



COLORADO

Parks and Wildlife

Department of Natural Resources

Southeast Region
4255 Sinton Road
Colorado Springs, CO 80907
P 719.227.5200

March 14, 2025

Elliott R. Russell
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215,
Denver, CO 80203
elliott.russell@state.co.us

RE: Three Toes Mine 110(1) Hard Rock Reclamation Permit

Dear Mr. Russell,

Colorado Parks and Wildlife (CPW) appreciates the opportunity to provide comments on the proposed Three Toes Mine 110(1) Hard Rock Reclamation Permit in Teller County, Colorado. CPW is familiar with the project area and has reviewed the Three Toes Mine 110(1) Hard Rock Reclamation Permit and application materials to assess potential impacts to wildlife resources and recommend strategies to avoid, minimize, and mitigate impacts from the proposed development. This letter outlines CPW's statutory responsibilities, our understanding of the project, general comments, and potential impacts to wildlife and conservation recommendations.

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 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.

UNDERSTANDING OF THE PROJECT

CPW understands that Brent Rovedo submitted a permit application (File No. M-2025-008) to the Division of Reclamation, Mining and Safety to develop a 4.99-acre surface operation



Jeff Davis, Director, Colorado Parks and Wildlife

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located within Pike National Forest in Teller County, CO to extract collectible minerals associated with quartz-bearing pegmatites. Operations will be scheduled seasonally from February through November, approximately one to two days per week, totaling 35-40 days per mining season. Reclamation activities will occur concurrently with mining operations. Waste rock and decomposed material will be backfilled into excavation pits as work progresses. A total of approximately 6.15 cubic yards of topsoil will be salvaged and temporarily stored 10-15 feet from active excavations. If stockpiles remain unused for more than six days, they will be seeded with native vegetation to minimize erosion. Additional erosion controls include benching walls, installing water bars, safety fencing, and deploying gates to prevent unauthorized access and protect wildlife and pedestrian safety. The reclaimed site will support recreational use post-mining.

GENERAL COMMENTS

CPW recommends that project activities respect seasonal timing limitations to protect High Priority Habitats (HPH) and Species of Greatest Conservation Need (SGCN). Additionally, CPW encourages the developer to ensure that reclamation and weed management practices are consistently implemented to support the intended post-development recreational land use. CPW supports the developer's phased reclamation and weed management plan and provides additional recommendations to improve the maintenance and effectiveness of reclamation.

POTENTIAL IMPACTS TO WILDLIFE RESOURCES

Raptors and Migratory Birds

The project area contains suitable habitat for nesting raptors and migratory birds, including Species of Greatest Conservation Need (SGCN) such as the American Goshawk (*Accipiter atricapillus*), Northern Harrier (*Circus hudsonius*), Prairie Falcon (*Falco mexicanus*), and Rufous Hummingbird (*Selasphorus rufus*). 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 raptors and 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.
- CPW advises 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.



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Mule Deer Severe Winter Range

Mule Deer Severe Winter Range is the area where 90% of mule deer are located during an average of five winters out of ten, from the first heavy snowfall to spring green-up. This information is based on observations by CPW field personnel and updated every four years through Species Activity Mapping.

Given the small scale and seasonal timing of the proposed development, impacts on mule deer winter range are expected to be negligible. However, CPW recommends the following:

- Conduct development activities outside the winter range seasonal occupancy period (December 1st to April 30th) as a best practice to avoid or minimize adverse effects.

Reclamation and Native plant Management:

Soil disturbance from construction activities can introduce invasive plant species that degrade habitat quality, reduce wildlife forage availability, and increase fire risk. Most of the project area lies within a Shallow Pine system (Ecological Site R048AY240CO), which provides critical habitat for numerous species, including identified SGCN. Proper reclamation is essential for soil stabilization and fostering plant communities that provide structural diversity and resources necessary for wildlife.

CPW appreciates the project proponent's commitment to reseeding disturbed areas promptly to minimize topsoil loss and the introduction or spread of invasive noxious weeds. Additional CPW recommendations include:

- Retain native vegetation on-site wherever feasible during the operational lifespan of the project.
- Where ground disturbance occurs, establish a diverse plant community including native grasses, woody plants, and broadleaf forbs to support wildlife nutrition and cover.
- CPW appreciates inclusion of a native seed mix that contains both grasses and forbs. Strict adherence to the Natural Resources Conservation Service's recommendations for seed mixes is advised.
- 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.

Fencing:

CPW appreciates project proponent inclusion of fencing around open excavations to prevent harm to wildlife and the public. Since fencing details were not provided in the permit application, CPW recommends referring to the document "Fencing with Wildlife in Mind" to inform safety fence selection.



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CPW appreciates the opportunity to review the proposed Three Toes Mine 110(1) Hard Rock Reclamation Permit and is happy to provide additional information regarding the recommendations identified in this letter. If you have any questions regarding this project, please contact District Wildlife Manager Drew Vrbenec, at (719) 227-5200 or drew.vrbenec@state.co.us or Southeast Regional Land Use Specialist Carolyn Craveiro de Sá at (719)-747-3838 or carolyn.craveirodesa@state.co.us.

Sincerely,

Tim Kroening

Digitally signed
by TIM KROENING
Date: 2025.03.14
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Tim Kroening
Area Wildlife Manager - Area 14
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Cc: Carolyn Craveiro de Sá, SE Land Use Specialist- carolyn.craveirodesa@state.co.us
Drew Vrbenec, District Wildlife Manager- drew.vrbenec@state.co.us





STATE OF
COLORADO

Russell - DNR, Elliott <elliott.russell@state.co.us>

CPW Comment: Three Toes Mine 110(1) Hard Rock Reclamation Permit

Craveiro De Sa - DNR, Carolyn <carolyn.craveirodesa@state.co.us>

Mon, Mar 17, 2025 at 8:34 AM

To: Elliott Russell - DNR <elliott.russell@state.co.us>

Cc: "Kroening - DNR, Tim" <tim.kroening@state.co.us>, April Estep - DNR <april.estep@state.co.us>, "Vrbenec - DNR, Drew" <drew.vrbenec@state.co.us>

Good morning Elliott,

Attached is the CPW comment letter for the Three Toes Mine 110(1) Hard Rock Reclamation Permit. Please let us know if you have any questions, comments, or concerns.

Thank you and kind regards,

Carolyn Craveiro de Sá
Southeast Region Land Use Specialist



LIVE LIFE
OUTSIDE

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