



COLORADO

Parks and Wildlife

Department of Natural Resources

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

April 29, 2025

Ursula E. Armstrong
Colorado Division of Reclamation, Mining, and Safety
1313 Sherman St., Room 215, Denver, Colorado 80203
ursula.armstrong@state.co.us

Subject: Consideration of 112c Construction Materials Reclamation Permit Application -
Mayhew Pit, File No. M-2024-054

Dear Ms. Armstrong,

Colorado Parks and Wildlife (CPW) appreciates the opportunity to provide comments on the proposed Mayhew Pit, File No. M-2024-054, in Bent County, Colorado. CPW reviewed the application package to evaluate potential impacts to wildlife resources and recommends strategies to avoid, minimize, and mitigate impacts from the proposed development. Our primary wildlife concerns include potential effects on sensitive aquatic habitats, Mule Deer Severe Winter Range, and migratory bird and raptor nesting areas. This letter outlines CPW's statutory responsibilities, our understanding of the project, anticipated wildlife impacts, and recommended conservation measures.

CPW'S STATUTORY RESPONSIBILITY

CPW has statutory responsibility to manage all wildlife species in Colorado and encourages protection of wildlife habitats through responsible energy development and land-use planning. Protecting core wildlife areas, fisheries, big game winter ranges, seasonal migration corridors, and sensitive nesting sites is critically important. CPW recommends evaluating projects carefully to avoid, minimize, or mitigate impacts to sensitive wildlife habitats, federally and state-listed species, big game species (including migration corridors, winter range, and parturition areas), sensitive ground-nesting birds, and raptors sensitive to development. Additionally, the U.S. Fish and Wildlife Service (USFWS) should be consulted regarding federally listed threatened and endangered species potentially present at the site.

UNDERSTANDING OF THE PROJECT

CPW understands Riverside Aggregates, LLC proposes a 61-acre surface mining operation to extract landscape aggregate, gravel, and road base within Section 34, Township 22 South, Range 48 West, Bent County, Colorado. The privately-owned pastureland parcel will be accessed from Bent County Road JJ and 5th Street (38.099856, -102.787136). Mining operations are proposed in phased 20-acre increments, with concurrent reclamation returning



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

disturbed areas to pastureland. Topsoil will be stockpiled along the western project boundary and seeded to minimize erosion. The project duration is anticipated at 10-15 years, depending on available resources and economic conditions.

POTENTIAL IMPACTS TO WILDLIFE RESOURCES

High Priority Habitats (HPH) are sensitive areas identified using CPW's Species Activity Mapping (SAM) database, which incorporates scientific data and wildlife observations. These publicly available maps inform environmental assessments and planning. Additionally, CPW considers Species of Greatest Conservation Need (SGCN) identified in the State Wildlife Action Plan (SWAP). SGCN are species experiencing population declines, habitat threats, or ecological vulnerabilities requiring proactive conservation. These may include federally or state-listed threatened, endangered, or special-concern species.

The southern boundary of the proposed project area is 0.27 miles north of the Arkansas River, and the western boundary is approximately 0.30 miles east of Graveyard Creek. Both watersheds are designated Aquatic Native Species Conservation Waters (HPH). The project area also lies within Mule Deer Severe Winter Range (HPH).

Several SGCN may be present, including avian, mammalian, and aquatic species. Avian species include American Bittern, Bald Eagle, Black Tern, Brewer's Sparrow, Burrowing Owl, Cassin's Sparrow, Ferruginous Hawk, Golden Eagle, Grasshopper Sparrow, Lark Bunting, Least Tern, Lewis's Woodpecker, Long-billed Curlew, Mountain Plover, Northern Bobwhite, Northern Harrier, Piping Plover, Prairie Falcon, Swainson's Hawk, Veery, and Western Snowy Plover. Aquatic species likely to occur in nearby habitats include Plains Leopard Frog, as well as native and sportfish species. Mammalian SGCN include big game species and native bats, such as Northern Hoary Bat.

CONSERVATION RECOMMENDATIONS

Native Fish and Aquatic Species Conservation Waters

Native Fish and Aquatic Species Conservation Waters include watersheds containing species under population conservation and recovery management. In eastern plains parcels, native fish species of concern include the Arkansas darter, brassy minnow, common shiner, flathead chub, Iowa darter, northern and southern red-belly dace, plains minnow, plains orangethroat darter, plains topminnow, stonecat, and suckermouth minnow. These fish are state-listed as species of special concern, threatened, or endangered.

Additionally, seasonally wet areas adjacent to Graveyard Creek and the Arkansas River provide crucial breeding and foraging habitat for amphibians such as the Plains Leopard Frog.

Because the proposed project area is greater than 500 feet from these watersheds, direct impacts to native aquatic species is unlikely to result from mining operations. However, the plugged and abandoned SANTA FE TRAIL #1-34 oil and gas well (API 05-011-06174), within the southern project boundary, may be daylighted, exposed, or structurally compromised by mining activities. To minimize potential impacts, CPW recommends:

- Limit development and mining adjacent to the plugged and abandoned SANTA FE TRAIL #1-34 well (38.096900, -102.782360). If portions of the cut and capped well are



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

daylighted as part of operations, coordinate with the Energy and carbon Management Commission (ECMC) to ensure structural integrity of the retired asset is not compromised.

- Implement erosion and sediment control measures to prevent deposition into waterways.

Mule Deer Severe Winter Range and Mule Deer Winter Concentration Area

Mule Deer Severe Winter Ranges are defined as the parts of the overall winter range where 90% of the population is located when the annual snowpack is at its maximum and/or temperatures are at their minimum during the two worst winters out of ten. Disturbances during winter can lead to poor body condition and displacement to suboptimal habitats, reducing adult survival and neo-natal survival rates (Ciuti et al. 2012).

The phased approach of the project proposal specifies that the site will be developed in 20-acre units with reclamation occurring following extraction completion in each unit. CPW supports this phased approach and believes that ongoing reclamation of mining units not in exploration and development phases will help minimize impacts to mule deer populations in the area.

To avoid or minimize impacts to mule deer, CPW recommends the following:

- Avoid initial ground disturbance between December 1st and April 30th to protect mule deer during critical winter periods.
- Maintain phased reclamation to reduce habitat disruption.

Golden Eagle, Migratory Birds, and Raptors

The project location is identified as suitable habitat for Golden Eagles, Bald Eagles, and other migratory birds. All migratory birds are protected under the Migratory Bird Treaty Act, and the removal or disturbance of any migratory bird nest would require consultation with CPW and the U.S. Fish and Wildlife Service (USFWS) prior to disturbance.

No active nests are mapped within the proposed project area, however, CPW recommends the following measures to avoid or minimize impacts to golden eagles and other migratory birds:

- Conduct preconstruction surveys to identify active nests. If nests are present, avoid construction during the breeding season (March 15th to August 31st).
- Consult with the U.S. Fish and Wildlife Service (USFWS) to ensure compliance with the Migratory Bird Treaty Act and Bald and Golden Eagle Act.
- For raptors, CPW recommends similar measures, including preconstruction surveys, adherence to recommended buffer distances, and seasonal restrictions outlined in CPW's Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors. If nests are discovered during construction, work should cease, and CPW and USFWS should be consulted for further guidance.



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

ADDITIONAL RECOMMENDATIONS

Fencing

If fencing (perimeter or internal) is erected during or after the project, it should allow free passage for wildlife. Fencing plans should avoid woven-wire fences, which can trap or restrict wildlife movement. Instead, CPW recommends:

- Using three- or four-strand smooth-wire fencing, with the bottom strand at least 17 inches above ground level and the top strand no higher than 42 inches.
- Install double stays between posts for added flexibility.
- Please refer to CPW's "[Fencing with Wildlife in Mind](#)" brochure for additional details.

Lighting

Nighttime artificial lighting can adversely affect wildlife species of all sizes, from small macroinvertebrates to large mammals. Impacts include disorientation, increased predation risks, and behavioral disruptions, particularly for nocturnal species. To limit potential impacts of project lighting, CPW recommends:

- Install down-shielded fixtures to minimize light pollution.
- Use warm-colored lighting (2200-2700 Kelvin) with longer wavelengths to reduce ecological impacts, as suggested by the U.S. Fish and Wildlife Service and the American Bird Conservancy.
- Dim lights when possible to reduce disturbance.

Reclamation

CPW appreciates the inclusion of NRCS seed mixes in the applicant's reclamation plan. The Mining Plan and Reclamation Plan of the permit application indicates that topsoil will be stockpiled at the western extent of the project boundary and that stockpiles will be seeded "as needed" to minimize the potential for erosion. CPW recommends:

- Seed all topsoil stockpiles that will be present for greater than 45 days to minimize erosion as well as the colonization of invasive and state listed noxious weeds.
- Develop and implement a Weed Management Plan to control for invasive and State-listed Noxious Weeds.



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

CPW appreciates this opportunity to review the proposed Mayhew Pit project. Provided that CPW recommendations are adopted before and during mine operation, CPW believes impacts to wildlife from the proposed mineral development are likely to be temporary in nature and highest during the time of disturbance. If the timing or scope of this project changes and/or if you have any questions, comments, or concerns, please contact Carolyn Craveiro de Sá at 719-747-3838 or carolyn.craveirodesa@state.co.us.

Sincerely,



Todd Marriott
Area Wildlife Manager - Area 12
P 719-336-6603 | C 719-688-9241
2500 South Main, Lamar, CO 81052
todd.marriott@state.co.us

Cc: Logan Wilkins, District Wildlife Manager, logan.wilkins@state.co.us
Carolyn Craveiro de Sá, SE Land Use Specialist- carolyn.craveirodesa@state.co.us

