

KENNETH A. WRIGHT III

September 23, 2026 | Via CARA | Project No. 284162

Supplemental wildlife comment: CPW review of the Sweetwater biological evaluation

To: Brian Glaspell, Forest Supervisor, White River National Forest

Re: Sweetwater Lake Recreation Management and Development Project Draft EIS

Dear Supervisor Glaspell:

I submit this comment in my individual capacity, supplementing my wildlife comments on the proposed Sweetwater project. The Draft EIS identifies Kelly Colfer of Western Bionomics as the wildlife and aquatics consultant (Table 4-2, p. 220) and summarizes that firm's Terrestrial and Aquatic Wildlife Biological Evaluation (section 3.13.1, p. 206).

Attachment A is CPW Area 8 Manager Matt Yamashita's September 3, 2024, letter to Garfield County about a different project, Spring Valley Ranch, whose wildlife plan involved Mr. Colfer. CPW declined to sign that plan because it could not agree the plan would address the project's wildlife impacts (letter p. 1). CPW reported that the final plan retained endorsement and signature language after Mr. Colfer said those sections would be removed, and CPW stated that the language misrepresented its position (p. 2). CPW also identified a lack of raptor and migratory-bird minimization measures and concerns about elk impacts (pp. 2-3). These are CPW's findings about that separate plan; the letter does not establish misconduct or prove the Sweetwater analysis is wrong.

Why this matters to the Sweetwater decision

The prior CPW letter makes it important to distinguish a consultant's conclusions from documented CPW Wildlife and Forest Service review. At Sweetwater, explain who reviewed and approved the biological evaluation's Peregrine Falcon, other raptor, elk, mule deer, and Forest Plan Standard 9 conclusions. Identify the written comments and responses from CPW wildlife biologists, avian specialists, and Forest Service biologists, including any disagreements; state clearly if a review or concurrence does not exist. Explain how CPW's site-specific Resource Stewardship Plan recommendations and raptor guidance were evaluated and why any high-priority protections were omitted from binding project or permit measures.

Please place this comment and Attachment A in the project record, address these specific review and mitigation questions in the final EIS, and complete and disclose independent agency review before any record of decision or special use permit. Do not attribute agreement with the consultant's conclusions to CPW Wildlife without identifying the supporting record.

Sincerely,

Kenneth A. Wright III

Individual commenter

Attachment A: CPW Area 8 letter dated September 3, 2024 (four source pages, packet pp. 3-6). The source first page bears a pre-existing "Exhibit 7-8" stamp.

ATTACHMENT A

Colorado Parks and Wildlife, Area 8
September 3, 2024 letter to Garfield County
Spring Valley Ranch wildlife plan

Four source pages follow in their original order. The first source page already bears an “Exhibit 7-8” stamp from an earlier compilation; this packet uses Attachment A to avoid conflicting exhibit numbers.



COLORADO

Parks and Wildlife

Department of Natural Resources

Glenwood Springs (Area 8) Service Center
0088 Wildlife Way
Glenwood Springs, CO 81601
970.947.2920

Exhibit
7-8

9/3/2024

Garfield County Community Development Department
108 8th Street, Suite 401
Glenwood Springs, Colorado 81601

Attention: Glenn Hartmann, Director, and Philip Berry, Planner III

Re: PUAA-05-23-8967 Spring Valley Ranch PUD - Substantial Modification/Amendment

Dear Mr. Hartmann and Mr. Berry,

Colorado Parks & Wildlife (CPW) appreciates the opportunity to further comment on the Spring Valley Ranch PUD - Substantial Modification/Amendment. CPW has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors.

CPW will not be a signatory to the current Wildlife Baseline Conditions and Mitigation Plan at this time, as we cannot agree that the wildlife impacts associated with developing the Spring Valley Ranch PUD would be addressed were this plan to be implemented.

Communications Summary

CPW, Storied Living, and their representatives have communicated about the Spring Valley PUD since November 2022. CPW's February 27, 2024 comment letter submitted to Garfield County clarifies interactions between these parties during that timeframe. Since the February 27, 2024 comment letter, CPW has communicated with Kelly Colfer regarding the Wildlife Baseline Conditions and Mitigation Plan (WMP). Mr. Colfer met virtually with CPW representatives on March 8, 2024, to discuss outstanding concerns. Subsequent email exchanges occurred. On May 6, 2024, CPW provided Kelly Colfer with a technical feedback document on the WMP as submitted to CPW on April 11, 2024. This technical feedback document stated that "CPW cannot 'agree that the wildlife impacts associated with the development of the Spring Valley Ranch PUD would be addressed were this plan to be implemented.'" CPW will not be a signatory to the WMP for this development. CPW will continue to work with Garfield County to have our requests incorporated via the



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
Marie Haskett • Tai Jacober • Jack Murphy • Gabriel Otero • Murphy Robinson • James Jay Tutchton • Eden Vardy

county approval process.” On May 8, 2024, Mr. Colfer requested clarification that CPW would not sign the WMP. CPW’s stance was clearly stated in the March 8, 2024, virtual meeting and reiterated in the technical feedback document. On May 9, 2024, CPW responded via email that it was Mr. Colfer’s decision to leave the signatory line in or to remove it; CPW further clarified the decision to decline signing the WMP. Mr. Colfer replied that the endorsement and signature sections of the Report would be removed.

The final WMP was delivered to CPW as a courtesy on June 3, 2024 (about a week after the PUD was resubmitted to Garfield County, per Mr. Colfer’s estimation) with the endorsement and signature sections still present. CPW has concerns that the final WMP language stating “By its execution of this document, CPW hereby agrees that the wildlife impacts associated with the development of the Spring Valley Ranch PUD would be addressed were this plan to be implemented” misrepresents CPW’s position.

Mitigation Hierarchy Application

The Wildlife Mitigation Plan proposes a .4% transfer tax to fund wildlife habitat improvement projects. CPW urges Garfield County to require the real estate transfer fee percentage be 0.75% via a Condition of Approval or other regulatory mechanism.

CPW utilizes the mitigation hierarchy of avoid, minimize, and mitigate when analyzing land use proposals. Avoidance measures leave wildlife habitat functionally intact with no direct, indirect, or cumulative adverse impacts to wildlife resources. Minimization efforts reduce adverse impacts on wildlife resources from anthropogenic disturbance. Still, minimization efforts will not compensate for the permanent loss of wildlife habitat and the associated direct and indirect impacts to wildlife resources within, and adjacent to, the footprint of a proposal such as this. Effective mitigation would result in habitat uplift or improvement for the impacted wildlife populations at spatial and temporal scales equal to, or exceeding the proposed anthropogenic disturbances. In the immediate area, a 1:1 ratio protecting 5,908 off-site acres in perpetuity is difficult or impossible to achieve. Few neighboring landscapes offer the same acreage of quality habitat. The requirement of a meaningful real estate transfer fee will help minimize, and in some scenarios begin to mitigate, the impacts of this development. The costs associated with appropriate habitat uplift projects in the immediate area will be extremely high.

Section 6.4.1.7 of the WMP summarizes avoidance measures but does not distinguish between direct and indirect impacts on wildlife. Direct impacts occur from the conversion of habitat; indirect impacts occur from altered wildlife behavior in response to habitat conversions and changing landscape uses. Indirect impacts to elk and mule deer remain on the portions of Spring Valley Ranch that are not subject to full habitat conversion.



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu

Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • James Jay Tutchton • Eden Vardy

- The WMP should clarify that the development proposal “Avoid direct impacts to 58% of the elk production range on Spring Valley Ranch.”
- The WMP should clarify that the development proposal “Avoid direct impacts to 54% of elk winter range on Spring Valley Ranch.
- Regarding the “Avoid impacts to active raptors nests” statement: CPW did not identify any minimization measure listed in the WMP for raptors or migratory birds. Avoidance measures would include conducting annual nesting surveys before commencing construction or disturbance activities. Requiring meaningful avoidance measures to avoid impacts on raptors and migratory birds will help Spring Valley Ranch remain in compliance with the Migratory Bird Treaty Act.

Section 6.4.1.7 of the WMP summarizes the minimization measures, which includes the statement “CPW Indemnification from Wildlife Damage Claims.” This is not a minimization measure, as this does not provide any direct benefit to a wildlife population. This is a stand-alone statement that should be expanded upon elsewhere in the WMP; the context for this statement is critical and implementation will be subject to relevant state statutes.

Additional Comments & Context

In the technical feedback document provided to Spring Valley Ranch on May 6, 2024, CPW requested that the WMP prohibit the placement of pet food outside to reduce wildlife and domestic pet conflicts. This language was not incorporated. CPW also requested that the WMP acknowledge the Garfield County Comprehensive Plan, which contains big game management statements. The Garfield County Comprehensive Plan was not incorporated. The technical feedback document provided corrections to elk and mule deer statistics, which were updated; however, the current mule deer statement in section 4.2.2 erroneously references the 2021 post-hunt population estimate and buck-to-doe ratios (this should reference the 2023 post-hunt population and buck-to-doe ratios).

For a complete understanding of the wildlife resources impacted by this proposal, please review CPW’s comment letter to Garfield County dated February 27, 2024. This letter provides critical background information on the impacted wildlife resources and justification for protecting those resources (including economic value to Garfield County and the State of Colorado). In summary, the Spring Valley PUD is located within the following High Priority Habitats¹, for which CPW has sound spatial data and science-backed avoidance, minimization, and mitigation recommendations:

¹ Colorado Parks & Wildlife. (n.d.). Colorado Parks & Wildlife Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado. High Priority Habitats. https://cpw.state.co.us/Documents/Conservation-Resources/Energy-Mining/CPW_HPH-Map-Layers.pdf



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu

Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • James Jay Tutchton • Eden Vardy

- Elk winter concentration areas: Defined as that part of the winter range where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average 5 winters out of 10.
- Elk production areas: Defined as that part of the overall range of elk occupied by the females of the species from May 15 to June 15 for calving. Only known areas are mapped and this does not include all production areas for the elk Data Analysis Unit.
- Mule deer winter concentration area: Defined as that part of the winter range where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average 5 winters out of 10.

Thank you for considering CPW's comments on the Spring Valley Ranch PUD - Substantial Modification/Amendment application. Please contact the following CPW staff to discuss the content of this letter.

- Peter Boyatt, District Wildlife Manager, at peter.boyatt@state.co.us
- Matt Yamashita, Area 8 Area Wildlife Manager, at matt.yamashita@state.co.us
- Dani Neumann, NW Region Land Use Specialist, at danielle.neumann@state.co.us

Sincerely,



Matt Yamashita, Area 8 Area Wildlife Manager



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu

Marie Haskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • James Jay Tutchton • Eden Vardy