



SAVE HOMESTAKE

Decision-maker brief

Deny Whitney. Protect Homestake Valley.

The concise case for denying Whitney Reservoir and protecting Homestake Valley from new or expanded interbasin diversions.

Save Homestake opposes Whitney Reservoir, new or expanded interbasin diversions from Homestake Valley, and any change to the Holy Cross Wilderness boundary.

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Time-sensitive filing dates and adopted rule text should be confirmed against current official notices.

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Edition note: This PDF and its web edition are generated from the same public source. It presents the campaign's direct case for denial while preserving the legal, project-status, privacy, and safety precision needed for an accurate public record.

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Save Homestake opposes Whitney Reservoir and new or expanded interbasin diversions from Homestake Valley.

Every studied reservoir option would flood and destroy the core fen and wetland complex on the valley floor. Whitney's harm would extend beyond the waterline: roads, pumps, power, construction, access changes, and operations would disturb National Forest land, fragment habitat, displace recreation, and threaten cultural and wilderness values. Every permit decision must account for those project losses. We ask decision-makers to deny Whitney under the governing approval standards.

The utilities' March 2022 concept describes 6,850-20,000 acre-feet of storage, possible collection from Peterson, Fall and Resolution creeks, and pumping to existing Homestake Reservoir. Storage capacity exceeds dependable annual supply.

[\[1\]](#)

Shoshone limits Whitney's reliable yield. Its 1902 and 1929 rights precede the principal Homestake priority. Whitney's filling and refilling must be modeled under senior calls, drought, and operating agreements. [\[9\]](#)

Evidence supporting denial:

1. **Need and alternatives.** Whitney would trade an irreplaceable Western Slope valley for additional Front Range storage. The cities must show why conservation, reuse, system efficiency, durable demand limits, and no action cannot meet the same need with less harm.
2. **The entire public-land footprint.** Dams, pumps, pipelines, power, roads, construction, and operations would spread clearing, groundwater disturbance, noise, dust, and access loss beyond the shoreline. Those are Whitney impacts, not secondary details.
3. **Falling water levels and dependable supply.** Storage capacity is not dependable water. Show dry-year deliveries, minimum water levels, refill frequency, and exposed lakebed. A partially empty reservoir would leave the original fen gone while reducing habitat and recreation quality and increasing erosion and dust concerns.
4. **Wildlife evidence.** Repeated records show that the valley floor functions as habitat and a movement route. Flooding would remove that habitat; roads, lighting, and noise would fragment the surrounding movement network.
5. **Resource protection.** The fen, creek, groundwater, wildlife habitat, public access, and cultural landscape function together. Approval conditions must prevent harm before disturbance because those relationships cannot be reconstructed after they are severed.

Transplantation cannot preserve the original fen. Permanent flooding would eliminate the existing peat body and hydrologic system in place. Colorado research found peat physical properties still unrestored after 20 years. Federal mitigation rules recognize fens as difficult to replace, and Colorado Regulation 87 requires proof of need, a comparison of alternatives, and adequate mitigation. Compensation elsewhere cannot preserve the system destroyed here. [\[4\]](#)[\[5\]](#)[\[10\]](#)

Eagle County's approval is an independent legal gate. The Board of County Commissioners, not the planning commissions, is the 1041 Permit Authority. The applicant bears the burden of proving compliance with every applicable criterion. Conditions are valid only when the Board finds that they ensure compliance. If it cannot make the required compliance finding, the permit must be denied. Homestake II reinstated Eagle County's denial of a particular water-project design on wetlands and nuisance evidence even though the cities held water rights. [\[2\]\[3\]](#)

The strongest standards in force today:

- **§6.04.01(17), wetlands and riparian areas:** every studied footprint destroys the core fen. A condition cannot preserve a fen placed beneath a reservoir.
- **§6.04.01(24) and §6.04.02(3):** Eagle County benefits must outweigh local resource losses, and Whitney must be necessary to meet reasonable service-area demand.
- **§§6.04.01(11), (18), (21) and 6.04.02(1):** recreation, wildlife, nuisance, conservation, recycling, and reuse independently reinforce denial.

The September 15 proposal is not yet law. If adopted and effective, §104 would keep the Board as Permit Authority. For a permit application before the Board, §§211 and 401 would retain the applicant's burden and require denial when any Article 4 standard fails. Sections 307 and 406 would make fen hydrology and watershed health the strongest grounds; §409 would test dependable supply; §§411, 423, 429, and 434(D) would protect habitat, recreation, property use and enjoyment, and efficient water use.

The September draft removes standalone standards equivalent to current necessity §6.04.02(3), County-benefit/resource-loss §6.04.01(24), and the July draft's alternatives and least-adverse-project tests; §434(D) also drops conservation from the substantive standard. Save Homestake asks the County to restore them, name fens and fen-supporting groundwater in §406, and preserve Article 4 standards and public participation in every discretionary no-significant-impact decision and County-created ECLUR substitute process. The joint Planning Commission hearing is September 23; the Board's adoption hearing is October 27. Staff recommends keeping current Chapter VI effective until the replacement takes effect with the re-adopted ECLUR. [\[7\]\[8\]](#)

Protect public lands, wilderness, recreation, and history. Whitney is not confined to one private parcel. [\[6\]](#) Decision-makers must account for the full National Forest footprint, wilderness intrusion, Forest Road 703 and recreation access, pumps and power, noise, Ute cultural connections, 10th Mountain history, and Canada lynx habitat. Tribal consultation and biological and cultural surveys must occur before any approval.

Our requested outcome: deny Whitney Reservoir and reject new or expanded interbasin diversions from Homestake Valley. Enforceable permit standards, alternatives analysis, and the documented record support denial. Water planning should prioritize conservation, reuse, system efficiency, and durable limits while preserving this valley for our children and future generations.

References

Published sources checked September 17, 2026. Field evidence updated September 12, 2026. Public edition 2.7.

1. [Utilities' project concept](#), March 2022.
2. [Colorado Springs v. Eagle County](#), 895 P.2d 1105 (1994).
3. [Current county Chapter VI](#).
4. [33 C.F.R. §§332.1\(c\)\(3\), 332.3\(e\)\(3\)](#).
5. [Colorado Regulation 87](#).
6. [Public Law 96-560, §§102\(a\)\(5\), 110](#).
7. [County applications and hearing schedule](#).
8. [County-linked September 15 draft; July 10 draft, §§331 and 434; September 23 staff report](#).
9. [Shoshone application and closing conditions; DWR authority, slide 29](#).
10. [CMC investigation, CWCB p.4; project scientist; separate 20-year finding](#).