



COLORADO

Parks and Wildlife

Department of Natural Resources

Area 2/ Lon Hagler SWA
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Loveland, CO 80537
P 970.472.4460

April 17, 2025

Joel Renfro
Environmental Protection Specialist
Colorado Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203
Joel.Renfro@state.co.us

RE: CPW's Comments on the Cogburn Sand, Gravel, and Reservoir Project, File No. M-2025-016

Dear Mr. Renfro,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Cogburn Sand, Gravel, and Reservoir Project. It is our understanding that this proposed project consists of mining 196.4 acres for sand and gravel located in the NE corner of section 29 of township/range 3N 67W. This will be completed by surface extraction and transport offsite for processing and will take between 6-10 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, location and application material, CPW recognizes that most of CPW's concerns were addressed in Exhibit H of the application materials by ERO's wildlife assessment. CPW appreciates ERO's review of the impacts that this project could have on wildlife and their recommendations. CPW would like to expand on the recommendations below:



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

Mule Deer Severe Winter Range High Priority Habitat

Mule Deer Severe Winter Ranges are defined as that part of the overall winter range where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. These areas provide crucial wintering habitat during both severe and mild winters by providing ideal forage, vegetation, and topographic features for deer. Regardless of weather patterns, winter is the most stressful period for ungulates due to the challenges winter poses for forage availability.

CPW agrees with ERO's recommendation to not construct during the winter season (December 1 to April 30), if this is not feasible, CPW recommends that the applicant start construction outside of this window.

In particular, Mule Deer Severe Winter range areas occur along the St.Vrain River Corridor on the western side of the project, as shown in Exhibit A.

Exhibit A- Mule Deer Severe Winter Range indicated in striped pink.

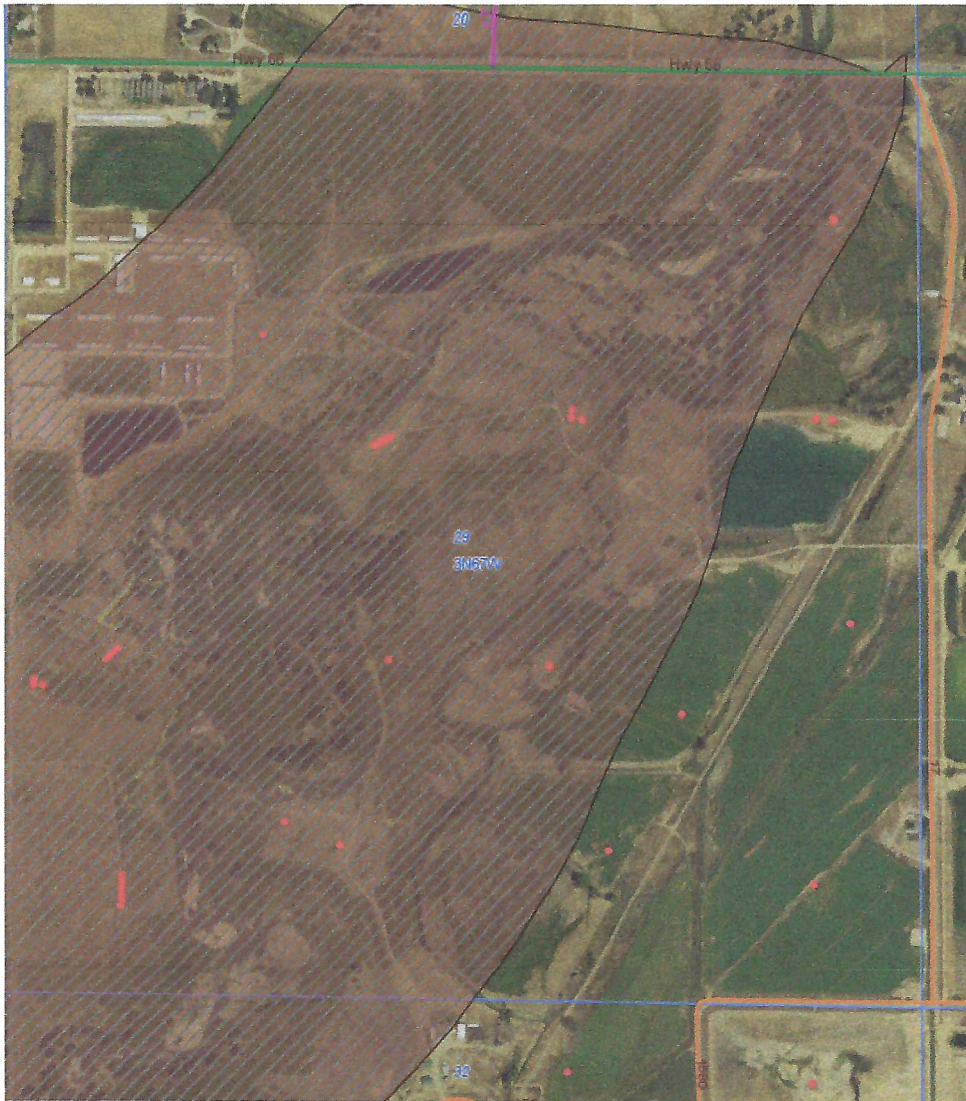


Mule Deer Migration Corridor HPH

Mule Deer Migration Corridors are a specific mappable site through which large numbers of animals migrate and the loss of which would change migration routes.

CPW recommends avoiding the riparian corridor to the maximum extent possible to keep the migration corridor along the river as open as possible. CPW agrees with ERO's recommendation that states *"The creek drainage will be undisturbed and remain open to maintain suitable habitat year-round, including severe winter weather, and provide movement corridors to the northwest of the mine area"*. In particular, a Mule Deer Migration Corridor occurs along the St. Vrain Creek Corridor on the western side of the project, as shown in Exhibit B.

Exhibit B- Mule Deer Migration Corridor indicated in striped red wine.



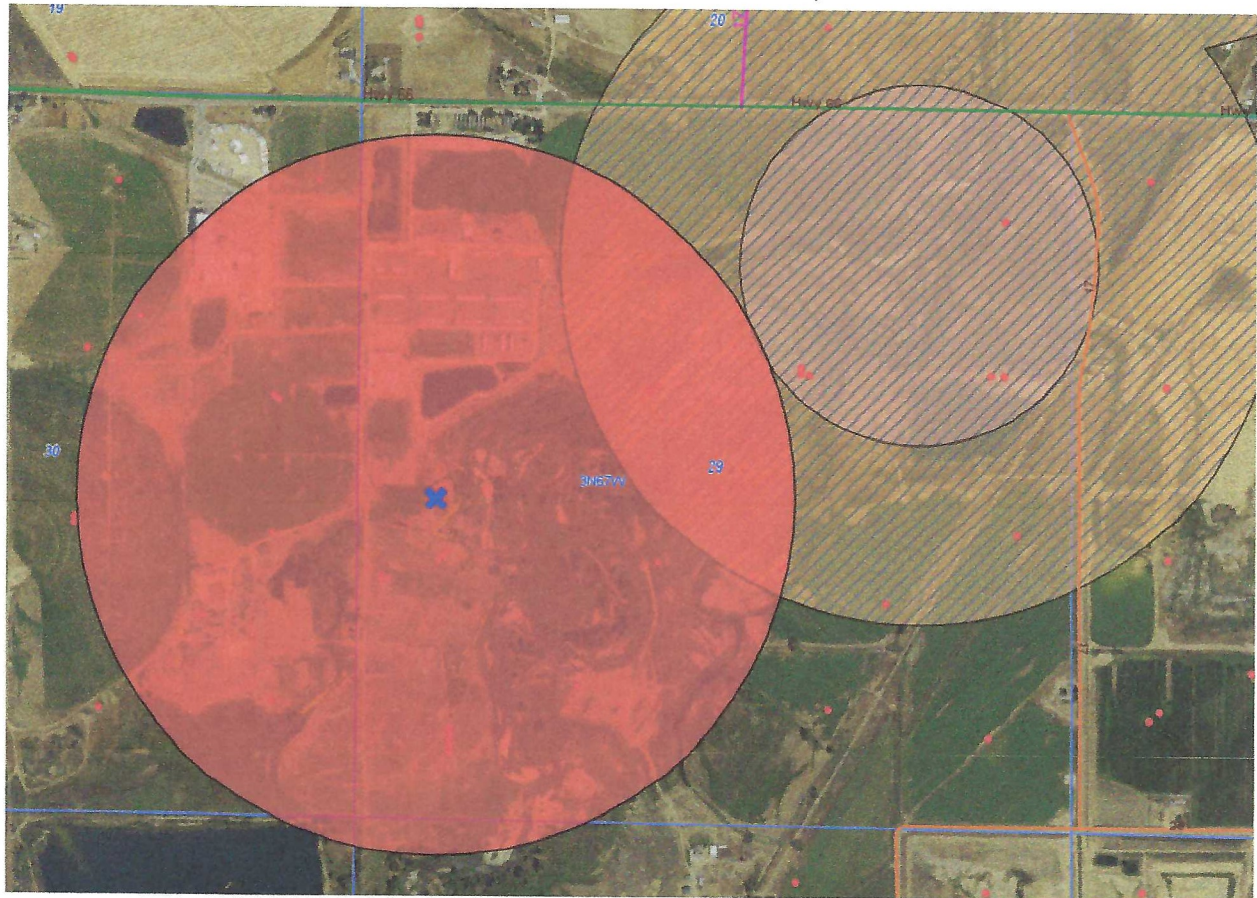
Bald Eagle Active Nest Site

An active bald eagle nest site is a specific location in which a pair of bald eagles has at least attempted to nest within the last five years. Any nest location that can be directly tied to courtship, breeding, or brooding behavior is considered active. A buffer zone extends 0.5 miles around a known active nest. CPW has two recommendations to protect these sites: of a) No surface occupancy (NSO) within 0.25 miles of any active bald eagle nest site year-round, and b) no human encroachment or permitted/authorized human activities within 0.5 mile of any active bald eagle nest site from December 1 to July 31 of each year.

Two active Bald eagle nests have been identified around where the project will occur. For regulatory purposes, CPW recommends consulting with the U.S. Fish and Wildlife Service.

In particular, there are bald eagle active nest sites around the project site as shown in Exhibit C. There is a new nest mapped as of March 1st, 2025, the ½ mile buffer is shown in red below. CPW recommends avoiding these areas when expanding the project footprint.

Exhibit C- Bald Eagle Active Nest Site indicated in striped peach (½ mile buffer), striped pink (¼ mile buffer) and solid red (½ mile buffer around new nest).



Aquatic Species

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 are sensitive aquatic native species (fish and amphibians) located within St. Vrain Creek. CPW recommends no surface occupancy and no ground disturbance (year-round) within 500 feet of the ordinary high water mark of St. Vrain Creek and to implement appropriate stormwater BMPs.

Raptors and Migratory Birds

The project area contains suitable habitat for nesting raptors and migratory birds. To ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, CPW recommends consultation with USFWS prior to construction of the proposed Project. All migratory birds are protected from potential take 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.

Potential Burrowing Owl High Priority Habitat

Burrowing Owls are listed as State Threatened and are known to nest in active or inactive prairie dog (black-tailed or white-tailed) burrows or the burrows of other terrestrial wildlife. 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.

Fencing

CPW is concerned for the safety of Mule deer and White-tailed deer in the area for the proposed project expansion. CPW recommends that if fencing (project perimeter or internal) is erected, either during or after the project, it should be the type that would allow the free passage of wildlife. 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 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. More information can be found in CPW's publication "Fencing with Wildlife in Mind" at:

<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

CPW appreciates ERO addressing fencing in the application material and providing information on the existing fencing that it is already wildlife friendly.

Noxious Weeds and Native Re-seeding

Also of importance to CPW 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. CPW prefers 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 the Weld County and Natural Resource Conservation Service (N.R.C.S) for the best noxious weed 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

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, Christinc. *Misguiding Light: The Role Artificial Light Plays in Bird Mortality from Collisions with Glass*. American Bird Conservancy, 11 May 2022, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/abcbirds.org/wp-content/uploads/2022/05/ABC-lighting-collisions-position-statement-2022.pdf.

recommends the latter range of lighting color options for implementation at the project site. CPW appreciates that there will be limited lighting onsite.

Thank you again for the opportunity to comment on this development project. If you have any questions or concerns, please contact your local District Wildlife Manager Erin Priest at 970-939-1214 or at Erin.Priest@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Mettenbrink", with a stylized, flowing script.

Chris Mettenbrink
Area 2 Assistant Area Wildlife Manager

Cc: Mark Leslie, Jason Duetsch, Erin Priest, Lexi Hamous-Miller, and file.
