



STATE OF
COLORADO

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

CPW comment on Peak View Pit application

1 message

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

Wed, Mar 19, 2025 at 11:43 AM

To: Dustin Hribar <dhribar@huerfano.us>, Dean Cooper <dean.cooper@kljeng.com>

Good morning,

Attached for your records is a comment letter from Colorado Parks and Wildlife, received by the Division today March 19, 2025, in regard to the Peak View Pit M-2014-028 amendment application.

Please ensure to address their concerns in your adequacy responses to the forthcoming adequacy review.

Thank you,

Amber Michels Gibson
Environmental Protection Specialist I



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

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



CPW_Comments_Peak_View_Pit_Huerfano_County_M-2014-028_AWM_final_signed.pdf
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COLORADO

Parks and Wildlife

Department of Natural Resources

Southeast Region
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March 17, 2025

Division of Reclamation, Mining and Safety
Attn: Amber M. Gibson
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Subject: Peak View Pit, Huerfano County - File No. M-2014-028: Amendment (AM-1)

Dear Ms. Gibson,

Colorado Parks and Wildlife (CPW) appreciates the opportunity to review and provide comments on the Peak View Pit Project (Project). CPW understands that Huerfano County filed an application for an Amendment (AM- 1) to the Peak View Pit Construction Materials Reclamation Permit (File No. M-2014-028). The project is located approximately 3.5 miles north of La Veta, Colorado just north of Highway 160 on County Road 520 (37.546242, -105.012963). Currently, the Peak View Pit is a 112c operation for the removal of sand and gravel for county road maintenance and repair. The amendment proposes to increase the 40-acre boundary to 60 acres to both include an out-of-bounds disturbance generated by operators (cited in violation no. MV-2024-008), and to account for new minable acres.

CPW is familiar with the Project area and has reviewed Project details to assess potential wildlife resources and recommend strategies to avoid, minimize, and mitigate impacts from the proposed development. This letter includes an overview of CPW's statutory responsibilities, a summary of High Priority Habitats and species of conservation concern, and recommendations for wildlife conservation within the Project area.

CPW'S STATUTORY RESPONSIBILITY

CPW has a statutory responsibility to manage all wildlife species in Colorado; as such, we encourage protection for Colorado's wildlife species and habitats through responsible energy development and land use planning. The protection of core wildlife areas, quality fisheries and habitat, big game winter range and seasonal migration corridors, and raptor nesting locations is of extreme importance. CPW recommends that all proposed projects be assessed to avoid, minimize, or mitigate impacts to sensitive wildlife habitats and species. This



Jeff Davis, Director, Colorado Parks and Wildlife

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includes species of concern, as well as Federally and/or State-listed species, big game wildlife (migration corridors, winter range, and parturition areas), breeding and nesting habitats for sensitive ground-nesting birds, and nests of raptors sensitive to development to prevent loss or fragmentation of habitat. The U.S. Fish and Wildlife Service (USFWS) should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location.

HIGH PRIORITY HABITATS, SPECIES OF GREATEST CONSERVATION NEED, & RECOMMENDATIONS

High-Priority Habitats (HPH) are sensitive habitat areas identified by CPW where measures to avoid, minimize, and mitigate adverse impacts to wildlife have been identified to protect breeding, nesting, foraging, migrating, or other uses by wildlife. These maps are publicly available for environmental assessments, land-use planning, and scientific research. Species of Greatest Conservation Need (SGCN) are species identified in the State Wildlife Action Plan (SWAP) that face population declines, habitat threats, or ecological vulnerabilities requiring proactive conservation efforts. These species may include those listed as federally or state threatened, endangered, or of special concern, as well as species with restricted ranges, declining populations, or key ecological roles.

The existing Peak View Pit and proposed expansion area overlap with several HPH including Elk Severe Winter Range, Elk Winter Concentration Area, Mule Deer Severe Winter Range, and Pronghorn Winter Concentration Area. The area is also home to several SGCN including raptors and other migratory birds as well as several ground dwelling mammals.

Big Game - Elk Severe Winter Range, Elk Winter Concentration Area, Mule Deer Severe Winter Range, and Pronghorn Winter Concentration Area

The existing mine and proposed expansion areas fall within mapped HPH for elk, mule deer, and pronghorn. Severe Winter Range is the portion of a species' range where 90% of individuals are found during the harshest two winters out of ten, when snowpack is highest and temperatures are lowest. Winter Concentration Areas are portions of a species range where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten. These sensitive habitats provide crucial habitat for species through winter months, and CPW recommends the following to avoid and/or minimize impacts to these species:

- Complete construction outside of the winter season of January 1st April 30th. If this cannot be achieved, CPW recommends starting construction outside of the winter timing to reduce impacts to Pronghorn during this crucial time of year.
- No permitted or authorized human activities from December 1st to April 30th.

Raptors and Migratory Birds

There are no mapped raptor nests within 0.5 miles of the proposed Project location, though the area contains suitable habitat for nesting raptors and migratory birds. Avian SGCN include Band-tailed Pigeon, Black Rosy-finch, Brewer's Sparrow, Brown-capped Rosy-finch, Burrowing



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Owl, Cassin's Sparrow, Grace's Warbler, Lazuli Bunting, Northern Harrier, Pinyon Jay, Prairie Falcon, and Rufous Hummingbird.

To ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, CPW recommends consultation with USFWS. All migratory birds are protected under the Migratory Bird Treaty Act, and any removal or disturbance of an active migratory bird nest requires prior consultation with CPW and USFWS. Both active and potential nest sites, as well as winter night roosts, should be considered when evaluating potential disturbance during construction.

To minimize impacts on nesting migratory birds, CPW recommends the following:

- Conduct construction and vegetation clearing activities outside of the breeding season (March 15th - August 31st). If construction must occur during the breeding season, surveys for active nests should be conducted prior to groundbreaking.
- Complete preconstruction surveys to identify raptor nests within the project area and implement appropriate restrictions. CPW recommends adherence to the recommended buffer distances and timing stipulations identified in the CPW document "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" available on the CPW website.

Burrowing Owls (SGCN)

Burrowing Owls are listed as State Threatened and nest in active or inactive prairie dog (black-tailed or white-tailed) burrows. Because burrowing owls are included in the protections afforded by the Migratory Bird Treaty Act, it is important to avoid actions that could negatively impact the owls, nests, and eggs.

To best avoid or 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 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 burrows from March 15th to August 31st.
- If burrowing owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until late fall after they have migrated.
- If seismic work could disturb or collapse dens containing nests, that work should avoid the nesting period for any nests

Native plant management:

Soil disturbance from gravel extraction may introduce invasive plant species that degrade habitat quality, reduce forage availability for wildlife and livestock, and increase fire risk.



Proper reclamation is essential not only for soil stabilization but also for fostering plant communities that provide the structural diversity and resources necessary to support wildlife.

To minimize these impacts, CPW recommends the following:

- Revegetate with native species; use a native seed blend that closely matches the surrounding vegetation to restore ecological function and maintain habitat integrity.
- Where ground disturbance occurs, establish a diverse plant community, including native grasses, woody plants, and broadleaf forbs, to support wildlife nutrition and cover.
- Prevent the spread of invasive plant species and listed Noxious Weeds by incorporating a comprehensive weed management plan, including monitoring and treatment as needed.
- Conduct long-term monitoring to assess revegetation success and complete weed control and maintenance to ensure the establishment of a functional, native plant community.

Based on the location and type of action being proposed, CPW believes that by implementing the best practice recommendations, impacts to wildlife resources will be minor. We appreciate your consideration of our comments and recommendations. As always, CPW staff is available to work with Project proponents on how best to minimize development impacts to both wildlife and their habitats. If you have questions or would like clarification about any of our comments please contact Southeast Region Land Use Specialist Carolyn Craveiro de Sá at 719-747-3838 or carolyn.craveirodesa@state.co.us or the District Wildlife Manager, Spencer Gerk at 303-791-1954 or spencer.gerk@state.co.us.

Sincerely,

Michael D Brown #122

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Cc: Carolyn Craveiro de Sá, SE Land Use Specialist- carolyn.craveirodesa@state.co.us
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