

STATE OF
COLORADO

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CPW Comments Bernhardt Sand and Gravel Pit Project

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Hello Rob,

Thank you for including CPW in the Bernhardt Sand and Gravel Pit Project review process.

After review, CPW has the following recommendations.

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, Mule Deer Winter Concentration Areas and Mule Deer Migration Corridor are all mapped HPHs within the project boundaries. Because of this, CPW recommends that construction not occur in winter and spring and that 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 the movement of wildlife. CPW recommends using 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.

[CPW's "Fencing with Wildlife in Mind" brochure.](#)

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.

Tree Replacement

It does not appear there is any specific information within the application plans of direct impacts to trees and shrubs from construction activities. If tree and/or shrub removal will occur, CPW recommends trees and shrubs be replaced at a 3:1 ratio. If onsite mitigation of trees and shrubs cannot be achieved onsite, CPW would like to coordinate off-site mitigation for those losses.

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

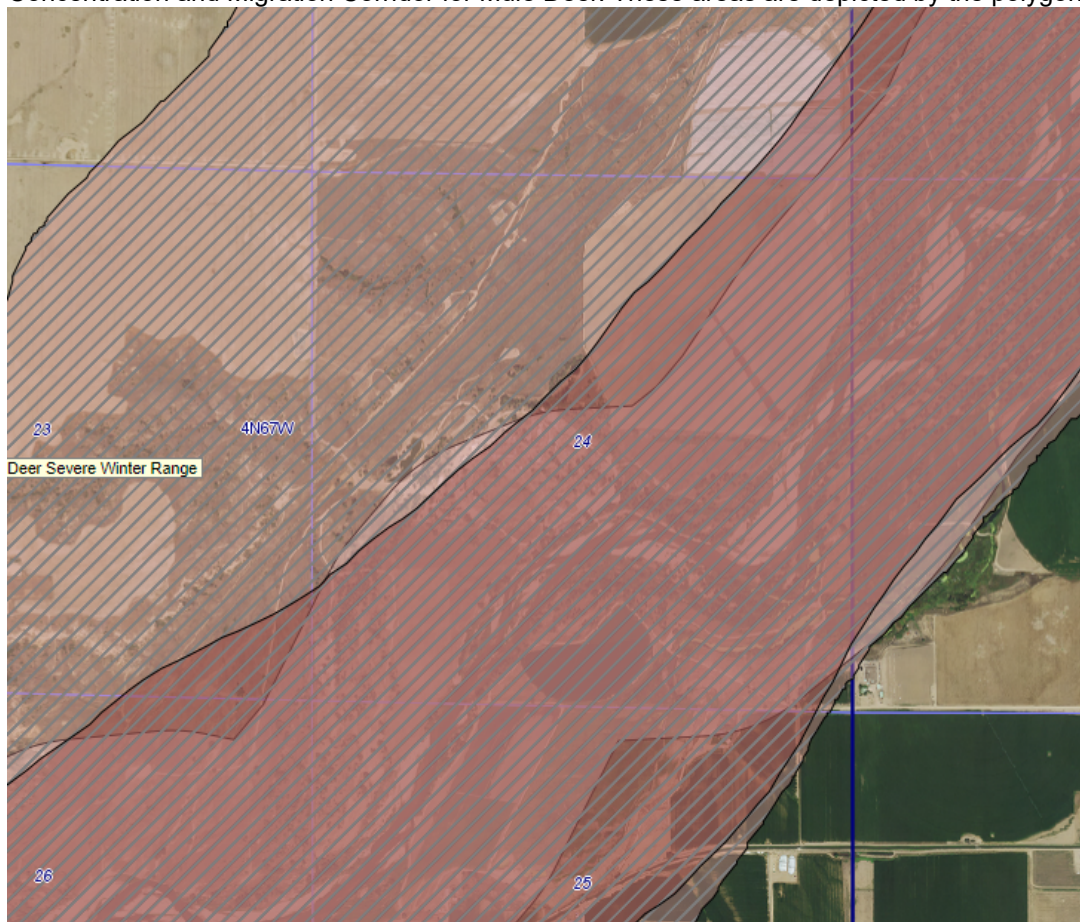
Ponds created by reclamation efforts could potentially have significant value to wildlife. To maximize this benefit, CPW recommends that ponds be designed to include irregular shorelines and one or more islands to provide cover, shelter, and nesting areas for migratory birds. Islands should be at least 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.

Aquatic Species

There are sensitive aquatic native species (fish and amphibians) located within the South Platte River. CPW recommends no surface occupancy and no ground disturbance (year-round) within 500 feet of the ordinary high water mark of the South Platte River and to implement appropriate stormwater BMPs.

Mule Deer Severe Winter Range HPH

Mule Deer Severe Winter Ranges are defined as that part of the overall winter range where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. **Therefore, CPW recommends no initial ground disturbance in these polygons from December 1 to April 30. CPW also recommends maintaining the riparian corridor to the maximum extent possible to keep the migration corridor along the river as open as possible.** Below is a mapped HPH layer for the Severe Winter Range, Winter Concentration and Migration Corridor for Mule Deer. These areas are depicted by the polygons with pink-striped areas.



Please let us know if the operator or DRMS has any questions by emailing me at Lexi.Hamous-Miller@state.co.us calling me at 303-916-2987

-Sincerely,

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[CPW's Energy Webpage](#)

