

December 20, 2017

Ms. Amy Eschberger
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Subject: Transit Mix Concrete Permit #M-2017-049

Dear Amy,

The Nature Conservancy (TNC) would like to provide comments regarding Transit Mix Concrete's permit application (Permit #M-2017-049) in El Paso County. This response is based on our knowledge and interests related to the proposed quarry lease by Transit Mix Concrete on the Hitch Rack Ranch in El Paso County.

We previously submitted comments in April of 2016 regarding Transit Mix Concrete's application for permit #M-2016-10. While the certain aspects of the proposed quarry have been revised, we still have the following concerns about the possible environmental impacts of the proposed quarry:

The proposed quarry site is mapped by the US Fish and Wildlife Service as Critical Habitat for the Mexican Spotted Owl (*Strix occidentalis lucida*), a federally listed threatened species. The map can be found at the link below (SRM C1): http://www.fws.gov/southwest/es/MSO_critical_habitat_archive.html#maps. It is TNC's understanding that Transit Mix Concrete is working with the US Fish and Wildlife Service, as well as conducting surveys for owls to determine whether the proposed quarry would impact the Mexican Spotted Owl, which we believe are essential steps to determining whether the project should go forward.

The site is also part of the Aiken Canyon Potential Conservation Area and was identified by the Colorado Natural Heritage Program in 2001 as a B2 site – a site of very high conservation significance. This location provides high quality foothills plant communities that are rapidly being converted to development north and south of this area. These dry (xeric) tallgrass sites along the Front Range are also rarely found in high quality condition and support several rare species of butterflies. The site contains excellent to good examples of globally-imperiled (G2 S2) mountain mahogany/needlegrass community (*Cercocarpus montanus/Stipa comata*), an excellent condition occurrence of a globally vulnerable (G3 S2) pinyon pine/Scribner needlegrass community (*Pinus edulis/Stipa scribneri*), as well as an excellent occurrence of

mesic oak thicket community (*Quercus gambelii-Cercocarpus montanus/Muhlenbergia montana*).

More than 100 species of birds have been documented on property adjacent to the proposed quarry site, and the stream corridors are also known to be important movement areas for wide-ranging mammals such as mountain lions, black bear, mule deer, and elk. The proposed mining plan does not appear to provide an adequate buffer to protect the use of intermittent stream corridors by these sensitive species.

The Nature Conservancy holds a 99 year conservation lease with the SLB to manage Aiken Canyon Preserve for conservation values. This preserve is adjacent to the proposed lease area (just to the south), including the mine site. Potential mine activity impacts include noise, dust, and direct impacts to wildlife and plant communities. As such, it may impact our ability to conserve and manage the resources identified on Aiken Canyon Preserve in accordance with the terms of our lease. The conservation values at Aiken Canyon Preserve are the same as listed above on the proposed mining site and are the basis of our 99 year conservation lease.

We also have some concerns that Transit Mix Concrete's proposed restoration plans may not be sufficient to protect and reclaim the existing plant communities and conservation values on the property.

Some of the conservation values present on Aiken Canyon Preserve and the proposed mine site are considered irreplaceable by The Nature Conservancy and the Colorado Natural Heritage Program. They therefore merit the highest standards of inventory and protection. Impacts to these conservation values should be avoided. Impacts to other values may be minimized to an acceptable level through the implementation of best management practices. The Nature Conservancy is interested in engaging with the CDMRS and the mine applicant to share information, recommend ways to avoid impacting the conservation values, and inform best practices.

Please don't hesitate to contact me with questions about the above information or to arrange additional dialogue. I can be reached at ejessup@tnc.org or 720-974-7070.

Thank you for your time and attention to this matter.

Respectfully,



Edyn Jessup
Land Assets Manager