



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

August 12, 2016

Mr. Kent Holsinger
Holsinger Law, LLC
1800 Glenarm Place, Suite 500
Denver, CO 80202

Re: Van Valkenburg Cattle Co., LLC; Van Valkenburg Quarry; File No. M-2016-033; Construction Materials Limited Impact Operation (110) Reclamation Permit Application Second Adequacy Review

Mr. Holsinger:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Van Valkenburg Cattle Co., LLC permit application for the Van Valkenburg Quarry, File No. M-2016-033 and submits the following comments. The Division is required to make an approval or denial decision no later than August 20, 2016 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

1.6 - Public Notice

1. The Division received comments from Colorado Parks and Wildlife. The letter is attached for review. Please address the comments noted in the letter and make any changes to the application as necessary.

Please be advised the Van Valkenburg Quarry application may be deemed inadequate, and the application may be denied on August 20, 2016, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division.

If you have any questions, please do not hesitate to contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,

Peter S. Hays
Environmental Protection Specialist

Enclosures – Colorado Park and Wildlife comment letter

Ec: Wally Erickson; Division of Reclamation, Mining & Safety





COLORADO

Parks and Wildlife

Department of Natural Resources

Steamboat Springs Area Office
PO Box 775777
Steamboat Springs, CO 80477

RECEIVED

AUG 09 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

August 5, 2016

Peter S. Hays
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman St. Room 215
Denver, CO 80203

Dear Mr. Hays,

Thank you for the opportunity to provide input into the development of the Van Valkenburg Quarry, File No. M-2016-033, located in the NE4NE4 section 11, T5N, R81W.

Colorado Parks and Wildlife 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. One way we fulfill this mission is to provide recommendations for land use applications such as this one.

District Wildlife Manager, Josh Dille, has reviewed the project proposal and is familiar with the area. He has provided the following comments. The construction of the proposed gravel pit will impact approximately 9.6 acres of mixed conifer/aspen habitat, dominated by a rock outcrop, and displace wildlife from the site for the period of development. However, sufficient habitat exists adjacent to the proposed site to support the wildlife displaced by the gravel pit operation. An access road already exists to the gravel pit site from Jackson County Road 53; therefore, no additional habitat fragmentation will occur by creating a new access road.

The area provides habitat to many species of wildlife including, small mammals, bear, mountain lion, songbirds, and a variety of raptors. This area also serves as significant habitat for three economically important species of wildlife which include: moose (overall range), elk (overall range and production area), and mule deer (summer range). These species depend on the mixed conifer and aspen ecosystem during various seasons of the year.

If the site is to be fenced, please consider a fence that would allow wildlife to pass through easily, while keeping domestic livestock out of the area of operation. A four wire fence would be sufficient. A fence that would accomplish these tasks would consist of a smooth top and bottom wire with wire spacing (from top to bottom) of 42 inches, 30 inches, 23 inches, and 16 inches. The two middle wires could be barbed. In addition to these suggestions, it is recommended that the top wire is constructed of a highly visible, coated wire. This allows for better visibility when animals jump the fence, and when birds are in flight.

Noxious weeds are a threat to native wildlife habitats. Please consider the control of any noxious weeds that may invade the disturbed site. This would protect the habitat around the



gravel pit site as well as reduce the possibility of spreading invasive weed seed to other areas of Jackson County through the process of transporting materials from the pit.

Successful reclamation with native vegetation would return the area to useable wildlife habitat at the completion of gravel development.

Based upon site observations and current wildlife habitat data, Colorado Parks and Wildlife does not anticipate any significant impacts to wildlife on this gravel pit site, nor does it find any threatened or endangered species which would be affected by this gravel pit construction.

CPW appreciates the opportunity to review the DMRS File No. M-2016-033 mine development proposal and the DRMS's interest and support for protection of Colorado's wildlife and their habitats.

Please let me know if you have any questions or would like clarification on our comments and recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Middledorf".

Kris Middledorf, Area Wildlife Manager

Cc: Ron Velarde, Northwest Regional Manager
Josh Dilley, District Wildlife Manager
Michael Warren, NW Regional Energy Liaison
Taylor Elm, Land Use Specialist
File