



# COLORADO

## Parks and Wildlife

Department of Natural Resources

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RE: CPW's Comments on the Marcovich Mining Resource, File No. M-2024-034

Dear Nikie,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Marcovich Mining project. It is our understanding that the project includes sand and gravel extraction on 44.3 acres to be used for construction materials. Access to the mine will be through a new road constructed between the current site and Chavers Mining Resource (M-2015-030). No blasting will occur at the Marcovich Mining Resource. If refuse, acid, or toxic materials are unexpectedly encountered, these materials will be removed from the site and disposed of appropriately. The entire operation is planned to take place over 7 years, at which point it will be reclaimed and revegetated.

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado, and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests, as is the case for this project.

After review of this project and location, 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.

CPW recommends conducting raptor surveys prior to construction. 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. CPW also recommends avoiding the riparian corridor to the maximum extent possible to keep the migration corridor along the river as open as possible

### **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 HPHs**

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 avoiding the riparian corridor to the maximum extent possible to keep the migration corridor along the river as open as possible.

If the timing or scope of this project changes and/or if you have any questions, please contact Lexi Hamous at 303-916-2987 or [lexi.hamous-miller@state.co.us](mailto:lexi.hamous-miller@state.co.us).

Sincerely,



Chris Mettenbrink

Area 2 Assistant Area Wildlife Manager

Cc: Mark Leslie, Jason Duetsch, Erin Priest, Lexi Hamous, and file.