

## EXHIBIT H – WILDLIFE

### 1.0 GENERAL

The Information Planning and Consultation [IPaC] (USFWS, 2023) database was queried for federally-listed threatened and endangered species with the potential to occur in the vicinity of the site (see Attachment H-1). Based on the IPaC resource list, there are no critical habitats at this location although the threatened and endangered species included in the list may be potentially affected by activities at this site. There are no known threatened/endangered species within the proposed project boundary.

Prior to mining under the 2004 DRMS Permit, the Wattenberg Lakes site was a working ranch used primarily for livestock grazing with some areas cultivated for tree production and other crops. The site contained a mixture of open water, riparian, wetland, and upland habitats consisting of native vegetation. Cattail marsh, wet meadow, and stands of willow and mature cottonwoods were all found on the site. As a result of mining, with reclamation not completed, there are fewer areas of native vegetation and more areas of disturbed lands. However, reclamation will involve establishing a mixture of open water, riparian, wetland, and upland habitats consisting of native vegetation.

Wildlife known to be common or abundant in Weld County, and which might occur within or near the proposed project site include a variety of amphibians, reptiles, birds, and mammals. Frogs, toads, salamanders, lizards, and snakes would all be expected to inhabit areas similar to those found within or near the proposed site, with more abundance in areas not disturbed by mining and in previously disturbed areas as they are reclaimed. Common species could include the bullfrog, plains spadefoot toad, tiger salamander, plains garter snake, and fence lizard.

Many birds may use habitats similar to those found at the proposed Wattenberg Lakes site, either year-round, seasonally for nesting, or temporary for roosting during migration. Some of the common or abundant species could include robins, starlings, grackles, magpies, blackbirds, cowbirds, orioles, finches, sparrows, swallows, wrens, yellowthroats, larks, kingbirds, doves, great horned owl, red-tailed hawk, Cooper's hawk, sharp-shinned hawk, American kestrel and bald eagle. In 2004, prior to mining, burrowing owls were observed on portions of the site during the summer months. Because of the abundant wetland and open water habitat within and near the proposed project site, shore birds and waterfowl such as killdeer, herons, gulls, pelicans, ducks, Canadian geese, and grebes might also be present.

It could be expected that most mammals common or abundant in Weld County would be found near or within the Wattenberg Lakes site. Smaller mammals that might be found at the site might include bats, mice, voles, gophers, cottontail rabbits, squirrels, muskrats, beavers, raccoons, and skunks. Although several species of mice may occur within the site, critical habitat for the endangered Preble's meadow jumping mouse is not present (USFWS, 2023). Some of the larger mammals could include both mule and white-tailed deer, coyote, and fox.

Mining and reclamation operations may disturb some of the wildlife within the permit boundary and adjacent area. However, mining activities will be confined to specific areas, with reclamation shortly after mining. Other earthwork prior to reclamation will be of short duration to limit the total disturbed acreage at any one time. This will help limit the disturbance to wildlife in the area.

Colorado Parks and Wildlife (CPW) provided referral comments (CPW, 2023; see Attachment H-2) on the DRMS Permit Amendment in June 2023 related to bald eagle nesting and roost site information in the area along with recommendations for protection of the nearby South Platte River which is classified as Aquatic Native Species Conservation Waters. Holcim held a consultation with CPW in January 2024 to better understand the 2023 referral comments/recommendations and their ongoing applicability to the Project (Tetra Tech, 2024; see Attachment H-3). Holcim and CPW reviewed current bald eagle nest and roost locations using CPW's online Species Activity Mapping application (CPW, 2024) and determined that there is one active bald eagle nest (Nest 1 in attached Figure H-1) for which monitoring is not required because it is more than 0.5 mile outside of the project permit boundary buffer.

As shown in Figure H-1, Nest 2, which is located within the project permit boundary, is an inactive raptor nest and was last observed to be in unused condition when Tetra Tech monitored the nest in August 2023. This nest was previously used by a nesting pair of bald eagles until 2010, when the pair moved north of Weld County Road 6 to the current active Nest 1 location. For the inactive Nest 2, CPW recommends but does not require monitoring of Nest 2 once per month during the raptor nesting season (generally beginning of December through end of July for bald eagle; beginning of February through end of July for other raptor species [CPW, 2020]) up until the start of construction, to verify it is still inactive prior to construction activity beginning. Once construction begins, the nest would no longer need to be monitored if it is inactive. Therefore, Holcim will monitor the Nest 2 site for bald eagle or other raptor use of the nest on a monthly basis during the raptor nesting season until construction starts under DRMS Permit Amendment 1. If Nest 2 is observed to be actively used, then Holcim will consult further with CPW.

Regarding CPW's recommendation for protecting the South Platte River aquatic resources, during Holcim's consultation with CPW in January 2024, it was agreed that no aquatic impacts are anticipated as work will not be conducted within the nearby South Platte waters. Erosion and stormwater controls will be in place during the work to be conducted under this DRMS Permit Amendment, thus protecting the nearby South Platte River.

## 2.0 REFERENCES

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- CPW (Colorado Parks and Wildlife). 2020. Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors. Accessed January 30, 2024 at <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>
- CPW. 2023. Referral Comments from CPW (Lexi Hamous) for DRMS Permit M2004051, Revision AM1. Email dated June 20, 2023
- CPW. 2024. Species Activity Mapping Application. Accessed January 30, 2024 at <https://www.arcgis.com/apps/instant/interactivelegend/index.html?appid=b3e1f4c17e98481c85f9683b02e91250>
- Tetra Tech. 2024. Coordination Call Record with Colorado Parks and Wildlife. Notes recorded by Alecia Phillips – other attendees included Lexi Hamous (CPW), Wyatt Webster (Holcim), and Fred Charles (Tetra Tech). January 30, 2024.
- USFWS (U.S. Fish and Wildlife Service). 2023. Information for Planning and Consultation (IPaC). Accessed on April 20, 2023 at <https://ecos.fws.gov/ipac/location/index>.

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Weld County, Colorado



## Local office

Colorado Ecological Services Field Office

☎ (303) 236-4773

📅 (303) 236-4005

MAILING ADDRESS

Denver Federal Center  
P.O. Box 25486  
Denver, CO 80225-0486

PHYSICAL ADDRESS

134 Union Boulevard, Suite 670  
Lakewood, CO 80228-1807

NOT FOR CONSULTATION

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

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1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME	STATUS
<p><b>Gray Wolf</b> <i>Canis lupus</i></p> <p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> <li>Lone, dispersing gray wolves may be present throughout the state of Colorado. If your activity includes a predator management program, please consider this species in your environmental review.</li> </ul> <p>There is <b>final</b> critical habitat for this species.  <a href="https://ecos.fws.gov/ecp/species/4488">https://ecos.fws.gov/ecp/species/4488</a></p>	Endangered
<p><b>Preble's Meadow Jumping Mouse</b> <i>Zapus hudsonius preblei</i></p> <p>Wherever found</p> <p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.  <a href="https://ecos.fws.gov/ecp/species/4090">https://ecos.fws.gov/ecp/species/4090</a></p>	Threatened

## Birds

NAME	STATUS
<p><b>Eastern Black Rail</b> <i>Laterallus jamaicensis ssp. jamaicensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.  <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a></p>	Threatened
<p><b>Piping Plover</b> <i>Charadrius melodus</i></p> <p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> <li>Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.</li> </ul> <p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.  <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a></p>	Threatened

**Whooping Crane** *Grus americana***Endangered**

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/758>

## Fishes

NAME

STATUS

**Pallid Sturgeon** *Scaphirhynchus albus***Endangered**

Wherever found

This species only needs to be considered if the following condition applies:

- Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7162>

## Insects

NAME

STATUS

**Monarch Butterfly** *Danaus plexippus***Candidate**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

## Flowering Plants

NAME

STATUS

**Ute Ladies'-tresses** *Spiranthes diluvialis***Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2159>

**Western Prairie Fringed Orchid** *Platanthera praeclara***Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/1669>

# Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Jul 31
<b>Chimney Swift</b> <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
<b>Ferruginous Hawk</b> <i>Buteo regalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/6038">https://ecos.fws.gov/ecp/species/6038</a>	Breeds Mar 15 to Aug 15
<b>Lesser Yellowlegs</b> <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

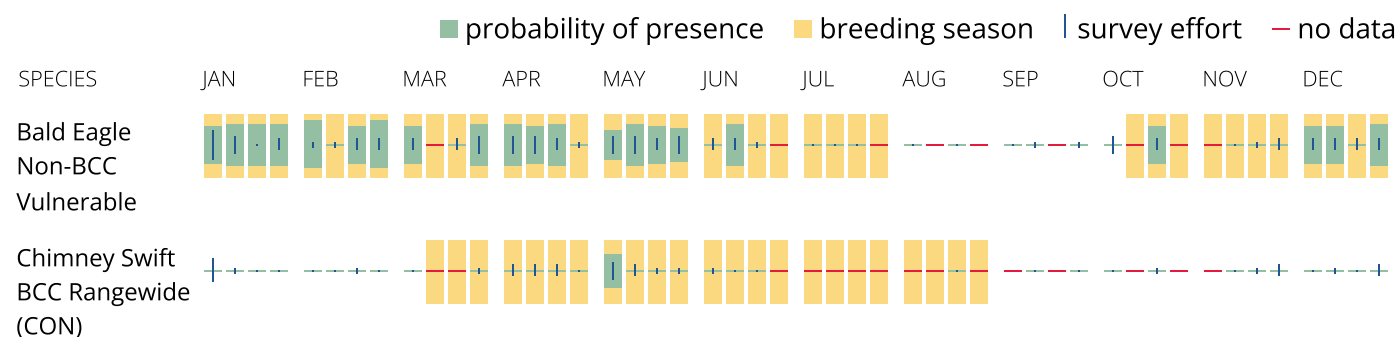
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

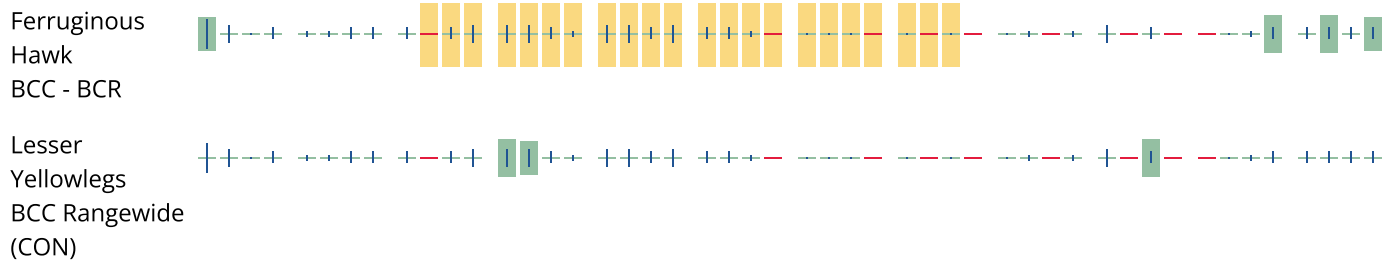
### No Data (—)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability

of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

### Fish hatcheries

There are no fish hatcheries at this location.

### Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

## Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

STATE OF  
COLORADO

Hays - DNR, Peter &lt;peter.hays@state.co.us&gt;

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**Notice of Complete Application for Permit: M2004051 Revision: AM1**

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**Hamous-Miller - DNR, Lexi** <lexi.hamous-miller@state.co.us>

Tue, Jun 20, 2023 at 10:57 AM

To: Peter Hays - DNR &lt;peter.hays@state.co.us&gt;

Cc: "Marette - DNR, Brandon" &lt;brandon.marette@state.co.us&gt;, Chris Mettenbrink - DNR &lt;chris.mettenbrink@state.co.us&gt;

Hello Peter,

My name is Lexi Hamous, I am the new Land Use Coordinator for the Northeast Region. Please send future DRMS requests to me (and cc Brandon if possible).

After our review of the project Wattenberg Lakes - File No. M-2004-051, Holcim - WCR, Inc. Amendment Application (AM-1), and what it entails, below are recommendations that Colorado Parks and Wildlife has in regard to the implementation of this project.

1. Project is within .25 mile of BE Nest, we recommend confirming that there are no eaglets on the nest after 7/31
2. Project is within .5 mile of BE roost site, we recommend avoiding work between 11/15 to 3/15
3. Project is near Aquatic Native Species Conservation Waters, we recommend NSO/NGD (year-round) within 500 feet of the Ordinary High Water Mark of the stream and 0.5-mile from Ordinary High Water Mark of the lake

If any questions arise, feel free to contact me at [Lexi.Hamous-Miller@state.co.us](mailto:Lexi.Hamous-Miller@state.co.us) or my phone number 303-916-2987. Have a great rest of your day.

**-Stay Wild,****Lexi Hamous (She/Her)****Northeast Region Land Use Coordinator**LIVE LIFE  
OUTSIDE

6060 Broadway, Denver, CO 80216

303-916-2987

[Lexi.Hamous-Miller@state.co.us](mailto:Lexi.Hamous-Miller@state.co.us)[CPW's Energy Webpage](#)

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59K

**To:** Wyatt Webster, Environmental and Land Manager  
**From:** Alecia Phillips, Senior Environmental Planner  
**Cc:** Fred Charles, Senior Engineering Manager  
**Date:** 2/2/2024  
**Subject:** Wattenberg Lakes – 1/30/2024 Coordination Call Record with Colorado Parks and Wildlife

## 1.0 ATTENDANCE

- **Lexi Hamous-Miller**, Northeast Region Land Use Coordinator, Colorado Parks and Wildlife (CPW)
- **Wyatt Webster**, Environmental and Land Manager, Holcim-WCR, Inc.
- **Fred Charles**, Senior Engineering Manager, Tetra Tech
- **Alecia Phillips**, Senior Environmental Planner, Tetra Tech

## 2.0 BACKGROUND

Tetra Tech requested the meeting to review CPW recommendations associated with proposed (ongoing) mining activity at the Wattenberg Lakes Mine (Project) under Colorado Division of Reclamation, Mining and Safety (DRMS) Permit M2004051. CPW issued updated recommendations for the Project in June 2023, initiated by the DRMS Permit amendment comment referral process. Holcim worked with Tetra Tech to incorporate the applicable recommendations into 2023 environmental monitoring efforts at the Project site, including monitoring of active and inactive eagle nests in the Project vicinity. Those monitoring efforts confirmed that there is an active bald eagle nest located north of the Project boundary (Figure 1, Nest 1) and that the former nest of this breeding pair that is located within the Project boundary was not used by nesting eagles or other raptor species in 2023 (Figure 1, Nest 2).

With additional mining activity planned for 2024, Tetra Tech requested the call with CPW to better understand the 2023 recommendations and their ongoing applicability to the Project.

## 3.0 CALL SUMMARY

Tetra Tech, Holcim and CPW discussed the following CPW conservation recommendations that were provided in response to the DRMS permit amendment:

1. Project is within .25 mile of BE Nest, we recommend confirming that there are no eaglets on the nest after 7/31
2. Project is within .5 mile of BE roost site, we recommend avoiding work between 11/15 to 3/15
3. Project is near Aquatic Native Species Conservation Waters, we recommend NSO/NGD (year-round) within 500feet of the Ordinary High Water Mark of the stream and 0.5-mile from Ordinary High Water Mark of the lake

For recommendations #1 and #2, Tetra Tech, Holcim and CPW reviewed the current active eagle nest and roost locations near the Project using CPW's Species Activity Mapping online data (CPW 2024) and confirmed that the active nest and roost site are greater than 0.5 miles from the Project boundary (Figure 1, yellow project boundary). Based on this, CPW confirmed that Holcim would not need to monitor the active nest going forward and that CPW's recommendation #2 regarding proximity to a roost location does not apply to the Project. CPW did request that Holcim continue to monitor the inactive eagle nest (Figure 1, Nest 2) at the Project during the nesting season for raptors (generally beginning of December through end of July for bald eagle; beginning of February through end of July for other raptor species [CPW 2020]) through the start of construction. CPW recommended checking the nest at least once per month until construction begins and to coordinate with CPW on additional actions should the nest be observed active prior to the start of construction. If the nest remains inactive at the start of construction, additional nest monitoring would not be needed.

For recommendation #3, Tetra Tech requested clarification on the bodies of water that the recommendation applies to. CPW clarified that the South Platte River is the "stream" and "lake" this recommendation refers to. Tetra Tech explained that the Project is anticipated to impact areas within 0.5-mile of the South Platte River and that erosion, sediment and stormwater control best management practices (BMPs) would be used at the site to maintain water quality and meet State water quality requirements. CPW was satisfied with this approach of utilizing BMPs within 0.5-mile of the South Platte River. No additional conservation recommendations were discussed.

#### **4.0 REFERENCES**

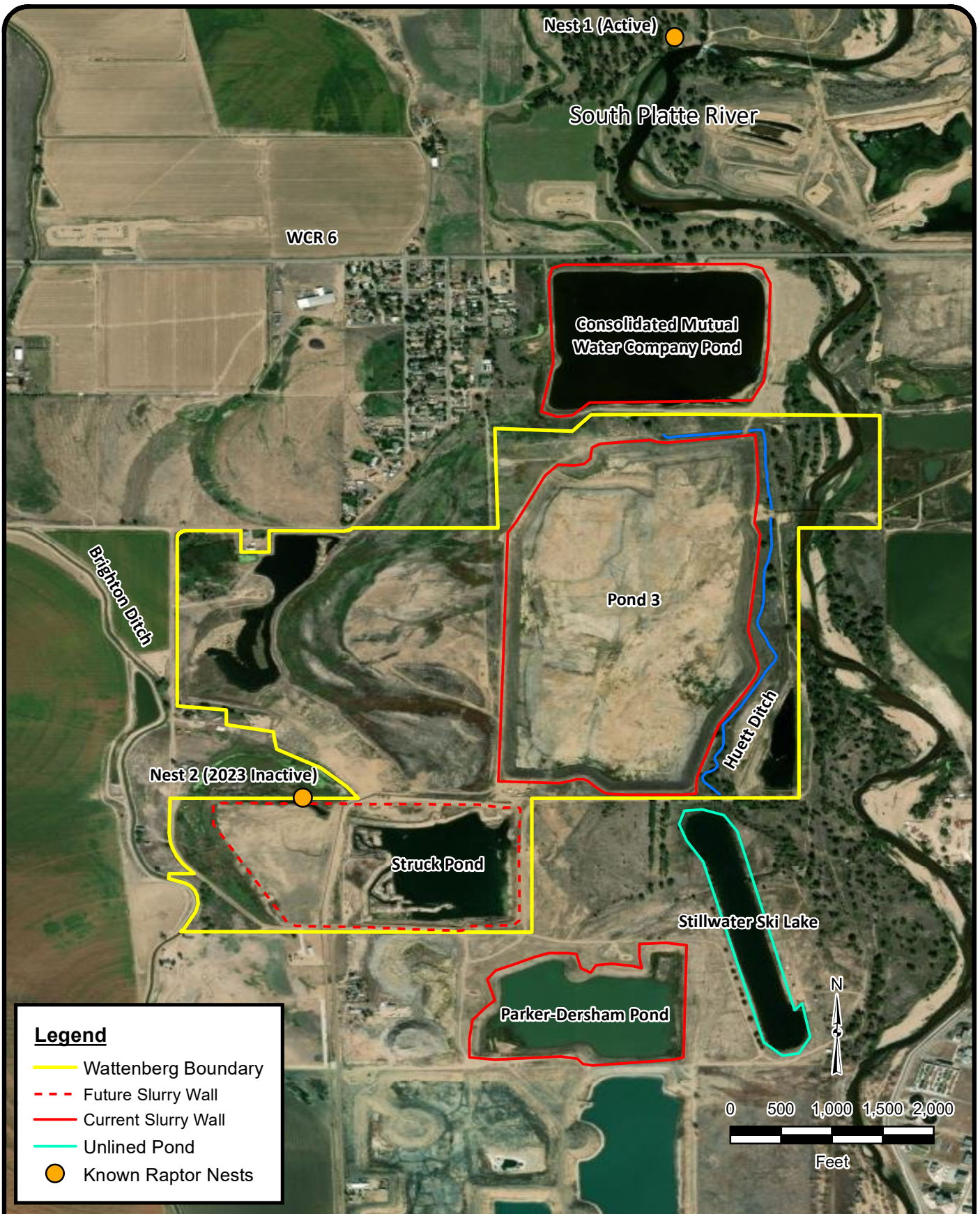
CPW (Colorado Parks and Wildlife). 2020. Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors. Accessed January 30, 2024 at

<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>

CPW. 2024. Species Activity Mapping Application. Accessed online on January 30, 2024 at:

<https://www.arcgis.com/apps/instant/interactivelegend/index.html?appid=b3e1f4c17e98481c85f9683b02e91250>

2/13/2024 - \\TTL\LOCAL\PROJECTS\LONGMONT\7110117-7110001\GIS\MXD\RAPTORNESTS.MXD - ALEXI COPELAND



**TETRA TECH**

[www.tetrattech.com](http://www.tetrattech.com)

351 Coffman Street, Suite 200  
Longmont, Colorado 80501  
Tel: (303) 772-5282

HOLCIM-WCR, INC.

**WATTENBERG LAKES AREA RAPTOR NESTS**  
Weld County, CO

Project No.: 117-7110001

Date: FEBRUARY 13, 2024

Designed By: AKC

Figure No.

**H-1**