STATE OF COLORADO

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

Fwd: M-2024-056

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us> Wed, Dec 11, 2024 at 3:15 PM
To: Ben Miller <ben@lewicki.biz>, Greg Geras <GregG@asphaltspecialties.com>

Hello.
Please see the attached comment letter from CPW on the Evans Mining application.

Best regards,

Nikie Gagnon

---------- Forwarded message ---------
From: **Hamous-Miller - DNR, Lexi** <lexi.hamous-miller@state.co.us>
Date: Wed, Dec 11, 2024 at 3:03 PM
Subject: M-2024-056
To: Nikie Gagnon - DNR <nikie.gagnon@state.co.us>
Cc: Michael Grooms - DNR <michael.grooms@state.co.us>

Hi Nikie,
Thank you for including CPW in the review of this project. I have attached our comments, please let me know if you have any questions.

-Stay Wild,

Lexi Hamous, MS (She/Her)
Northeast Region Land Use Coordinator
Colorado Parks and Wildlife

LIVE LIFE OUTSIDE

6060 Broadway, Denver, CO 80216
303-916-2987
Lexi.Hamous-Miller@state.co.us
CPW's Energy Webpage

M-2024-056 Evans Mining Resource- CPW response.pdf
349K

COLORADO
Parks and Wildlife
Department of Natural Resources

Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227

December 6, 2024

Department of Reclamation, Mining and Safety
Attn: Nikie Gagnon
1402 North 17th Ave
Greeley, CO 80631
nikie.gagnon@state.co.us

RE: CPW's Comments on the Evans Mining Resource- M-2024-056

Dear Nikie,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Evans Mine Resource Project. It is our understanding that the project is located in Section 36 of T5N, R66W. The proposed use of the site is Sand and gravel extraction for use in construction materials such as crushed rock, sand, washed rock, concrete, and asphalt. Mining operations at the Evans Mining Resource are expected to take approximately 21 years to complete, based on an annual average production of 300,000 tons. The total mining area to be reclaimed under this permit is 99.3 acres out of the 159.2-acre permit and affected area. Reclamation of the Evans Mining Resource will convert the site to a final land use of a water storage pond and rangeland. The industrial area containing the asphalt plant and aggregate processing/recycling plants will remain after reclamation. Reclamation will occur concurrently with mining. Final reclamation will be completed after mining has finished.

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:

The Importance Of High Priority Habitats

Developers and permitting agencies can help avoid, minimize, and mitigate impacts to wildlife from their projects by working with CPW. High Priority Habitats (HPH) are defined as sensitive habitats where CPW has recent maps regarding sensitive wildlife use, plus scientifically-backed best management practice (BMP) recommendations. HPHs are a subset of CPW's species activity maps that we collect and update for a variety of species and their particular habitats; we provide these maps to the public and regulatory agencies for the environmental assessment and land use commenting of proposed development on a given parcel, and general scientific research.

Mule deer severe winter concentration and winter concentration areas

CPW has identified Mule deer severe winter concentration and Mule deer winter concentration areas and a Mule deer Migration cooridor within the State of Colorado's 2015 State Wildlife Action Plan. 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. These areas provide crucial wintering habitat during both severe and mild winters by providing ideal forage, vegetation, and topographic features for both species. Regardless of weather patterns, winter is the most stressful period for ungulates due to the challenges winter poses for forage availability. The entirety of the project is slated for development within these HPH layers. Therefore, CPW recommends not constructing during the winter season (December 1 to April 30), if this is not feasible, CPW recommends that the applicant start construction outside of this window.

Aquatic Native Species Conservation Waters

CPW has identified Aquatic Native Species Conservation Waters within the State of Colorado's 2015 State Wildlife Action Plan. These streams provide critical habitat for native aquatic wildlife, such as amphibians and fish, while also providing crucial habitat for mammals, birds, and reptiles that utilize the habitat. 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 storm water best management practices (BMPs).

Fencing

CPW recommends that if fencing (project perimeter or internal) is erected, either during or after construction of the project, it should be the type that would allow the free passage of wildlife. This will help to ensure the safety of mule deer, white-tailed deer, and pronghorn antelope in the project area. 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 minimum 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.
Further information can be found in CPW's "Fencing with Wildlife in Mind" brochure.

Noxious Weeds and Native Re-seeding
Also of importance 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. It is preferable 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 Weld County and the Natural Resource Conservation Service (NRCS) for current noxious weed best management practices.

Wildlife Escape Ramps
During open pit or open trench mining operations, CPW recommends placing temporary backfilling or other material as escape ramps in areas with steep slopes. Escape ramps will allow wildlife to exit an open pit or trench safely if they become entrapped.

Lighting
Nighttime artificial lighting has been documented to affect wildlife species of all sizes, from small macroinvertebrates to large mammals. These effects are often species-specific, and in some cases may be beneficial to one species within a local ecological community, but detrimental to another species within the same ecological community. These impacts could be expected year-round and can affect both local resident species and migrating wildlife, which may lead to collisions with other animals and structures, exhaustion, increased depredation, and direct mortality. Nighttime artificial lighting may also disrupt nocturnal species that are not accustomed to a significant increase in artificial light, leading to temporary blindness and disorientation, which may also increase the likelihood of collisions with infrastructure on site. CPW recommends that all outdoor lighting be down-shielded to minimize disturbance areas and dim the lights as much as practicable.

Per the U.S Fish and Wildlife Service recommendations[1], all outdoor lighting should be limited to warmer colors with "longer wavelengths (>560 nm) and lower correlated color temperatures (CCT<3000 Kelvin degrees)" ("Threats to Birds: Collisions - Nighttime Lighting | U.S. Fish & Wildlife Service"). Per the American Bird Conservancy, CCTs ranging from 2200 Kelvin Degrees to 2700 Kelvin Degrees is the preferred range of color. (Misguiding Light: The

[1] [4] "Threats to Birds: Collisions - Nighttime Lighting | U.S. Fish & Wildlife Service." *FWS.gov*, 4 May 2023, www.fws.gov/story/threats-birds-collisions-nighttime-lighting.

Role Artificial Light Plays in Bird Mortality from Collisions with Glass | Sheppard, PHD[2]) CPW recommends the latter range of lighting color options for implementation at the project site.

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[3].

If the timing or scope of this project changes and/or if you have any questions, please contact Mike Grooms at 970-472-4458 or michael.grooms@state.co.us.

Sincerely,

Jason Surface
Area 4 Area Wildlife Manager

Cc: Mike Grooms, Greeley South District Wildlife Manager, michael.grooms@state.co.us
Lexi Hamous, NE Land Use Coordinator- lexi.hamous-miller@state.co.us

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[2] Sheppard, PHD, Christine. *Misguiding Light: The Role Artificial Light Plays in Bird Mortality from Collisions with Glass*. American Bird Conservancy, 11 May 2022, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/abcbirds.org/wp-content/uploads/2022/05/ABC-lighting-collisions-position-statement-2022.pdf.

[3] USDA Natural Resources Conservation Service. Conservation Practice Standard – Access Control, Code 580. January 2021.