



COLORADO

Parks and Wildlife

Department of Natural Resources

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January 28, 2022

Eric Scott
Division of Reclamation, Mining and Safety
1313 Sherman St. Room 215
Denver, CO 80203
303.866.3567 x 8140
eric.scott@state.co.us

Re. Stiles Mining Resource, File No. M-2021-067, at or near Section 35, Township 5N, Range 66W, 6th Principle Meridian, in Weld County.

Mr. Scott:

Thank you for the opportunity to comment on Stiles Mining Resource mining and reclamation project. Colorado Parks and Wildlife (CPW) is in receipt of the above referenced review proposal and is familiar with the site.

The mission of 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. CPW has a statutory responsibility to manage all wildlife species in Colorado; as such we encourage protection for Colorado's wildlife species and habitats through responsible energy development and land use planning.

The protection of High Priority Habitats (HPH), big game winter ranges, and raptor nesting locations are of extreme importance to CPW. CPW recommends that all proposed projects be assessed to avoid, minimize, or mitigate impacts to sensitive wildlife habitats and species. That includes species of concern, big game winter concentration areas, breeding and nesting habitats for sensitive ground-nesting birds, and nests of raptors sensitive to development to prevent the loss of habitat or fragmentation of habitat. One way CPW achieves our mission is by responding to referral comment requests, as is the case for this project.

THE IMPORTANCE OF HIGH PRIORITY HABITATS

Developers and permitting agencies can help avoid, minimize, and mitigate impacts to wildlife from their projects by working with CPW. HPHs are defined as sensitive habitats where CPW has recent maps regarding sensitive wildlife use, plus scientifically-backed best management practice recommendations. HPHs are a subset of CPW's Species Activity Maps that we collect and update for a variety of species and their particular habitats; we provide these maps to the public and regulatory agencies for the environmental assessment and land use commenting of proposed development on a given parcel, and general scientific research.



RECOMMENDATIONS

Construction Timing

- If prairie dogs are present or become present within any of the project boundaries and initial construction occurs from March 15 to October 31, then please complete a Burrowing Owl survey per CPW recommendations.
- If initial construction is slated for the spring and summer, please incorporate active raptor nest buffers and avoidance periods. All migratory birds are protected under the Migratory Bird Treaty Act and removal or disturbance of any migratory bird nest would require consultation with CPW and US Fish and Wildlife Service (USFWS) prior to disturbance.
- Mule deer Severe Winter Range and Mule deer Winter Concentration Areas are both mapped HPHs within the project boundaries. Because of this, CPW recommends construction not occur in winter and spring and further recommends no human activities be authorized from December 1 to April 30 during the construction phase.

Fencing

CPW is concerned for the safety of Mule deer and White-tailed deer in the area for the proposed project. CPW recommends that if fencing (project perimeter or internal) is erected, either during or after the project, it should be the type that would allow the free passage of wildlife. Fencing plans should avoid the use of woven wire type fences that will trap or prevent movement of wildlife. CPW recommends the use of three or four strand smooth-wire fencing with a bottom strand height of 17 inches above ground level and a maximum top strand height of 42 inches above ground level, along with the installation of double stays between posts.

Noxious Weeds and Native Re-seeding

Also of importance to CPW is the revegetation of disturbed soils and the control of noxious weed species through the development of a noxious weed management plan prior to initiating construction activities. The revegetation of disturbed areas and control of invasive weed species are important components of the project and it is critically important that the site be restored back to the native plant community that currently exists on site. CPW prefers that native vegetation be retained on-site during the operational lifespan of the project, both as potential habitat for wildlife and to ensure successful reclamation of the project area, as noxious weeds could spread to adjacent habitats outside the project area.

Wildlife Escape Ramps

During open pit or open trench mining operations, CPW recommends backfilling escape ramps in areas where steep slopes occur. Escape ramps will allow wildlife to safely exit an open pit or trench if they become entrapped.

Retention ponds

Ponds created by reclamation efforts could potentially have significant value to wildlife. To maximize this benefit, CPW recommends that ponds be designed to include irregular shorelines and one or more islands to provide cover, shelter, and nesting areas for migratory birds. Islands should be at least 15' x 25' in size for every two surface acres of water in the pond. Shoreline and island slopes should be graded to a ratio of 4 horizontal feet to every 1 vertical foot of distance, with some areas having slopes no steeper than 8 horizontal feet to every 1 vertical foot of distance.

Such shallow areas will allow for the establishment of a variety of aquatic vegetation and invertebrate prey for waterfowl and shorebirds. Shorelines should be re-vegetated with native aquatic vegetation.

In closing, CPW requests from DRMS, Weld County Planning Department and Asphalt Specialties Co., Inc., that CPW continue to be involved with this project as it moves through the permitting process. We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager Mike Grooms at 970.692.4028 or via email at michael.grooms@state.co.us should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Surface', with a stylized, flowing script.

Jason Surface
Area Wildlife Manager
Area 4- Fort Collins

Cc: Michael Grooms; Mark Leslie