

PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2022-_____

A RESOLUTION GRANTING A SIGNIFICANT WILDLIFE HABITAT AREAS PERMIT WITH CONDITIONS FOR THE STEPHENS LODGE MINERAL SURVEY, CONSISTING OF 10.33 ACRES IN SECTION 9, T09 R78 ADDRESSED AS 4455 COUNTY ROAD 12, ALMA.

WHEREAS, the Park County Board of County Commissioners (“BOCC”), pursuant to C.R.S. §24-65.1-101 *et seq.*, have designated Significant Wildlife Habitat Areas as a matter of Statewide Interest; and

WHEREAS, the BOCC has adopted guidelines for the regulation of these designated matters of Statewide Interest known as Significant Wildlife Habitat Areas (“Regulations”); and

WHEREAS, Dirk Long has applied for a Significant Wildlife Habitat Areas Permit for the Mosquito Creek Project, an Outdoor Recreational Facility consisting of Backcountry Huts (the “Project”); and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners, preceded by the required public notice, the Board of County Commissioners conducted a public hearing on the application at which it reviewed the application and supporting documentation, the recommendations of the Planning Department and Colorado Parks and Wildlife, and considered the testimony of the Applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR PARK COUNTY, COLORADO:

Section 1. Findings. The BOCC finds that the Project, with conditions, will satisfy the Approval Standards and Criteria in Chapter 2, Article 4 of the Regulations. The BOCC further finds that the applicant has consented to the conditions of Approval.

Section 2. Permit Approval. The BOCC hereby approves the Significant Wildlife Habitat Areas Permit for the Project, subject to the following conditions:

1. That all Proposed Mitigation Measures contained in Section 7.0 of the Wildlife Impact Report dated November 29th, 2021 and attached as Exhibit A are implemented and complied with for the duration of the use, except where they are superseded by more restrictive Colorado Parks and Wildlife recommendations listed below.
2. That in addition to the above measures, the following recommendations of Colorado Parks and Wildlife staff are implemented and complied with for the duration of the use:
 - a. All pets shall be leashed whenever outdoors.
 - b. Bird feeding is prohibited.

- c. Bear-proof dumpsters shall be of metal construction and locked unless being actively filled or emptied.
- d. Occupancy other than by the owner shall not be allowed between April 15th and June 30th, unless Colorado Parks and Wildlife gives the owner written permission allowing such occupancy within a particular year.

Moved, seconded, and passed this 22nd day of February, 2022.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS

Richard Elsner, Chairperson

ATTEST:

County Clerk

Exhibit A

7.0 PROPOSED MITIGATION MEASURES

The following mitigation measures will be implemented to avoid take under the ESA or Bald and Golden Eagle Protection Act (BGEPA), avoid violations of the Migratory Bird Treaty Act (MBTA), and to avoid or minimize the degree or severity of adverse effects to other wildlife and sensitive habitats.

Wetlands and Aquatic Species

- Disturbance to the wetlands in the southern portion of the Property will be avoided, and no fences will be installed around the wetlands. A buffer area of at least 100 feet will be maintained and/or established around Mosquito Creek within which no construction activity or development will occur.
- Best Management Practices, such as small temporary check dams made of straw bales or temporary silt fences, will be used to minimize erosion and the potential for introduction of sediments to aquatic habitat during and after construction.
- Visitors will not be permitted to fuel vehicles or equipment on the Property to avoid spills into waterways or sensitive habitats.

Vegetation and Noxious Weed Management

- Vegetation removal will be limited to the minimum necessary. Grading will be limited to the minimum necessary to construct the project.
- Imported fill dirt will be from a weed-free source to ensure that it is free of noxious weeds.
- If revegetation is needed, Natural Resources Conservation Service's seed mix recommendations will be followed.
- All ground disturbance will be revegetated with a native seed mix and application rate approved by Park County within 21 days of the completion of grading, except if conditions make revegetation impractical such as when the ground is covered with snow or frozen, to minimize erosion and noxious weed infestation.

All Wildlife

- Wildlife will not be harassed, captured, domesticated or fed. Intentional or inadvertent feeding is the major cause of most wildlife problems, and it is illegal to feed deer, bighorn sheep, mountain goats, pronghorn, and elk in Colorado.
- Wildlife feeding will be prohibited. Feeding big game animals in Colorado is prohibited, it can also be extremely harmful to wildlife and people alike.

- Visitor restrictions will include no use of, parking or storage of OHVs on the property, including while on trailers. Other recreational restrictions for visitors will include prohibiting fireworks, outdoor burning, and encouraging visitors to limit outdoor night time noise levels below 30 dbA (consistent with a quiet urban night time noise levels).
- Signage and printed materials will be provided in the huts and lodge to educate users on the potential impacts of their activities and how to mitigate them.
- All pet owners will be required to bring pets inside the huts or lodge from sunset to sunrise, unless on a leash being held by the owner. No unattended and unleashed pets will be allowed outside at night.
- Bar-B-Q grills will be stored indoors when not in use, and cleaned and stored indoors after every checkout.
- Caretaker will check on huts and clean and remove garbage as necessary after every checkout.
- Waste systems will be installed according to best practices and low-impact designs.

Bighorn Sheep

Mapping of the Property relative to these bighorn sheep habitat indicates that the sheep winter range and lambing season occurs outside the Property area. However, recreational activities could occur in surrounding areas, which are within winter concentrations and lambing ranges. The Property owner will educate users about avoiding sensitive areas where there are bighorn sheep and encourage visitors to avoid those areas in winter and lambing months (November 1 – June 30). The Property owner will also work with CPW to stay current on wildlife ranges and status and area restrictions for visitors.

Other wildlife mitigation measures that are also applicable to bighorn sheep include waste management and pet control. These mitigation measures will avoid impacts to bighorn sheep by avoiding nuisance activities, minimizing the potential for predators and other animals to be attracted to the site, and minimizing harm to sheep caused by interactions with pets.

Black Bears

- The presence of black bears will be respected. All visitors during the summer months will be required to keep all trash in bear-proof containers or inside.

- Bear proof dumpsters will be provided on site at all times for users to properly dispose of their garbage.
- Feeding of pets will be required to occur indoors.
- Other waste management practices as described for wildlife will help discourage bear attraction to the Property.
- Visitor education will include information on potential damage to cars and handling of food and garbage to discourage bear contact.

Migratory Birds and Raptors

- Habitat-disturbing activities (e.g., tree removal, grading, scraping, and grubbing) should be conducted in the nonbreeding season to avoid disturbing active nests, or to avoid a “take” of the migratory bird nests within the project area.
- If construction occurs during active breeding and nesting seasons, nest clearance checks will be conducted immediately prior to construction activities. If active songbird nests are found on the Property, a 300 foot buffer will be established around the nests. If active raptor nests are found, buffers will be established around the nests per CPW guidelines for raptors (CPW 2020). Note that non-eagle nests can be removed during the nonbreeding season (see Table 4), to preclude future nesting and avoid violations of the MBTA.
- Visitor education and signage placement will be implemented to prevent feeding of birds or other activities that could attract birds or their predators.

Table 4. Active Nesting Seasons for Migratory Birds and Non-Eagle Raptors

Bird Species	Active Nesting Season
Migratory Birds	April 1 – September 1
Ferruginous Hawk	February 1 – July 15
Red-tailed Hawk	February 15 – July 15
Swainson's Hawk	April 1 – July 31

Bird Species	Active Nesting Season
Peregrine Falcon	March 15 – July 31
Prairie Falcon	March 15 – July 15
Northern Goshawk	March 1 – September 15
Osprey	March 15 – August 15
Bald Eagle	December 1 – July 31
Golden Eagle	December 15 – July 15