

STATE OF
COLORADO

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

Adequacy Review, Peak View Pit M-2014-028, AM1 Application

1 message

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

Fri, Apr 4, 2025 at 4:39 PM

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

Good afternoon,

Attached is a copy of the Division's Adequacy Review of the Amendment no. 1 (AM1) application for the Peak View Pit permit no. M-2014-028. The current decision date is set for June 1, 2025. Please provide your responses at least two weeks prior to the decision date to allow the Division adequate time to review the responses.

I have also attached a suggested revised permit application package (PAP). I have re-ordered some of the exhibits, replaced pages with your adequacy responses, and highlighted some of the areas mentioned in the adequacy review. The layout attached, with repetitive/unnecessary pages deleted, was reorganized to aid in clarity of the plan for the Applicant, Consultant, Division, and Public. Once responses to the adequacy review are received and approved, I will replace the relevant supplied pages and the Applicant will have an opportunity to review it and agree upon the approved PAP.

Also, I have attached an example of a NRCS report that includes the kind of vegetation information required by Rule 6.4.10(1).

Let me know if you have any questions, or if you'd like to discuss anything further.

Have a nice weekend,

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/>



PAP revised organisation with some adequacy edits
highlighted.pdf

2 attachments

Example_Soil and Veg with Map NRCS report.pdf
3763K



Adequacy Review_PeakViewPit_M2014028_112c_AM1application_AMG.pdf
1585K



April 4, 2025

Dustin Hribar
Huerfano County
1038 Russell Ave
Walsenburg, CO 81089

Re: Preliminary Adequacy Review, Peak View Pit, File No. M-2014-028, Receipt of Amendment no. 1 (AM1) Application Package 112c Regular Operation Construction Materials Permit

Dear Mr. Hribar,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of your Amendment No. 1 (AM1) Application for the Peak View Pit, File No. M-2014-028, and submits the following comments. **The Division is required to make an approval or denial decision no later than June 1, 2025; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** To allow the Division adequate time to review your responses to the following items, please submit your adequacy responses to the Division preferably two weeks before the decision date but no later than five days prior to the decision date.

Please respond to this adequacy review with the requested information as revised pages and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Responses; M-2014-028".

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.4 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading.

EXHIBIT A: Legal Description

1. Per Rule 6.4.1(1)(b) the location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map must be included in this exhibit.
 - a. Please add the site entrance coordinates to the Exhibit A narrative and resubmit the page.



EXHIBIT C: Pre-mining and Mining Plan Map(s) of Affected Lands

2. The Pre-Mining Map and the Mining Plan Map submitted with the incompleteness responses are difficult to read. Please refer to Rule 6.2.1 for general map requirements and consider the following.
 - a. Please consider revising these maps to:
 - i. Have colors that are more similar to the originally submitted AM1 maps. For example, the previous permit boundary is a dashed red line on the new maps, but so are the contour lines. It is difficult to distinguish between them.
 - ii. Remove many of the text boxes and replace them with a legend that corresponds to the different colors, patterns, and shapes represented on the map.
 - iii. Make the fence lines and power lines easier to see.
3. Per Rule 6.4.3(g), the Applicant must show the owner's name and type of structures for all permanent man-made structures within the affected land boundary and within 200 feet of the affected land boundary.
 - a. The Exhibit C maps show snow drift fences along the south side of the boundary. Please clarify on the map, preferably in a table/list corresponding with a structure number, who owns these structures.
 - b. The east side of the map does not appear to extend 200 feet from the permit boundary. Please either clarify whether there are any structures or different property owners in the missing footage. If so, please provide a new map that extends the full 200' east of the proposed boundary.
4. On the pre-mining map, there are pentagons with numbers that correspond to a list of the adjoining property owners. However, the boundaries of these properties are unclear from what is represented on the map.
 - a. Please include the property boundaries on the Pre-Mining map or on a separate property boundary map that also shows the proposed permit boundary.
5. Per Rule 6.4.3(b), the Applicant must show the name and location of creeks on the affected land and within 200 feet of the boundary.
 - a. The abandoned Homestead Canal runs along the southside of the current disturbance. Please label this on the map and resubmit the maps.
6. Per Rule 6.2.1, application maps (excluding the Index Map) must be signed by a registered land surveyor, professional engineer, or other qualified person.

- a. The maps in Exhibit C and F are stamped with a P.E. stamp, but the stamp is not signed. Please sign the engineering stamps and resubmit the maps.
7. The Mining Plan states that the mining direction is shown on the map, but it is not. The planned processing area, overburden piles, and topsoil pile locations are also not shown on the map.
 - a. Please update the Exhibit E maps, or provide a separate Exhibit E map, to show this information.

EXHIBIT D: Mining Plan

8. The Mining Plan states that “mining will be conducted in such a way as to facilitate reclamation, such as pushing slopes to a 3H:1V”. The current disturbance includes a highwall along the working face and along the sides. Previous discussions with the Operator indicate that it is preferable to allow for highwalls at this site.
 - a. Please revise this section of the Exhibit D narrative to allow for the presence of highwalls within the mining area during operations.
9. Per Rule 6.4.4(d) the Applicant must include the size of the area to be worked at any one time and per Rule 6.4.4(e) a timetable to describe the operation.
 - a. The current mining plan does this to match the original phasing plan. Please revise this section of the plan to account for current disturbance estimates. For example, will 14.8 acres still be the maximum disturbance at any one time or is the entire site planned to be affected before reclaiming? The current mining plan and reclamation plan account for concurrent reclamation after 5-10 acres are deemed mined-out. Is this still the plan? Review the exhibit in its entirety and make any relevant changes to the operating plan pertaining to the information required by Rules 6.4.4(d) and (e) and resubmit the pages.
10. The Mining Plan narrative states that the operation is mined year-round, but an intermittent status stipulation (as defined by C.R.S 34-32.5-103(11)(b)) is included separately in the application.
 - a. Per Rule 6.4.4(e), please clarify whether this operation is intended to be operated as an intermittent operation. If so, please remove the statement from the mining plan narrative stating that the operation will be mined year-round and instead reiterate that it will be mined as an intermittent operation and resubmit the page.
11. Per rule 6.4.4(f)(i) the Applicant shall describe the thickness and type of overburden to be removed at the site (*may be marked “CONFIDENTIAL,” pursuant to Rule 1.3.(3).*)

- a. Will there be overburden at the site? If so, please describe the nature and depth of the overburden at the site.
12. Per Rule 6.4.4(j), the Applicant shall describe the dimensions of any existing or proposed roads that will be used for the mining operation.
- a. A haul road was constructed as part of the original application. Please provide dimensions and state whether it will be reclaimed or left in place during and after reclamation.

EXHIBIT E: Reclamation Plan

13. At the beginning of the Reclamation Plan Exhibit in Section (1), the Applicant states that the saved topsoil locations are shown on the Exhibit C Mining Map. The topsoil pile locations are not currently shown on the map.
- a. Please provide a revised Exhibit C map that includes the topsoil pile locations.
14. Per Rule 6.4.5(1), the Applicant shall be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation, and topsoiling. Section 3.1.5(1) of the Reclamation Plan exhibit talks about managing stormwater onsite and mentions a Stormwater Management Plan.
- a. Please describe how stormwater will be managed onsite during and after reclamation. Also, please describe the surface water drainage plans for the site after reclamation. If this is included in the stormwater management plan, please submit that to meet this requirement.
15. Section 3.1.5(3) of the Reclamation Plan exhibit states that there will be no highwalls planned at the mine.
- a. Please remove or revise this statement to reflect the current operating plan at the site.
16. Section 3.1.8(1) of the Reclamation Plan exhibit references a wildlife statement from the original application. CPW has provided a comment that is enclosed with this review.
- a. Please acknowledge the comment and ensure that any potential wildlife concerns mentioned by CPW has been addressed in the Reclamation Plan exhibit.
17. Section 3.1.11 of the Reclamation Plan exhibit states that there are no permanent structures planned for the site.

- a. If the haul road is to remain after reclamation, please explicitly state that in this section. If not, disregard this comment.
18. Section 3.1.12(2)(a) of the Reclamation Plan exhibit mentions that that the permit boundary and the affected boundary may not be the same.
- a. Please revise this to reflect the current intentions and clarify whether there is a difference between the boundaries at this site and resubmit the page.
19. Section 3.1.12(3)(e) of the Reclamation Plan exhibit still includes language referencing the original phases.
- a. Please revise this section to reflect the current reclamation schedule plans and resubmit the page.

EXHIBIT F: Reclamation Plan Map

20. Per Rule 6.2.1, application maps (excluding the Index Map) must be signed by a registered land surveyor, professional engineer, or other qualified person.
- a. The map in Exhibit F is stamped with a P.E. stamp, but the stamp is not signed. Please sign the engineering stamps and resubmit the map.

EXHIBIT G: Water Information

21. Exhibit G Water Information Section (1) states that historically no ground water has been discovered in the permit area.
- a. What is the depth to the groundwater in this area? Please include this information and any further justifications as to why mining to a depth of 18 feet (or more depending on the depth of the overburden) will not have an effect on groundwater.
22. Per Rule 6.4.7(2)(c), the Applicant shall submit a brief statement or plan showing how water from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits) both during and after the operation.
- a. Exhibit G Water Information (2)(c) states that a Stormwater Management Plan (SWMP) 'will be developed for this operation'. Has this been done? If so, please provide the plan with the adequacy responses. Also, please provide a revised Exhibit G narrative page.

23. Per Rule 6.4.7(5), the Applicant shall affirmatively state that the Applicant has acquired, or applied for, a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health and Environment, if necessary.
- a. Exhibit G Water Information (5) states that a Stormwater Discharge permit 'will be applied for'. Has this been done? Is one held for this site? If so, please revise and resubmit the page.

EXHIBIT H: Wildlife Information

24. See adequacy item no. 16 above and revise the Exhibit H narrative pages to include any changes/updates to the operating plan based on any new CPW concerns, if applicable.

EXHIBIT J: Vegetation Information

25. Per Rule 6.4.5(1), please provide the following information:

6.4.5(1) (a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);

6.4.5(1) (b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and

6.4.5(1)(c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.

Also, per Rule 6.4.10(2), the Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. This may instead be supplied as a separate map.

- a. See example attached to the cover email sent with this review (pages 24-31) of a soils and vegetation report submitted for a different permit that meets the requirements of Rule 6.4.5(1) and 6.4.5(2). Please provide the information above either as a similar report to the example, or through a description with an associated map.

EXHIBIT R: Reclamation Costs

26. The Reclamation task list provided in exhibit L reflects the originally approved 40 acres.
- Please update this list to reflect the currently proposed 60 acres and resubmit the page.

EXHIBIT M: Other Permits and Licenses

27. The narrative in Exhibit M states that “applications are being developed or processed” for the three additional permits (listed on exhibit the page).
- Have these permits been issued? If so, please update the narrative to reflect that the Applicant currently holds each of the listed permits.

EXHIBIT N: Source of Legal Right to Enter

28. The old lease and lease maps were included in Exhibit N.
- Please provide the updated lease and any associated lease maps to be included in this exhibit. **As a reminder, to meet the requirements of Rule 6.4.14 and Rule 1.6.2(1)(e)(i), the legal right to enter documentation must be a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.*

EXHIBIT S: Permanent Man-made Structures

29. The previous structure agreements were included with the application.
- Please provide clarity on who owns the snow drift fences on the south side of the permit boundary and whether they are encompassed in any of the current structure agreements. If they are not, please provide a structure agreement for these structures to be included within the application.

PUBLICATION REQUIREMENTS

30. Pursuant to Rules 1.6.2(1)(d) and 1.6.5:
- Please provide the Division with Proof of Publication.

31. Pursuant to Rule 1.6.2(1)(e):

- a. Please provide the Division with proof of notice to the Owners of Record of surface and mineral rights of the affected land, and to Owners of Record of all land surface within 200 feet of the boundary of the affected land.

32. Pursuant to Rule 1.6.2(1)(c):

- a. Any changes or additions to the application on file in our office must also be reflected in the public review copy which was placed with the Huerfano County Clerk and Recorder.
 - i. Pursuant to Rule 6.4.18, you must provide our office with an affidavit or receipt indicating the date this was done.

OTHER

33. The Division received state agency comments from the United States Army Corps of Engineers, the Colorado Division of Water Resources, and Colorado Parks and Wildlife. The letters are attached for review.

- a. Please acknowledge the receipt of these comments and revise the permit exhibits accordingly in response to their letters if necessary.

The decision deadline on this application is **June 1, 2025**. If additional time is required to respond to these adequacy issues please submit a written request for an extension of the decision date. Please provide adequacy responses at least two weeks before the decision date to allow the Division adequate time to review the responses. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact by telephone at (720) 836-0967, or by email at amber.gibson@state.co.us.

Sincerely,



Amber M. Gibson
Environmental Protection Specialist

Cc: Dean Cooper, KLG Engineering, PLLC
Jared Ebert, DRMS

*Enclosures: Comments from the United States Army Corps of Engineers,
Comments from Colorado Division of Water Resources
Comments from Colorado Parks and Wildlife*

**STATE OF
COLORADO****Gibson - DNR, Amber** <amber.gibson@state.co.us>

Comment received for the Peak View Pit M-2014-028 AM1 application

1 message

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

Wed, Mar 5, 2025 at 8:49 AM

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

Good morning,

Attached for your consideration is a comment received by the Division on March 4, 2025 from the U. S. Army Corps of Engineers regarding your AM1 application for the Peak View Pit.

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.usMailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216Physical: 1313 Sherman Street, Room 215, Denver, CO 80203<https://drms.colorado.gov/>**USACE application comment_M2014028_AM1.pdf**
187K

STATE OF
COLORADO

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

Notice of Complete Application for Permit: M2014028 Revision: AM1

SPA-RD-CO <SPA-RD-CO@usace.army.mil>

Tue, Mar 4, 2025 at 8:24 AM

To: "amber.gibson@state.co.us" <amber.gibson@state.co.us>

Thank you for requesting comments from our office regarding the proposed subject project(s) or activity (ies) that may have the potential to impact aquatic resources. We appreciate that you are considering our potential regulatory role in the project, but we do not currently have the ability to provide project-specific comments. If the activity should have the potential to result in the discharge of dredged or fill material into waters of the United States, then the project proponent should work directly with our office to acquire necessary Corps permits, if applicable, as described in the following general comment:

Section 404 of the Clean Water Act requires a permit from us for the discharge of dredged or fill material into waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, lakes, ponds, wetlands, wet meadows, seeps, and some irrigation ditches. To ascertain the extent of waters on the project site, the applicant should prepare a delineation of aquatic resources, in accordance with the applicable standards, including the 1987 Wetland Delineation Manual and appropriate regional supplements. These standards can be found on our website at: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/>.

An aquatic resource delineation should be evaluated prior to designing a project to ensure the project proponent avoids and minimizes impacts to waters of the United States to the greatest practicable extent. The range of alternatives considered for this project should include alternatives that avoid and minimize impacts to wetlands, streams, or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to discharging dredged or fill material into waters of the United States, compensatory mitigation may be required.

For more information about our program or to locate a list of consultants that prepare aquatic resource delineations and permit application documents, please visit our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>.

U.S. Army Corps of Engineers

Albuquerque District - Regulatory Division

[4101 Jefferson Plaza, NE](#)[Albuquerque, New Mexico 87109-3435](#)<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

[Quoted text hidden]



STATE OF
COLORADO

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

DWR comment, Peak View Pit M-2014-028 AM1 application

1 message

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

Mon, Mar 31, 2025 at 12:16 PM

To: Dustin Hribar <dhribar@huerfano.us>

Cc: Dean Cooper <dean.cooper@kljeng.com>

Good afternoon,

Attached for your reference is a copy of the comment received by DRMS from the Division of Water Resources pertaining to your AM1 application for the Peak View Pit.

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/>



DWR.pdf
406K



STATE OF
COLORADO

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

Peak View Pit - File No. M-2014-028, Huerfano County

1 message

Franco - DNR, Ivan <ivan.franco@state.co.us>
To: Amber Gibson - DNR <amber.gibson@state.co.us>

Thu, Mar 27, 2025 at 3:59 PM

Amber,
Please see attached comments regarding the above noted referral.

Regards,

Ivan Franco, P.E.
Water Resources Engineer



COLORADO
Division of Water Resources
Department of Natural Resources

P 303.866.3581 X Ext. 8243
[1313 Sherman Street, Room 818, Denver, CO 80203](https://www.water.state.co.us)
ivan.franco@state.co.us / www.water.state.co.us



Peak View Pit_M2014-028_PermitApplicationAmendment.pdf
185K



Response to Reclamation Permit Conversion Application Consideration

DATE: March 27, 2025
TO: Amber M. Gibson
CC: Division 2 Office; District 16 Water Commissioner
FROM: Ivan Franco, P.E.
RE: Peak View Pit, File No. M-2014-028
Operator: Dustin Hribar
Contact: Dustin Hribar, (719) 738-2420
Sec. 9, Twp. 29S, Rng. 68W, N.M.P.M., Huerfano County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.
- ☒ If storm water is contained on-site, the applicant should be aware that, unless the storm water detention structures can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* (available at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located online at: <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.
- ☒ Other: All water used on-site shall be a legal supply of water provided by an appropriate supplier. The applicant shall confirm the legality of any proposed source of water supply with the Division of Water Resources prior to use in the operation.

COMMENTS: The local Water Commissioner, Edwin Diemer, may be contacted at (719) 859-3518 or Edwin.Diemer@state.co.us regarding legal water supplies in the area.





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

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/>



CPW_Comments_Peak_View_Pit_Huerfano_County_M-2014-028_AWM_final_signed.pdf
231K



COLORADO

Parks and Wildlife

Department of Natural Resources

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

March 17, 2025

Division of Reclamation, Mining and Safety
Attn: Amber M. Gibson
1313 Sherman St. Room 215 Denver, CO 80203
720-836-0967
amber.gibson@state.co.us

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
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

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



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

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,

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