

Supplemental DEIS comment: identified, still-pending FOIA records

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

Re: Sweetwater Lake Recreation Management and Development Project and proposed Forest Plan amendment

Dear Supervisor Glaspell:

I submit this comment in my **individual capacity** on the Draft EIS and the proposed forestwide Management Area 8.22 amendment. The Forest Service identified my FOIA request numbers **2026-FS-R2-05762-F, 2026-FS-R2-05763-F, 2026-FS-R2-05875-F, 2026-FS-R2-05876-F, 2026-FS-R2-05877-F, 2026-FS-R2-06164-F, and 2026-FS-R2-06165-F** (Exhibit 1, p. 1). The same agency email lists an eighth and ninth request without confirmation numbers; I do not assign them numbers.

My August 31 controlling instructions retained ten priority lines and 51 deferred-active lines, and withdrew 21 others. On September 3, Acting Regional FOIA Coordinator Misty DeSalvo confirmed egress first and the existing top ten next (Exhibit 2, pp. 1-2). **This comment concerns only retained active lines.** Prior posting of some source reports does not answer retained requests for missing analyses, underlying data, review, or permit records. My separate September 23 CARA egress supplement details the August 30 road blockage.

The active requests bear directly on the following unresolved DEIS issues:

- 1. Safety and traffic (sections 3.8 and 3.10).** Identify the actual traffic inputs, route-closure and evacuation analyses, and first-responder consultations supporting each alternative. Explain the added visitor traffic risk to residents who must use the sole access road. Relevant active lines are in requests 05762, 05763, and 05875.
- 2. Wildlife (section 3.13).** Identify the native 2022 Raptor Alternatives materials, raptor and ungulate consultation, scientific basis for the Peregrine Falcon buffer and Standard 9 conclusions, and any agency review or dissent. Explain whether the proposed restrictions protect habitat under the anticipated visitor use. Relevant active lines are in requests 05763, 05876, and 06165.
- 3. Permit, independent review, and plan amendment (chapter 2 and appendix B).** Identify the status and terms of the earlier contemplated permit, the record of NEPA timing and USFS-CPW agreements, and Forest Service review of contractor work. Explain what binding safeguards support a 20-year permit and the proposed forestwide amendment. Relevant active lines are in requests 05877 and 06164; the separately listed ninth request seeks the federal acquisition file.

Please identify by title, date, and precise project-file or EIS location the existing materials the Forest Service considered for these conclusions, including those not yet released through FOIA. Make relevant nonprivileged source records available. If an analysis or enforceable safeguard does not exist, say so and explain how the conclusion was reached. **Do not defer a material gap to a post-decision operating plan merely because FOIA processing is incomplete.** If later-located records materially affect the analysis, disclose and evaluate them, revise the EIS as appropriate, and provide meaningful public review before deciding or issuing the permit.

Please place this comment and both original email exhibits in the project record, address these issues in the final EIS, and identify a contact for record-specific submissions after CARA closes. I will submit actual relevant FOIA records on receipt with production dates, page citations, and the specific EIS issue they bear on.

Sincerely,

Kenneth A. Wright III

Individual commenter

Exhibit 1: August 5-6 Forest Service FOIA correspondence (3 original pages). **Exhibit 2:** August 31-September 3 priority correspondence, including July 6 request (6 original pages).

KENNETH A. WRIGHT III

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

Additional substantive comment on proposed forestwide MA 8.22 amendment

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

This addendum is part of my September 23 DEIS comment and is submitted in my individual capacity. The Forest Service describes the proposed programmatic Management Area 8.22 amendment as direction for state- or locally managed developed recreation areas. It says that direction would apply to future decisions under the White River National Forest plan and to Sweetwater under Alternatives 2 and 4. Its forestwide reach warrants analysis separate from the proposed Sweetwater permit. (Forest Service CARA Project No. 284162, "Opportunity to Comment on the Project Proposal and Management Area 8.22 Forest Plan Amendment.")

Substantive concern under 36 C.F.R. Part 219

I oppose adopting MA 8.22 as forestwide direction unless the Forest Service analyzes and identifies enforceable plan requirements for: (1) safe access, emergency evacuation, and responder access before intensifying visitation; (2) protection of nesting raptors and elk and deer winter range and calving habitat; (3) visitor-use limits appropriate to those constraints; and (4) Forest Service oversight and enforcement when a state or local government manages a developed site. Without clear requirements, the amendment could enable similar development at future sites without resolving foreseeable safety and habitat conflicts. Sweetwater's single access road and the wildlife concerns identified on page 1 of my comment show why these questions are material. My pending FOIA requests seek underlying safety, wildlife, and permitting records relevant to that analysis.

Requested resolution

Identify the proposed amendment language and the analysis of these forestwide effects. Explain whether and how any safeguards would bind future management-area designations, permits, and operating plans. Adopt adequate plan-level safeguards or withdraw or narrow the proposed amendment. If records located through FOIA materially affect the amendment analysis, disclose and evaluate them and provide meaningful public review before approval. Please treat this as my substantive formal comment on the proposed plan amendment for purposes of 36 C.F.R. §§ 219.53 and 219.62, in addition to my project-level comment.

Kenneth A. Wright III

Individual commenter

Original Exhibits 1 and 2 follow, with their source pages unchanged.

EXHIBIT 1

Forest Service FOIA correspondence

August 5-6, 2026

District Ranger Leanne Veldhuis and Kenneth Wright

The original 3-page email thread follows without alteration.

RE: Sweetwater FOIAs - meeting needed for next steps

From Veldhuis, Leanne - FS, CO <leanne.veldhuis@usda.gov>

Date Thu 8/6/2026 11:59 AM

To Ken Wright <k13w@hotmail.com>

Cc DeSalvo, Misty - FS, CO <misty.desalvo@usda.gov>

 1 attachment (28 KB)

Records Request Spreadsheet for FOIA 05762 05763 05875 05876 05877 06164 06165 8th and 9th FOIA.xlsx;

Hi Mr. Wright,

Attached is the spreadsheet I put together. In addition, perhaps the following information may satisfy most of your requests:

We have responded to 2 previous Sweetwater FOIAs, one in which we sent 6,426 pages of documents in response, and the other 5,796 pages of documents in response. Misty DeSalvo may be able to provide you with those previous FOIA records and you can then determine if your FOIA requests have been met. Please let us know how you'd like to proceed.

~Leanne



Leanne Veldhuis

District Ranger

Forest Service

Eagle-Holy Cross Ranger District

White River National Forest

c: 970-471-1796

leanne.veldhuis@usda.gov

24747 US Hwy 24

Minturn, CO 81645

From: Ken Wright <k13w@hotmail.com>

Sent: Wednesday, August 5, 2026 12:21 PM

To: Veldhuis, Leanne - FS, CO <leanne.veldhuis@usda.gov>

Cc: DeSalvo, Misty - FS, CO <misty.desalvo@usda.gov>

Subject: Re: Sweetwater FOIAs - meeting needed for next steps

Please send me the spreadsheet of requests. Based on information uploaded yesterday, I can now narrow and prioritize the search.

Thanks,

Ken Wright

From: Veldhuis, Leanne - FS, CO <leanne.veldhuis@usda.gov>

Sent: Wednesday, August 5, 2026 11:55 AM

To: Ken Wright <k13w@hotmail.com>

Cc: DeSalvo, Misty - FS, CO <misty.desalvo@usda.gov>

Subject: Sweetwater FOIAs - meeting needed for next steps

Hello Mr. Wright,

We've been working on your several FOIA requests, and I'll need to schedule a call with you, myself and Misty DeSalvo our regional FOIA coordinator. We are having to make a spreadsheet to try and keep track of everything you're requesting, and it would be helpful if you prioritize what items you want first. Some records we have available, and others will likely incur fees due to the volume of government employees' time required to search for records. So, let's talk through what you're looking for.

I have posted some of the files you requested to our public Sweetwater project page at <https://www.fs.usda.gov/r02/whiteriver/projects/284162>. Under Project documents -> Draft EIS -> DEIS References. The files are listed below and they were from your first couple of FOIAs:

Garfield County 2002 Traffic Counts_ADT spreadsheet, Garfield County 2019 Traffic Count Study
Pagel, J.E. 2001. Draft Peregrine Falcon (<i>Falco peregrinus anatum</i>) Nest Site and Habitat Management Plan. Prepared for Oregon Department of Transportation, unpublished draft report. Available in the project record.
Collins, C.P. and T.D. Reynolds (2005, September 2). Ferruginous Hawk (<i>Buteo regalis</i>): a technical conservation assessment. USDA Forest Service, Rocky Mountain Region. On file at Western Bionomics, Steamboat Springs, CO.
Tetra Tech, Inc. 2024, "Roadway Assessment Report for Sweetwater Road,"
Tetra Tech, May 27, 2025, "Sweetwater Lake Park Estimated Traffic Volume" technical memoranda
Eagle County / CPW September 21, 2023 email thread regarding "Sweetwater Road Traffic Counts," including attachments, 85th-percentile speed data, raw traffic-count data, and any related safety comments.
CPW TrafX counter data cited for Sweetwater Lake, including "CPW TrafX Counters - 2023-07-18 to 2024-04-08," raw data, spreadsheets, summaries, and methodology.
Ground Engineering Consultants, Inc. 2005, "Geologic Hazard Assessment and Preliminary Geotechnical Recommendations, Proposed Sweetwater Development"
Houck, K. 2023, "Geologic Hazards at the Sweetwater Lake Property"
CPW 2023, "Geology at the Sweetwater Lake Property"
Durloo / Tetra Tech 2025, "Sweetwater Lake Water and Wastewater Demand"
CPW / DHM Design 2024 Sweetwater Lake Property Resource Stewardship Plan,
CPW 2022 "Sweetwater Lake State Park Integrated Weed Management Plan," including appendices.
ERO Resources Corporation 2024 "Trail Assessment Report Sweetwater Lake, Gypsum, Colorado,"
Newton, Tyler. 2022. 2022 Bat Acoustic Survey Report for Sweetwater Lake State Park. CPW Resource Stewardship. Unpublished report on file at the Holy Cross Ranger District Office, Minturn, CO.
Thompson, J., D. Newman, J. Prusse, and N. Goedert. 2022. "Sweetwater Lake Raptor Alternatives," unpublished PowerPoint presentation
Prusse, J. 2021. "Sweetwater Issues and Opportunities for Wildlife," unpublished report

White River National Forest Soil Survey / Soil Stability GIS shapefiles or layers cited for the project, including metadata.

Any GIS files, traffic models, spreadsheets, road-capacity calculations, evacuation assumptions, visitor-capacity calculations, parking-demand calculations, or supporting data used in the Draft EIS or technical reports.

Beyond this list, Misty and I are looking to meet with you for next steps. We are available at the following dates/times, I can set up a 30-45 minute Microsoft Teams meeting:

August 10, 11-12pm, or 2-3pm

August 11, between 10-12pm or 2-4pm

August 13, 9-12pm or 1-4pm

August 18, 9-12pm

August 19, 10-11am

Let me know if you need me to suggest later dates. Thank you!

~Leanne



Leanne Veldhuis
District Ranger

Forest Service

Eagle-Holy Cross Ranger District

White River National Forest

c: 970-471-1796

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EXHIBIT 2

FOIA priority instructions and confirmation

August 31-September 3, 2026

Kenneth Wright and Acting Regional FOIA Coordinator Misty DeSalvo

The original 6-page email thread follows without alteration.

RE: Sweetwater FOIA Priorities — Controlling Production Order

From DeSalvo, Misty - FS, CO <misty.desalvo@usda.gov>

Date Thu 9/3/2026 10:54 AM

To Ken Wright <k13w@hotmail.com>

Cc Glaspell, Brian - FS, CO <Brian.Glaspell@usda.gov>; Veldhuis, Leanne - FS, CO <leanne.veldhuis@usda.gov>

Mr. Wright –

Good morning! Just wanted to confirm receipt of this email. We will provide the below documents as quickly as possible, and then continue with the top 10 “priority” list.

I hope you have a nice holiday weekend.



Misty DeSalvo
Acting Regional FOIA Coordinator
Forest Service
Rocky Mountain Regional Office, Strategic Planning

misty.desalvo@usda.gov

1617 Cole Boulevard, Building 17
Lakewood, CO 80401

From: Ken Wright <k13w@hotmail.com>

Sent: Monday, August 31, 2026 2:30 PM

To: DeSalvo, Misty - FS, CO <misty.desalvo@usda.gov>

Cc: Glaspell, Brian - FS, CO <Brian.Glaspell@usda.gov>; Veldhuis, Leanne - FS, CO <leanne.veldhuis@usda.gov>

Subject: RE: Sweetwater FOIA Priorities — Controlling Production Order

Misty,

Thank you. To be clear, I am not reopening withdrawn items, expanding the requests, or replacing the controlling spreadsheet with a new list.

The spreadsheet remains controlling for every active request. The top ten were intentionally selected across the full set of active FOIAs, rather than from the July 6 roads-and-egress request alone. The fact that none of those ten happened to originate in FOIA 2026-FS-R2-05762-F does not mean that the July 6 request was withdrawn, satisfied, or excluded from processing.

Given the August 30 closures of both Colorado River Road and Sweetwater Road, I am directing one narrow change in production order:

First production priority: the existing emergency-egress portion of FOIA 2026-FS-R2-05762-F, specifically:

1. Any existing Emergency Response and Evacuation Plan, draft plan, outline, scope of work, road-closure assumption, visitor-notification protocol, helicopter landing-zone analysis, or evacuation-route analysis for the Sweetwater Lake project;
2. Final or draft records reflecting consultation with sheriffs, fire districts, EMS, emergency management, county road officials, or other first responders concerning wildfire, evacuation, ingress/egress, Sweetwater Road, Colorado River Road, flooding, landslides, debris flows, or emergency response; and
3. If no such plan, analysis, scope, or consultation record exists, a written statement confirming that no responsive records were located.

This is not a request for a new general correspondence search. Please search and produce the readily identifiable final or draft planning, analysis, and consultation records described above on a rolling basis.

After that narrow first production, please proceed with the existing ten priority lines in the exact rank order shown in the controlling spreadsheet. The 51 lines marked “DEFERRED — ACTIVE” remain pending under their original FOIA numbers and receipt dates, but should not be searched or reviewed until the first-production egress records and the existing top ten have been addressed. The 21 lines marked “WITHDRAWN — CLOSE” remain withdrawn.

This is a stable instruction intended to reduce, not increase, the Forest Service’s burden while ensuring that the urgent life-safety portion of the July 6 request is not lost among already-public source reports.

Please confirm that this production order will be followed and provide the expected date of the first rolling production.

Thank you,

Ken Wright

From: DeSalvo, Misty - FS, CO <misty.desalvo@usda.gov>

Sent: Monday, August 31, 2026 2:12 PM

To: Ken Wright <k13w@hotmail.com>

Cc: Glaspell, Brian - FS, CO <Brian.Glaspell@usda.gov>; Veldhuis, Leanne - FS, CO <leanne.veldhuis@usda.gov>

Subject: RE: [External Email]Fw: FOIA Request — Sweetwater Lake Recreation Management and Development Project, Project #284162 / PALS #64047

Mr. Wright –

I received your clarifying email and controlling FOIA spreadsheet. Given that none of the documents that were in your top 10 were on the FOIA request you provided below that we originally gave tracking number 2026-FS-R2-05762-F – are you now moving those documents above your “priority list” given the circumstances? It is very difficult to focus on getting the tasks completed when the tasks continual change. Please let us know what you would like us to focus our efforts on first . . . especially considering this document production is just one of many tasks that our record custodians are currently trying to tackle, including a VERY active fire season.

Thank you.



Misty DeSalvo
Acting Regional FOIA Coordinator

Forest Service

Rocky Mountain Regional Office, Strategic Planning

misty.desalvo@usda.gov

1617 Cole Boulevard, Building 17
Lakewood, CO 80401

From: Ken Wright <k13w@hotmail.com>
Sent: Monday, August 31, 2026 1:58 PM
To: DeSalvo, Misty - FS, CO <misty.desalvo@usda.gov>
Subject: [External Email]Fw: FOIA Request — Sweetwater Lake Recreation Management and Development Project, Project #284162 / PALS #64047

[External Email]

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Misty,

In light of yesterday's mudslides that completely closed both Colorado River Road and Sweetwater Road in at least five locations, please prioritize the highlighted request below dating back to July 6, 2026.

Please also acknowledge receipt of the otherwise clarifying and controlling FOIA spreadsheet that I sent over a week ago and advise as to when I may expect responsive records on a rolling basis.

Thanks,

Ken Wright

From: Ken Wright <k13w@hotmail.com>

Sent: Monday, July 6, 2026 12:00 PM

To: FS-R2 RO e-FOIA <sm.fs.r2foia@usda.gov>

Subject: FOIA Request — Sweetwater Lake Recreation Management and Development Project, Project #284162 / PALS #64047

Dear Forest Service FOIA Officer,

This is a request under the Freedom of Information Act for records concerning the Sweetwater Lake Recreation Management and Development Project, Project #284162 / PALS #64047, White River National Forest, Eagle-Holy Cross Ranger District.

I request all records from January 1, 2021 to the present concerning wildfire risk, emergency response, evacuation, ingress/egress, Sweetwater Road, Colorado River Road, road capacity, construction traffic, public safety, flooding, landslides, debris flows, geologic hazards, water/wastewater demand, fire-protection water supply, and visitor-capacity assumptions for the Sweetwater Lake project.

This request includes, but is not limited to, the following records:

1. Tetra Tech, Inc. 2024, "Roadway Assessment Report for Sweetwater Road," including appendices, maps, photographs, turning templates, road-geometry analysis, sight-distance analysis, vehicle-length recommendations, and agency comments.
2. Tetra Tech, May 27, 2025, "Sweetwater Lake Park Estimated Traffic Volume" technical memoranda for Eagle County and Garfield County, including spreadsheets, assumptions, calculations, and county review comments.
3. Any Emergency Response and Evacuation Plan, draft plan, outline, scope of work, meeting notes, emails, agency comments, sheriff/fire/EMS consultation, helicopter landing-zone analysis, visitor-notification protocols, road-closure assumptions, or evacuation-route analysis.
4. Records concerning the 2025 Derby Fire as it relates to Sweetwater Lake, Sweetwater Road, Colorado River Road, evacuation, road closures, emergency response, wildfire risk, or visitor/resident safety.
5. Eagle County / CPW September 21, 2023 email thread regarding "Sweetwater Road Traffic Counts," including attachments and 85th-percentile speed data.

6. CPW TrafX counter data, AJB / Adrienne Brink Outfitters road-use and site-capacity data, Garfield County traffic-count data, and any spreadsheets or calculations used to estimate baseline, average daily, peak-day, or construction-related traffic.
7. Ground Engineering Consultants, Inc. 2005 "Geologic Hazard Assessment and Preliminary Geotechnical Recommendations, Proposed Sweetwater Development."
8. Houck, K. 2023 "Geologic Hazards at the Sweetwater Lake Property."
9. CPW 2023 "Geology at the Sweetwater Lake Property."
10. White River National Forest soil stability GIS layers, shapefiles, and metadata used for the project.
11. Durloo / Tetra Tech 2025 "Sweetwater Lake Water and Wastewater Demand."
12. Any Annual Operating Plan, draft Annual Operating Plan, fire/fuels plan, defensible-space plan, fire-suppression tank design, fire-water supply analysis, vegetation-clearing plan, or communications with fire authorities.
13. CPW / DHM Design 2024 Sweetwater Lake Property Resource Stewardship Plan and CPW 2022 "Sweetwater Lake State Park Integrated Weed Management Plan."
14. ERO Resources Corporation 2024 "Trail Assessment Report Sweetwater Lake, Gypsum, Colorado."
15. Communications, comments, meeting notes, attachments, or technical review materials from Garfield County, Eagle County, Town of Gypsum, Colorado Parks and Wildlife, sheriff offices, fire districts, EMS, emergency management, county road officials, or cooperating agencies concerning the above topics.

Please provide the records in electronic format by email, download link, or other digital transfer. Please include native electronic files, spreadsheets, GIS files, maps, attachments, and metadata where available.

I request a waiver of all fees because disclosure is in the public interest. The records concern a pending federal NEPA process, public-land management, wildfire safety, emergency evacuation, road access, natural hazards, and public recreation development at Sweetwater Lake. Disclosure will contribute significantly to public understanding of Forest Service operations and decision-making and is not primarily in my commercial interest.

If you deny the fee-waiver request, please notify me before incurring fees over \$5. If any records are withheld or redacted, please identify the records withheld, state the FOIA exemption claimed, and release all reasonably segregable non-exempt portions.

Please provide a tracking number for this request.

Sincerely,

Ken Wright

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