



COLORADO

Parks and Wildlife

Department of Natural Resources

Southeast Region
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Colorado Springs, CO 80907
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April 19, 2024

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

RE: Simla Highway Pit - File No. M-1995-095, Hill Top Gravel LLC

Dear Mr. Ridley,

Colorado Parks and Wildlife (CPW) received a request for comment from Division of Reclamation, Mining and Safety for a potential expansion of Simla Highway Pit, which is located approximately 2.4 miles Southwest of Simla, Section 10, Township 11S, Range 60W, 06th Principle Median, in El Paso County. CPW staff is familiar with the location of the project as well as the area surrounding the site. CPW comments will address potential impacts to wildlife and habitat within the identified project area.

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. Protection of core wildlife areas, quality fisheries and habitat, big game winter range and seasonal migration corridors, and raptor nesting locations are of extreme importance. 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 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 should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location.

Mountain Plover Potential Nest Sites

The below parcels are located within mapped potential nesting habitats for Mountain Plovers. If there is suitable nesting habitat on site and the initial site disturbance is planned to occur between April and August CPW recommends the lessee survey suitable nesting habitat using



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair · Richard Reading, Vice-Chair · Karen Bailey, Secretary · Jessica Beaulieu
Marie Haskett · Jack Murphy · Gabriel Otero · Duke Phillips, IV · James Jay Tutchton · Eden Vardy

USFWS protocols and any active mountain plover nests should be flagged. CPW recommends no surface disturbance (other than existing agricultural activities) within 300 feet of active nest sites until young are hatched, independent, and fledged (April 1 - August 15).

Burrowing Owl Active and Potential Nest Sites

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.

Raptors and Migratory Birds:

There is suitable habitat for nesting raptors and migratory birds on the proposed project area. 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.

To avoid impacts to nesting raptors, 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.

Mule Deer Severe Winter Range:

Mule deer severe winter range is defined as that part of the overall 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. Mule deer winter ranges are considered high priority for protection from disturbance associated with development and critical to sustain mule deer populations across Colorado.



For development that overlaps with mule deer severe winter range, CPW recommends a timing limitation for no permitted or authorized human activities from December 1 to April 30. If the timing limitation cannot be achieved or maintained, CPW recommends implementation of offsite mitigation to offset functional habitat loss.

Mule Deer Winter Concentration Area:

Mule deer winter concentration areas are defined as that part of the winter range where animal densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten. CPW recommends a timing limitation from December 1 to April 30.

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 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. CPW would appreciate the opportunity to review the project's Noxious Weed Management Plan prior to the start of construction.

Once again, we appreciate being given the opportunity to comment on the four-lot subdivision proposal. CPW appreciates being given the opportunity to comment. Please Feel free to contact District Wildlife Manager Sarah Watson at 719-439-9636 or sarah.watson@state.co.us should you have any questions or require additional information. Sincerely,

Tim Kroening

Tim Kroening
Area 14 Wildlife Manager

Cc: Sarah Watson, DWM
SE Region File
Area 14 File

