

Appendix 8(8)

King II

March 19, 2021

(TR-30)



November 6, 2018

Ms. Sarah Vance, Environmental Manager
GCC Energy, LLC
PO Box 100
Tijeras, New Mexico 87123
Via email delivery to svance@gcc.com

***RE: King II Coal Mine, La Plata County, Colorado
Low Cover Crossing at Alkali Gulch
Endangered Species Field Assessment***

Dear Ms. Vance:

We are writing to report on our recent field investigation in the Alkali Gulch area. On October 22, 2018, SME personnel visited the location of a proposed low cover crossing site in Alkali Gulch and the proposed route to access this site. An SME biologist investigated the immediate project area and areas within 330 feet of the project area and access route for the presence of suitable habitat for species protected under the Endangered Species Act of 1973. Of special interest were the southwestern willow flycatcher (*Empidonax traillii extimus*) and New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) as identified by a September 18, 2018 letter to you from the Bureau of Land Management, Tres Rios Field Office and the Office of Surface Mining Reclamation and Enforcement, Western Region. Upon field investigation, we have determined that these two species are unlikely to occur in the immediate project area, access route, or surrounding areas. In addition, we did not observe any suitable habitat for other federally listed species that occur in southwest Colorado.

New Mexico Meadow Jumping Mouse

We observed no suitable habitat for the New Mexico meadow jumping mouse. We did observe limited areas of emergent wetland vegetation within Alkali Gulch, primarily outside of the immediate project area, but we did not observe suitably tall, dense, and diverse herbaceous riparian vegetation. Emergent vegetation generally lacked the vigorous growth typical of suitable habitat, likely due to hydrology being limited to brief seasonal run-off and occasional stormwater run-off. The New Mexico meadow jumping mouse is unlikely to occur in the project area, access route, or vicinity.

Southwestern Willow Flycatcher

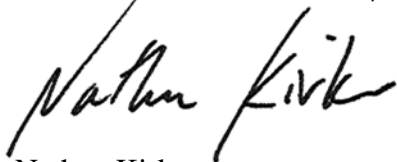
Willow habitat was observed within Alkali Gulch in the immediate project area and adjacent portions of Alkali Gulch. The US Fish and Wildlife Service, Grand Junction Ecological Services Field Office considers the minimum dimensions for suitable southwestern willow flycatcher habitat as willow patches over 5 feet tall measuring a minimum of 0.25 acre with portions exceeding 30 feet in width. Generally, narrow linear patches do not provide suitable habitat. Within the project area and adjacent portions of Alkali Gulch, willow is relatively contiguous along the drainage bottom and banks and ranges from 10 to 40 feet wide. However, most of the willow

on the high, steep banks of the gulch are less than 5 feet tall. As such, suitably tall willow averages less than 30 feet in width and willow habitat does not meet minimum dimension standards. In addition, there was no ordinary high water mark observed in Alkali Gulch and delineated wetland within the drainage bottom averaged eight feet in width. Therefore, it is unlikely that there is sufficient hydrology in the project area or vicinity to support a suitably rich and diverse base of aquatic and semi-aquatic invertebrate prey base to support southwestern willow flycatcher nesting. The subject willow habitat is isolated to this portion of Alkali Gulch. It is not connected to or in close proximity to any adjacent suitable habitat or riparian corridor. The nearest major river, the Animas River is approximately 14 miles east, and the nearest known nesting site is over 30 miles east along the Pine River. The project area and vicinity are unlikely to be within the proximity of any migratory corridors due to the lack of a substantive riparian corridor nearby and the proximity of the La Plata Mountains, approximately five miles to the north. The southwestern willow flycatcher is unlikely to occur in the project area, access route, or vicinity during the migratory and nesting seasons.

In summary, SME personnel did not observe suitable habitat for any species listed under the Endangered Species Act of 1973 in the project area for the proposed low cover crossing, along the access route to the low cover crossing site, or in the vicinity (minimum 330 feet) of the project area or access route. SME feel that the project is unlikely to have any impact on the New Mexico meadow jumping mouse or southwestern willow flycatcher. Please contact us at (970) 259-9595 if you have any questions or require additional information.

Sincerely,

SME ENVIRONMENTAL, INC.

A handwritten signature in black ink that reads "Nathan Kirker". The signature is written in a cursive, flowing style.

Nathan Kirker
Biologist

Encl. – Photographic Documentation