



COLORADO

Parks and Wildlife

Department of Natural Resources

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Eric Scott
Division of Reclamation, Mining and Safety
1313 Sherman Street
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RE: Peak Ranch Resource Project

Dear Mr. Scott,

Thank you for the opportunity to comment on the proposed project at the Peak Ranch resource site in Summit County. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors. CPW encourages Peak Materials to afford the highest protection for Colorado's wildlife species and habitats.

The proposed 75.6-acre project site is located west of Highway 9 in the Blue River Valley, approximately 11 miles north of I-70. The Blue River borders the west edge of the property. The property has most recently been utilized as a livestock pasture and is currently cross-fenced with multiple vacant structures. A small wetland exists on the northeast portion of the property. The proposed project includes the following:

- 1) Construction of access road and internal access roads
- 2) Strip topsoil and overburden and create 8-10 foot tall privacy berms
- 3) Construction of new fencing along western perimeter of project boundary, and around perimeter of wetlands
- 4) Mine approximately 45.8 acres of the Peak Ranch resource site for aggregate materials
- 5) Truck aggregate material from Peak Ranch resource site to Maryland Creek facility
- 6) Reclaim Peak Ranch resource site to fenced rangeland with a groundwater lake, and a permanent gravel access road

CPW has reviewed the proposed projects, visited the site, and would like to offer specific comments on impacts to wildlife.



Wildlife Habitat

The project area occurs within summer range for moose, elk and mule deer. Additionally, it occurs within mule deer and elk winter range, and along the edge of an elk winter concentration area and a mule deer migration corridor. The Blue River riparian corridor is a mule deer concentration area as well as an important movement corridor for other big game species, small mammals and bird species. The property currently provides limited value to big game species due to forage conditions; however, animals move through the property regularly to access the river and adjacent habitats. This movement occurs year round, with higher activity during the winter months and during spring and fall migrations. Black bears also inhabit the area, and the property is directly adjacent to black bear summer concentration habitat across the river to the west.

Raptors, including Bald Eagle and Osprey, have been observed on the west end of the property along the Blue River. A Bald Eagle nest previously existed on the property, and the entire stretch of the Blue River from Silverthorne Town Limits north to Green Mountain Reservoir provides summer and winter forage and winter concentration habitat for Bald Eagles. CPW requests that prior to any construction or mining activity on the property, valid raptor nest surveys (before July 31) and migratory bird nest surveys (before July 15) be performed by a certified biologist. CPW requests that trees with active nests be retained, and no disturbance be allowed within a 0.25 mile radius of active raptor nests until fledging has occurred.

Traffic

Peak Resources plans to truck aggregate from the property to Maryland Creek Ranch, approximately 7 miles south on State Highway 9 (SH9). This stretch of highway between mileposts 107-114 (approximately) has been identified in the Summit County Safe Passages County-wide Connectivity Plan as a high priority area for mitigating wildlife-vehicle collisions, which occur year round. Traffic volumes along SH9 through this area have been increasing steadily in recent years, and CPW is concerned that heavy truck traffic between the property and Maryland Creek Ranch may increase wildlife-vehicle collisions.

Peak Resources has agreed to implement modified hours for trucking operations, based on CPW recommendations, to minimize the potential for wildlife-vehicle collisions during the times of day when deer, elk and moose are most active, and specifically during the winter months when wildlife is concentrated at lower elevations closer to the highway. CPW supports the operator's proposed hours for limiting truck traffic to within the daily time period of 9 am to 4 pm from May 1st - Nov 30th, and within the daily time period of 10 am to 3 pm from Dec. 1st - April 30th.

Blue River Fishery

The reach of the Blue River between Silverthorne Town Limits and Green Mountain Reservoir previously held Gold Medal status and was delisted in 2016. The quality of this fishery had been in decline due a variety of impacts including unnatural stream flows, sparse aquatic invertebrate populations, low nutrient content and degraded habitat. The Blue River Enhancement Working Group (BREW) has been working cooperatively to monitor the river condition and identify what is causing the decline in quality.

Macroinvertebrates may be sensitive to changes in water quality from the proposed mining activity, and impacts may further degrade this fishery. Possible impacts to macroinvertebrate health was not addressed in the application. CPW suggests for macroinvertebrate impacts be addressed in one of two ways, if not both. Peak Materials could design and implement a robust macroinvertebrate monitoring program on the Blue River; for which, Peak Materials could explore a partnership with the BREW group. Furthermore, Peak Materials could bolster its water quality monitoring to include sites in the Blue River downstream of the mine, as well as the “wet cell” mining pit itself. If water quality impacts are detected in the Blue River or nearby ground water, or if a decline in macroinvertebrate populations is observed in the Blue River, and determined to be associated with the mining operations, CPW requests that the operator address and resolve them immediately.

CPW’s Water Quality staff has reviewed the application and noted that the bedrock under the proposed gravel mine is Pierre Shale, which contains contaminants including selenium, sulfate, salts, nitrate, and a variety of radionuclides that can be released if crushed by gravel mining operations. Of those, selenium is the biggest concern for aquatic life and birds as it bioaccumulates and causes deformities in the offspring of all egg-laying organisms, including fish and birds. Exposure of the shale bedrock layer could result in significant impacts to the downstream fishery in the Blue River, as well as riparian bird species. Exhibit D of the application states that the proposed mining will stop at least two feet above the bedrock to prevent its exposure. CPW is concerned that the 2-foot buffer is too narrow to reasonably avoid potential exposure of the bedrock, and recommends a minimum buffer of 4 feet above the bedrock to prevent accidental puncture or exposure of the bedrock and subsequent contamination of the Blue River.

Riparian Area & Wetlands

The western boundary of the project area borders the Blue River, and the proposed mining plan includes a 200 foot buffer between the mining extent and the river. A majority of the wildlife use of this property occurs along the river corridor. CPW recommends increasing the buffer to a minimum of 300 feet to protect this riparian zone from disturbance. Scientific literature supports a minimum buffer of 300 feet from the river, which is consistent with CPW’s recommendations for other land use disturbances as well as several Federal resource management plans in Colorado (Appendix A).

A 16-acre delineated wetland exists at the northeast corner of the property along Highway 9. This area is a wet meadow dominated by grasses and sedges. Wetlands provide many functions including flood control, groundwater recharge and discharge, water quality improvement, shoreline stabilization and wildlife habitat, serving as seclusion, nesting, feeding, and movement areas for migratory birds and mammal species. No mining is planned in the wetland or within a 50-foot buffer; however, CPW is concerned about the potential draining as a result of the mining. CPW recommends that the wetland is monitored frequently for signs of draining or other degradation and if impacted, CPW recommends that Peak Materials perform wetland mitigation by enhancing or creating comparable wetlands elsewhere in the Lower Blue Valley prior to completion of the mining project.

Reclamation

Exhibit E of the proposal states that the property will be restored to rangeland with a groundwater lake for the benefit of local wildlife. The proposed 26-acre lake with max 3:1 slopes is relatively

steep and not ideal for wildlife. CPW recommends grading the shoreline of the lake with a diversity of slopes from of 3:1 (minimum) to 5:1, which will balance creating optimal habitat for wildlife and minimizing weed growth. An ideal pond for wildlife would be composed of approximately 20-30% shoal area (4-8 ft deep), which is shallow enough for rooted vegetation, provides for invertebrate production and creates physical habitat complexity. This will allow wildlife to better utilize the lake as habitat and will accommodate fluctuations in water level.

Additionally, CPW is concerned that the current proposed depth of the reclamation lake will cause stratification of the water layers. This may lead to formation an anoxic hypolimnion concentrated with heavy metals from the mining operations, which could then leach into the groundwater that will be feeding the lake. CPW recommends that Peak Materials modify their reclamation plan to include a pond design that will avoid potential water quality issues, and contour the surrounding area to enhance the existing wetlands on the property. Additionally, CPW recommends using a native vegetation seed mix in the topsoil to enhance winter forage for wildlife.

Fencing

CPW notes that the proposal includes fencing of the perimeter, as well as the wetland. CPW requests that all fences on the property be designed to be permeable and friendly to wildlife. Please reference CPW's *Fencing With Wildlife in Mind* document for fence specifications:
<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

CPW would like to thank you for the opportunity to comment on this project in Summit County. If you have any questions regarding the wildlife issues and recommendations in this letter, please contact Jacob Kay at 970-485-3081 or jacob.kay@state.co.us.

Sincerely,



JT Romatzke
Northwest Regional Manager
Colorado Parks and Wildlife

CC: Jeromy Huntington, Area Wildlife Manager, CPW
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APPENDIX A: Aquatic Buffers in Colorado Resource Management Plans

Agency	Buffer Dist	Type	Applies To	Details	Location	Reference
BLM	325' +	NSO	Perennial Streams, Water Bodies, Fisheries, and Riparian Areas	Prohibit surface occupancy or use within a minimum buffer distance of 325 horizontal feet for all perennial waters.	Kremmling Field Office	Resource Management Plan, Exhibit KFO-NSO-4
BLM	328'	NSO	Perennial Streams, Water Bodies, Riparian Areas, and Aquatic Dependent Species	Prohibit surface occupancy and surface-disturbing activities within a buffer distance of 328 horizontal feet from the outer edge of riparian/wetland zones	Colorado River Valley Field Office	Resource Management Plan, CRVFO-NSO-5
BLM	328'	NSO	Streams/Springs Possessing Lotic Riparian Characteristics	Prohibit surface occupancy and surface-disturbing activities within a minimum distance of 100 meters (328 feet) from the edge of the ordinary high-water mark (bankfull-stage).	Grand Junction Field Office	Resource Management Plan, Allowable Use W-AU8, Stipulation NSO-2
BLM	0.25-mile	NSO	Perennial Water	NSO for up to 0.25 mile from perennial water sources, if necessary, depending on type and use of the water source, soil type, and slope steepness.	Little Snake Field Office	Resource Management Plan, Perennial Water LS-105 No Surface Occupancy Stipulation
USFS	350'	NSO		NSO for Gold Medal Fisheries and the recreational opportunities provided by the fisheries/	White River National Forest	Oil & Gas Leasing Final Environmental Impact Statement Record of Decision 1993
USFS	300'	NSO	Fish bearing streams	Provides 300' Riparian Habitat Conservation Areas on either side of fish bearing streams	Multiple	1995 Record of Decision for Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California