



April 12, 2024

Jefferson County – Planning and Zoning
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419
Attn: Dylan Monke, Planner

Re: Shadow Mountain Bike Park - Case No. Case No. 23-102980 RZ

Dear Mr. Monke,

We are in receipt of the Second Referral Response Letter from Colorado Parks and Wildlife, dated January 12, 2024, as part of the second referral of the application for a special use for the Shadow Mountain Bike Park project (the “**Application**”). We understand that Colorado Parks and Wildlife (“**CPW**”) cited concerns related to the impact on elk winter range, wildlife habitat connectivity, and human/wildlife conflict, which may be negatively impacted by the proposed Shadow Mountain Bike Park. CPW recommended mitigation measures that we could apply to reduce the project’s impacts on wildlife. We acknowledge these concerns and are committed to mitigating potential impacts as outlined in this letter.

Following receipt of the Second Referral Response Letter, we met with CPW to further discuss concerns relating to the Application’s impacts on wildlife and the recommended mitigation measures outlined in the letter from CPW. In the meeting, we learned more about the CPW’s comments, and some key takeaways from the meeting are summarized below:

- CPW suggested a seasonal closure of SMBP from January 1 to July 1. These dates are informed by general guidelines that CPW typically enforces at their parks and open space areas to avoid wildlife conflicts.
- CPW acknowledged that it is common for developments to take their recommendations into account but not necessarily follow all recommendations listed by them, which could well be the case for this project.
- CPW referenced Evergreen Lake as a recreational asset in the area that has high wildlife use and makes a good effort to mitigate recreational impacts on wildlife.
- It was agreed that we would prepare a response letter (this letter) to CPW’s Second Referral comment.
- Lastly, we discussed potential next steps and mitigation measures if the project were to be approved, which are outlined below in more detail.

The following 10 mitigation measures were recommended by CPW in their Second Referral Response Letter and are listed below with our response/commitment to each one.

Recommendation 1. *Implement a seasonal closure on construction activity and commercial operation from January 1 through July 1 to limit disturbance on wintering and newly born wildlife.*

Response: In the first referral process, and in response to CPW’s comments, we agreed to limit construction activity between December 1 and April 30 to avoid the elk winter season and committed

to a seasonal closure to guests between January 1 and April 1. We have considered this recommendation but have determined that a closure through July 1 would not be feasible for operation of the bike park. Therefore, we cannot agree to this recommended mitigation measure but are willing to work with CPW to track wildlife activity and consider trail closures or park closures on an as-needed basis.

Recommendation 2. *Require the use of bear resistant / bear proof trash cans and trash dumpsters for storage and disposal of waste on the property.*

Response: We are committed to using wildlife- and bear-proof trash cans and dumpsters; this measure is included in the ODP.

Recommendation 3. *Prohibit bird feeders on the property between April 1st and the Thanksgiving holiday to prevent attracting black bears.*

Response: We are committed to doing this and have included this restriction in the ODP.

Recommendation 4. *Prohibit feeding of all other wildlife on the property.*

Response: We agree to do this through education and monitoring on the property.

Recommendation 5. *Prohibit outside composting, except when completely enclosed by electrified fencing.*

Response: We have included this restriction in the ODP.

Recommendation 6. *Construction of any fencing to be completed in accordance with CPW recommended standards as outlined in the "Fencing With Wildlife in Mind" document <https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>*

Response: We will adhere to these standards and have included this restriction in the ODP.

Recommendation 7. *Install round door knobs on all exterior doors instead of lever style door knobs to help prevent black bears from accessing unlocked doors.*

Response: We will adhere to these standards and have included this restriction in the ODP.

Recommendation 8. *Install motion sensing exterior lighting to illuminate the area around all exterior doors, garages, and walkways to deter wildlife conflict incidents.*

Response: We will follow lighting design standards as outlined in the ODP and will consider motion sensing lighting through further collaboration with CPW during the design and development phase, if the Project were to be approved.

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Recommendation 9. Plant native vegetation that does not require additional watering, instead of planting non-native ornamental plants and grass lawns that require irrigation and fertilization.

Response: We commit to working with CPW on appropriate landscaping plans during project design and development, if the Project were to be approved.

Recommendation 10. Fully enclose all crawl spaces and areas under ground level decks to prevent wildlife access.

Response: We agree to this restriction and have included this language in the ODP.

Additionally, if the project were to be approved, we commit to working with the CPW in the following ways:

- We will connect our trail designers with CPW's trail coordinator to prepare trail designs that align with CPW's standards, guidelines, and values.
- We agree to communicate actively with CPW on the seasonal closure period and are willing to consider as-needed trail and/or park closures if wildlife issues arise during operations.

We understand CPW's concerns around wildlife in relation to the Project and are committed to mitigating the potential for impacts on wildlife and conflict between wildlife and guests to the Bike Park. We appreciate CPW's willingness to discuss their concerns with us and appreciate the opportunity to continue the discussion.

Sincerely,

Phil Bouchard
Shadow Mountain Bike Park

Jason Evans
Shadow Mountain Bike Park