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March 19, 2013

Wally Erickson
Division of Reclamation, Mining and Safety
691 CR 233 Suite A-2
Durango, CO 81301

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MAR 22 2013

Durango Field Office
Division of Reclamation,
Mining and Safety

RE: Adequacy response items for Rocky Mtn Aggregates Uncompahgre Pit

Wally:

Enclosed please find 2 copies of the correspondence with Colo. Division of Parks and Wildlife and US Fish and Wildlife Service regarding the Gunnison Sage Grouse issue at the Uncompahgre Pit. The e-mail from them basically states that they appreciate our willingness to work with them but the habitat is not critical habitat (it is proposed) and that they have no real jurisdiction over the property at this time.

As you can see from my follow up letter to Charles Sharp, in which I have attached a copy of the permit to him with relevant maps, we would be interested in any further suggestions that they may have that we could incorporate into the plan. One particular issue was the reclamation seed mix.

We will wait to hear back from Charles Sharp of the USFW.

Sincerely,

Greg Lewicki, P.E.
Greg Lewicki and Associates

Cc: Zane Luttrell



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

February 28, 2013

Greg Lewicki
Greg Lewicki and Associates
11541 Warrington Ct.
Parker, CO 80138

Re: Uncompahgre Pit, Colona, Colorado

Dear Mr. Lewicki,

Thank you for the opportunity to comment on the possible impacts the Uncompahgre Pit may have on wildlife. Colorado Parks and Wildlife (CPW) has reviewed the plans and visited the site of the proposed project, and hope to sufficiently answer the questions you have provided us. CPW does have concerns for certain wildlife issues that will be addressed in the questions.

1. Description of Significant Wildlife Resources on the Affected Lands

The area of the proposed Uncompahgre Pit consists primarily of sage-brush vegetation on the upper terrace, with pinyon-pine and juniper trees on the surrounding slopes. The proposed site is significant winter range for deer and elk, with the open sage terrace top and tree covered slopes providing equally important winter habitat for both deer and elk. Cottontail rabbit, red fox, coyote, small rodents, raptors, and song birds also utilize the sage brush and pinyon pine and juniper ecosystem. The United State Fish and Wildlife Service (USFWS) has included this area in the proposed critical habitat for Gunnison sage-grouse.

2. Significant Non-game Resources on the Affected Lands

Small mammals and song birds rely on the sage brush ecosystem as protected nesting and foraging sites. With the adjacent agriculture fields in the surrounding valleys, many raptors, including bald and golden eagles will utilize the proposed site for foraging, as well as perching in the pinyon and juniper on the slopes.

3. Seasonal Use of Affected Lands

The proposed pit site is critical winter range for both mule deer and elk, being utilized every winter and even greater use during severe winter conditions. Mule deer are browsers relying on the sagebrush flats for foraging and the steep, treed slopes for foraging, cover and bedding areas. Mule deer will prefer to forage on the sagebrush flats, as sagebrush is a winter staple to their diet, while forbs and grasses make up a smaller portion of their diet. The proposed site lies within the largest mule deer concentration area in the Uncompahgre valley, with animals that migrate from the Uncompahgre Plateau population to the West and the Cimarron population to the East. Mule deer exhibit high site fidelity toward their selected home ranges returning to the exact same area year after year. Disturbance to mule deer winter ranges can cause them to select alternative areas that provide poorer quality forage and cover, potentially increasing their risk of conflict, predation, and subsequent population declines.

Elk utilize the sage flats as bedding and foraging areas, as well as the treed slopes. Elk are not constantly present in the area during winter, but do utilize the available food resources throughout the winter. Elk are grazers, preferring to forage in the sagebrush flats on grasses and during heavy snow years on the sagebrush as well. Elk show site fidelity to their selected home ranges, but are generally quicker to shift habitat selection and home range use following

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

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disturbance, which results in shifting to poorer quality forage and cover, or most likely in this area to greater conflict as the elk will utilize the large agricultural fields below the mesa.

The proposed site with large sagebrush flats and the cover of the treed slope's, are used by both deer and elk as a buffer between the higher pinyon-juniper forests and the agriculture fields in the valley. Currently, Moonlight Mesa experiences very little human activity, which is partially why the mule deer and elk utilize it extensively throughout the winter. With increased disturbance, we would anticipate that both deer and elk will come down to the valley increasing damage to agriculture fields coupled with a significant increase in highway crossings.

4. Presence and Estimated Populations of Threatened or Endangered Species in the Area

In January of 2013 the USFWS proposed to list the Gunnison sage-grouse under the U.S. Endangered Species Act. The specific area of the proposed pit, Moonlight Mesa, was where the last confirmed sighting was recorded for Gunnison sage -grouse from the Sims Mesa population. The listing of this species as Endangered or Threatened will make it unlawful to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any individuals of this species or attempt to engage in any such conduct without prior authorization from the USFWS. Harm is further defined to include significant habitat modification or degradation that results in death or injury to a listed species by significantly impairing behavioral patterns such as breeding, feeding or sheltering. The listing proposal includes maps identifying "critical habitat" essential to the conservation of the species. The proposed gravel pit project falls within an area mapped by the USFWS as critical habitat for Gunnison sage-grouse because it contains physical and biological habitat features essential to the conservation of the species. CPW recommends that the project proponent contact the USFWS prior to initiation of the activities outlined in their proposal to ensure compliance with the Endangered Species Act.

5. Fish Resources

There are no water bodies in the permit area, however proper steps will need to be taken to prevent erosion pollution to irrigation canals, streams and rivers.

6. General Effects of the Operation on the Existing Wildlife of the Area

The proposed Uncompahgre Pit will negatively affect winter range for mule deer and elk through direct habitat loss and increased stress to ungulates during their most stressful time of year. Ceasing winter mining activity from December 15th through April 30th, will minimize stress to wintering ungulates. Proper re-vegetation with appropriate native plant seeding similar to current species composition will help repair the winter range and minimize affect on winter range over the long term. It will be important to minimize road structure and disturbance to the surrounding treed slopes of the pit area to minimize habitat loss, fragmentation and spread of weeds. Mule deer especially will rely on the treed slopes for bedding and cover. Outside of direct removal of sagebrush habitat, the introduction and spread of invasive weeds poses the second greatest threat to sagebrush habitat loss through increased fire frequency, erosion, and decreased plant species diversity.

Proper re-vegetation will be important for re-establishing habitat for all wildlife species that currently utilize this area. A mix consisting of shrubs and forbs and to a lesser extent grasses will be needed for small mammal and bird habitat restoration. CPW suggests a seeding mix of Daisy Fleabane at 1lb per acre, Dusty Penstemon at 1lb per acre, Sulfer flower Buckwheat at 2lbs per acre, Small Burnet at 3lbs per acre, and Sagebrush at 1lb per acre.

Galleta, Indian Ricegrass, Winterfat, Shadscale, Scarlet Globemallow, Bottlebrush, Rabbitbrush, Four-winged Saltbrush would also be good to mix in. CPW would not recommend seeding with Crested Wheatgrass or Pubescent Wheatgrass.

The proposed pit area is inside USFWS proposed critical habitat for Gunnison sage -grouse. The USFWS will need to be consulted for proper procedures dealing with Gunnison sage -grouse and to ensure compliance with the Endangered Species Act.

If you have any further questions, please contact Matt Ortega at 970.252.6011 or myself.

Sincerely,

A handwritten signature in dark ink, appearing to read "Renzo DelPiccolo". The signature is fluid and cursive, with a large, stylized "R" at the beginning and a long, sweeping underline.

Renzo DelPiccolo
Area Wildlife Manager
970.252.6010

cc: Matt Ortega-DWM, Patt Dorsey, SW Region Manager

Greg Lewicki

From: Sharp, Charles [charles_sharp@fws.gov]
Sent: Wednesday, March 13, 2013 4:43 PM
To: Greg Lewicki
Subject: Gunnison sage-grouse and proposed Montrose County gravel pit
Attachments: Guidance for Endangered Species Act Conferencing for GUSG (1).pdf

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Hi Greg,

Good talking w/ you today. I appreciate the call and request for input on the proposed gravel pit south of Montrose, CO. We understand the proposed gravel pit is in proposed occupied critical habitat for Gunnison sage-grouse, but that the habitat is believed to be unoccupied by the species. The gravel pit and area of disturbance at any given time is expected to be relatively small, and reclamation will occur on a rolling basis. Reclamation plans include establishment of rangeland vegetation.

Attached is the guidance I mentioned that the Fish and Wildlife Service has been providing to Federal agencies and other entities requesting our input (or approval) on various land use projects. This guidance and my email message may help answer Colorado Parks and Wildlife's (CPW) and others' requests for our input on the project.

As discussed, if and until Gunnison sage-grouse is listed and critical habitat is designated under the Endangered Species Act (to be determined by September 30, 2013), the species is not legally protected under that law, and so our authority on any projects or activities that may affect the bird are very limited. You will notice in the attached guidance that our legal authority for species proposed for listing such as Gunnison sage-grouse is limited to Federal lands and actions (and only those actions expected to have detrimental impact--or jeopardy--on the species, rangewide). Therefore, a private land project for which there is no Federal funding or authorization, such as the proposed gravel pit, is not legally required to consult (or conference) with our agency at this time.

I understand that the applicant has consulted w/ CPW, and that CPW has provided recommended measures to minimize impacts on habitat. I can also take a look at the project specifics and provide recommended conservation measures, if necessary. You mentioned you would send maps and CPW's comment letter. Would you mind also sending BIO-Logic's evaluation?

Here is my mailing address:

Attention: Charles Sharp, U.S. Fish and Wildlife Service
USDA Natural Resources Conservation Service
Montrose Service Center
102 Par Place
Montrose, CO 81401-4144

I hope this helps address your needs for the proposed project.

Sincerely,

Charlie Sharp

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Charlie Sharp, Fish and Wildlife Biologist
Western Colorado Ecological Services Field Office
U.S. Fish & Wildlife Service
Montrose, CO
(970) 623-0919

Guidance for Endangered Species Act Conferencing for Gunnison Sage-grouse and Proposed Critical Habitat

Background

- Pursuant to section 7 of the Endangered Species Act (ESA) for Federal agencies, conferencing on proposed species is required only for projects that are likely to jeopardize Gunnison sage-grouse (GUSG), or for projects likely to result in destruction or adverse modification of proposed critical habitat for the species.
- Pursuant to section 7 of the ESA, the Service does not provide “concurrence” for projects that “may affect” proposed species (such as Gunnison sage-grouse) or proposed critical habitat, or projects determined to have “no effect”.

Expectations

- The Service requests that Federal agencies seek section 7 conferencing only for landscape level projects, and/or projects that are likely to jeopardize GUSG, or projects likely to result in destruction or adverse modification of proposed critical habitat for the species (however, see *Recommendations* below). This is consistent with the section 7 regulations and requirements for Federal agencies.
- The Service will continue focusing its conferencing efforts on significant, landscape level projects or activities that may affect Gunnison sage-grouse. This includes planning associated with conservation tools and actions. Examples of significant, landscape level projects include resource or forest management plans, national wildlife and species initiatives, and candidate conservation agreements.

Recommendations

- The Services recommends that Federal agencies consult the Gunnison sage-grouse Rangewide Conservation Plan (e.g., see Appendix I: GUSG Disturbance Guidelines) in the design of their projects. As necessary, the Service can provide further technical assistance in the design of projects to avoid and minimize effects to GUSG.
- The Service recommends that Federal agencies internally document project effect determinations (e.g., no jeopardy or adverse modification), as appropriate, including rationale for not conferencing under the ESA (see *Background* above).