

Wilderness Workshop

August 5, 2024

Mr. Scott Fitzwilliams, Forest Supervisor

White River National Forest

900 Grand Ave.

P.O. Box 948

Glenwood Springs, CO 81601

Submitted online via: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=64047>

RE: Sweetwater Lake Recreation Management and Development Project (SLRMDP) EIS Scoping

Dear Mr. Fitzwilliams:

Please accept these comments regarding the Sweetwater Lake Recreation Management and Development Project¹ submitted on behalf of Wilderness Workshop and its members.²

This proposed project encompasses 832 acres, including 488 acres acquired by the U.S. Forest Service (USFS) in 2021, located on the White River National Forest (WRNF) on lands surrounding Sweetwater Lake in northeastern Garfield County, Colorado. The proposed action is intended to provide the public a natural resource-based recreational and educational experience at Sweetwater Lake that is reflective of the culture and history of the area while managing visitation at the appropriate scale for the long-term viability of the area and its resources.³

The USFS proposes to implement the project through two discrete actions: 1) the issuance of a Special Use Permit (SUP) for a term of 20 years to Colorado Parks and Wildlife (CPW); and 2) an amendment of the existing WRNF Land and Resource Management Plan (LRMP) through the designation of a “Special Interest Management Area.”

The Sweetwater Lake area provides access deep into the Flat Tops Wilderness Area, one of Colorado’s largest and least-trammeled designated Wilderness Areas. Developing state park amenities such as campsites and more formalized trailheads will significantly impact the area’s primitive values, which must be considered in this analysis. Prior to approving any proposed action in the Sweetwater Lake area, the Forest Service must acknowledge sensitive resources in the area and analyze potential impacts the project may have on those resources. The agency must also consider reasonable alternatives to the proposed plan. Any final plan should ensure protection of the area’s sensitive resources.

¹ Notice of intent (NOI) to prepare an Environmental Impact Statement (EIS) was published in the Federal Register on May 6, 2024. 89 Fed. Reg. 37165 et seq.

² More information on Wilderness Workshop is available at <https://wildernessworkshop.org/>.

³ 89 Fed. Reg. at 37166.

1. The purpose and need must emphasize conservation of ecological values in the Sweetwater Lake area.

Ecological values make the Sweetwater Lake area unique. Indeed, saving the lake from the impacts of development was the intent of leaders who orchestrated acquisition of the parcel in 2021.⁴ Nonetheless, as drafted, the purpose and need focuses on recreation, human experiences, and visitation and it does not explicitly state a goal of protecting the area's ecological resources.⁵

Protecting natural values in the area that make it so special should be the primary goal of this project. The USFS should revise the purpose and need to emphasize conserving the area's wildlife and ecological values. Doing so will help the agency develop reasonable alternatives that effectively protect the area and ensure the project does not degrade natural values that make Sweetwater Lake such a special addition to our National Forest System and to Colorado's park system.

2. USFS must take a hard look at potential impacts to sensitive resources.

Any analysis must include detailed information about baseline conditions, including the amount and kind of human use that currently occurs in the area. Baseline information should also include quantitative and qualitative related to existing values, and some discussion of how those existing values are trending.

Again, the protection of sensitive resources both within and adjacent to the proposed state park boundary should be included in the purpose and need of the NEPA analysis to ensure that any final decision on this proposal includes such protections. Hereafter is a summary of some of the sensitive resources likely to be impacted by the proposed action.

Rocky Mountain Wild generated reports using the [Colorado Natural Heritage Program \(CNHP\) CODEX](#) system that summarize natural resource values within the project boundary. *See* Exhibits 1 and 2 attached. The reports confirm important habitat and recent sightings for numerous rare, sensitive, and threatened wildlife species, including Bald Eagle and Lynx. The area sustains sensitive plants and wetland communities. It provides important habitat for water dependent wildlife—including Cutthroat Trout and waterfowl. Sensitive bats survive in nearby caves, and the health of cave and karst resources in the area is vulnerable to change. Additionally, there is habitat for big game, including mule deer and elk. Potential impacts to all the resources described in the attached reports must be considered and disclosed in an EIS.

⁴ *See* Jason Blevins, A plan for Sweetwater Lake takes shape, minus emphasis on calling it a state park, Colorado Sun (May 13, 2024) ("... Gov. Jared Polis stood atop a bluff overlooking Sweetwater Lake in Garfield County and announced a unique partnership between Colorado Parks and Wildlife and the Forest Service that had 'saved the lake' and created the state's 43rd state park. The 488-acre property had been owned over the previous decades by developers who envisioned a private resort, luxury homes and even a water-bottling operation."), available at <https://coloradosun.com/2024/05/13/forest-service-sweetwater-lake-plan/>.

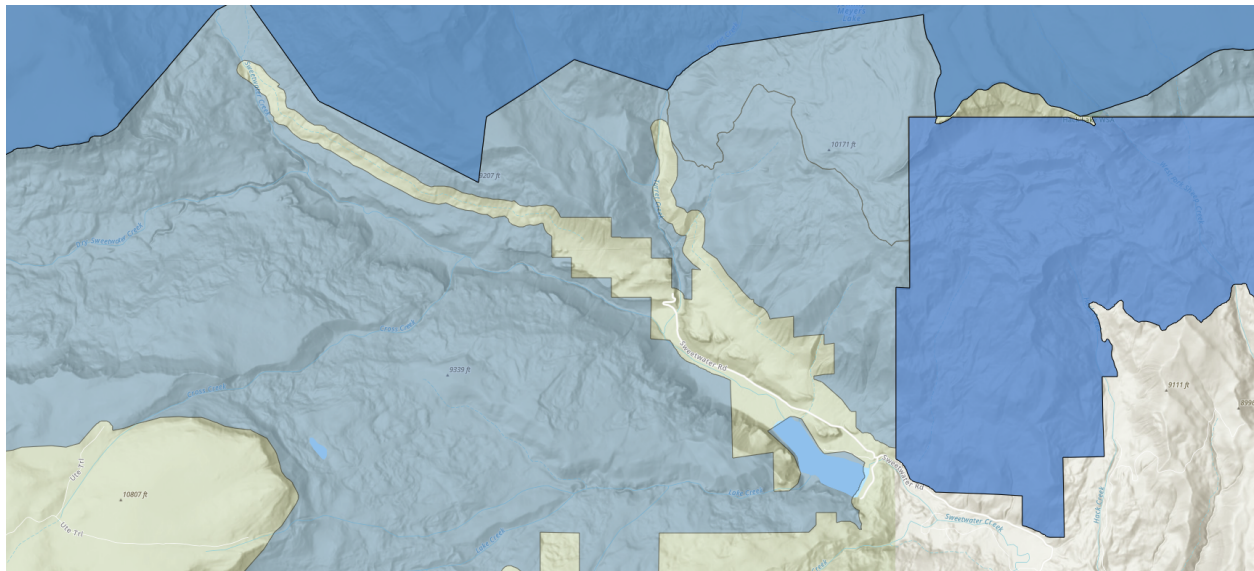
⁵ *See* 89 Fed. Reg. at 37166.

The scoping notice includes discussion of “capacity” and “appropriate scale.” USFS should define carrying capacity on a resource basis, and analyze and disclose the appropriate carrying capacity to protect sensitive resources. USFS should not assume that the proposed level of development is within the range of carrying capacity, but instead tailor any development to what it finds to be the area’s capacity.

The impacts of recreation must be disclosed and analyzed. This includes impacts from current types and levels of recreational use as well as impacts from foreseeable recreational use associated with any alternatives considered in the EIS.

Wilderness is another important natural resource likely to be affected by this proposal. Not only is the Flat Tops Wilderness Area within a mile of the proposed state park boundary (*see* Figure 1), but the project area is also very near several USFS Inventoried Roadless Areas and Bureau of Land Management (BLM) inventoried Lands with Wilderness Characteristics. Reasonably foreseeable direct and indirect impacts to wilderness and roadless values in the area must be disclosed and analyzed. Such impacts include motorized use within the project area, as well as nonmotorized use from new and improved trails and increased use that will directly impact wilderness and roadless resources.

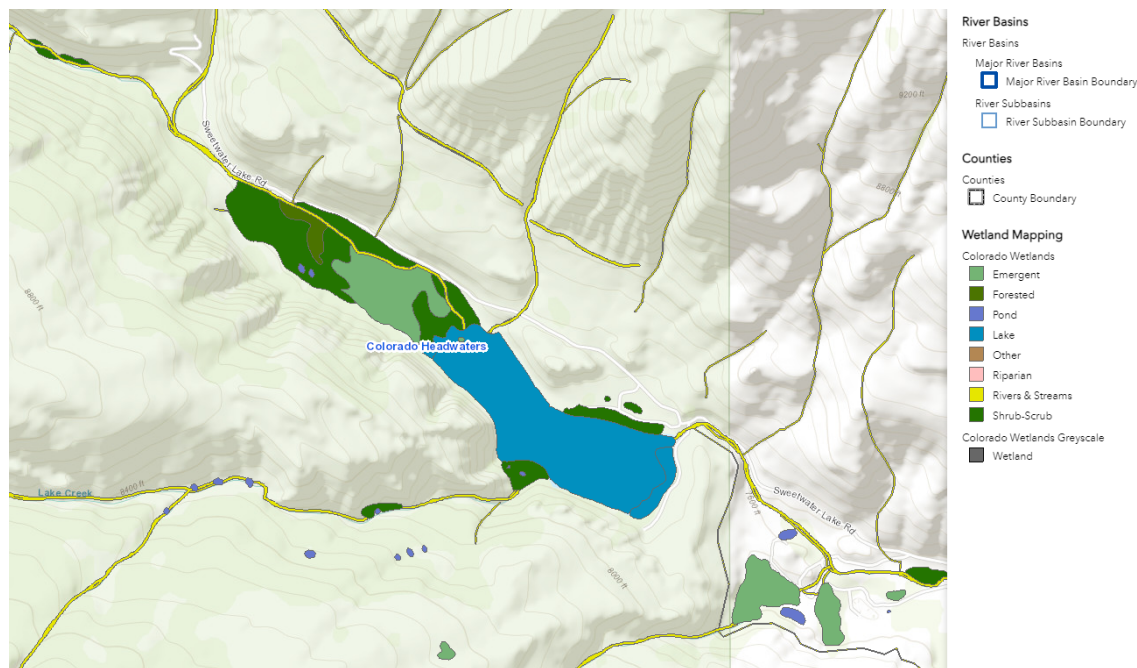
Figure 1: Wilderness resources in vicinity of Sweetwater Lake depicted in dark blue



There are also a host of wetland resources within and adjacent to the proposed state park. *See* Figure 2. Some of the new development may impact known and inventoried wetlands. While some may impact wetlands that have not been inventoried. For example, development is proposed to occur on irrigated pastures that have transformed into wetland environments and habitat. Proposed development that may affect existing wetland resources includes the new dock,

cabins, lodge, and hiking trails. These resources and potential impacts to them must be disclosed and analyzed in the EIS.

Figure 2: Wetland resources in vicinity of Sweetwater Lake



As stated above, the area provides important habitat for various bird species, including wetland birds, eagles, peregrine falcons, and many more. Potential impacts to birds must be analyzed, and mitigation measures must be considered to protect them (e.g., buffers, timing restrictions, and area closures). As with all proposed mitigation measures, the EIS must discuss and disclose their efficacy at reducing impacts.

Impacts associated with water quantity and quality should be analyzed and disclosed. This includes impacts from current and anticipated use of water for irrigation, recreation, waste disposal, and in support of any other development in the project area.

There are sensitive cave and karst resources in the project area. At least one cave has pictographs of cultural significance. Bats also roost within caves in the area. The USFS analysis must disclose existing conditions and analyze potential impacts that new management alternatives would have on these resources. Consultation with tribes is also necessary given cultural resources in local caves.

The National Forest lands surrounding Sweetwater Lake are largely managed as Management Area (MA) 5.4 and MA 5.41. MA 5.4 allows timber harvest and other forms of vegetative treatment. MA 5.41 focuses predominantly on maintaining and enhancing elk habitat. These prescriptions may be inadequate to protect the numerous sensitive values that make Sweetwater Lake such a unique spot. The USFS must disclose the potential impacts likely to result from

designating the area MA 5.4 and/or 5.41. The agency must also take a hard look at the potential impacts of managing the area under other management area prescriptions, including designating the area as a Special Interest Area under MA 3.1 (*see* Section 3 *infra*).

3. USFS must consider reasonable alternatives.

Key to achieving the stated purpose of this proposal is “managing visitation at the appropriate scale for the long-term viability of the 832 acres surrounding the lake and its resources.”⁶ To achieve this goal, the USFS must consider these reasonable alternatives.

Designate the Sweetwater Lake Ecological Special Interest Area (SIA) – This proposal was described in detail in comments submitted by Roaring Fork Audubon, Colorado Sierra Club Roaring Fork Group, and Rocky Smith.⁷ Under this proposed alternative the area would be designated as MA 3.1 under the LRMP, with the goal of conserving the area’s values. It would be withdrawn from availability for mineral entry and not suitable for timber production. Under the proposal, the SIA would be drawn to encompass an area large enough to protect the ecologically connected systems in the Sweetwater Lake area to ensure maintenance of sensitive natural values there.

Cap on usage – USFS should consider alternatives that cap the total number of people who can use the area at any given time. Caps may vary depending on type of use and season. The scoping notice explicitly mentions “capacity,” stating the goal to “Redesign the current site to promote recreational opportunities at a scale that is compatible with the capacity of the project area, its resources, and the surrounding area.”⁸ The EIS should consider alternatives that keep usage below the carrying capacity threshold.

Prohibit commercial events – The USFS should consider an alternative prohibiting commercial events that would bring lots of people into the area.

Wastewater minimization alternatives – The scoping notice acknowledges “wastewater accommodation.”⁹ The USFS should consider alternatives that avoid increased wastewater production and/or reduce the amount of wastewater produced in the project area below current levels.

Minimize new development – The USFS should consider an alternative that minimizes new development to levels below those proposed in the NOI. For example, the Forest Service should consider eliminating the 8-12 new cabins, the new lodge, other new facilities, additional access points to the Lake, and any new campsites.¹⁰ Locals have articulated concerns that building up

⁶ *Id.*

⁷ Comments available in the project record.

⁸ 89 Fed. Reg. 37165, 37166

⁹ *Id.*, at 37166 (“This new lodge building may offer small-scale food service capabilities such as a small coffee and pie shop or limited prepackaged food offerings that would align with Forest Service policies for providing food service on National Forest System lands while not necessitating an increase in wastewater accommodation.”).

¹⁰ *Id.*

infrastructure will attract more people and change the character of the area.¹¹ Considering an alternative that minimizes new development could address these community concerns.

Limited or no new surface disturbance – The NOI notes that a goal of the USFS is to “minimize impacts to wildlife and natural resources by utilizing those areas and lands that have been previously disturbed...”¹² With this goal in mind, it would be reasonable for the agency to consider alternatives that involve no new disturbance of previously undisturbed areas. Such an alternative would keep undisturbed areas as they are and concentrate all new development within envelopes that have already been disturbed.

Cave closures – The USFS should consider full closure of cave resources in the area to protect sensitive resources. Alternatively, the agency should consider mandatory permits with restricted access to control entry into the area’s caves.

Wetland closures - We support the USFS proposal to close the wetlands and the historic pasture north of the lake to human entry to preserve delicate ecologic resources. The USFS should also evaluate the need for ecosystem restoration in this area and consider restoration actions.¹³ The agency should also consider additional wetland closures that may be necessary to ensure their continued health and viability.

Closure to motorized use – To protect the area’s natural values and to protect the wilderness and roadless character of nearby lands, the USFS should consider alternatives that close Sweetwater Lake and the surrounding lands and trails to motorized uses.

Wildlife closures and timing limitations – The Sweetwater Lake area provides important habitat to wildlife ranging from deer and elk to various bird species and sensitive bats. The USFS must consider protecting these animals and the habitats they rely upon with closures and timing limitations. As with all mitigation measures, the USFS must discuss and disclose the effectiveness of these mitigation measures at reducing impacts.

4. The role of CPW and the State of Colorado must be clearly described in the EIS.

This proposed action will consider the authorization of a long-term SUP to CPW to operate and manage the site.¹⁴ It is unclear, though, whether CPW is the applicant and/or project proponent but also a referral agency for wildlife information? It is also unclear what continued role the State of Colorado will have in management? For example, would managers of the Sweetwater Lake be employees of the State of Colorado? Will those managers be charged with enforcement

¹¹ Scott Miller, Sweetwater Lake area residents opposed state park plan, allege ‘bait and switch’ in land deal, Glenwood Springs Post Independent (June 12, 2023), available at <https://www.postindependent.com/news/sweetwater-lake-area-residents-oppose-state-park-plan-allege-bait-and-switch-in-land-deal/>.

¹² 89 Fed. Reg. 37165, 37166.

¹³ *Id.*

¹⁴ *Id.*, at 37165, 37167.

of federal law and USFS regulations? It is important that the EIS disclose and clearly describe the role of CPW and the State in this process.

5. USFS must ensure new development is inclusive.

To the extent that new development occurs at Sweetwater Lake at the culmination of this EIS process, the USFS must work to ensure signs as well as educational and interpretive information are accessible to all users. This comment echoes those submitted by Defiende Nuestra Tierra, Voces Unidas, Western Colorado Alliance, and several additional independent signors highlighting the importance of bilingual information, acknowledging the USFS's leadership on this issue in other areas, and underscoring the important role bilingual information plays in ensuring that public lands are welcoming and inclusive to our entire community.¹⁵

6. USFS must ensure maps are clear, informative, and useful.

The USFS must ensure the EIS includes clear and informative maps. We found it difficult to ascertain what is being proposed for closure and what is being developed on the maps currently available. Labeling did not clearly distinguish between existing conditions and proposed development. We look forward to reviewing an EIS with clear and detailed maps depicting proposed alternatives and important resource values.

Thanks for considering these comments,

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¹⁵ Comments are available in the project record.