



CPW's 2nd Comments on the Douglas Mtn Ranch Mine Project (DRMS M-2018-016)

Marette - DNR, Brandon <brandon.marette@state.co.us>

Tue, Dec 18, 2018 at 4:57 PM

To: Peter Hays <peter.hays@state.co.us>

Cc: Joseph Walter - DNR <joseph.walter@state.co.us>, Mark Lamb - DNR <mark.lamb@state.co.us>, Ben Kraft - DNR <ben.kraft@state.co.us>, Lance Carpenter - DNR <lance.carpenter@state.co.us>, Janet George - DNR <janet.george@state.co.us>, Tom Kroening - DNR <tom.kroening@state.co.us>, Mark Leslie <mark.leslie@state.co.us>, Paul Winkle <paul.winkle@state.co.us>, Jeff Spohn <jeff.spohn@state.co.us>, Kevin Kritz <kevin_kritz@fws.gov>

Good afternoon Peter,

Thank you for the opportunity to comment on the revised application for the Douglas Mountain Ranch Gravel Mine project located immediately southeast of the Town of Empire. Our goal in responding to land use proposals, such as this project, is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Upon review of the proposed referral request and an internal review of this parcel, CPW has the attached biological concerns for this proposed project.

Finally, please continue to reach out to us for comment on future applications, as we strive for collaborative and responsible land development while protecting sensitive species and their habitats.

Holiday cheers,

Brandon B. Marette

Northeast Region Energy Liaison and Land Use Coordinator



COLORADO
Parks and Wildlife
Department of Natural Resources

Live Life Outside.

(*FYI, I'll be out of the office on leave from Dec. 21-28)

Direct (303) 291-7327

6060 Broadway, Denver, CO 80216

brandon.marette@state.co.us

CPW Energy Page | @CPW_NE | [LinkedIn](#)

THINK SAFETY FIRST!

CPW comment letter to DRMS 12-18-18.pdf
118K



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Parks and Wildlife

Department of Natural Resources
Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227

December 18, 2018

Mr. Peter Hayes
Minerals Specialist
Colorado Division of Reclamation, Mining & Safety
peter.hays@state.co.us

RE: CPW's Comments on the Amended Douglas Mountain Ranch Gravel Mine (T35, R74W, Sec. 27-28), Town of Empire, Clear Creek County, CO (DRMS File No. M-2018-016)

Dear Peter,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the amended Douglas Mountain Mine proposed project that is currently under review with the Colorado Division of Reclamation, Mining & Safety (DRMS). It is our understanding that this Empire Aggregate, Inc. (Operator) 68.2-acre gravel quarry mine (Mine) is located between Douglas Mountain and the West Fork of Clear Creek, and could last up to 25 years.

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado, and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests, as is the case for this proposed project.

CPW continues to appreciate the on-going consultation since our June 18, 2018 letter to DRMS regarding the initial application for this project. Since that time, CPW's District Wildlife Manager Joe Walter met the Operator's Consultant (Greg Lewicki and Associates) for a site visit to discuss our previous concerns, CPW held an internal team field meeting to discuss the Operator's newly proposed minimization efforts, and DRMS and the Operator's Consultant responded to the latest questions that we raised. Therefore, CPW has recently learned the following:

- The Mine will have approximately 140 trucks a day with a maximum of 20 trucks in the peak hour. The active mining will occur from 5:00 a.m until 3:00 p.m. The



trucks will run 24 hours a day, 7 days a week, however, there will be no excavation at night.

- Regarding the order of the permitting process, the Operator will first obtain a DRMS State Permit (if DRMS deems this application is complete and would likely be heard at a Board Hearing in April 2019), and then they would apply for a Surface Use Agreement from Clear Creek County. If the permitting process for both permits goes smoothly, the Operator would begin work in June 2019. The first task the Operator would begin with would be to improve the Mine's access road to County Road (CR) 257 and add acceleration and deceleration lanes on CR 257. Also, the Operator plans to improve motorists' line-of-sight along CR 257 immediately near the Mine's entrance. Then the Operator would start digging the Mine in or around July 2019.
- The total disturbed area to be eventually reclaimed under this DRMS permit is 77.5 acres.
- Most of the new noise sources would be from the haul trucks descending down the hill from the Mine to CR 257 (e.g., Jake brake) versus the noise sources from the excavation at the Mine.

Based on the new information above, CPW discussed these three (3) potential impacts to a nearby sensitive species with the Operator's Consultant and has the following comments or recommendations to be applied to their DRMS permit:

1. Bighorn sheep year-round movement and seasonal migration corridors

- a. CPW is very concerned that the proposed Mine access road and eastern edge of the Mine will bisect a pinchpoint or bottleneck along the existing bighorn sheep year-round movement and seasonal migration corridors. CPW's biggest concern is that these corridors would be negatively impacted and truncated. CPW is also concerned that mine activities would spatially separate two bighorn sheep subherds, one along the south face of Douglas Mountain and one north of U.S. Highway 40, resulting in separation of gene flow in the herd. As stated in our June 18, 2018 letter, this bighorn herd is one of Colorado's primary (Tier 1) bighorn herds, and also one of the most visible herds in the state, and we implore the Operator explore all technically and feasible options to maintain and not further erode these critical movement and migration corridors.
- b. During CPW's recent discussion with the Operator's Consultant, we discussed the possibility of developing a separate "Bighorn Safety and Movement Corridor Plan" in the coming months between CPW and the operator. This plan could have such things as an initial bighorn safety briefing from Joe Walter for the operators and drivers, and to give Operator's Consultant time to talk to the adjacent landowners for clearcutting a "bighorn runway" along their properties to help get the bighorns off the roads, and facilitate and protect traditional movement and migration corridors. We recommend establishing a "crosswalk" for the bighorns along the access road (e.g., yield signs for trucks on the haul road). But in the meantime, CPW would recommend that the Operator's permit

- be revised to state such a plan would be forthcoming after DRMS's December 18, 2018 comment deadline but before DRMS permit approval.
- c. CPW anticipates that haul trucks will be going <10 mph on the Mine access road and as they approach/leave the entrance, which will help reduce the number of bighorn sheep that hit by vehicles, and should be viewed as a minimization measure.
 - d. CPW would like to have future discussions with the operator regarding site-specific lighting at the office/scales and Mine, specifically which lights should be motion-only lights and which should be on every light.
 - e. The salts in magnesium chloride can attract bighorn sheep, so care should be taken if applied to haul roads. However, dust in the air can potentially increase bighorn susceptibility to respiratory diseases, yet CPW appreciates the Operation is covered by a Fugitive Dust Permit.
2. Active Peregrine Falcon ½-mile nest buffer (from the E2SE ¼ of Section 28 during their breeding season of March 15 to July 31)
- a. CPW learned that no explosives would be used at the Mine, as mining activities would be focused on digging using mechanical vehicles (loaders, backhoes, etc.). This minimization measure will help reduce the negative sound impacts on the nesting pair and any young. However, CPW recommends that the Operator conduct a baseline noise survey at dawn before operations begin to compare to the new noise source levels at the Mine (e.g., Jake brakes and excavators), and share and discuss the results with CPW.
 - b. However, CPW recommends that the operator consults with the U.S. Fish and Wildlife Service if initial disturbance begins before the nestlings have fledged in 2019, and if any minimization measures should be incorporated for the 2020 breeding season.
3. Elk Winter Range
- a. CPW appreciates the mitigation commitments stated in their September 2018 application to DRMS and has no further concerns.

If the Operator agrees to keep their September 2018 mitigation commitments, plus incorporate the above recommendations and comments, CPW is no longer an objector to this project.

Should DRMS, the Operator, or Operator's Consultant have any questions on this letter, or if the timing or scope of this project changes, please contact Joe Walter, District Wildlife Manager for this area at 303-291-7123 or joseph.walter@state.co.us.

Finally, we ask that DRMS continues to reach out to us for comment on future applications, as we strive for responsible land development while protecting sensitive species and their habitats.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lamb". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Lamb
Area 1 Wildlife Manager

cc: Joe Walter, District Wildlife Manager (Idaho Springs)
Ben Kraft, Wildlife Biologist
Lance Carpenter, Wildlife Biologist
Paul Winkle, Aquatic Biologist (Clear Creek)
Jeff Spohn, Northeast Senior Aquatic Biologist
Janet George, Northeast Senior Wildlife Biologist
Brandon Marette, Northeast Region Energy Liaison and Land Use Coordinator
Tom Kroening, Northeast Deputy Regional Manager
Mark Leslie, Northeast Regional Manager
Kevin Kritz, U.S. Fish and Wildlife Service