



COLORADO

Parks and Wildlife

Department of Natural Resources

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November 14, 2023

Timothy A. Cazier, P.E.
Division of Reclamation, Mining, and Safety
1313 Sherman St. Room 215
Denver, CO 80203

RE: Portland Limestone Quarry-File No. M-1977-344, Holcim (US) Inc. Amendment (AM-2) Bear Creek Quarry Permit Amendment for Red Creek Quarry

Dear Mr. Cazier,

Colorado Parks and Wildlife (CPW) has received the request to review the application to amend the Portland Limestone Quarry to include the Red Creek Quarry. The proposed quarry is located in Fremont and Pueblo Counties. The proposed quarry will be a 100 year operation and will begin in Fremont County and move eastward into Pueblo County. Reclamation will start at approximately the 20 year mark. The quarry and conveyor will total 4078.72 acres. CPW is familiar with the project area as well as the surrounding area.

Early communication and collaboration are paramount when it comes to avoiding, minimizing and mitigating potential adverse impacts to wildlife. CPW appreciates the communication and the site-visit held on October 19, 2023 with Holcim and Environmental Alternatives, INC. As you may be aware, CPW has a statutory responsibility to manage the fish and wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission to perpetuate the wildlife resources of Colorado and provide sustainable outdoor recreation opportunities that educate and inspire future generations. One way that we fulfill our mission is to review land use proposals such as this, and provide science-based recommendations to limit the potential impacts on wildlife and their habitats.

After our initial review of the project and site visit, we have prepared the following comments for your consideration.

Potential Impacts to Wildlife Resources:

CPW maintains a list of species-specific high priority habitats (HPH) in Colorado along with recommendations for management actions that may be implemented to avoid, minimize, and mitigate impacts to wildlife during land use development. Our review and GIS analysis showed



an overlap with several species and habitats that CPW has identified as high priority and potentially impacted by this type of development.

Big Game:

The proposed mining lease area is in important winter range for Bighorn sheep, mule deer, and elk. This area also includes important winter concentration area for pronghorn. Habitat for big game winter range and migration corridors are both a federal and state priority and supported by Federal Secretarial Order (SO) 3362 Improving Habitat Quality in Western Big-Game Winter Range and Migration (2018) and Executive Order D 2019 011 from Colorado Governor Jared Polis Conserving Colorado's Big Game Winter Range and Migration Corridors (2019).

CPW anticipates the effects on big game species would be significant from a large mining operation with the direct loss of habitat, and a larger indirect impact from increased human presence, increased traffic, light and noise. There will be a direct long-term loss of up to 4,078.72 acres of winter range for bighorn sheep, mule deer, elk, and pronghorn. In addition to the direct loss of habitat, there also will be an indirect loss of winter range and year round habitat for bighorn sheep, mule deer, elk and pronghorn in areas surrounding the mine due to a decrease in the use of these habitats as a result of a significant increase in traffic and human activity in the area. Although the amount of indirect winter habitat loss in areas surrounding the mine is difficult to estimate, it is likely to be significantly higher than the direct impact, particularly for the bighorn sheep herds in the vicinity. Rocky Mountain bighorn sheep winter range is that part of the overall range where 90% of the individuals are located during the average five winters out of ten from the first heavy snowfall to spring green-up. For these habitats CPW recommends a no surface occupancy stipulation and no human encroachment, including over flights, from November 1 through April 15 for all mapped Rocky Mountain bighorn sheep winter concentration areas and winter range.

Burrowing Owls:

The presence of mapped active black-tailed prairie dog colonies on the site indicates the potential presence of nesting burrowing owls. Burrowing owls are listed as State Threatened, and nest in active or inactive prairie dog burrows. Where there are black-tailed prairie dog colonies on the location of the proposed project, specific recommendations for pre-construction surveys and buffers around active burrowing owl nests are included in the referenced BMP document.

Raptors and Migratory Birds:

There is suitable habitat for nesting raptors and migratory birds on the proposed lease site. Consultation with USFWS is recommended to ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. To avoid impacts to the nesting efforts of migratory birds, CPW recommends any proposed development or exploration of the site focus, seismic work, construction, and vegetation clearing activities outside of the breeding season (March 15th -August 31st). If construction must occur during the breeding season, surveys for active nests should be conducted prior to groundbreaking.

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 USFWS prior

to disturbance. CPW also recommends the use of preconstruction surveys to identify raptor nests within the project area and the implementation of appropriate restrictions. CPW recommends adherence to the recommended buffer distances and timing stipulations identified in the CPW document “Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors” available on the CPW website.

Riparian Areas:

Riparian areas and drainages are important habitats for a variety of wildlife and need to be connected as much as possible so a layout that maintains access for wildlife to those areas in particular is preferred. The proposed location also includes **short grass prairie** habitat. Native short grass prairies in this area provide critical habitat for species including Burrowing Owl, Black-tailed prairie dog, Ferruginous Hawk, Swainson’s Hawk, Prairie Falcon, Golden Eagle, Swift Fox, and Pronghorn. It would be important that any disturbed soil in this area be replanted in native grasses as soon as possible to minimize loss of top soil and the introduction of invasive noxious weeds.

Noxious weed management:

Also of importance are 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 documentation for the project identifies the presence of several species of invasive weeds at the site and the construction plan should address the existing conditions, treatment of invasive weeds on site, and best management practices to prevent the spread of noxious weeds. The revegetation of disturbed areas and control of invasive weed species are important components of the project and it is highly preferred that the site be restored to a native plant community. CPW prefers that native vegetation be retained on site during the operational lifespan of the project, both as habitat for wildlife and to ensure successful reclamation of the project area. Proper reclamation, from a wildlife perspective, involves not only stabilizing the soil and establishing ground cover, but fostering plant communities with a diversity of species and plant types -grasses, woody plants, and broadleaf forbs- which will fully serve the nutritional needs of wildlife. Strict adherence to the Natural Resources Conservation Service’s recommendations is advised.

Impact Avoidance, Minimization, and Mitigation Recommendations:

- Avoid construction/extraction activities between November 1 and April 30 in order to minimize displacement of wintering bighorn sheep, mule deer, elk and pronghorn from the project area. For the exploratory phase of the project, CPW recommends all work be completed outside the winter season.
- If adherence to the winter range timing limitation or density recommendations is not possible, as is the case with large scale mining, CPW recommends compensatory mitigation in the form of off-site habitat enhancements or protections to mitigate the direct habitat loss and the functional habitat loss for big game species displaced from the project area. CPW is happy to assist in the identification of potential treatment areas and enhancement options or to discuss other potential opportunities such as, but not limited to; conservation easements or increased public access.

- CPW appreciates the opportunity to review the 13 wildlife crossings planned for the conveyor belt corridor. CPW recommends one additional wildlife crossing, located between the last planned wildlife crossing and the Northwest corner of the mine. Per discussions with Holcim, there is a possibility to construct a wildlife overpass at this location. CPW is happy to have further conversations on the design of the wildlife crossings.
- CPW recommends designing the conveyor belt corridor fence to allow for small animal crossings. This includes the addition of a 6 inch gap on the bottom of the fence and the use of culverts where appropriate on the landscape.
- CPW recommends that if the property boundary of the mine is going to be fenced, that wildlife friendly fencing is used. The CPW document “Fencing with Wildlife in Mind” is available at our website. CPW appreciates discussions with Holcim about either not fencing the property or using an alternative wildlife friendly fence (such as 3 strands of wire instead of the standard 4 strands).
- Due to the use by foraging raptors within the project area and the potential for raptor nest sites within the project boundary, CPW recommends preconstruction surveys for raptor nest sites prior to surface disturbance or vegetation removal. If a nest is located during the survey CPW recommends adherence to the recommendations in the Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors for best management practices to minimize impacts to nesting raptors.
- Due to the presence of prairie dog colonies within the project site CPW recommends the adherence to CPW’s Burrowing Owl survey protocol if development occurs during the spring or summer months (Feb 1 to Oct 31). If nesting burrowing owls are present, no human encroachment or surface disturbance should occur within a 200-meter buffer of nesting burrows from March 15 to August 15. If burrowing owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until late fall after they have migrated.
- This area includes several drainages with proximity to the Arkansas River to the north of the project location. CPW recommends utilization of best management practices and construction controls for sediment control. Avoiding any increased sedimentation in nearby drainages, including intermittent creeks would be important to avoid impacts to nearby aquatic habitat.

CPW also appreciates conversations with Holcim on allowing hunting access until the start of construction. The local CPW staff is looking forward to future conversations as this project progresses to collaborate on potential conservation efforts and the possibility of continued hunting access.

Again, Colorado Parks and Wildlife appreciates the early communication and collaboration to minimize this project’s overall impacts on wildlife. Please feel free to contact, Land Use

Coordinator, Cassidy English, should you have any questions or require additional information at 719-828-4877, or via email at cassidy.english@state.co.us.

Sincerely,

Sean Shepherd

Sean Shepherd
Area 13 Wildlife Manager

CC: Mike Brown, Area 11 Wildlife Manager
Cassidy English, SE Region Land Use Coordinator
Zach Holder, DWM Area 13
Gretchen Holschuh, DWM Area 11