



STATE OF
COLORADO

Gibson - DNR, Amber <amber.gibson@state.co.us>

Lascar Pit 112c application adequacy item update

1 message

Gibson - DNR, Amber <amber.gibson@state.co.us>
To: PFM Consulting <pfmconsultingcompany@gmail.com>

Tue, Mar 11, 2025 at 8:14 AM

Good morning,

Attached is further clarification regarding CPW's comment for the Lascar Pit M-2025-004, highlighted in item #23 of DRMS's adequacy review. Please address in your responses whether new prairie dog colonies have appeared within the site, and if not, how that occurrence would be addressed by the Permittee.

Thank you,

Amber Michels Gibson
Environmental Protection Specialist I



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

P 720.836.0967 | F 303.832.8106 |
amber.gibson@state.co.us

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216
Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

<https://drms.colorado.gov/>



Clarification request for comments regarding the Lascar Pit in Huerfano County.pdf
1616K

STATE OF
COLORADO

Gibson - DNR, Amber <amber.gibson@state.co.us>

Clarification request for comments regarding the Lascar Pit in Huerfano County

2 messages

Gibson - DNR, Amber <amber.gibson@state.co.us>
To: Cody Purcell - DNR <cody.purcell@state.co.us>

Mon, Mar 3, 2025 at 1:01 PM

Good afternoon,

My name is Amber Gibson and I am the specialist with the Division of Reclamation, Mining and Safety (DRMS) reviewing the 112c mining application for the Lascar Pit (M-2025-004). This site was permitted as a 111 application (permit no. M-2023-005) in 2023. At that time, DRMS received a comment from CPW addressing potential wildlife concerns, particularly regarding burrowing owls. At the time of the 111 application, the Applicant had owl surveys conducted and found that there were no owls observed during the surveys.

Because our Rules do not currently allow for 111 operations to be converted into 112c operations, the Permittee/Applicant has to re-permit the site under a 112c permit and new permit number. When the Applicant was initially gathering exhibits to submit the application, they were under the impression that it could be converted. In their application, they included an email from Michael Brown that states there will be no changes to the operation. In Michael's email, dated November 26, 2024, he states that the proposed 112c should not have any negative impacts to wildlife given there are no changes to the operation.

On February 14, 2025 a comment from CPW was mailed to DRMS, and was received on February 27, 2025. This comment mentions that there was a site visit in 2023 that found the project should not have any impacts to aquatic species. However, the comment does again mention potential impacts to burrowing owls, and recommends that a survey takes place before activities start.

I would like to request further clarification as to whether the owl surveys conducted in 2023 are still applicable, or if the comment received in 2025 is recommending that additional surveys be conducted? The site is still currently permitted under the 111 application and mining activities are ongoing at this time.

I have attached the comments/emails mentioned in my summary above to this email for your reference. Please let me know whether I need to recommend that another set of owl surveys need to be completed before the site can be permitted, or if the 2023 surveys meet the requirements of the 2025 recommendation.

Thank you,

Amber Michels Gibson
Environmental Protection Specialist I



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Mining and Safety
Department of Natural Resources

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amber.gibson@state.co.us

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<https://drms.colorado.gov/>



Attachments for DRMS to CPW email.pdf
1128K

Purcell - DNR, Cody <cody.purcell@state.co.us>
To: "Gibson - DNR, Amber" <amber.gibson@state.co.us>

Mon, Mar 10, 2025 at 8:52 PM

Hi Amber,

Thanks for contacting me regarding the comment letter you received regarding this project. I apologize for the confusion. I believe the need for additional burrowing owl surveys is dependent on the site activity. From what I understand, mining on this property has not ceased? If there hasn't been a lengthy gap in operation, I do not see the need for further owl surveys unless new prairie dog colonies have developed. If there are new prairie dog colonies in areas that will be developed, it would be advised to conduct additional burrowing owl surveys.

Let me know if you have any additional questions or concerns.

Thank you!

[Quoted text hidden]

--

Cody Purcell
District Wildlife Manager
Colorado City & Rye



**LIVE LIFE
OUTSIDE**

P 719.561.5300 | C 719.424.2106

600 Reservoir Rd. Pueblo, CO 81005

cody.purcell@state.co.us | cpw.state.co.us





COLORADO

Parks and Wildlife

Department of Natural Resources

Pueblo Service Center
Pueblo, CO 81005
P 719.561.5300 | F 719.561.5321

RECEIVED

MAR 31 2023

**DIVISION OF RECLAMATION
MINING AND SAFETY**

March 24, 2023

Amber N. Michels
Division of Reclamation, Mining & Safety
1313 Sherman Street
Room 215
Denver, CO 80203

RE: Lascar Gravel Pit Review

Dear Ms. Michels,

Thank you for allowing Colorado Parks & Wildlife (CPW) the opportunity to review this application and discuss any wildlife concerns. The Lascar Gravel Pit site is located in an area with diverse wildlife populations. CPW species activity maps indicate that nearly 50 different wildlife species can be located in this general area. Notable big game species such as pronghorn, mule deer and elk are year round residents along with several small game & non-game species.

Possible impacts to Western burrowing owls is of concern. This project will occur within their breeding range. Burrowing owls utilize burrows created by other animals such as badgers or prairie dogs. If these types of burrows exist within the proposed project site, burrowing owls may be present. Federal and state laws prohibit the harming or killing of burrowing owls and the destruction of active nests.

Colorado Parks and Wildlife (CPW) recommends surveying for burrowing owl presence before potentially harmful activities start. Burrowing owls typically arrive on breeding grounds in Colorado in late March or early April, with nesting beginning a few weeks later. Active nesting is expected from late March through early August.

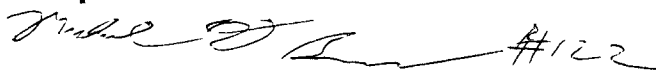
If burrowing owls are detected, we recommend taking these actions. If possible, wait until after October 31 of the year to initiate activities or until you can confirm the owls are have left. If you must initiate activity prior to this, CPW recommends a buffer of at least 660 feet from active nest



burrows. CPW recommends no surface disturbance within such buffers from March 15 through August 31.

Besides the potential impact to Burrowing owls, I do not believe this project will have any significant wildlife impacts. If you would like to further discuss this further, please feel free to contact me.

Sincerely,



Michael D Brown
Area Wildlife Manager- Area 11
Colorado Parks & Wildlife





SMITH ENVIRONMENTAL & ENGINEERING

Delivering Smart Solutions for Planning, Permitting, & Design

MEMORANDUM

TO: Aurion Dransfield
Project Manager
Siete, Inc.

FROM: Cooper Pierce
Environmental Scientist I
Smith Environmental and Engineering (SMITH)

DATE: April 10, 2023

RE: Burrowing Owl Survey Results at Lascar Pit, Huerfano County, CO

The Burrowing Owl (*Athene cunicularia*) is a State of Colorado Threatened species and is protected under the Migratory Bird Treaty Act (MBTA) of 1918, as amended. Burrowing Owls primarily use abandoned prairie dog burrows for nesting and refuge in Colorado from mid-March through October of each year.

SMITH completed surveys following CPW guidelines to determine if Burrowing Owls are present at the proposed Lascar Pit development site and access road (Figure 1) prior to any prairie dog mitigation activities. Surveys were completed on April 5, 7, and 10, 2023 within two hours of sunrise during optimal weather conditions (i.e., little to no wind, no precipitation, and sunny skies). SMITH utilized recorded owl calls to increase the probability of detection. **No owls were observed during the surveys**, and SMITH believes prairie dog management activities, including clearing and grubbing, can proceed without negatively impacting Burrowing Owls.



PFM Consulting <pfmconsultingcompany@gmail.com>

Re: Lascar Pit - Huerfano County

1 message

Brown - DNR, Mike <mike.brown@state.co.us>

Tue, Nov 26, 2024 at 12:01 PM

To: PFM Consulting <pfmconsultingcompany@gmail.com>

Hey Jodi,

My apologies as this got buried in my inbox and we've been super busy with hunting seasons. The pit conversion you mentioned should not have any negative impacts to wildlife given there are no changes to the size, operation, etc. I hope you have a happy Thanksgiving!

Thanks

Mike Brown
Area Wildlife Manager
Area 11-Pueblo



P 719.561.5303 | C 719.250.4269 | F 719.561.5321
600 Reservoir rd Pueblo, CO 81005
mike.brown@state.co.us | cpw.state.co.us

On Fri, Nov 22, 2024 at 8:01 AM PFM Consulting <pfmconsultingcompany@gmail.com> wrote:
Good morning, Mike!

I wanted to follow back up on this.

Let me know if I can be of any help with this request.

Thank you!

Jodi Schreiber, Owner
PFM Consulting LLC
719-529-0916
pfmconsultingcompany@gmail.com

PFM Consulting Website

"Success is stumbling from failure to failure with no loss of enthusiasm."
-Winston Churchill

On Tue, Oct 15, 2024 at 6:25 AM PFM Consulting <pfmconsultingcompany@gmail.com> wrote:
Good morning, Mike.

I'm working on another site in Huerfano County. You have already commented on it once for DRMS and Huerfano County. Those letters are attached, along with maps of the site. This site is being converted from a pit that is specific to a highway job into a pit that can be used for any purpose. There are no changes in size, operation, etc. I thought it best to reach out to you and request just an updated statement from you regarding this conversion with no other alteration to the operations of the site.

Please let me know if you have any questions or if I can provide any additional information.

Thank you for your time. It is greatly appreciated!

Jodi Schreiber, Owner
PFM Consulting LLC
719-529-0916
pfmconsultingcompany@gmail.com

PFM Consulting Website

"Success is stumbling from failure to failure with no loss of enthusiasm."
-Winston Churchill



COLORADO

Parks and Wildlife

Department of Natural Resources

Pueblo Service Center
600 Pueblo Reservoir Road
Pueblo, CO 81005
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February 14, 2025

Amber M. Gibson
Division of Reclamation, Mining and Safety
1313 Sherman Street Room 215
Denver, CO 80203

RECEIVED

FEB 27 2025

**Colorado Division of Reclamation,
Mining and Safety**

RE: Lascar Gravel Pit Review

Dear Ms. Gibson,

Thank you for allowing Colorado Parks & Wildlife, (CPW) the opportunity to review this application to discuss any fish and wildlife concerns. The Lascar Gravel Pit site is located in an area with diverse wildlife populations. CPW species activity maps indicate that nearly 50 different wildlife species can be located in this general area. Notable big game species such as pronghorn, mule deer, and elk utilize the area throughout the year. Several small game and non-game species also utilize the area.

Tom Branch creek is a dry creek bed/arroyo that runs through the project site and potentially carries water during periods of heavy rainfall. We conducted a site visit along Tom Branch creek in the proposed project site on May 26, 2023. The arroyo was dry even though the area had received significant rainfall in the months prior. At the time of the inspection, no aquatic species were present. CPW's local aquatic biologist was consulted on this project. CPW's aquatic biologist did not believe the area contains any fish or aquatic wildlife species associated with the drainage. Given the area is a consistent dry arroyo without any established aquatic wildlife, this project should not have any impacts to aquatic species.

CPW would like to highlight potential impacts to burrowing owls as this project does occur within their breeding range. Burrowing owls utilize burrows created by other animals such as prairie dogs and badgers. If these types of burrows exist within the proposed project site, burrowing owls may be present. Federal and state laws prohibit the harming or killing of burrowing owls and the destruction of active nests.

Colorado Parks and Wildlife (CPW) recommends surveying for burrowing owl presence before potentially harmful activities start. The migration of burrowing owls depends on numerous factors including weather. This can result in burrowing owls being present prior to March 15th. Burrowing owls typically arrive on breeding grounds in Colorado in late March or early April, with nesting beginning a few weeks later. Active nesting is expected from late March through early August.



Jeff Davis, Director, Colorado Parks and Wildlife

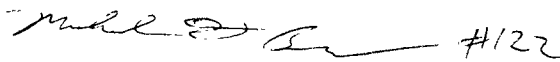
Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
Marie Haskett • Tai Jacober • Jack Murphy • Gabriel Otero • Murphy Robinson • James Jay Tutchton • Eden Vardy

To best avoid and minimize impacts to burrowing owls within the project area, CPW recommends the following:

- If development is proposed to occur in a prairie dog colony that has been active within the past 10 years, CPW recommends the adherence to CPW's Burrowing Owl survey protocol.
- CPW recommends that targeted surveys should be conducted for any activities resulting in ground disturbance between March 15th and October 31st.
- If nesting burrowing owls are present, no human encroachment or surface disturbance should occur within a 200-meter buffer of nesting burrowing owls from March 15th to August 15th.
- If burrowing owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until late fall after the owls migrate.

Aside from potential impact to Burrowing owls, this project should not have any significant wildlife impacts. CPW would like to thank you for including our agency on the commenting process for this project. Please contact District Wildlife Manager, Cody Purcell at (719)-424-2106 or via email at cody.purcell@state.co.us if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D Brown", followed by the handwritten number "#122".

Michael D Brown
Area Wildlife Manager
Area 11-Pueblo



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