

CPW's Sweetwater Lake Plan vs. the DEIS Proposed Action

CPW's site-specific *Sweetwater Lake Property Resource Stewardship Plan (PLAN)* was only published in the DEIS References folder Aug. 4 pursuant to FOIA request 2026-FS-R2-05763-F. [PLAN](#) | [project-record folder](#).

Why this PLAN carries weight. CPW park stewardship plans are site-specific, expert-driven resource-management documents, not generic templates. CPW's process combines a Baseline Resource Assessment, a Stewardship Plan, and GIS; assembles field data across wildlife, water, wetlands, soils, geology, vegetation, and cultural resources; identifies current and desired conditions; and produces prioritized management recommendations. The Sweetwater Plan therefore integrates CPW's biological, ecological, and park-management expertise to protect natural assets while supporting public use. [PLAN pp. 20-22](#).

The central departure: CPW's PLAN classifies the raptor and ungulate closures below as high priority. A full-text check of all 292 DEIS pages found no citation to CPW's 2020 raptor protections by title, and the Proposed Action's Resource Protection Measures (RPMs) do not implement the PLAN's named places, seasons, and complete lake protections.

One consultant signed the DEIS wildlife evaluation; the agency concurrence is missing. The published record contains no signed CPW or USFS Wildlife or avian-specialist concurrence with Kelly Colfer's DEIS *Terrestrial and Aquatic Wildlife Evaluation*.

Raptor protections: location and season matter

Species	Published CPW Protection	DEIS Proposed Action / documented gap
PEREGRINE FALCON Confirmed breeding; young fledged each monitored year since 2022. The PLAN reports the eagle and falcon nests about 200 meters apart (PLAN p. 50; DEIS pp. 208-09).	PLAN - HIGH PRIORITY “Follow management recommendations in the CPW Recommended Buffer Zones and seasonal Restrictions for Colorado Raptors 2020 document.” PLAN p. 212. - CPW's 2020 protection guideline applies a 1/2-mile (880 yards) no surface occupancy and human encroachment buffer Mar. 15-Jul. 31. CPW 2020 guidance. - Restrict the western lake Dec. 1-Jul. 31 while nests are active; close South Overlook, South Shore #1855, North Overlook, and North Shoreline for the same season; keep the western wetland closed year-round. PLAN pp. 212-13.	Never references CPW's 2020 raptor protections. The Proposed Action therefore never explains why it substitutes different distances, dates, and places. No seasonal closure maps were provided. - RPM-WLD-8 (combined falcon & eagle) allows lake use outside 400 yards and starts protection Feb. 1 through Aug. 15 (DEIS A-17), which is less than half the PLAN's recommendation of 880 yards. The DEIS admits a prey impact: “increased usage of the Lake by watercraft may decrease waterfowl abundance and thus peregrine prey availability” (DEIS p. 214). - DEIS p. 214 discusses disturbance from construction of only Campground and Equestrian on the opposing north-side terrain, plus Keep Ditch Trailhead; it does not separately analyze the six closest proposed zones beginning ~270 yards away from the nest cliff: Lodge, North Day Use, South Day Use, Administrative, Cabin, and Interpretive/Education. Also omitted were the North Overlook and fishing piers. - RPM-WLD-12 only bars initiating work within 1/2 mile during Mar. 15-Jul. 31; work begun before nesting season may continue (DEIS A-18). - DEIS p.214 discusses breeding impacts during “the year” of construction. However, construction is proposed in four phases over 10 years (2027-2037) p.154, 219.
BALD EAGLE Breeding documented since at least 2010. CPW maps winter range/concentrati on here; the western wetlands are essential hunting habitat (PLAN pp. 40, 50; DEIS p. 208).	PLAN - HIGH PRIORITY - CPW's 2020 protection guideline uses a 1/4-mile (440 yards) no surface occupancy buffer and 1/2-mile (880 yards) no human encroachment buffer Dec. 1-Jul. 31. CPW 2020 guidance. - Restrict the western lake Dec. 1-Jul. 31 while nests are active; close South Overlook, South Shore #1855, North Overlook, and North Shoreline for the same season; keep the western wetland closed year-round. PLAN pp. 212-13. - The PLAN says these North areas are within recommended buffers and in the “line-of-sight of raptor nests” (PLAN p. 212).	Never references CPW's 2020 raptor protections. The Proposed Action therefore never explains why it substitutes different distances, dates, and places. No seasonal closure maps were provided. - RPM-WLD-8 allows lake use outside 400 yards and starts protection Feb. 1 through Aug. 15, omitting December and January (DEIS A-17) and short of the 880 yard PLAN recommendation. - RPM-WLD-10 closes only the Nature Overlook Trail, not the PLAN's named North Overlook route, or Trail 1855, and also starts Feb. 1 (DEIS A-18). - RPM-WLD-11 promises a future Bald Eagle Management Plan, but the DEIS does not publish it (DEIS A-18). - RPM-WLD-9 allows human activity in vicinity of winter roost and nest along trail 1855. Seasonal closures will apply only after disturbance is documented. Allowing disturbance violates the Bald and Golden Eagle Protection Act of 1940.

Sources: [2024 CPW/DHM Stewardship Plan](#) (pp. 40, 50, 212-13) | [DEIS](#) (pp. 208-14; A-17-A-18) | [CPW 2020 raptor guidance](#) | [CPW Commission presentation](#) (Jan. 2023, slide 3)

Elk and Mule Deer: the Proposed Action occupies the mapped habitat

Species	Published CPW Protection	DEIS Proposed Action / documented gap
ELK CPW's Figure 4 maps severe winter range and an ungulate calving area across the south-facing slope north of County Road 150; observers documented migration and calving there (PLAN pp. 47-49).	PLAN - HIGH PRIORITY - The PLAN identifies the north-side slope as ideal winter habitat and valuable spring calving/fawning habitat. PLAN pp. 47-49. - Where facilities or trails are nearby, "initiate and enforce" a Dec. 1-Jun. 15 closure or consult the District Wildlife Manager if conditions require adjustment (PLAN p. 213). - Use wildlife-safe fencing and access management to protect habitat while directing recreation (PLAN pp. 13, 213).	- Alternative 2 places a 9-acre Administrative Zone, 24-acre Campground Zone in Nursery Pasture, 14-acre Equestrian Zone in Second Pasture, and a new road through both pastures (DEIS pp. 19, 22, 27). - The DEIS acknowledges localized winter impacts and reduced habitat effectiveness (DEIS p. 213). - RPM-WLD-17 closes only Keep Ditch Trail and only Dec. 1-Apr. 15 - two months short of the PLAN's June 15 site-specific season (DEIS A-18). - The Administrative Zone will be open year-round despite the PLAN's recommended seasonal closure (DEIS p20). - The Campground Zone and Equestrian Zones will be closed in undefined "winter months" while apparently reopening prior to the PLAN's recommended June 15 date (DEIS p20-22).
MULE DEER The same north-side slope is mapped as an ungulate calving area; local staff and wildlife biologists documented migration and fawning there (PLAN pp. 47-49).	PLAN - HIGH PRIORITY - Protect the north-side wintering and calving/fawning habitat and impose the Dec. 1-Jun. 15 closure when facilities or trails are nearby. PLAN p. 213. - Use wildlife-safe fencing for access management (PLAN pp. 13, 213). - CPW land-use guidance identifies avoidance as the best protection from trail fragmentation in high-value habitat. CPW land-use guidance.	- The Campground Zone replaces Nursery Pasture; the Equestrian Zone occupies Second Pasture; the road crosses both; and irrigation would cease on parts of those pastures, contributing to 17 acres converted to other uses (DEIS pp. 19, 22, 24, 27). - The Proposed Action does not adopt the PLAN's full Dec. 1-Jun. 15 site-specific protection for this mapped habitat. - The DEIS itself says Alternative 3 would preserve the Nursery and Second Pasture calving habitat and maintain habitat effectiveness near current conditions (DEIS p. 216).

Why Colfer's lone signature requires independent CPW review

- Sweetwater's published biological evaluation is signed only by Kelly Colfer / Western Bionomics.** The Forest Service reviewer and approver lines are blank, and the public record contains no signed CPW Wildlife concurrence.
- CPW formally rebuked a separate Colfer wildlife plan at Spring Valley Ranch on 9/3/24.** CPW refused to sign, said retained execution language "misrepresents CPW's position," and reported that it found no minimization measure for raptors or migratory birds (Garfield County record pp. 390-91). [Spring Valley record](#).
- CPW also found the Spring Valley big-game analysis insufficient.** Its letter said undeveloped reserves were not mitigation, indirect and cumulative effects were omitted, and proposed Elk/Mule Deer measures did not align with CPW recommendations, including a shortened winter closure (record pp. 396-99).
- That separate dispute does not prove the Sweetwater analysis wrong.** It does show why—where the same raptor and ungulate protection categories are disputed—CPW oversight should require a signed, project-specific Wildlife review.

Sources: [2024 Stewardship Plan](#) | [official DEIS/project page](#) | [public project record](#) | [CPW scoping comment](#) | [CPW land-use guidance](#)

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