

**STATE OF
COLORADO**

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

RE Brown Quarry, File No. M-2024-023 Colorado Parks and Wildlife Comments

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Wed, Oct 23, 2024 at 10:09 AM

To: Robert Congdon <defiancestone11@gmail.com>

Cc: Ben Langenfeld <benl@lewicki.biz>, Jessica King <jess@lewicki.biz>

Mr Congdon,

Comments from Colorado Parks and Wildlife on your Brown Quarry application are attached. Please address these comments in your response to the adequacy letter I sent last week, and incorporate the recommendations into the mining and reclamation plans.

The decision due date for the application is 10/25/2024. Please make sure that you request an extension before that date passes in order to keep the application active. The Division typically extends decision dates in 30-60 day increments, up to a maximum of 365 days. If a year passes and no decision has been made the applicant has to request a further extension at a Mined Land Reclamation Board hearing.

Leigh Simmons
Environmental Protection Specialist

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

P 720.220.1180

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**Brown Quarry CPW comments Signed Oct 22, 2024- Google Docs.pdf**

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COLORADO

Parks and Wildlife

Department of Natural Resources

Glenwood Springs (Area 8) Service Center
0088 Wildlife Way
Glenwood Springs, CO 81601
970.947.2920

October 15, 2024

Leigh D. Simmons
Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Brown Quarry, File No. M-2024-023 Colorado Parks and Wildlife Comments

Dear Ms. Simmons,

Thank you for the opportunity to comment on the Brown Quarry northwest of Dotsero, Colorado. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission to perpetuate Colorado's wildlife resources and provide sustainable outdoor recreation opportunities that educate and inspire future generations. CPW fulfills this mission by responding to requests for comments on wildlife impact reports, land use proposals, and consultations through public-private partnerships.

It is understood from the permit file that this proposal is to operate a 1.52-acre limestone and sandstone quarry operated by Defiance Stone Company, which has a five-year permit with the BLM to extract 16,000 bank cubic yards of sandstone. The 5-year contract could be extended to 20 years when it is up for renewal and permits a total of 9.1 acres. The quarry will be supported by a .43-acre yard southeast of the quarry and will serve as a central distribution point. Access to the quarry will be a 3000-foot secured road from BLM Road 8460, which will be upgraded to handle anticipated traffic and will be limited to 10 miles per hour. Reclamation will use waste stone to establish grade and replace topsoil collected and stored from clearing and grubbing the site. Stormwater controls will be kept in place until revegetation is achieved.

CPW utilizes the mitigation hierarchy of avoid, minimize, and mitigate when analyzing land use proposals. After reviewing the material provided, CPW has identified that this project area interacts with the following CPW-mapped High Priority Habitats (HPH), which have sound, spatial data and scientifically backed Best Management Practices (BMPs) designed to avoid, minimize, and mitigate impacts to wildlife resources.



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 · Tai Jacober · Jack Murphy · Gabriel Otero · Murphy Robinson · James Jay Tutchton · Eden Vardy

- **Big Horn Sheep**
 - **Winter Range:** No permitted or authorized human activities (including overflights) from November 1 to April 30. Surface density limitations of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.
 - **Production Area:** No permitted or authorized human activities (including overflights) from April 15 to June 30 for Rocky Mountain Bighorn Sheep.
- **Peregrine Falcon Nesting Sites**
 - No surface occupancy within .5 miles of a nest and no permitted or authorized human activities within .5 miles of a nest from March 15 to July 31.
 - CPW recommends requiring a raptor survey before initiating construction or mining operations and annually in March to identify nesting behavior. If nesting behavior is observed, CPW staff should be consulted to evaluate alternative operation plans that could include modification or temporarily ceasing operations.

CPW has observed changing patterns by bighorn sheep in this area due to nearby disturbances from mining operations, roads, and activity. Of particular note within the bighorn sheep winter range, bighorn sheep summer range, and bighorn sheep summer concentration area is the alteration in use of this area by bighorn sheep in the past six years. This location has now become a vital bighorn sheep production area and corridor in which bighorn sheep use frequently. Production activity is documented in this area. Significant resources have been invested here to support those populations, including installing water sources and implementing habitat improvement projects. Through our Habitat Partnership Program, we have also supported private land conservation efforts and developed partnerships among agricultural operators, land managers, sportspersons, and the public. CPW recommends incorporating the following best management practices to avoid or minimize impacts on wildlife.

- Conduct a raptor survey before initiating construction or mining operations and continuous observation to identify nesting behavior. If nesting behavior is observed, CPW staff should be consulted to evaluate alternative operation plans that could include modification or temporarily ceasing operations at the sole discretion of the CPW District Wildlife Manager, may be short- or long-term in nature, and will be based on wildlife observations.
- Implement a dust suppression program on all dirt access roads and work surfaces that utilize fresh water.
- Integrate a weed management plan in agreement with Eagle County's plan to control and eliminate the spread of noxious weeds in and around the area. Invasive plants



endanger the ecosystem by disturbing natural processes and jeopardizing the survival of native plants and the wildlife that depend on them.

- Re-seed disturbed soils with a wildlife-friendly seed mix recommended by the [Colorado Seed Mix tool](#) that should be utilized to help identify and verify appropriate native plant species for this area and the wildlife species present.
- Upon the completion of the project, as a reclamation effort, CPW would recommend the installation of water catchments to benefit wildlife. CPW will be available to help with the design and locations for these catchments.
- Install appropriate stormwater and erosion control BMPs for any disturbed areas to reduce the transport of sediment offsite. These BMPs should remain in place until revegetation is achieved.
- Dogs will not be allowed at the Project location.
- Trash and debris should be removed daily.
- Lighting should be capped from above to help reduce night-sky light pollution and avoid interference with nocturnal wildlife behavior.
- Conduct work only during daylight hours to minimize disturbance to wildlife that utilize this area to protect nocturnal wildlife behavior.
- Exclusionary wildlife fencing, if deemed necessary, should be implemented at strategic locations on the property. CPW does not recommend perimeter fencing around the entire project location, only around the portions that are active and hazardous to wildlife (i.e., the facility, the active quarry, and any ponds). If the fencing is wildlife-permeable, CPW recommends further consultation regarding slope ratios of pit walls and escape ramp designs for trapped wildlife.

CPW appreciates the opportunity to provide recommendations for the Brown Quarry. CPW looks forward to actively participating in a planning process and developing cooperative management plans that address these concerns. Please contact District Wildlife Manager Brian Wodrich to discuss these wildlife issues further and facilitate measures to avoid, minimize, and mitigate impacts on wildlife.

Brian Wodrich, brian.wodrich@state.co.us, 970-948-9166

Sincerely,



Matt Yamashita
Area Wildlife Manager

cc:

Brian Wodrich, District Wildlife Manager
Danielle Neumann, NW Region Land Use Specialist

