

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



December 6, 2012

Glenn Williams
Cotter Corporation
P.O. Box 700
Nucla, CO 81424

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

RE: SM-18 Mine, Permit No. M-1978-116, Submittal of an Environmental Protection Plan (EPP), Amendment AM-01, Colorado Parks & Wildlife Comment Letter.

Dear Mr. Williams,

On November 29, 2012 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from Colorado Parks & Wildlife.

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by Colorado Parks & Wildlife.

If you require additional information, have questions or concerns; please contact me at the DRMS Grand Junction Field Office at Phone No. (970) 241-2042.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Marshall", written over a horizontal line.

Travis Marshall
Environmental Protection Specialist

Enc. – CP&W Comment Letter



COLORADO PARKS & WILDLIFE

2300 S. Townsend Avenue • Montrose, Colorado 81401
Phone 970 252-6000 • FAX 970 252-6053
wildlife.state.co.us • parks.state.co.us

AMØ 2
dmc, gtm

November 21, 2012

Dustin M. Czapla
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman St. Room 215
Denver, CO. 80203

RECEIVED

NOV 29 2012

Division of Reclamation,
Mining & Safety

RE: Notice of 112d-1 Designated Mining Operation Reclamation Permit Amendment
Application Consideration Cotter Corporation, SM-18 Mine, Permit No. M-1978-116

Dear Mr. Czapla

Thank you for the opportunity to comment on the proposed SM-18 Mine in Montrose County.

The Colorado Parks and Wildlife has no additional comments to add. Please reference original comments (attached) made and sent to Ms. Karen Fischer, O'Connor Design Group for Cotter Corp. on March 26, 2012.

If you have further questions please contact myself or District Wildlife Manager Tony Bonacquista at (970) 864-7109.

Sincerely

Renzo DelPiccolo
Area Wildlife Manager-Montrose
970 252-6010

Cc: Tony Bonacquista-DWM, Tony Gurzick-Acting Regional Manager, John Holtz-Energy Liaison

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chrs Castilian • Jeanne Home
Bill Kane, Vice-Chair • Gaspar Perncone • James Pribyl • John Singletary, Chair
Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar



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*sent
4/6/12*

April 6, 2012,

Karen Fischer
O'Connor Design Group
2350 G Road
Grand Junction, CO 81505

Re: SM-18 Mine, Cotter Corporation

Dear Ms. Fischer

Thank you for the opportunity to comment on the proposed SM-18 Mine in Montrose County.

We have reviewed the location of the proposed mine. The mine lies within winter range and severe winter range for both mule deer and elk. Mule deer and elk are found in the area during the winter months, specifically December through April. Although the property owned by Cotter Corporation is already developed with roads, trailers, compressor shed, warehouse, fuel storage tank, and electrical utilities, the increased activity around the SM-18 Mine may cause an increased disturbance to wintering animals when they are particularly susceptible. As the mining plan states, when functioning at full capacity the mine will be capable of producing 50-350 tons of material daily. This could cause a direct and indirect loss of severe winter range for both mule deer and elk in areas surrounding the mine due to a decrease in the use of these habitats associated with a general increase in traffic and human activity.

In order to maintain mule deer and elk winter use of the area surrounding the mine, the Colorado Parks and Wildlife (CPW) suggests implementing daily timing restrictions on mining activities between the months of December and April when the largest concentrations of wintering mule deer and elk are in the area. Mule deer and elk are most active in the early morning and late evening, CPW recommends daily limiting traffic and activity to 10:00am-3:00pm. If seasonal traffic and mining operation restrictions are not possible, CPW suggests performing off-site habitat enhancement projects to offset the direct and indirect impacts to wintering big game use of severe winter range.

There are approximately 10 different species of bats that inhabit the area. One species in particular, the Thompsons Big Eared Bat is considered a species of special concern in Colorado. Active mines have been shown to have little to no impact on bats due to continuous human activity in and around active mines. However, inactive mines are often used by bats as either winter roost sites or summer breeding areas. Many of these inactive mines have "bat gates" on them, allowing bats access and denying human disturbance. If bat gates are encountered on any mine shafts, the CPW strongly suggests contacting our field personnel to determine the time of year bats inhabit the area.

There are several existing roads in the area, and the CPW recommends improving existing roads and using those to access the mine sites versus creating new roads. This would help to minimize habitat fragmentation as well as disturbance to existing wildlife.

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With the increased human activity at the SM-18 Mine, the spread and control of noxious weeds becomes a concern for wildlife. Invasive plants endanger the ecosystem by disturbing natural processes and jeopardizing the survival of native plants and the wildlife that depends on them. Colorado law requires that invasive noxious weeds are managed and controlled through standard weed maintenance and controls. We recommend that Cotter Corporation continually control noxious weeds near the mine site on any and all roads used.

The Dolores River contains three BLM-designated Sensitive Species of fish that are also of great concern to CPW: bluehead sucker, flannelmouth sucker, and roundtail chub. These species are declining and are sensitive to any additional water depletions or changes in water quality in the Dolores River Basin. If any water is necessary for mining operations or if any discharge of water from the mine is, please contact the BLM and the CPW to discuss how to manage your operations to provide adequate protection for these species.

Regarding the reclamation plan, CPW has some suggestions to improve success of the seed mixture. CPW would also suggest the local collection of the seeds for anything not commercially available. Included are the recommended changes.

Thank you again for the opportunity to comment on the proposed SM-18 Mine. If necessary please contact the Bureau of Land Management and the CPW to recommend suitable off-site habitat enhancement projects to mitigate for direct and indirect losses of big game severe winter range habitat. Our field personnel are available to assist you with designing these projects and selecting a location with the highest potential for success.

If you have further questions please contact myself or District Wildlife Manager, Tony Bonacquista at (970) 864-7109.

Sincerely



Renzo DelPiccolo
Area Wildlife Manager
970.252.6010

cc: Tony Bonacquista-District Wildlife Manager, Tom Spezze-Southwest Region Manager

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SM-18 Seed Mix

<u>Scientific Name</u>	<u>Common Name</u>	<u>Lbs/acre</u>
Pascopyrum smithii	Arriba western wheatgrass	2.0
Elymus trachycaulus spp	Slender wheatgrass (San Luis)	2.0
Oryzopsis hymenoides	Poloma Indian ricegrass	4.0
Hilaria jamesii (florets)	Galetta grass	2.0
Stipa comate	Neddle and thread grass	1.0
Stipa viridula	Lodorm green neddlegrass	2.0
Linum Lewisii	Lewis flax (Maple Grove)	1.0
Penstemon palmeri	Cedar Palmer penstemon	0.5
Atriplex canescens	Rincon fourwing saltbrush	3.0
Ceratoides lanata	Winterfat	1.0
Purshia tridentate	Antelope bitterbrush	3.0
Cercocarpus montanus	Birch-leaf Mountain Mahogany	2.0
Purshia Mexicana	Cliffrose	2.0

Total pounds per acre-25.5

