



STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

CPW Comments: Tucson South Resource, Permit No. M-2004-044-AM01

Chick - DNR, Crystal <crystal.chick@state.co.us>

Tue, Jan 15, 2019 at 12:55 PM

To: Jared Ebert - DNR <jared.ebert@state.co.us>

Cc: "Federico - DNR, Margo" <margo.federico@state.co.us>, Tom Kroening - DNR <tom.kroening@state.co.us>, Jordan Likes - DNR <jordan.likes@state.co.us>

Mr. Ebert,

Please find the attached Colorado Parks and Wildlife comments related to Permit No. M-2004-044-AM01 (Tucson South Resource).

Crystal Chick
Area Wildlife Manager



COLORADO

Parks and Wildlife

Department of Natural Resources

P 303.291.7122 | F 303.291.7114

6060 Broadway, Denver, CO 80216

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COLORADO

Parks and Wildlife

Department of Natural Resources

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6060 Broadway
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January 15, 2019

Mr. Jared Ebert
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, CO 80203

Re: Notice of 112 Construction Materials Reclamation Permit Amendment Application
Consideration Aggregate Industries - WCR, Inc., Tucson South Resource, Permit No. M-2004-044-AM01

Dear Mr. Ebert:

Thank you for the opportunity to comment on the proposed amendment to Tucson South Resource, Permit Number M-2004-044-AM01, for the proposed addition of two parcels of private property and an easement to the existing permitted 291.5-acres. The existing permitted parcels of land are permitted for the surface mining of sand and gravel to be used in construction materials. The existing permitted mine is owned by Aggregate Industries, Incorporated and is located at NENE of Sections 1 and 12, Township 1 South, Range 67 West.

The two additional parcels of property measure a total of 9.9-acres in area and are currently owned by the City of Aurora. The fifty-foot wide easement that is proposed would be to allow an off-site conveyor belt for material processing that would transect a parcel owned by the City of Thornton and measures approximately 6.2-acres in area. A 5-acre parcel of property that is owned by the City of Aurora is bounded on the east by Tucson Street, on the north by City of Aurora property, and on the west and south by Aggregate Industries, Incorporated. A 4.9-acre parcel of property that is owned by the City of Aurora is bounded on the west by Tucson Street, and on the north, east and south by Aggregate Industries, Incorporated. The parcel of land that the easement transects is owned by City of Thornton and is bounded on the north by East 168th Avenue, on the east by City of Aurora property and City of Brighton property, on the south by Aggregate Industries, Incorporated and on the west by Tucson Street.

The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Current CPW policy directs our efforts towards proposals that will potentially have high impacts to wildlife and wildlife habitat. The emphasis of CPW's concerns is on large



acreages, critical habitats, wildlife diversity, and impacts to species of special concern, or those that are state or federally endangered. CPW would expect to find small passerine birds, wild turkeys, and small to medium sized mammals, including possibly black-tailed prairie dogs, in the vicinity of the proposed offsite conveyor belt and on the parcels that will be added to the permitted mine. Due to the low availability of undeveloped habitat surrounding the site, impacts of the development, as proposed, may be characterized as minimal.

Natural Vegetation

CPW recommends land within the project area be restored to native habitat, if possible. To improve wildlife habitat after construction, CPW recommends using native plant species along the project area. CPW also recommends planting trees, shrubs, and grasses so that they are mixed within the landscape. A landscape that has a good mix of trees, grasses, and shrubs is more beneficial to wildlife than a landscape with all trees in one area and all grasses and shrubs in others.

If heavy equipment is used near any water source (that was used in another stream, river, lake, reservoir, pond, or wetland) one of the following disinfection practices is necessary prior to construction to prevent the spread of New Zealand mud snails, zebra mussels, quagga mussels, whirling disease, and any other aquatic invasive species into this drainage. These practices are also necessary after project completion, prior to this equipment being used in another stream, river, lake, reservoir, pond, or wetland:

- Remove all mud, plants, debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment in a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaner and water. Keep equipment moist for at least 10 minutes **OR**
- Remove all mud, plants and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with water greater than 140 degrees F for at least 10 minutes.
- Clean hand tools, boots, and any other equipment that will be used in the water with one of the above options as well. Do not move water from one water body to another. Be sure equipment is dry before use.

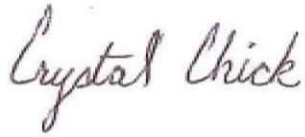
Burrowing Owls

If prairie dog towns are present on the sites or if prairie dogs establish themselves on the property prior to development - CPW recommends that a burrowing owl survey be conducted prior to earth moving. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by state and federal laws, including the Migratory Bird Treaty Act.

These laws prohibit the killing of burrowing owls or disturbance of their nests. Therefore, if any earth-moving will occur between March 15th and October 31st, a burrowing owl survey should be performed. Guidelines for performing a burrowing owl survey may be obtained from District Wildlife Manager Jordan Likes, by visiting the CPW website at <http://cpw.state.co.us> or by calling the CPW Northeast Region Office at (303) 291-7227.

Please contact us if we can be of assistance in implementing your proposal to minimize negative impacts and maximizing potential enhancements to support living with wildlife in our community. If you have any further questions, please contact District Wildlife Manager Jordan Likes at (303) 291-7135.

Sincerely,

A handwritten signature in dark ink that reads "Crystal Chick". The script is cursive and fluid, with the first name "Crystal" and last name "Chick" clearly distinguishable.

Crystal Chick
Area Wildlife Manager

Cc: M. Leslie, T. Kroening, J. Likes