



COLORADO
Parks and Wildlife
Department of Natural Resources

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

August 19, 2025

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

RE: CPW Comments on Rams Home, File No. M-2025-030

Dear Elliott Russell,

Colorado Parks and Wildlife (CPW) received a request for comment from the Division of Reclamation, Mining and Safety (DRMS) on an application for a surface mining and reclamation operation in Teller County, on or near Section 11, Township 12S, Range 71W, 06th Principle Meridian. CPW staff is familiar with the location of the project as well as the area surrounding the site. CPW comments will address potential impacts to wildlife and habitat within the identified project area. 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 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. Protection of core wildlife areas, quality fisheries and habitat, big game winter range and seasonal migration corridors, and raptor nesting locations are of extreme importance. CPW recommends that all proposed projects be assessed to avoid, minimize, or mitigate impacts to sensitive wildlife habitats and species. That includes species of concern as well as Federal 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 in order to prevent loss of habitat or fragmentation of habitat. US Fish and Wildlife Service should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location.



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

UNDERSTANDING OF THE PROJECT

The proposed activity as described in the Application Notice and application materials state that mineral search and collection will be completed using hand tools, and no milling, large equipment, dredging, or supplemental water will be used. Tailing materials will be set to the side at all areas of exploration and reclamation of disturbed areas will include re-contouring the site and replacing existing top soil. Access will be via an existing 4-wheel-drive/high clearance road. Access will be seasonal; no plowing will be done.

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.

Crystal Creek, designated as Aquatic Sportfish Management Waters (HPH), runs through the northeast portion of the project area. Mule Deer Severe Winter Range (HPH) overlaps with the total extent of the project area.

A number of SGCN may be present, including avian, mammalian, reptilian, invertebrate, and plant species. Avian species include American goshawk, Burrowing owl, Cassin's finch, Veery, Northern Harrier, Band-tailed Pigeon, Olive-sided Flycatcher, Prairie Falcon, Virginia's Warbler, Black rosy-finch, Brown-capped Rosy-finch, Lewis' woodpecker, Lazuli bunting, Rufous hummingbird, and Brewer's sparrow. Mammalian SGCN include big game species, several bats, White-tailed jackrabbit, Snowshoe hare, American pike, Southern red-backed vole, Abert's squirrel, and Dwarf shrew. The reptile SGCN is Western milksnake. Invertebrate SGCN include two bumblebee species, a giant silkworm, Lusk's pinemoth, Rhesus skipper, and Plains emerald. Plant SGCN with potential to occur are Wahatoya Creek larkspur and Porter feathergrass.

IMPACT AVOIDANCE, MINIMIZATION AND/OR MITIGATION RECOMMENDATIONS

The identified section of land intersects two High Priority Habitats (HPH); Mule Deer Severe Winter Range and Aquatic Sportfish Management Waters (Crystal Creek).



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Aquatic Sportfish Management Waters (HPH)

Aquatic Sportfish Management Waters are designated lakes and streams managed by CPW primarily for sportfish conservation and/or angling. Additionally, seasonally wet areas adjacent to Crystal Creek provide crucial breeding and foraging habitat for native amphibians.

To avoid or minimize impacts to native aquatic species, CPW recommends the following:

- Avoid mineral exploration activities within 500 feet of the Ordinary High Water Mark of Crystal Creek. In the event the Ordinary High Water Mark is indistinguishable at the time of mineral exploration, CPW recommends a 300-foot buffer of any wetland, stream, or ephemeral drainage.
- Avoid impact to the stream bed during mineral exploration and after reclamation. The stream bed should be handled as a stream crossing whether or not water is present at the time of construction. Minimizing impact to stream beds is a priority for CPW, and avoidance is best whenever possible to protect seasonally wet sections of the creek that provide native amphibians with important breeding and foraging habitats in the spring and summer months.
- Utilize stormwater control best management practices and construction controls for sediment control.
- Avoid any increased sedimentation in nearby drainages, including intermittent creeks to avoid impacts to nearby aquatic habitat.
- Ensure stream crossings are perpendicular to reduce habitat disruption and use structures outside riparian zones where possible.
- Stream crossing by vehicles should be avoided whether or not water is present at the time of crossing. All trucks or heavy equipment should be restricted from crossing streams and if required, we recommend placement of culverts in streams in such a way that they do not impede seasonal surface water flow.
- Finally, CPW recommends that native riparian canopy or stream bank vegetation be conserved where possible.

Mule Deer Severe Winter Range (HPH)

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. Mule Deer Severe Winter Range is present on the entire identified land section. For Mule Deer Severe Winter Range, CPW recommends the following:

- No permitted or authorized human activities from December 1st to April 30th.



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Raptors and Migratory Birds

The Project area contains suitable habitat for nesting raptors and migratory birds, including American goshawk (*Accipiter atricapillus*), Burrowing owl (*Athene cunicularia*), Cassin's finch (*Carpodacus cassinii*), Veery (*Catharus fuscescens*), Northern harrier (*Circus hudsonius*), Band-tailed pigeon (*Columba fasciata*), Olive-sided flycatcher (*Contopus cooperi*), Prairie falcon (*Falco mexicanus*), Virginia's warbler (*Leiothlypis virginiae*), Black rosy-finch (*Leucosticte atrata*), Brown-capped rosy-finch (*L. australis*), Lewis' woodpecker (*Melanerpes lewis*), Lazuli bunting (*Passerina amoena*), Rufous hummingbird (*Selasphorus rufus*), and Brewer's sparrow (*Spizella breweri*).

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 ground-disturbing activities.

CPW appreciates the commitment to conducting preconstruction surveys and adhering to seasonal buffers and time restrictions to mitigate impacts on nesting migratory birds to the greatest extent feasible.

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

- Conduct ground disturbance 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 the 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.

The project is in the breeding range of golden eagle; however, no golden eagle nests are in the vicinity based on CPW mapping. The project occurs in CPW predictive mapping for summer and winter range for lynx; however the habitat is modeled as unlikely (areas of poor habitat quality with low chance of sustained lynx occupancy). Lynx are listed as Threatened at the federal level, and Endangered by the state of Colorado. Should any of these species be observed before or during construction and operation, CPW requests the opportunity to provide additional consultation.



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We appreciate your consideration of our comments and recommendations. As always, CPW staff is available to work with the DRMS and/or operators to identify methods 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 District Wildlife Manager, Drew Vrbenec at 719-227-5283 or drew.vrbenec@state.co.us

Sincerely,

Tim Kroening

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Area Wildlife Manager - Area 14
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Cc: Carolyn Craveiro de Sá - SE Region Senior Resource Manager Supervisor -
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Drew Vrbenec - District Wildlife Manager - drew.vrbenec@state.co.us





CPW comments on Rams Home, File No. M-2025-030

Poulton - DNR, Victoria <victoria.poulton@state.co.us>

Wed, Aug 20, 2025 at 12:25 PM

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

Cc: Carolyn Craveiro De Sa - DNR <carolyn.craveirodesa@state.co.us>, Tim Kroening - DNR <tim.kroening@state.co.us>, Drew Vrbenec - DNR <drew.vrbenec@state.co.us>

Hello-

Please see attached for CPW comments on an application for a surface mining and reclamation operation in Teller County (File No. M-2025-030). We appreciate the opportunity to provide comments and recommendations for this project.

Thank you,
Tory Poulton

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Victoria Poulton

Renewable Energy Liaison

Southeast and Southwest Regions



LIVE LIFE
OUTSIDE

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