

**Protection for Harrington's Penstemon
(*Penstemon harringtonii*)
Sweetwater Lake Recreation Management and Development Project
Forest Service, Agriculture (USDA)
89 Federal Register 37165**

OVERVIEW

This comment has been prepared to propose that the Sweetwater Lake Recreation Management and Development Project (SLRMDP) avoid scrub habitat supporting Harrington's Penstemon (*Penstemon harringtonii*). The presence of *P. harringtonii* was observed in scrub habitat slated for recreational infrastructure development during site visits in June and July of 2024. This species is on the United States Forest Service (USFS) "Sensitive Species" list.

As presented in the *Genetic Investigation Into the Diversity and Population Structure of Penstemon harringtonii* (Harrington's Beardtongue), 2017, Nathen P. Redecker, University of Northern Colorado. "Currently, *P. harringtonii* has protection under the Bureau of Land Management (BLM) State Director's Sensitive Species List as well as the United States Forest Service (USFS) (Region 2) sensitive species list."

The White River National Forest; Colorado; Sweetwater Lake Recreation Management and Development Project, Notice of Intent (NOI) included the "NOI Sweetwater project map 050324" of proposed recreational infrastructure, prepared by the USFS and Colorado Parks and Wildlife (CPW). The recreational infrastructure depicts Areas "A" through "G", which are slated for development. A copy of this plan is included as Figure 1 in Attachment A.

The average daily use of the Sweetwater Lake area is approximately 32 people/day. This is primarily based on 7 years of USFS campground data, and a 2017 letter from the Colorado Department of Health and Safety indicating that A.J. Brinks Outfitter/Resort (tenant for 39 years) served an average of 23 people/day during their busiest 60 days. Documentation included in Attachment B.

The proposed capacity, about 250 to 370 people/day, roughly a 1000% increase over historical use, will pose a serious risk to this species if scrub habitat is not avoided by the development and human activity. The most environmentally responsible solution is to reduce the development footprint and capacity similar to historical levels in order to conserve this species and supporting habitat and wildlife (i.e. pollinators).

Pertinent information regarding *P. harringtonii* protection, threats, growth habits, and recommended survey protocol are included herein. Due to the growth habit, in that it does not bloom every year, and difficulty differentiating this species from Osterhout's beardtongue (*Penstemon osterhoutii*) without an open bloom to observe the two exerted stamens, it is recommended that the survey for this species be performed weekly during the months of June and July, on transects for 100% coverage of scrub habitat, for a duration of 3-5 years before development. If weather patterns leading up to blooming season are irregular, additional survey years may be warranted.

PROTECTIONS, THREATS, AND GROWTH HABITS OF *P. HARRINGTONII*

The *P. harringtonii* is a plant species that the United States Forest Service (USFS) has made a priority for protecting its habitat. This species has been observed within the proposed development and should be protected. Information regarding the uniqueness and literature regarding the protection of this species is included for reference.

The following are excerpts from the *Penstemon harringtonii* Penland (*Harrington's beardtongue*): *A Technical Conservation Assessment* Prepared for the USDA Forest Service, Rocky Mountain Region, Species Conservation Project June 30, 2006 Susan Spackman Panjabi and David G. Anderson Colorado Natural Heritage Program Colorado State University Fort Collins, CO.

"*Penstemon harringtonii* is not listed as threatened or endangered under the Federal Endangered Species Act (U.S.C. 1531-1536, 1538-1540) although it was at one time a Category 2 (C2) candidate for listing (O'Kane 1988, Spackman et al. 1997a), a category that is no longer recognized. Category 2 status indicated that although the species may be threatened or endangered, there was not enough information available to substantiate listing under the Endangered Species Act (Spackman et al. 1997a)."

The following excerpts are from the *Genetic Investigation into the Diversity and Population Structure of Penstemon harringtonii (Harrington's Beardtongue)*, 2017, Nathen P. Redecker, University of Northern Colorado.

"*Penstemon harringtonii* is an endemic Colorado species that is listed on Bureau of Land Management (BLM) State Director's Sensitive Species List as well as on the U.S. Forest Service sensitive species list. *Penstemon harringtonii* is encountering threats from habitat destruction and fragmentation due to oil and gas exploration, livestock grazing and recreational activities."

"Currently, *P. harringtonii* has protection under the Bureau of Land Management (BLM) State Director's Sensitive Species List as well as the United States Forest Service (USFS) (Region 2) sensitive species list."

"*Penstemon harringtonii* is a perennial that has inconsistent flowering from year to year, which is thought to be related to precipitation amounts, but without site-based weather data these conclusions are hard to validate (Panjabi and Anderson 2006)."

"Flowering occurs in June and July with fruit maturation in August and September (Penland 1958; Nielson 1998; Panjabi and Anderson 2006)."

"The following is a summarization of the primary disturbance types that are present throughout the range of the species... Other land uses include recreation such as mountain biking, off-road vehicle use, camping, and hiking which all have a limited effect on the surrounding habitat if adherence to trail signage and backcountry etiquette occurs. These recreational activities become a threat when users don't adhere to rules and regulations in place to protect important habitat and sensitive species."

"Penland (1958) indicated that *P. harringtonii* most resembled *P. osterhoutii* overall habit, but they were differentiated by anther sac shape, sagittate versus divaricate, and two exerted stamens in *P. harringtonii* and no stamen exertion in *P. osterhoutii*... Without stamen, vegetative characteristics are similar enough for field identification to be difficult and unreliable (Personal Observations; Panjabi and Anderson, 2006)."

"Endemic species are often rare by definition, with a restricted range and small population sizes, resulting in low genetic diversity and limited ability to respond to stochastic events or persistent disturbance (Schemske et al. 1994). Anthropogenic activities may result in habitat alterations which may create more or less gene flow between regions. This manipulation of gene flow patterns is a departure from the natural process therefore altering the evolutionary path of the organism by stopping or solidifying differentiation between populations of the species of concern (Crandall et al. 2000; Fraser and Bernatchez 2001; Aguilar et al. 2008). *Penstemon harringtonii* is under increased pressure from anthropogenic activities due to the compounding effects of grazing, oil and gas development, and increasing recreation activities as urban development continues, leading to habitat reductions throughout its range (Panjabi and Anderson 2006; Elliott et al. 2009; Neely et al. 2009). Land management action plans are needed for this species, that provide options to maintain genetic variability within and among populations through the consideration of connectivity and diversity within and among known populations."

"Existing Regulatory Mechanisms, Management Plans, and Conservation Strategies
USFS mandates require that activities be managed to avoid disturbances that would result in a trend toward the federal listing or loss of population viability of sensitive species, including *Penstemon harringtonii* (Johnston 2001). Potential habitat must be surveyed before activities that could affect sensitive species (Johnston 2001)."

Eagle Valley Land Trust's Mission to Protect Harrington's Penstemon (*Penstemon harringtonii*)

The following are excerpts of statements made by the Eagle Valley Land Trust (EVLTL) on their website <https://evlt.org/trust-land-harringtons-penstemon-unique-flower-calls-eagle-county-home/> indicating they are committed and passionate about conserving this species.

"Eagle Valley Land Trust conserves land for several reasons. We work to protect working agricultural lands to provide local food and fiber to our community. We also conserve open space to protect majestic views, recreation opportunities and historical significance. Additionally, we work with local partners to identify and preserve critical habitat for local plants and animals."

"Harrington's Penstemon is unique to Colorado, and specifically the Rocky Mountain region. The variety of beautiful wildflowers is one of the things that makes the Colorado Rockies so spectacular. Protecting Harrington's Penstemon means protecting plant diversity, which in turn protects bird and wildlife diversity. Native animals have devolved to depend on specific native plants for food. Each species in a natural area has an important job to do. It is important to protect native plants and animals in order to protect the character of this beautiful place."

P. HARRINGTONII OBSERVATIONS

On June 23, 2024, *P. harringtonii* was observed at two locations during a Roaring Fork Audubon Society bird watch. The blooming specimens were casually observed while walking the access road that generally borders the north side of the pastures to the north-northwest of Sweetwater Lake. Upon potential recognition, closer inspection was made confirming the specimens were *P. harringtonii*. The first observation was made within the scrub habitat on the north side of the access road in the northern portion of the area designated as "Area C – Campground". The second observation was made along the south side of the same access road northwest of the area designated as "Area G – Equestrian Area".

On June 26, 2024, a portion of the scrub habitat on the northeast side of Sweetwater Lake that is identified as area for new trails and lookout points was partially walked, but coverage of this area was limited to avoid line of sight of the active raptors' nests on the lake. The EVLT mentioned in the NEPA meeting on June 6, 2024, in Gypsum, Colorado that there was an area not being developed due to the presence of this species. This area is proposed to be developed with trails and lookout points, so it is uncertain if this is the area EVLT was referencing to since recreational trails are one of the activities that are destructive to this species. This area has suitable scrub habitat and a few basal rosettes indicative of either *P. harringtonii* or *osterhoutii* were observed. These observations were on the northwest side of the scrub habitat. Based on previous observations of *P. harringtonii*, this area was at a lower elevation where the optimal blooming period for 2024 had passed. No other areas were observed on this day due to access issues.

On a third and final day, July 1, 2024, *P. harringtonii* was observed, in bloom, in additional areas. These observations were made on transects of convenience and should not be considered to reflect the entire *P. harringtonii* population and range on the Sweetwater property. These observations included multiple specimens just off the north side of proposed Area G – Equestrian Area, the east end of Area F – Campground, and between Area F - campground and Area E – Administration. Several basal rosettes indicative of both *P. harringtonii* and *P. osterhoutii* were also observed, but blooms, stems, and fruiting bodies were not present to aid in differentiating the species. Based on general familiarity with *P. harringtonii* coupled with these observations, the optimal time for blooming specimens in the 2024 season would have been mid-June, prior to the aforementioned site visits. Additional formal surveys are warranted.

The scrub habitat in the immediate vicinity of the proposed recreation infrastructure, along with locations where *P. harringtonii* were observed have been depicted in Figure 2 (Attachment A). Photographs of *P. harringtonii* taken during the site visits are included in Figures 3 and 4 (Attachment A).

RECOMMENDATIONS

Due to the rarity and special nature of this species, and the US Forest Service (USFS), State of Colorado, and EVLT's determination and commitment to conserve this species, it is recommended that no new activities/development/alterations occur within the scrub habitat in the entire 832-acre project area. This would include no new trails, ground breaking, installation of structures, utilities, roads, road expansions, or any other activity that would alter the ground surface in the scrub habitat.

Based on the literature readily available and cited above and from those familiar with the species, the presence of this plant is most easily confirmed when it is in bloom due to the unique and distinguishing two exerted stamens. The species may not bloom every year depending weather patterns leading up to blooming season. Therefore, to more accurately identify the presence and range of this species, it is recommended that 100% surveys be conducted weekly during the months of June and July, within the scrub habitat of the portions of the park subject to alterations, development or any form of disturbance. This species may not bloom every year pending weather pattern leading up to blooming season, therefore, the surveys should be conducted annually for a duration of 3-5 years (pending optimal weather conditions leading up to blooming season) to more accurately delineate the presence of this species in the Sweetwater project area.

Note: The scrub habitat identified in Figure 2 is not comprehensive, and the observations during the site visits included herein should not be construed as a formal survey as the coverage was limited. The information herein is to provide confirmation of the presence *P. harringtonii* within and close proximity

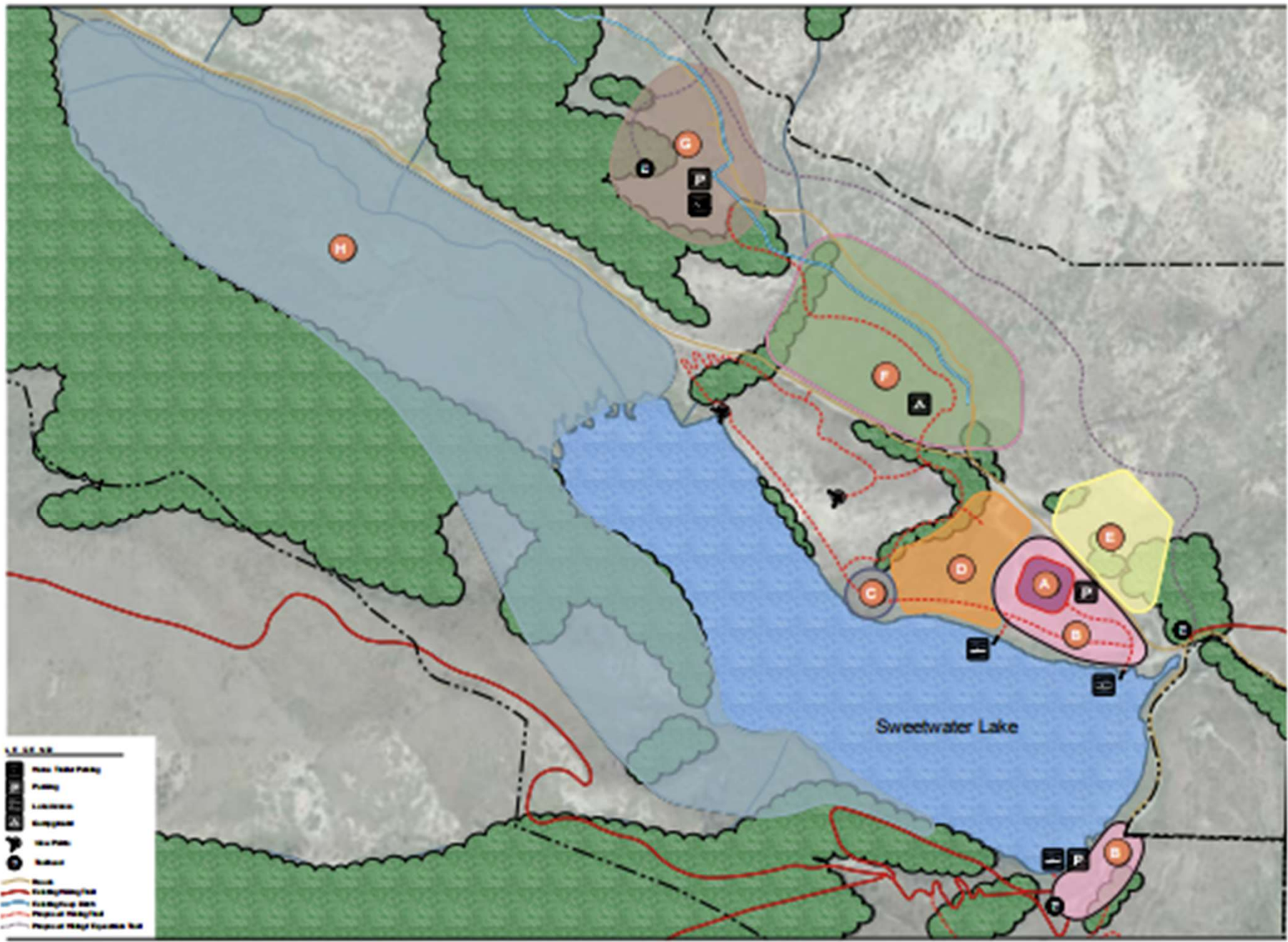
to proposed development areas, and that future formal surveys are required. It was not clear if scrub habitat is present within the southeast edge of the proposed day-use area at the southeast end of the lake. This area was not surveyed and should be included in future surveys.

Proposed impacts/development in areas where *P. harringtonii* is documented and adjacent supporting scrub habitat is in direct conflict with USFS mandates and mission. Therefore, it is recommended that the development plan be modified accordingly, and proposed capacity be decreased to historical levels to conserve this rare species.

Site visits conducted and comment prepared by:

Maria Summerlin
Retired environmental consultant
Wildlife Advocate
Concerned Citizen

ATTACHMENT A



- SITE AMENITIES**
- A**
 - Picnic Table
 - Office Space
 - Conference Room / Classroom
 - Restroom
 - Picnic Shelter
 - Concrete Seating
 - Benches
 - Interpretive Display
 - Parking
 - 25 - 30 Car Spaces
 - 2-4 Trailer Spaces
 - B**
 - Day Use Parking
 - Picnic Table
 - Picnic Shelter
 - Concrete Shelter
 - Parking (20-30 Spaces)
 - C**
 - Interpretive / Educational use
 - Picnic Table
 - Interpretive Display
 - Parking (2-4 Spaces)
 - D**
 - Cabin (2-4)
 - Day Cabin
 - Night Cabin
 - E**
 - Administrative use
 - Warehouse Building
 - Warehouse Yard
 - Employee Housing
 - Water Treatment Building
 - F**
 - Campground (2-10)
 - Trailer Campsites
 - Tent Campsites
 - Bath House
 - Compostation
 - G**
 - Expansion Area
 - Run
 - Canal
 - Picnic Table
 - Picnic Shelter Parking
 - Expansion Campsites (2-3)
 - Outdoor Parking
 - Outdoor Housing
 - Parking
 - 10-15 Car Spaces
 - 4-10 Trailer Spaces
 - H**
 - Environmentally Sensitive Area

- LEGEND**
- New Trailer Parking
 - Parking
 - Trail
 - Boundary
 - New Pole
 - Shelter
 - Road
 - Existing Utility
 - Existing Utility
 - Proposed Boundary
 - Proposed Utility Expansion

Figure 1: Plan Copied from NOI Federal Register

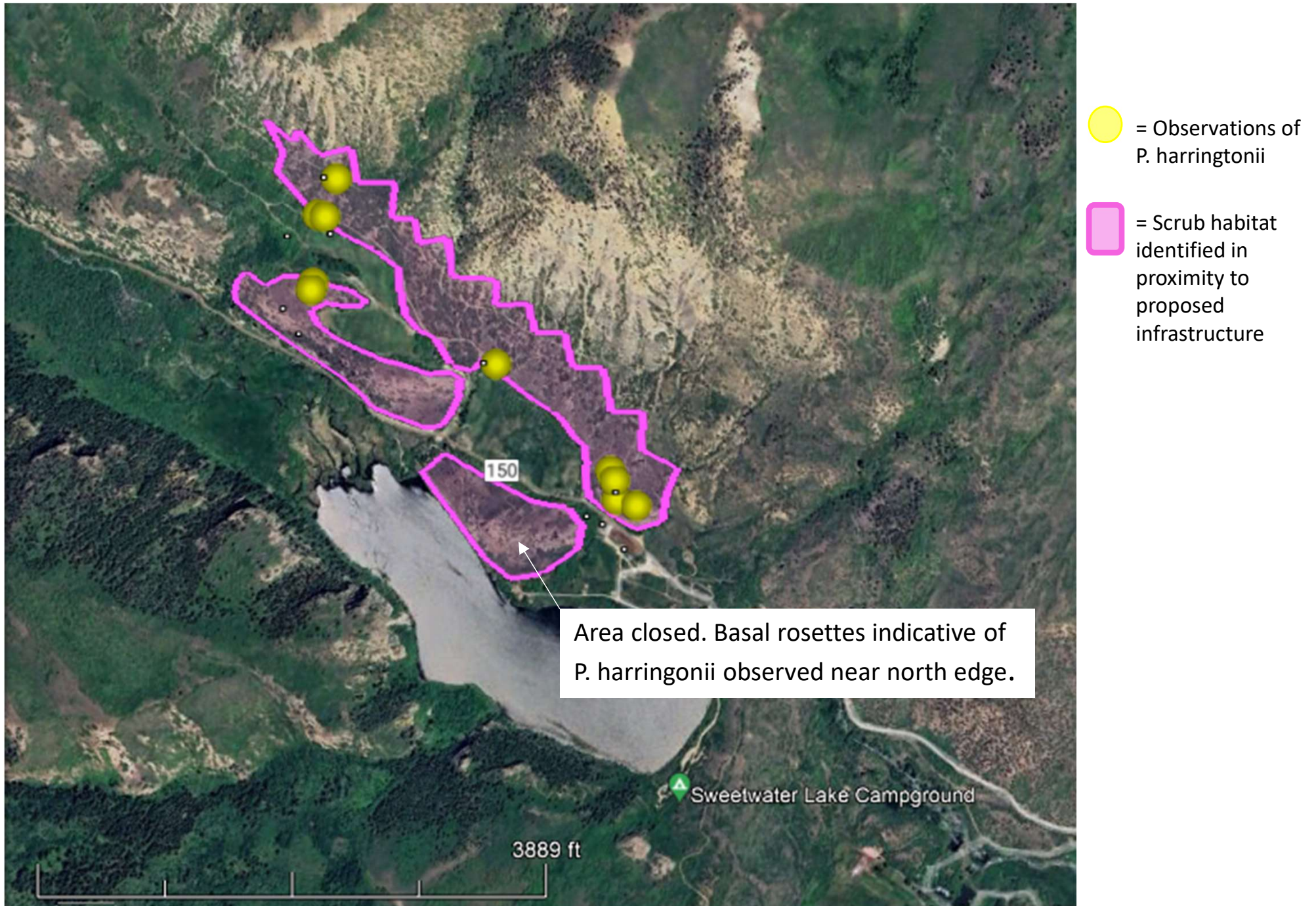


Figure 2: Scrub Habitat in Recreation Infrastructure Area and Observed *P. harringtonii* locations



Foreground is *P. harringtonii*. For privacy, people have been blacked out.



Figure 3: Photographs of Observed *P. harringtonii* (locations on Figure 2)



Figure 4: Photographs of Observed *P. harrintonii* (locations on Figure 2)

ATTACHMENT B

USFS Campground Use, Sweetwater Campground, 2016-1024

Date provided: July 17, 2024

Year	Total Nights Occupied	Total Nights Available	Occupancy Rate
2016	358	1170	31%
2017			
2018	593	1170	51%
2019	353	1170	30%
2020	387	1170	33%
2021	688	1170	59%
2022	380	1764	22%
2023	307	1764	17%



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

January 25, 2017

ADRIENNE BRINK
AJ BRINKS AT SWEETWATER RESORT - PWSID CO0223727
3406 SWEETWATER LAKE ROAD
GYPSUM, CO 81637

Reclassification to Non-Public Water System

Dear ADRIENNE BRINK:

On December 1, 2016, the Colorado Department of Public Health and Environment ("Department") notified AJ BRINKS AT SWEETWATER RESORT ("Supplier") that the Supplier's water system met the definition of a Transient, Non-Community (TNC) public water system based upon the Department's October 2, 2016 site visit, pursuant to the Colorado Primary Drinking Water Regulations ("Regulation 11"), 5 CCR 1002-11. On December 23, 2016, the Supplier submitted data from its reservation calendar. Based on the Supplier's data, the Supplier serves an average of 23 people during the Supplier's busiest 60 days. Therefore, the Supplier does not meet the definition of a Public Water System as stated in the Colorado Primary Drinking Water Regulations ("Regulation 11"), 5 CCR 1002-11.

Therefore, the Supplier is now classified as Non-Public since it has less than fifteen (15) service connections, and does not regularly serve an average of at least 25 individuals daily at least 60 days per year. **Please note that the Department must be notified if at any time the Supplier has at least fifteen (15) service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year.** The Department will follow up with the Supplier annually for population updates.

Please be advised, if the Supplier is supplying water to the public as part of its operation (such as a restaurant, child care, or school) alternate regulations for water may apply. For more information on regulations pertaining to those operations please visit colorado.gov/cdphe or contact your local health department.

If there are any questions regarding the contents of this letter and/or requirements for the Supplier, please contact Nicole Graziano by phone at 303.692.3258 or by email at nicole.graziano@state.co.us.

ec:

ADRIENNE BRINK - AC
YVONNE LONG - PUBLIC HEALTH DIRECTOR - GARFIELD COUNTY PUBLIC HEALTH AGENCY
MORGAN HILL - ENVIRONMENTAL PROTECTION SPECIALIST SAFE DRINKING WATER - GARFIELD COUNTY PUBLIC HEALTH AGENCY

File: CO0223727, GARFIELD COUNTY, TRANSIENT, NON-COMMUNITY - GROUNDWATER

