



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Southeast Region  
4255 Sinton Road  
Colorado Springs, CO 80907  
P 719.227.5200 | F 719.227.5264

December 4, 2023

Division of Reclamation, Mining, and Safety  
Attn: Hunter C. Ridley  
1313 Sherman Street, Room 215  
Denver, CO 80203

RE: Clear Spring Ranch Pit Expansion- File No. M-1992-074

Dear Mr. Ridley,

Colorado Parks and Wildlife (CPW) thanks you for the opportunity to comment on the Clear Spring Ranch Gravel Pit Expansion in El Paso County, located in Section 20, Township 16s, and Range 65W. This expansion includes increasing the total acres of the mine by 31.4 acres for a total of 82.1 acres. CPW staff is familiar with the proposed location of the project as well as the area surrounding the site. Due to the general nature of the project, CPW comments will address potential impacts to wildlife found at this location.

CPW has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors. CPW would respectfully offer the following comments relative to this application:

CPW recommends that all projects be assessed to avoid, minimize, or mitigate impacts to sensitive wildlife habitats and species. That includes species of concern as well as Federal and/or State listed species, big game wildlife (migration corridors, winter range, and parturition areas), breeding and nesting habitats for sensitive ground-nesting birds, and nests of raptors sensitive to development in order to prevent loss of habitat or fragmentation of habitat. US Fish and Wildlife Service (USFWS) should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location.

Wildlife species that can be found on the project site include: elk, mule deer, white-tailed deer, pronghorn, several bat species, many additional species of small mammals, a variety of reptiles, and a variety of grassland birds. Golden Eagles, red-tailed hawk, Prairie falcon, and Swainson's hawk, hunt nearby and nest in the surrounding area.

### Raptors and Migratory Birds:



Consultation with USFWS is recommended to ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. The best way to avoid impacts on the nesting efforts of migratory birds is to focus construction activities outside of the breeding season (March 15 - August 31<sup>st</sup>). 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.

### **Burrowing Owls:**

Burrowing owls are listed as State Threatened, and nest in active or inactive prairie dog (black-tailed or white-tailed) burrows. If development is proposed to occur in a prairie dog colony that has been active within the past 10 years, CPW recommends the adherence to CPW’s Burrowing Owl survey protocol if development occurs from March 15 through August 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 31. If burrowing owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until after they have migrated away from the site.

### **Big Game:**

In assessing potential impacts to wildlife, CPW considers potential negative impacts on big game species through direct habitat loss and fragmentation. This includes impacts from the displacement of big game during parturition and the winter months, as well as the functional habitat loss associated with increased human activity in these habitats. Disturbance to big game in the winter can lead to poor body condition, shift distribution to suboptimal habitat types, can affect over winter survival of adults and/or result in a decrease in neo-natal survival rates. This proposed project is in a mapped Mule Deer Winter Concentration Area. CPW recommend a timing limitation from January 1 to April 30 to minimize the displacement of wintering mule deer. This area has also been identified as a migration corridor and an important calf production area for elk. It also serves as overall range for both elk and deer.

### **Fencing:**

If a new fence must be constructed, CPW recommends that fences, whether wire, wood, electric, or synthetic, be wildlife friendly (not exceed 42 inches in height and not restrict movement of elk or deer). “Fencing with Wildlife in Mind” is a landowner resource available from CPW that is intended to help design and construct wildlife friendly fences that also meet property owners’ needs.

<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf#search=fencing%20with%20wildlife%20in%20mind>

We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager Philip Gurule, should you have any questions or require additional information at 719-828-4960 or via email at [philip.gurule@state.co.us](mailto:philip.gurule@state.co.us).

Sincerely,

*Tim Kroening*

Tim Kroening  
Area 14 Wildlife Manager

Cc: Philip Gurule, DWM