



COLORADO

Parks and Wildlife

Department of Natural Resources

Area 4/ Fort Collins Office
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Fort Collins, CO 80526
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February 25, 2025

Department of Reclamation, Mining and Safety

Attn: Chris Girardi

1402 North 17th Ave

Greeley, CO 80631

chris.girardi@state.co.us

RE: CPW's Comments on the Gutterson Mining Resource M-2025-002

Dear Chris,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Gutterson Mining Resource Project. It is our understanding that the project is located in Section 27 of T7N, R65W. The proposed use of the site is to scrape topsoil to be pushed into windrows by a dozer and sold for topsoil on about 206 acres of land. Mining operations at the Gutterson Mining Resource are expected to take approximately 2.7 years to complete.

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

Jeff Davis, Director, Colorado Parks and Wildlife

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environmental assessment and land use commenting of proposed development on a given parcel, and general scientific research.

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 is a possibility of sensitive aquatic native species (fish and amphibians) present within Owl Creek. CPW recommends no surface occupancy and no ground disturbance (year-round) within 500 feet of the ordinary high water mark of the Owl Creek and to implement appropriate storm water best management practices (BMPs). Since this project will not be impeding on Owl Creek, CPW agrees with the sediment controls highlighted in the application package provided.

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.

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 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 Troy Florian at 970-472-4458 or troy.florian@state.co.us.

Sincerely,



Jason Surface
Area 4 Area Wildlife Manager

Cc: Troy Florian, Ault District Wildlife Manager, troy.florian@state.co.us
Lexi Hamous, NE Land Use Coordinator- lexi.hamous-miller@state.co.us

¹ “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://efaidnbmnnnibpcajpcgclefindmkaj/abcbirds.org/wp-content/uploads/2022/05/ABC-lighting-collisions-position-statement-2022.pdf.