North Carolina is taking action to protect valuable wetlands at Sandy Bottom from a single mile of roadway, far less than the length of roadways that already impact Homestake Creek wetlands. North

Colorado is taking action because state officials recognize that downstream water quality cannot sustain additional impacts.

With more than 530,000 acre-feet of water per year already being diverted from Colorado River headwaters to Colorado's Front Range cities, additional diversions would exponentially damage the Colorado River headwaters as well as West Slope economies. The Colorado River already suffers from the effects of drought, climate change and over-appropriation. Furthermore, Colorado has already lost 50 percent of its wetlands – down to 2 percent of the land in the state.

Critical Importance of Wetlands

Wetlands are some of the most productive and dynamic habitats in the world. Wetland functions include surface and subsurface water storage, nutrient cycling, particulate removal, maintenance of plant and animal communities, water purification and groundwater recharge. Wetlands also reduce damage from flooding, enhance fish and wildlife habitat, limit the size and intensity of forest fires and help counter the effects of climate change. Furthermore, the Homestake Creek wetlands contain fens, which perform important hydrological and water quality functions. Protection of fens is a priority for the U.S. Fish and Wildlife Service in Colorado's mountains, and because they take thousands of years to develop, fens are irreplaceable.

Arguably the most important feature of wetlands is their ability to replenish underground water supplies. Water stored underground in aquifers is critical for the future health and economic well-being of Colorado. Water in aquifers is not lost to evaporation, and it slowly returns to streams and rivers, supplying water for Colorado communities, businesses and agriculture while offsetting the lack of precipitation in drought years. Without aquifer recharge, vital water resources would eventually dry up. In other words, headwaters wetlands form the foundation of Colorado's water resources, and are, therefore, crucial to the success of Colorado's Water Plan (CWP). So, to meet the goals of CWP and secure adequate water resources for Colorado, future water projects will need to focus on restoring wetlands, recharging aquifers and storing water underground. The latest Homestake proposal does the opposite.



Figure 1. Homestake Creek flows through irreplaceable wetlands.

Hydrological Significance of Mountains

In their scientific paper, "Assessing the Hydrological Significance of the World's Mountains" (*Mountain Research and Development*, Vol. 23, No. 1), Daniel Viviroli, Rolf Weingartner and Bruno Messerli demonstrate that mountains play "a special hydrological role," especially "in arid and semiarid areas," where mountains create "wet islands" that provide more than double the amount of water of the surrounding lowlands. Therefore, "Water management must begin in mountains and highlands," using scientific data "to examine the consequences for corresponding watershed management, for agriculture and forestry, and for mountain communities, and to prepare the way for sustainable development of mountain ecosystems in these critical regions."

The authors demonstrate the crucial importance of headwaters regions for lowland agriculture, population centers and industry, noting, "The future of mountain water resources will be influenced by climate change ... however, even more important than these changes may be population growth in critical lowland areas, which will produce sharply accentuated pressure on mountain water resources." This is exactly the pattern in Colorado, where an arid climate accentuates these growing pressures.

As the authors conclude, "There is thus a complex interaction between mountains and lowlands, which needs to be recognized. This interaction should be given paramount consideration in planning the development of resources. ... In many mountain areas, natural resources are still inadequately monitored, despite their importance. ... There is therefore a great need to improve the current monitoring of mountain water."

Taken together, the hydrological significance of Colorado's mountains, the critical importance of the state's diminishing wetlands and the absence of monitoring for these vital resources in the Homestake Creek watershed the importance of opposing the Whitney Reservoir project cannot be overstated.

Statement of Need

In order to successfully counter Aurora and Colorado Springs' well-funded agenda, we will need funding for the following four key elements as detailed in the budget:

1. Scientific Research, Inventory and Assessment.
2. Legal Research and Evaluation.
3. Public Outreach and Education.
4. Project Management and Administration.

To accomplish each aspect of this project, we have identified qualified consultants with expertise in (1) relevant scientific and technical disciplines; (2) environmental, water and land-use law; and (3) public outreach and education, including communications, media and event organizing. Colorado Headwaters will manage and administer the project.

Project Description

Strategy

As suggested under Statement of Need, we are proposing a threefold approach to prevent construction of the Whitney Reservoir project. Our three key strategy elements are:

1. Sound science.
2. Local, state and U.S. laws.
3. Public outreach and education.

Scientific Research, Inventory and Assessment

Research, inventory and assessment will involve contracting with natural-resource experts who can provide a sound scientific basis for this project. Fortunately, significant work has already been accomplished thanks to the efforts of the Holy Cross Wilderness Defense Fund (HCWDF) in opposing Homestake II. Additionally, in the intervening years since the defeat of Homestake II, scientists with the Colorado Natural Heritage Program have amassed a wealth of data that can be used to demonstrate the ill-advised, short-sighted nature of projects like Whitney Reservoir. Additional information is also being developed in regard to the effects of dams and diversions on headwaters streams, wetlands and fens (see Importance of Wetlands).

Legal Research and Evaluation

Research and evaluation of relevant laws will provide the legal basis for developing strategies that can be deployed to delay and ultimately halt this latest Homestake proposal. Again, HCWDF has already laid the foundation for this aspect of our project. Legal consultation from a number of resources is already under review.

The project is governed by Eagle County 1041 regulations and building codes that will require multiple permits. The reservoir is also subject to the provisions of Colorado water law, the National Environmental Policy Act and the Wilderness Act. The project will also require approval by the U.S. Forest Service (USFS), the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (COE). All of these legal components were employed in the Homestake II conflict to delay and, ultimately, halt the project.

Public Outreach and Education

An effective public outreach campaign will inform, engage and educate citizens, influencers and government officials. An effective campaign will incorporate live events in select communities with multiple media outlets – video, television, radio, podcasts, websites and social media. Given the impending public comment period on the Homestake Partners drilling application, these efforts need to start as soon as possible.

Public outreach emphasizing the outstanding values of the Homestake Creek watershed and the Holy Cross Wilderness will target:

- Citizens residing in the Vail Valley and throughout Colorado.
- Conservation organizations at the local, state and national levels.
- West Slope water districts.

Given the current emphasis on economic value, the far-reaching issue will be addressing the economic damage of diverting water from the high-value ecological resources of wetlands, fens and headwaters watersheds. Besides the critical importance of these resources for sustainable water supplies, these resources support the outdoor recreation industry in Colorado, which is now valued at \$62 billion annually, making it one of the most important contributors to the state's economic health. Similarly, Colorado's status as the number one lifestyle state in the U.S. is built on world-class public lands high-quality water resources. The entire West Slope economy is based on the headwaters resources that support ranching communities, ski areas, municipalities, fish and wildlife populations, and recreational boating. Even residents of Front Range population centers do not support the destruction and degradation of these resources.

Project Management and Administration

Competent project management will maximize use of resources, coordinate the various project elements and ensure milestones are met. Effective administration will ensure detailed accounting and maintain accountability for allocation of funds.

Principals

Colorado Headwaters President **Jerry Mallett** has worked for over 50 years with local, national and international officials, agencies, nonprofits and citizen groups to achieve solutions to environmental, social and economic issues. As executive director of Western River Guides Association, Jerry developed and secured funding for the association's annual budget. Jerry also served as western field representative for The Wilderness Society and as development director for funding Western U.S. field representatives. He was also a founding member of American Rivers, where he served on the board of directors for 25 years.

Sally Ranney, vice president of Colorado Headwaters, is a passionate environmentalist who has played an active role in environmental issues for the past 35 years. She serves on a variety of boards, including the Climate Accountability Institute and the Bonobo Conservation Initiative. She is president and co-founder of the American Renewable Energy Institute, Women's Earth and Climate Network and Earth Restoration Alliance. She is the corporate executive officer of Stillwater Preservation, LLC, and president and founder of Rising Wolf International.

Consultants

Holy Cross Wilderness Defense Fund

Physician and epidemiologist **Warren M. Hern**, M.D., M.P.H., Ph.D., is the co-founder and Chairman of the Holy Cross Wilderness Defense Fund. He is also a professional photographer of natural history subjects. He has known the Holy Cross area intimately since the early 1950s, before construction of Homestake Reservoir and before the HCWA received federal protection. Since 1975, he has photographed the HCWA's natural ecosystem that have appeared in national and international publications such as Sierra Club calendars and Sierra Club magazine. His peer-reviewed papers concerning the impact of human activities on natural ecosystems have been published in numerous international scientific journals. Since co-founding the Holy Cross Wilderness Defense Fund in 1982, Dr. Hern has led the successful effort to defeat the construction of the proposed Homestake II project, which would have destroyed the heart of the wilderness ecosystem. His photographs of the HCWA have been widely published in articles and posters designed to build public support for protection of the wilderness and in opposition to the Homestake II project. **Jack Holmes** is professor emeritus of political science at Hope College in Holland, Mich., and vice chair of the Holy Cross Wilderness Defense Fund. He has backpacked in the Holy Cross Wilderness since 1959 and is a summer resident on Homestake Creek above Red Cliff. For many years, he taught a summer course on wilderness politics.

Save The Colorado

Gary Wockner, Ph.D., is executive director and a board member of Save The Colorado. Gary has been active in environmental protection most of his adult life. Over the past decade, Gary has spearheaded the protection and restoration of his local watershed in Fort Collins and has played an increasing role in efforts to protect the Colorado River throughout the southwestern U.S. In 2010 Gary co-founded and launched the Save The Colorado River campaign with New Belgium Brewing of Fort Collins. With financial support from New Belgium, Patagonia and Clif Bar, from 2010 to 2014, Save The Colorado was a small philanthropy that donated funds to non-profit environmental organizations throughout the Colorado River basin. Due to its success, in 2015 Save The Colorado spun off to be a free-standing 501(c)3 with the mission above. Gary is an award-winning environmental activist and writer – he has been named a “River Hero,” an “Eco-Rockstar Impacting the Planet,” and a “Renowned Environmental Leader” by environmental publications.

Colorado Natural Heritage Program

Delia Malone is an ecologist with the Colorado Natural Heritage Program for which she conducts ecological assessments of upland, wetland and stream habitats and biological surveys for rare plants and animals throughout Colorado from Dinosaur National Monument to the Flat Tops and Roan Plateau to Purgatoire Canyon. Delia was a principle author for the State of the Roaring Fork Watershed Report, and the Catalog of Stream and Riparian Habitat Quality for the Roaring Fork River and Tributaries. Delia also works as adjunct faculty at Colorado Mountain College in their Sustainability Program, where she teaches Conservation Biology and Ecology. Her avocational activities include the Colorado Chapter of the Sierra Club where she is Chair of the Wildlife Team, the Roaring Fork Chapter of The Audubon Society for which she serves as vice-chair, and the Rocky Mountain Wolf Project where she serves on the science advisory team.

EDAI, Ltd.

Rebecca Biglow formed EDAI, Ltd. in 2013 by, based in Salida, CO. Rebecca has 23 years of experience working in the field of watershed management and hydrology. Her background includes serving as a hydrologist for the Pike and San Isabel National Forests and Bureau of Land Management in Colorado and the Inyo National Forest in California, Physical Scientist for the National Park Service in Utah, Water Commissioner for the Colorado Division of Water Resources, Geomorphologist for California State Parks, and GIS Specialist for Arkansas Headwaters Recreation Area of Colorado Parks and Wildlife. She has also served on the National Interagency Burned Area Emergency Response Team as a hydrologist and geologist for numerous Type 1 wildland fire incidents since 2011. Rebecca holds a Master of Architecture degree with an emphasis in planning and a Bachelor of Science degree in geology. She enjoys hiking, mountain biking, skiing and exploring in the outdoors with friends and family in her free time. Rebecca's explorations of the mountains of Colorado are rooted in her upbringing, when she helped her father with his land surveying business, and appreciating the stories of her family, which settled in Chaffee and Pitkin counties in the early 1900s.

Stone Media

Joe Stone, owner and founder of Stone Media, has worked extensively on environmental issues for most of his career, beginning in 1990 at Oak Ridge National Laboratory where he wrote, edited and published environmental studies and reports mandated by the National Environmental Policy Act. Joe has written hundreds of environmental reports, articles and other documents, most of which address water issues in Colorado. He currently serves on the board of directors for Friends of Browns Canyon, where he manages and coordinates public outreach through events, email campaigns, social media and websites. He also reports on water issues in Central Colorado for Heart of the Rockies Radio News. He recently played a key role in building a coalition in support of managing Browns Canyon National Monument for protection of wilderness-quality lands. Joe has also represented Park County municipalities as a member of the South Platte Basin Roundtable, served on the board of directors of the Harris Park Water and Sanitation District and served as a Chaffee County planning commissioner. Joe is an avid backpacker and enjoys landscape and wildlife photography while hiking in Colorado's backcountry.