



COLORADO

Parks and Wildlife

Department of Natural Resources

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November 15, 2017

El Paso County Planning and Community Development Department

ATTN: Kari Parsons, Project Manager

2880 International Circle,
Colorado Springs, CO 80132

Re: Environmental Review for Proposed Front Range-Midway Solar Project for El Paso County, CO, File WSEO-17-001

To: Kari Parsons

Colorado Parks and Wildlife (CPW) has received and appreciates the request for comments on the proposed WSEO - Wind and/or Solar Energy Generation Plan Overlay for the Front Range-Midway Solar Project in El Paso County, Colorado. CPW has a statutory responsibility to manage all wildlife species in Colorado; as such we encourage protection for Colorado's wildlife species and habitats through responsible energy development and land use planning. Protection of core wildlife areas, quality fisheries and habitat, big game winter range and seasonal migration corridors, and raptor nesting locations are of extreme importance. CPW recommends that all proposed projects be assessed to avoid, minimize, or mitigate impacts to sensitive wildlife habitats and species. That includes species of concern as well as Federal and/or State listed species, big game wildlife (migration corridors, winter range, parturition areas), breeding and nesting habitats for sensitive ground-nesting birds, and nests of raptors sensitive to development in order to prevent loss of habitat or fragmentation of habitat.

CPW staff is familiar with the proposed location of the project as well as the area surrounding the site. In 2014 CPW visited the proposed location and prepared a list of potential impacts to local wildlife and provided the developer with recommendations to avoid, minimize, and mitigate those impacts. That 2014 letter from CPW was submitted with this application, along with a Critical Issues Analysis report from Tradewinds Energy based on a desktop review, and the Wetlands, Waterbodies, and Threatened, Endangered, and Species of Special Concern Survey Report report based on a one day site visit by a consultant. Many of those findings were consistent with



CPW's observations of the site. Unfortunately there are no additional details or planning documents submitted that provide information on how the site will be developed or the proposed construction practices. CPW would also like information on how the developer plans to address the concerns raised previously by CPW or the findings in reports submitted by the consultants included in this current project application. For a project of this scope with impacts to both habitat and wildlife CPW would recommend the developer commit to pre-construction surveys and best management practices that would minimize the impacts of this project as well as a noxious weed management program and a reclamation plan.

For eligible energy resources, new renewable energy projects should follow Colorado PUC Rule 3668 on Environmental Impacts in conducting wildlife surveys, in using these surveys to avoid, minimize and mitigate potential impacts to wildlife and their habitats, and work closely with CPW in the design of their project. In selecting sites for construction, CPW recommends that developers focus on options that avoid critical wildlife habitats over the use of mitigation strategies. Areas that exhibit high levels of wildlife use within this project area or are unique or critical habitat to wildlife would benefit greatly by not placing facility infrastructure, including transmission lines, adjacent to or over such areas. If all options for avoiding impacts are taken and prove insufficient, then minimization and mitigation strategies should be identified and implemented.

Habitat loss and fragmentation: In general, CPW recommends that the developer consolidate facilities and roads to the extent possible, to minimize the amount of land that is disturbed and fragmented. Habitat loss and fragmentation are significant concerns regarding solar development and minimizing the project footprint can help reduce the impacts to wildlife. Riparian and wetland areas are important habitats for a variety of wildlife and need to be connected as much as possible so a layout that maintains access for wildlife to those areas in particular is preferred. Wildlife species that can potentially be found on the Project site are: black tailed prairie dog, bobcat, cottontail rabbit, coyote, mule deer, white-tailed deer, elk, pronghorn, red fox, jack rabbit, mountain lion, skunks, variety of small burrowing rodents, a variety of reptiles which include snakes and lizards, and a variety of grassland birds, Golden eagle, Ferruginous hawk, Red-tailed hawk, Prairie falcon, and Swainson's hawk likely hunt nearby and within the prairie dog colony and nest in the surrounding area. An annually active known Golden eagle nest is located within a 5-mile radius of the project. CPW recommends that the habitat with water on the Project area remain undisturbed and contiguous with undeveloped land around it. This provides possible habitat for the northern leopard frog, as well as a water source for all wildlife and possibly used by Townsend's big eared bats as foraging grounds. CPW would be happy

to work with Front Range-Midway Solar LLC and their consultants to help identify potential layouts within the proposed footprint that would avoid or minimize potential impacts to these species.

Noxious weed management: Also of importance are revegetation of disturbed soils and the control of noxious weed species through the development of a noxious weed management plan prior to initiating construction activities. The revegetation of disturbed areas and control of invasive weed species are important components of the project and it is critically important that the site be restored back to the native plant community that currently exists on site. It would be very important that any disturbed soil in this area be replanted in native grasses as soon as possible to minimize loss of top soil and the introduction of invasive noxious weeds. CPW prefers that native vegetation be retained on site during the operational lifespan of the project, both as habitat for wildlife and to ensure successful reclamation of the project area. Proper reclamation, from a wildlife perspective, involves not only stabilizing the soil and establishing ground cover, but fostering plant communities with a diversity of species and plant types -grasses, woody plants, and broadleaf forbs- which will fully serve the nutritional needs of wildlife. Strict adherence to the Natural Resources Conservation Service's recommendations is advised. CPW would appreciate the opportunity to review the project's Noxious Weed Management Plan prior to the start of construction.

Fencing: CPW is aware that the solar project area will likely include security fencing. We have attached our recommendation for "Fencing with Wildlife in Mind" for your consideration and review. We will be happy to discuss any questions you have about fencing of the project when plans are available. For any installed fencing CPW recommend a smooth top to the fence (e.g., no top barbed wire or exposed metal rods) to prevent wildlife from impaling themselves. If wildlife exclusion fencing is installed CPW would request that the solar facility is checked regularly or structures are installed to allow animals to escape, in the unlikely event that a deer or other wildlife become trapped in the facility.

Transmission lines: Given the project site's proximity to a substation, and the statements of the developer that minimal new lines will be built, it is unlikely that new transmission lines would be significant contributor to the wildlife and habitat impacts of this project. If new transmission lines do become part of the development plan CPW preference is for new transmission lines to follow existing transmission line or infrastructure corridors whenever possible to minimize additional impacts on wildlife and habitat fragmentation.

Of high concern regarding electrical transmission lines is the potential for raptor electrocution. Through the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, the U.S. Fish and Wildlife Service, in cooperation with the Edison Electric Institute, has developed Best Management Practices to minimize impacts to avian species. CPW recommends that both the “Suggested Practices for Avian Protection on Power Lines, the State of the Art in 2006” and the “Reducing Avian Collisions with Power Lines: The State of the Art in 2012” documents be consulted for proper design considerations to minimize raptor electrocution. These documents can be ordered at the Edison Electric Institute website (www.eei.org) or can be downloaded at the Avian Power Line Interaction Committee website (www.aplic.org). This recommendation is applicable to all segments included in the project.

Migratory birds: Consultation with USFWS is recommended to ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. The best way to avoid impacts on the nesting efforts of migratory birds is to focus construction activities outside of the breeding season (March 15th -October 31st). If construction must occur during the breeding season, surveys for active nests should be conducted prior to groundbreaking. All migratory birds are protected under the Migratory Bird Treaty Act and removal or disturbance of any migratory bird nest would require consultation with CPW and USFWS prior to disturbance.

Raptors: There is suitable habitat on the site for nesting raptors. CPW recommends the use of preconstruction surveys, as well as continuation of those surveys during construction, to identify all raptor nests within the project area and implement appropriate restrictions. CPW recommends adherence to the recommended buffer distances and timing stipulations identified in the attached document “Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors”. Removal or relocation of any active raptor nest will require consultation with CPW and US Fish and Wildlife Service prior to disturbance. Both active and potential raptor nest sites, as well as winter night roosts should be considered when evaluating disturbance during construction. These recommendations apply to both the solar field and transmission line construction areas.

State Threatened Species and State Species of Concern

Burrowing owl, black tailed prairie dogs, swift fox, mountain plover, Townsend’s Big Eared bat and the Northern Leopard Frog are likely to be present on site. While none of these species are federally listed, the burrowing owl is State Threatened and the swift fox, mountain plover, and the Townsend’s big eared bat are State Species of Concern. Due to the status of these species, it is recommended that special precautions be taken to avoid adverse impacts to individuals in the project area.

Burrowing Owls: If any prairie dog colonies are located within the project area CPW recommends surveys to determine the presence/absence of *burrowing owls (Athene cunicularia)*, a state threatened bird. If development or construction in prairie dog towns occurs from February 1 to October 31, the presence of burrowing owls and whether they are actively nesting should be determined. If nesting burrowing owls are present, no human encroachment should occur within 150 ft of nesting burrows from March 15 to October 31. If burrowing owls merely occupy the site, it is recommended that earthmoving and other disturbance activities be delayed until late fall after they have migrated. Attached is CPW's protocol for surveys (Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls).

Mountain Plover: Portions of the proposed project area are in range of the Mountain Plover (*Charadrius montanus*), a state species of special concern. The Best Management Practices for mountain plover recommend surveys to identify habitat and plover nests within the project area, and plan construction activity outside of critical nesting periods, April 1st through August 15 where these species are found. Mountain plovers can nest in short-grass prairie, dryland cultivated farms, and prairie dog towns and are likely to be nesting on the project area.

Swift fox: CPW recommends pre-construction surveys to identify and avoid all maternal swift fox den sites. Swift fox live here year-round, breed during December, and raise their young into the next fall. It is recommended that swift fox surveys include daylight searches for den areas and nighttime spotlight searches during August and September. Swift fox is a species of state and federal concern that lives in and around the proposed area.

Townsend's Big Eared Bat: A colony of is located within a 5 mile radius of the Project area. The bats may frequent the small water hole in the Project area to drink and hunt insects. The survey report from 2015 states the stock pond would remain with development of the project and would continue to provide potential foraging opportunities and a water source for drinking but that is not confirmed in any of the other project documents.

CPW may have additional recommendations when the final layout and development plans are available for the proposed solar facility. In addition to the habitat specific impacts there are technology-specific factors associated with avian fatality risk at solar facilities and the final site plans could influence the potential risk for birds at the location. Any surface water or evaporation ponds associated with the project could increase the risk to wildlife on the installation either due to toxicity issues or by

acting as an attractant to higher risk areas. In locations with a potential risk to avian species CPW recommends development of a post-construction monitoring program in accordance with the USGS 2016 report Mortality Monitoring Design for Utility-Scale Solar Power Facilities.

CPW appreciates this opportunity to review the proposed Front Range-Midway Solar Project and we look forward to reviewing any other plans (i.e. reclamation plans, building and site plans) or biological surveys or assessments that are developed as the project nears implementation. If you have further questions please contact District Wildlife Manager Cody Wigner at (719) 227-5287 or via email at cody.wigner@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank McGee', with a stylized, flowing script.

Frank McGee
Area Wildlife Manager
4255 Sinton Rd.
Colorado Springs, CO 80907

Cc: Cody Wigner, District Wildlife Manager
Karen Voltura, SE Regional Energy Liaison