

STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

#M-2024-055

1 message

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

Wed, Dec 11, 2024 at 2:58 PM

To: Patrick Lennberg - DNR <patrick.lennberg@state.co.us>

Cc: Jackson Davis - DNR <jackson.davis@state.co.us>

Hi Patrick,

Thank you for including CPW in the review of this project. I have attached CPW's 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-2024-055- LTS Topsoil Mine- CPW comments.pdf**

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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: Patrick Lennberg

1313 Sherman Street, Room 215,

Denver, CO 80203

patrick.lennberg@state.co.us

RE: CPW's Comments on the LTS Topsoil Mine- #M-2024-055

Dear Molly,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed LTS Topsoil Mine Project. It is our understanding that the project is located in Section 18 of T6N, R66W. The proposed project consists of 132 acres being used for Topsoil mining operations that will be used for the reclamation of Oil and Gas sites. The goal is to remove approximately 157,480 tons of top soil over the next two years. The site will be reclaimed to support cropland post-mining land use.

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:

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

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 • Jack Murphy • Gabriel Otero • Duke Phillips, IV • Gary T. Skiba • James Jay Tutchton • Eden Vardy



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 recommendations¹, 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, PHD²) CPW recommends the latter range of lighting color options for implementation at the project site.

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,

A handwritten signature in black ink, appearing to read "Jason Surface". The signature is fluid and cursive, with the first name "Jason" and last name "Surface" clearly distinguishable.

Jason Surface
Area 4 Area Wildlife Manager

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

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.