STATE OF COLORADO

Girardi - DNR, Chris <chris.girardi@state.co.us>

M-2024-057 CPW comments

1 message

Hamous-Miller - DNR, Lexi <lexi.hamous-miller@state.co.us> Mon, Jan 6, 2025 at 10:16 AM
To: Chris Girardi - DNR <chris.girardi@state.co.us>
Cc: Michael Grooms - DNR <michael.grooms@state.co.us>

Hi Chris,
Here are CPW's comments for the Farmer's sand project M-2024-057. Thank you for including CPW in the review process and let us 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

Farmers Sand- CPW response.pdf
2634K

COLORADO
Parks and Wildlife
Department of Natural Resources

Fort Collins Service Center - Area 4
317 W Prospect Rd
Fort Collins, CO 80526
P 970.472.4300

January 4, 2025

Chris Girardi
Environmental Protection Specialist
Colorado Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215,
Denver, CO 80203
chris.girardi@state.co.us

RE: CPW's Comments on the Farmers Sand File No. M-2024-057

Dear Chris,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Farmers Sand project. It is our understanding that the project includes sand extraction on 335 acres to be used for frac materials for oil and gas development located in parts of Sections 3, 4, 9, 10, 11, 14, 15, 22, 23 of T3N, R65W. The plan is to continue removing slurry from the bottom of Milton Reservoir to then pump to dewatering ponds. The slurry is currently being dewatered using settling ponds and a vortex cyclone and then hauled and placed in stockpiles. Future plans are to install a sand plant.

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

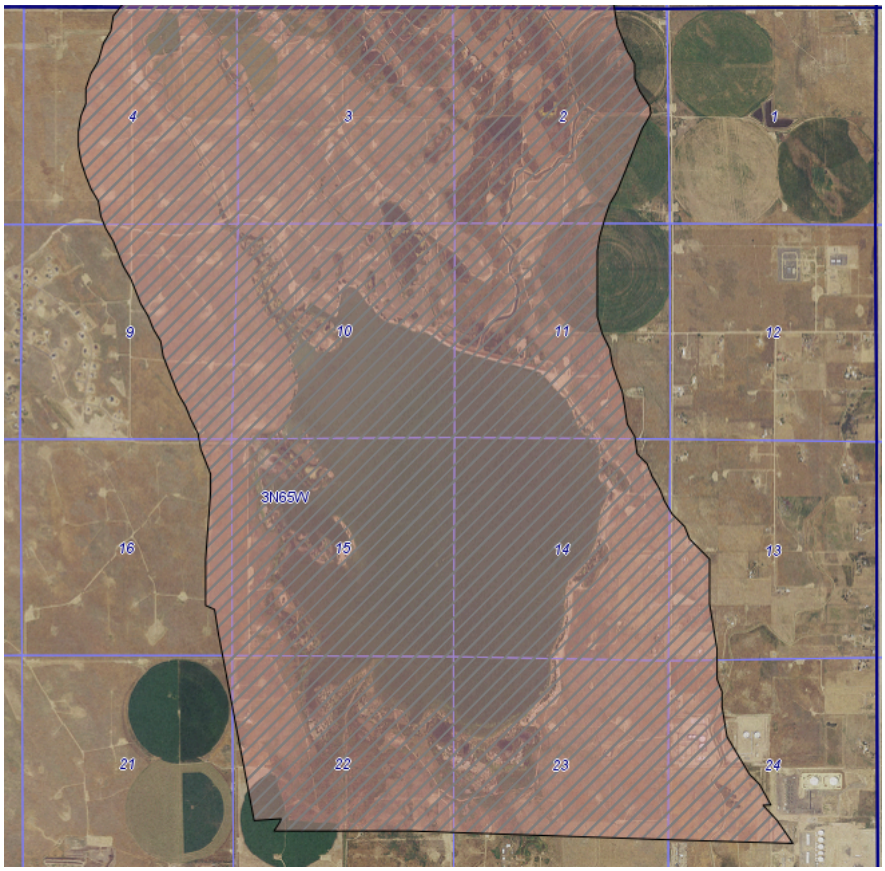
of CPW's species activity maps that we collect and update for a variety of species and their particular habitats; we provide these maps to the public and regulatory agencies for the environmental assessment and land use commenting of proposed development on a given parcel, and general scientific research.

Mule Deer Severe Winter Range High Priority Habitat

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 (see Exhibit A below). 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.

In particular, there is a bald eagle roost site around the entirety of Prewitt Reservoir as shown in Exhibit A.

Exhibit A- Mule Deer Severe Winter Range indicated in striped pink.



Bald Eagle Active Nest Site

An active bald eagle nest site is a specific location in which a pair of bald eagles has at least attempted to nest within the last five years. Any nest location that can be directly tied to courtship, breeding, or brooding behavior is considered active. A buffer zone extends 0.5 miles around a known active nest. CPW has two recommendations to protect these sites: of a) No surface occupancy (NSO) within 0.25 mile of any active bald eagle nest site year-round, and b) no human encroachment or permitted/authorized human activities within 0.5 mile of any active bald eagle nest site from December 1 to July 31 of each year.

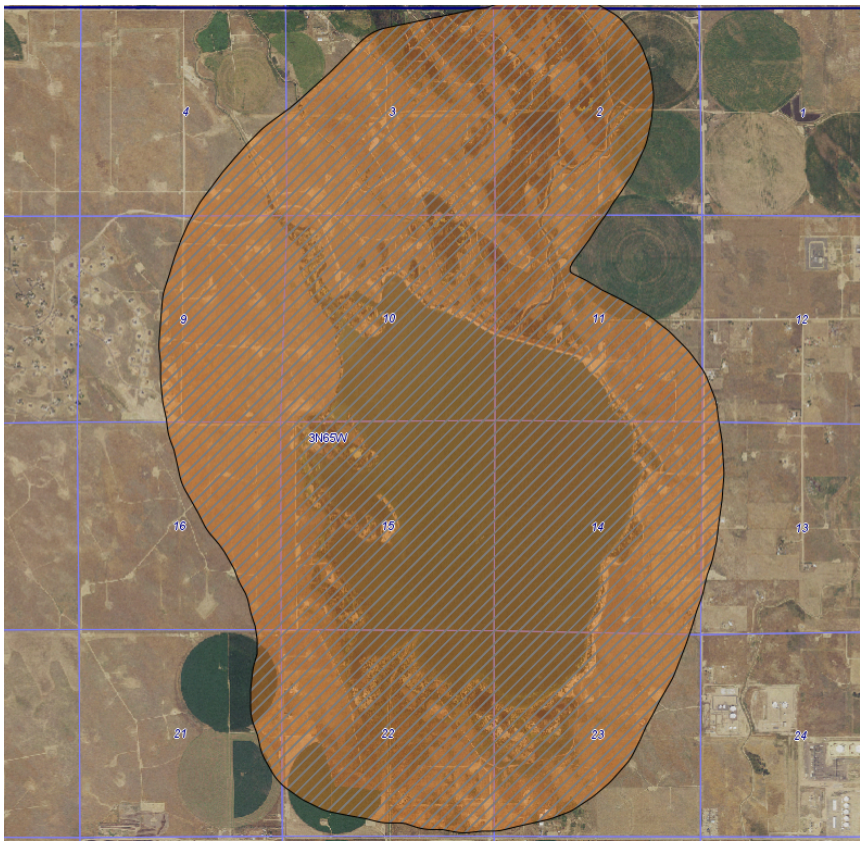
There are multiple active Bald eagle nests identified within the project area around Milton Reservior. Because this operation has been occurring for many years now, CPW has observed that the Bald Eagles have been tolerant of this work. CPW would typically recommend consulting with U.S. Fish and Wildlife Service for regulatory purposes; however, we see that A bald eagle Short Term Incidental Take Permit was obtained for the project effective June 11, 2024 MBPER3656925) and expires May 31, 2029(Appendix A). CPW appreciates that the applicant has committed to "Haul road usage and dredging activities will avoid trees or locations with active MBTA and raptor nests. Dredging activities will be limited during the active migratory bird and raptor breeding season per CPW buffer zone protocol(CPW 2020)", per the application.

Bald Eagle Roost Sites

Bald eagle roost sites are defined as groups of (or individual) trees that provide diurnal and/or nocturnal perches for wintering bald eagles. These trees are usually the tallest available in the wintering area and are primarily located in riparian habitats. CPW has two recommendations to protect these sites: of a) no surface occupancy within 0.25 mile of any active bald eagle winter night roost year-round, and b) no human encroachment or disturbance within 0.5 mile any active bald eagle winter roost site from November 15 to March 15 of each year. We appreciate the applicant planning work from March - November.

In particular, there is a bald eagle roost site around the entirety of Prewitt Reservoir as shown in Exhibit B.

Exhibit B- Bald Eagle Roost Site indicated in striped orange.



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 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. 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.

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 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.

Future plans for development

In the application for this project, it states, "Future plans are to install a sand plant." CPW has concern with this proposed sand plant because it is in close proximity to current and historic bald eagle nests, colonial waterbird nesting areas (including double-crested cormorant, great blue heron, black-crowned night heron, great egret, and snowy egret), and the American white pelican nesting colony site along the northwest and western shorelines of Milton Reservoir. CPW has been monitoring these nesting bird species along these areas of Milton Reservoir since 1978. Further development of a full-scale sand plant may be disruptive and possibly detrimental to the survival of the nests and roosting site located around Milton Reservoir. CPW requests from the Department of Reclamation Mining and Safety (DRMS) for CPW to continue to be involved with the planning process for this proposed project as it moves through the permitting and planning process.

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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.

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.

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.

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