

# 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



February 6, 2013

Mr. Jason Burkey  
United Companies of Mesa County  
P.O. Box 3609  
Grand Junction, CO 81505

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta Piñeda  
Director

**Re: Otter Creek Pit, Permit No. M-2010-050, Construction Materials Reclamation Permit Application Package,, *Colorado Parks & Wildlife Comment Letter.***

Dear Mr. Burkey,

On February 4, 2013 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 please contact me at the DRMS Grand Junction Field Office at Phone No. (970) 241-2042.

Sincerely,

Travis Marshall  
Environmental Protection Specialist

Enc. – CPW Comment Letter

cc: Greg Lewicki  
Greg Lewicki and Associates  
11541 Warrington Court  
Parker, CO 80138



## COLORADO PARKS & WILDLIFE

Northwest Regional Office  
711 Independent Ave. • Grand Junction, Colorado 81505  
Phone (970)255-6100 • FAX (970)255-6111  
wildlife.state.co.us • parks.state.co.us

January 28, 2013

Travis Marshall, Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
Colorado Department of Natural Resources  
1313 Sherman St., Room 215  
Denver, Colorado 80203

**RECEIVED**

**FEB 04 2013**

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

**RE: United Companies of Mesa County Otter Creek Pit  
File No. M-2012-050**

Dear Mr. Marshall:

Colorado Parks and Wildlife (CPW) has reviewed the notice for the United Companies of Mesa County to develop the Otter Creek Sand and Gravel Pit. This sand and gravel mining operation is proposed to be located on property located in Section 14, T1S, R1E of the Ute Principle Meridian. Colorado Parks and Wildlife appreciates the opportunity to comment on the wildlife species present in this area, as well as how they may be impacted by the proposed sand and gravel operation.

The site of the proposed mining operation is currently used as developed agricultural land, and is adjacent to the Colorado River riparian area. While riparian areas cover only 3 percent of the total landmass in Colorado, they provide habitat to over 90 percent of the state's wildlife at some phase in life. These areas serve as both permanent habitat and as movement corridors from one habitat type to another. The Otter Creek property is currently utilized as a foraging area and as winter range for Canada Geese and a variety of other waterfowl. Approximately one mile upstream from the property there is a well established Great Blue Heron rookery. This stretch of the Colorado River is also winter range for bald eagles, although there are no know active nests in the immediate area. Osprey are also known to use the area. There have been nests on the adjacent Clifton Sanitation property, and there is an active nest on the Mesa County property located southwest of the 32 ½ Rd & D Rd intersection. Consequently careful surveys for new and active nests should be performed prior to the commencement of mining activities. No new surface activity should occur with ¼ of a mile of active Osprey nests from April 1<sup>st</sup> until August 31<sup>st</sup>. Artificial nesting platforms are regularly used by Osprey, and can be erected well outside the planned mining area to encourage birds to nest outside the area. Wild Turkeys were introduced several miles upstream at the Tilman Bishop State Wildlife Area, and turkeys may occasionally visit the property. The property provides habitat for mule deer and a variety of small mammals including, but not limited to, raccoon, striped skunk, red fox, and cottontail rabbit. River Otter sightings along this stretch of the Colorado River continue to increase, and otters will frequently visit water impoundments off the river in search of food. The stretch of the Colorado River adjacent to the property is critical habitat for four species of native, endangered,

### 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 • Chris Castilian • Jeanne Horne

Bill Kane, Vice-Chair • Gaspar Perricone • James Pribyl • John Singletary, Chair

Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman

Ex Officio Members: Mike King and John Salazar

fish; the Colorado Pikeminnow, Razorback Sucker, Bonytail, and Humpback Chub. According to the Otter Creek Reclamation plan two new lakes will be created. These lakes may provide habitat for non-native sport fish, which may colonize these lakes or be introduced illicitly. These non-native fishes have been found to be detrimental to native Colorado River fishes, and any outlets into the 33 Road Drain, which ultimately reaches the Colorado River, should be screened to prevent non-native fish from these new impoundments reaching the Colorado River.

This area currently provides valuable habitat to many wildlife species, and wildlife usage may decrease with increased disturbance. During mining, impacts to wildlife can be reduced by allowing mature cottonwoods to remain standing. This will maintain habitat as well as ensure bank stabilization and other positive benefits. Minimizing night mining activities may benefit wildlife by enabling them to maintain use of the area as a movement corridor or hunting grounds.

If heavy equipment is acquired that was previously working in another stream, river, lake, pond, or wetland within 10 days of working on this project, one of the following disinfection practices is necessary to prevent the spread of New Zealand Mud Snails and other aquatic hitchhikers into this drainage. These practices are also necessary after project completion, prior to this equipment being used in another stream, river, lake, pond, or wetland, for the same purpose:

- Remove all mud and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and the equipment must be kept dry for 10 days **OR**
- Remove all mud and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with a 1:1 solution of Formula 409 Household Cleaner and water. Keep equipment moist for at least 10 minutes **OR**
- Remove all mud and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with water greater than 130 degrees F for at least 10 minutes.
- Clean hand tools, boots, and any other equipment that will be used in the water using one of the above options as well.

Once mining is complete, all ponds created by reclamation efforts could potentially have significant value to wildlife. To maximize this benefit, Colorado Parks and Wildlife recommends that ponds be designed to include irregular shorelines and one or more islands to provide cover, shelter, and nesting areas. Islands should be at least 15' x 25' in size per 2 surface acres of water. Shoreline and island slopes should be graded to a ratio of 4 horizontal to 1 vertical distance, with some areas having slopes no steeper than 8 horizontal to 1 vertical distance. Such shallow areas will allow for establishment of a variety of types of aquatic vegetation and invertebrate prey for waterfowl.

Planting a variety of native wetland plant species at appropriate locations will provide a diverse wetland habitat that will have long term benefits to wildlife, public viewing, and increased aesthetic value. The lake bed itself can be enhanced by varying the contours and structure. For example, the addition of downed trees and shrubs can, provide habitat and cover to aquatic wildlife.

In areas surrounding ponds, Colorado Parks and Wildlife encourages revegetation with native riparian or prairie grasses including tall wheat grass, intermediate wheat grass, and switch grass. Trees and shrubs that should be considered in the revegetation effort are eastern red cedar, rocky mountain juniper, native plum, and willow.

The Otter Creek Reclamation Plan mentions that eventually housing development may occur in reclaimed areas and near created ponds. Such development will significantly reduce the value of the reclaimed area for wildlife. These impacts can be reduced by clustering any future residential development. Parks and Wildlife recommends that a buffer zone extend at least 150 feet from any riparian area.

If you have further questions please contact District Wildlife Manager Frank McGee at 970-255-6115.

Sincerely,

A handwritten signature in dark ink, appearing to read 'JT Romatzke', with a stylized, flowing script.

JT Romatzke  
Area Wildlife Manager  
Colorado Parks and Wildlife

cc: Ron Velarde, NW Regional Manager  
Dean Riggs, Assistant NW Regional Manager  
Frank McGee, District Wildlife Manager  
Jim Komatinsky, Land Use Specialist  
File