

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Kersey Mine M-2024-026 Adequacy Letter #2

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Fri, Aug 23, 2024 at 11:13 AM

To: breece@capitalsand.com, "Krajewski, Dustin" <DKrajewski@trccompanies.com>, tmccarthy@tamarackconsultingllc.com, "Malone, Leah" <lmalone@trccompanies.com>

Hello.

The Division received a letter from Colorado Parks and Wildlife on the Kersey Mine application, File No. M-2024-026. Please see the attached adequacy letter #2 for your review and comments.

Let me know if you have any questions or concerns.

Kind regards,

--

Nikie Gagnon

Environmental Protection Specialist

**COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

Cell: 720.527.1640

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Address for FedEx, UPS, or hand delivery:

DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

nikie.gagnon@state.co.us | <https://www.drms.colorado.gov>**M2024026 Kersey Mine Adequacy Ltr #2.pdf**

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August 23, 2024

Brady Reece
Colorado Sand Company II, LLC
2001 Kirby Drive, Suite 360
Houston, TX 77019

Re: Kersey Mine, File No. M-2024-026, Adequacy Review #2

Dear Mr. Reece:

The Division of Reclamation, Mining and Safety (Division/DRMS) is reviewing the 112 Construction Materials Reclamation Permit Application package for the Kersey Mine, File No. M-2024-026, and submits the following additional comment. The Division is required to make an approval or denial decision no later than **September 24, 2024**; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

Exhibit H – Wildlife Information

1. The Division received a comment from Colorado Parks and Wildlife regarding the application. The comment is attached for your review. Please acknowledge and address the comment and make changes to the application as necessary.

This concludes the Division's second adequacy review of this application. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application.

If you have any questions, please contact me by telephone at 720-527-1640 or by email at nikie.gagnon@state.co.us.

Sincerely,

Nikie Gagnon
Environmental Protection Specialist

Attachment: CPW Comments on the Kersey Mine

Cc: Dustin Krajewski, TRC
Timothy McCarthy, Tamarack Consulting
Jared Ebert, Senior EPS, DRMS





COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227

August 23, 2024

Nikie Gagnon
Environmental Protection Specialist
Colorado Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215,
Denver, CO 80203
nikie.gagnon@state.co.us

RE: CPW's Comments on the Kersey Mine, File No. M-2024-026

Dear Nikie,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Kersey Mining project. It is our understanding that the project includes an open-cut industrial sand mining operation that will employ a continuously advancing piton of 4,018 acres and concurrent reclamation. No blasting will occur at the Kersey mine. The entire operation is planned to take place over 20 years, throughout which portions will continually be reclaimed and revegetated, with a temporary mining deferral zone identified as potentially adding 12 to 13 years to the current plan. For a total potential disturbance time frame of 20-33 years.

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

Since prairie dogs are present within the project boundaries, if initial construction occurs from March 15 to October 31, we recommend completing a Burrowing Owl survey per CPW recommendations. If Burrowing owl nests are present (as stated Burrowing owls were during



the most recent survey), because this is a large disturbance, CPW recommends no activities occur within ¼ mile (1320 feet, 400 meters) of the nest site during the nesting season March 15 through August 31. Although Burrowing Owls may not be actively nesting during this entire period, they may be present at burrows up to a month before egg laying and several months after young have fledged. Therefore, it is recommended that efforts to eradicate prairie dogs or destroy abandoned towns not occur between March 15 and October 31 when owls may be present. Because nesting Burrowing Owls may not be easily visible, it is recommended that targeted surveys be implemented to determine if burrows are occupied. More detailed recommendations are available in a document entitled “Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls,” which is available from the CPW.

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.

Fencing

CPW is concerned for the safety of Mule deer, White-tailed deer and Pronghorn Antelope. 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

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. CPW recommends that the applicant consult with the Weld County and Natural Resource Conservation Service (N.R.C.S) for the best noxious weed management practices.

Wood Perennial Plant Replacement and Native Re-seeding


Per the proposed reclamation plan, there are thus far no plans to revegetate the site with woody perennial plants (referred to as trees and shrubs). However, this proposed project area is historically referred to as the Greeley Dune Fields¹, which are home to the target commodity (sand) and associated woody perennial plant species such as sand sage, which is uniquely adapted to this habitat and soil type. Should removal of sand sage and other woody perennial plant species (yucca, Skunkbrush Sumac, Sand Cherry, etc²) occur, CPW recommends said species be replaced at a 3:1 ratio. CPW also recommends that native species be re-seeded, including locally native grass species (sand bluestem, prairie sandreed, blue grama, etc) and forbs (rocky mountain bee plant, silky prairie clover, etc), which would be found in this unique habitat type and would benefit both wildlife and future rangeland operations. CPW recommends that the applicant consult with N.R.C.S and CPW for further species identification and reclamation due to the unique nature of this habitat. If onsite mitigation of native woody perennial species 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.

If the timing or scope of this project changes and/or if you have any questions, please contact Jackson Davis at 970-342-0461 or jackson.davis@state.co.us.

Sincerely,



Brandon Muller

Acting Area 4 Area Wildlife Manager

Cc: Jackson Davis, Greeley N. District Wildlife Manager- jackson.davis@state.co.us
Lexi Hamous, NE Land Use Coordinator- lexi.hamous-miller@state.co.us

¹ <https://www.sciencedirect.com/science/article/abs/pii/S0169555X9500100J>

² <https://conps.org/project/great-plains-sandhill-grasslands-and-shrublands/>