

EXHIBIT 6

Sweetwater Issues and Opportunities for Wildlife

Issues

Referring to the latest diagram: #20 in the diagram overlaps the Sweetwater special order human entry closure for wildlife/wetland protection (Appendix A), so there is a contradiction there. It is recommended that this area only provides an overlook of the wetland complex and does not include a boardwalk; this is to avoid wetland degradation and loss of prey (i.e., waterfowl) habitat for nesting raptors.

#1: Raptor Nests

As of April 30, 2020, there are two confirmed active raptor nests next to Sweetwater Lake: a bald eagle nest and peregrine falcon eyrie. The following standards apply, with additional measures recommended below.

WRNF LRMP Standard (Wildlife-5): "Protect known active and inactive raptor nest areas. The extent of the protection will be based on proposed management activities, human activities existing before nest establishment, species, topography, vegetation cover and other factors. A no disturbance buffer around active nest sites will be required from nest-site selection to fledging (generally March through July). Exceptions may occur when individuals are adapted to human activity."

1. Bald Eagle:

Pertinent Acts: Bald and Golden Eagle Protection Act; Migratory Bird Treaty Act

- a. **Bald Eagle-1.** If a winter roost or nest site is discovered, write a management plan to ensure that the necessary habitat components are maintained.

We'll need to write a management plan for this nest.

- b. **Bald Eagle-2.** Human activities should be prohibited within 250 yards of bald eagle winter roosting areas between November 15 and March 1. Human activities should be prohibited within 400 yards of an active nest between February 1 and August 15. *This will be a difficult one to follow with recreation activity on the lake.*

Recommendations:

- Shoreline human-entry closure (within 100 meters of shoreline) on the south side of the lake year-round (except existing trails #1855 and #2031) to allow for eagle winter roosting and nesting.
 - This has been enacted in a five-year WRNF special order (Appendix A)
- Fence the west end of the South overlook trail to limit visual disturbance to eagles from human presence.
- Only allow electric motors (5 hp or less – trawling only) – boats to reduce noise disturbance to the eagles.

- Limit aquatic recreation activity to 25 boats/SUPs/etc. on the lake at any one time to give the bald eagles space to fish.
- Fund 1-2 Sweetwater seasonal ranger(s), similar to a state park ranger, to enforce the wildlife closure, boating cap. restrictions, provide education/interp., etc.
- Coordinate with wildlife biologists(s) and CPW DWM(s) before locating long-term and permanent water-dependent facilities, such as boat ramps and marinas, so that they are away from important eagle foraging areas (USFWS Bald Eagle Guidelines).
- Adaptive Management: Add a seasonal timing restriction(s) on Trail #1855 if there is evidence of bald eagles changing winter roosting or nesting behavior in response to human disturbance.

2. Peregrine falcon (PEFA) (LRMP wildlife standard above, and PEFA specific):

- a. **WRNF LRMP Standard:** Discourage land use practices and development that adversely alter the character of peregrine falcon hunting habitat or prey base within ten (10) miles of the nest site and the immediate habitats within one (1) mile of the nesting cliff.
 - i. Peregrine Falcons hunt waterfowl. See wetland section below for recommendations to prohibit human entry into the wetland complex on the west end of the lake to allow for the prey base to persist near the nest site (also, Appendix A).
- b. **WRNF LRMP Standard:** Human activities will be restricted within one-half (½) mile of occupied peregrine falcon areas between March 15 and July 31 for nest sites, or July 1 to September 15 for hack sites. Protection distance may vary depending on local topography, potential for disturbance, and location of important habitat components.
 - See south shoreline human entry restriction in the Bald Eagle section.
 - *For both of these, establish **no climbing areas that is supported by NEPA and a subsequent supervisor's closure order** along the cliff bands in the Sweetwater area (Appendix A, Figures 1, 2).*



Figure 1. No climbing areas extend along the cliff faces.



Figure 2. 'No climbing' area continues.

Issue #2: Wetlands and riparian areas:

- Avoid willow removal and do not build new docks or trails in areas of mapped wetlands, particularly on the west end of the lake. This provides habitat for nesting birds, including peregrine falcon prey, and cover for birds and mammals. Additional disturbance will likely cause abandonment of this area.

- If willow removal is to occur, avoid removal during the breeding season to avoid bird nests if possible: May 1-August 15th. Otherwise request a biologist survey beforehand to check for nests and allow for clearing if nests are absent (Figure 3).
- Do not allow human entry in the wetland complex, starting at the mouth of the inlets and extending to the roads; consider using a buoy line to prevent access (see WRNF Sweetwater special order, Appendix A).
- The wetlands are severely impacted from livestock trampling, based on Melvin Woody's 5.6.21 toad survey in the area. Fence around the wetlands, via an enclosure, to prohibit livestock trampling of the wetlands. Prohibit livestock (including horses) in the wetland area, including the area that has been converted to upland but is surrounded by wetlands.
- **WRNF LRMP Standard (Wildlife-6):** In riparian areas, vegetation cover will be managed to provide suitable wildlife habitat along a minimum of 80 percent of the length of riparian zones within the project area. New corridor interruptions will be spaced to minimize interruptions to habitat connectivity.



Figure 3. Willow nearly abuts road, recommend keeping it intact.

Issue #3- Caves: There are several caves in the area. Three bats were observed in Sweetwater Cave this summer by members of Eagle Valley Outdoor Movement (Renata Araujo, personal conversation).

The following LRMP Standard could apply:

- **LRMP Standard (Wildlife-2).** Restrict actions within 500 feet of cave and mine bat roosts to those that will not negatively alter the vegetative and structural characteristics of roosts or impede the movement of bats. When closing mines or caves in the course of establishing resource protection, or in response to safety concerns, minimize disturbance to resident or seasonal bat or other cave-dependent species endemic to the cave or mine and maintain microclimate conditions important to those species. Where bat concentrations are located outside of caves or mines, human disturbance will be managed to protect those populations.

Additionally:

- Monitoring is needed to determine extent of bat use of this cave.
- Provide education about WNS and decontamination protocols.

Issue #4- Barrow's Goldeneye: WRNF Wildlife Biologist Kim Potter has seen Barrow's goldeneye at Sweetwater and said they use it in for staging.

- Associated LRMP standards and guidelines may apply.
- Surveys will occur this summer into the fall.

Issue #5- Ungulates (Elk, Deer, and Moose):

- Focus development on already existing disturbed areas south of C.R. 150 to minimize expansion into higher value wildlife habitat. Take into consideration winter range and spring fawning and calving periods for deer and elk. Winter range time periods are typically observed from Dec 1 – April 15, and spring fawning/calving periods are usually observed from April 1 – June 30.
- A south-facing slope predominates the landscape on the north side of County Road 150. This slope is ideal for wintering ungulates, including mule deer and elk. This area has been mapped by CPW as a mix of elk winter, severe winter, and winter concentration area. This same area is valuable spring fawning and calving area for mule deer and elk.
- Proposed features on the draft plan show equestrian camping, equestrian parking/day use, family campground, trail, Admin/Employee Area, and outfitter barn and admin site on the north side of County Road 150.

Recommendations

- Move Admin/Employee Area off of the upper bench (currently irrigated meadow) and put it adjacent to where the old barn is or within the area already impacted near the lake, south of C.R. 150. This facility, compared to all others proposed to be north of C.R. 150, has the potential to be the most disruptive to ungulates since it will be in use year-round.
- Relocate the family campground.
- Relocate the Equestrian Campground and the Equestrian Day Use/Parking.
- If relocation of the Family Campground or Equestrian facilities is not possible, initiate and enforce a closure of these areas from **December 1 – June 15.**
- Relocate the proposed trail north of County Road 150. If the trail cannot be relocated, initiate and enforce a closure of that section of the trail from **December 1 – June 15.**
- Relocate the Outfitter facilities that are proposed to be north of C.R. 150.
- Moose are commonly seen in the upper reaches of the Sweetwater drainage, including within the wetland area west of the lake. Construction of a walkway/boardwalk through the wetland area is not recommended, as this will disturb usage by moose, and they may tend to avoid the area as a result. A viewing platform at the northwest corner of the lake would be a preferred alternative. Pets should remain leashed at all times on the State Park.

WRNF LRMP Standard (Wildlife-1): Seasonal restrictions will be applied to reduce disturbance in key wildlife habitats.

- Overall: Recommend keeping the area to non-motorized uses year-round to retain the relative quiet Sweetwater Lake and the immediate vicinity provides for ungulates and other wildlife species.

Issue #6 – Black Bears

- The black bear population in and around the area of Sweetwater Lake is high. Some black bear nuisance activity has been experienced in the Sweetwater community in the last few years. Measures should be implemented to reduce attractants within the State Park.

Recommendations

- Install bear-resistant food storage containers at each campsite.
- Install bear-resistant trash receptacles throughout the park.
- Only use bear-resistant dumpsters for trash collection and ensure that trash is removed frequently by trash hauler
- Educate visitors on the importance of reducing attractants to deter bears from coming into contact with people.
- Pets must remain leashed on the property.

Issue #7 – Mountain Lions

- Mountain Lions are known to be in the area. Post educational material / signs on living with mountain lions, and keep pets leashed on the property at all times.

Opportunities:

- Interpretation:
 - a. Add a bald eagle and peregrine falcon interp. panel near the main buildings and/or the south shore overlook.
 - b. Have a wetland and wildlife viewing overlook adjacent to the two-track on the NW side of the lake (Figure 4 (included in the bubble diagram as of 11/3/2021)).



Figure 4. Location of recommended overlook (not a trail), and view of wetland complex from overlook. This location would limit disturbance and fragmentation to the wetland while allowing visitors to view this wetland complex and its wildlife. (This is an eBird hotspot due to the high bird species richness in this area).

Options for wetland overlook:

- Provide an interp. panel highlighting the importance of wetlands to wildlife, can highlight some waterfowl, such as Barrow's goldeneye, as well.
- Set up a hide in this location for people to view wildlife (they'd be pretty set back so not totally necessary).
 - a. Jen plans to set up a bat acoustic monitoring station to establish a species list for the area.
 - b. Plan to install bat box(s) in this area to provide roosting habitat.
- b. Wildlife interp. guides could give educational talks about the importance of this area to wildlife and encourage LNT principles.
- Wildlife habitat enhancement:
 - a. Prescribed fire in the surrounding landscape (Eagle Burn Blocks 2.0), particularly in aspen stands and mountain shrub communities.
 - b. In areas of contiguous sagebrush greater than five acres, there are opportunities to remove PJ via chainsaw to improve habitat for the Brewer's sparrow (e.g., Figure 5, below).
 - c. Wetlands:
 - B. Add a beaver analog to the inlets to restore the dried portion of the wetland (hypothesized to be dry due to the use of part of the wetland as a pasture) (based on conversation with Ryan Sparhawk; see hydrology report for more details).

- C. Fence the road along the wetlands to prohibit livestock grazing in the wetlands.
- Fence removal on the north side, above Sweetwater Rd.
 - **LRMP Guideline (Wildlife-1):** Structures such as fences, major highways, bridge upgrades or replacements, and canals should be designed and built taking wildlife movement into consideration.

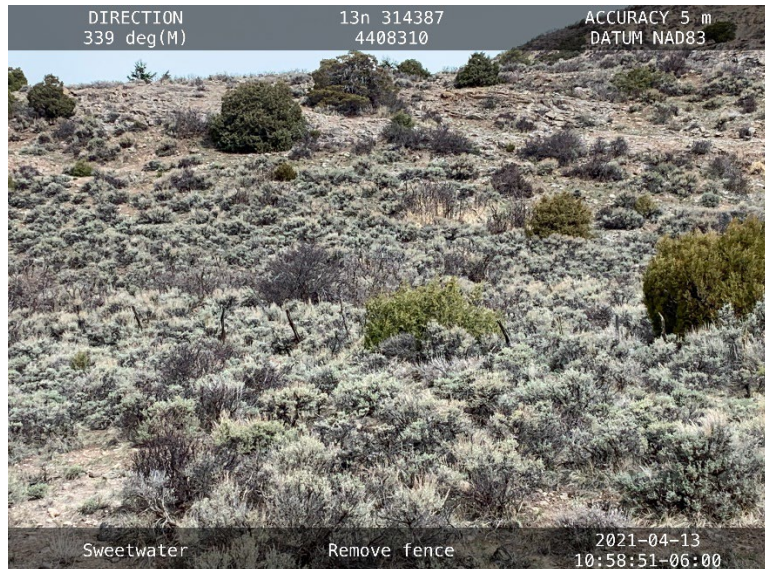


Figure 5. Potential fence removal opportunity.

- Fishing line recycling: Add a couple more PVC tubes at Sweetwater & facilitate removal with concessionaire. There is one PVC tube near the FS restroom/campsites, and it is not cleaned regularly.

Issue #8: Invasive Plants- if not addressed elsewhere, regularly treat for invasive plants to prevent the proliferation of invasive species and degradation of wildlife habitat.

Written By: Jen Prusse (Eagle-Holy Cross Wildlife Biologist, Forest Service), Dan Cacho (Division Wildlife Manager, CPW).

Reviewed by: Julie Mao, CPW Terrestrial Biologist

Literature Cited

Stalmaster, M.V., and J.L. Kaiser. 1998. Effects of recreational activity on wintering bald eagles. Wildlife Monographs 137(1-46).

USFWS 2007. National Bald Eagle Management Guidelines. US Fish and Wildlife Service. 11 June 2007. Accessed on April 28, 2021. <

<https://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf>>.

November 4, 2021

APPENDIX A

Order Number: #2021-31

FOREST ORDER
USDA FOREST SERVICE
WHITE RIVER NATIONAL FOREST
EAGLE-HOLY CROSS RANGER DISTRICT

Sweetwater Lake Area

Occupancy and Use Restrictions

Pursuant to 16 U.S.C. § 551 and 36 CFR § 261.50(a), the following acts are prohibited on the National Forest System (NFS) lands at Sweetwater Lake and vicinity in the White River National Forest, Garfield County, State of Colorado, described below and shown on the attached map incorporated into this Order as Exhibit A (the "Restricted Areas").

The Restricted Areas are located in Sections 8, 9, 16, and 17, Township 3 South, Range 87 West, 6th P.M., and include Sweetwater Lake and surrounding area in the Eagle Ranger District. The five Restricted Areas include:

- Sweetwater Lake;
- Sweetwater Lake Area, begins along the southern shore of Sweetwater Lake east to the Forest boundary, continues north through the Sweetwater Campground, ties into the north shore of the lake continuing east to the Forest boundary, north to approximately "9,000-foot contour line" and to the western edge of the Forest boundary;
- Fall Hazard Unprotected Cliff Area, bounded by Sweetwater Road 150 to the north;
- Resource Protection Area due south of Sweetwater Campground;
- Raptor Protection Area, which is bounded by Sweetwater Road 150 to the north, Sweetwater Lake and Cross Creek Trail# 1855 to the south and includes approximately 216 acres north and west of the lake. Northern boundary is Sweetwater Road 150.

The purpose of this Order is to protect natural resources, wildlife habitat, and public safety.

PROHIBITIONS

1. Entering or being in the Fall Hazard Unprotected Cliff Area, the Raptor Protection Area or Resource Protection Area. 36 CFR § 261.53(a), (e).
2. Possessing or operating a motorboat with a gas motor or an electric motor of more than 5 h.p. 36 CFR § 261.58 (n)
3. Building, maintaining, attending, or using a fire, campfire, or stove fire outside a FS metal provided fire ring in Sweetwater Campground or designated horse camping area. 36 CFR § 261.52(a)
4. Camping outside the designated campsites in Sweetwater Campground or designated horse camping area. 36 CFR § 261.58(e)

EXEMPTIONS

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from this Order:

1. Persons with a special use authorization or other Forest Service authorization specifically exempting them from the effect of this Order.
2. Any Federal, State, or Local officer or member of an organized rescue or firefighting force in the performance of an official duty.

This Order is effective 10/18/2021 and will remain in effect until December 31, 2026 or until rescinded.

Done at Glenwood Springs, Colorado this 10/18/2021.

SCOTT
FITZWILLIAMS

Digitally signed by
SCOTT FITZWILLIAMS
Date: 2021.10.18
10:02:54 -0600

SCOTT G. FITZWILLIAMS

Forest Supervisor
White River National Forest

A violation of these prohibitions is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. 16 USC § 551 and 18 USC §§ 3559, 3571, 3581.

