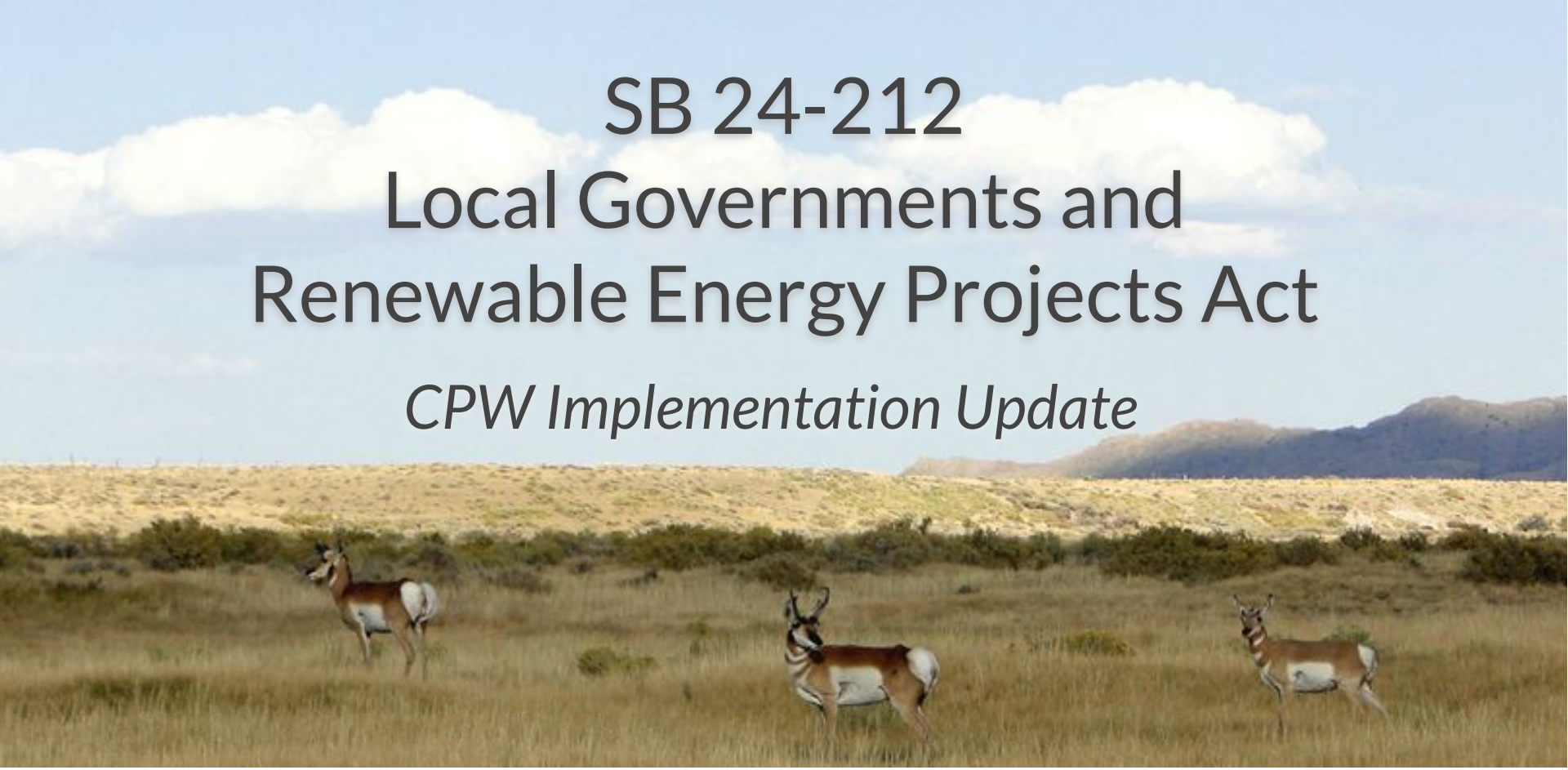
SB 24-212
Local Governments and Renewable Energy Projects Act

CPW Implementation Update



COLORADO
Parks and Wildlife
Department of Natural Resources

SB24-212 CPW Implementation

Outline:

- SB24-212 Legislation CPW allocations and tasks
- High Priority Habitat
- High Priority Habitat annual updates
- CPW Wind and Solar Best Management Practices
- Where to access this information



SB24-212 Tasks and Allocations

SB24-212 Allocated 3 FTE to CPW

- Statewide Energy Lead within Policy and Planning
- 2 new Renewable Energy Liaisons

Technical support for renewable energy projects

- Energy and Carbon Management Commission (ECMC)
- Colorado Parks and Wildlife
- Colorado Energy Office







CPW Actions in SB24-212

29-20-404. Technical support for renewable energy projects (CPW)

- **(2)(a) At the request** of a facility owner, local or Tribal government, **CPW** shall provide a set of best management practices to avoid, minimize, mitigate wildlife impacts of renewable energy projects.

Project specific technical support	*Statewide technical support*
Consultation framework Site-specific consultation with developer Site-specific review for permitting authority	Solar Energy BMP document Wind Energy BMP document

CPW Actions in SB24-212

29-20-404. Technical support for renewable energy projects (CPW)

- **(2)(a) At the request** of a facility owner, local or Tribal government, **CPW** shall provide a set of best management practices to avoid, minimize, mitigate wildlife impacts of renewable energy projects.

- **(2)(d) CPW** shall identify HPHs for renewable energy projects and shall update the list of HPHs at least annually and make the list publicly available.

CPW High Priority Habitat

High Priority Habitat:

"High-priority habitat" means habitat areas identified by the division where measures to avoid, minimize, and mitigate adverse impacts to wildlife have been identified to protect breeding, nesting, foraging, migrating, or other uses by wildlife

What habitats and species are included in HPH?

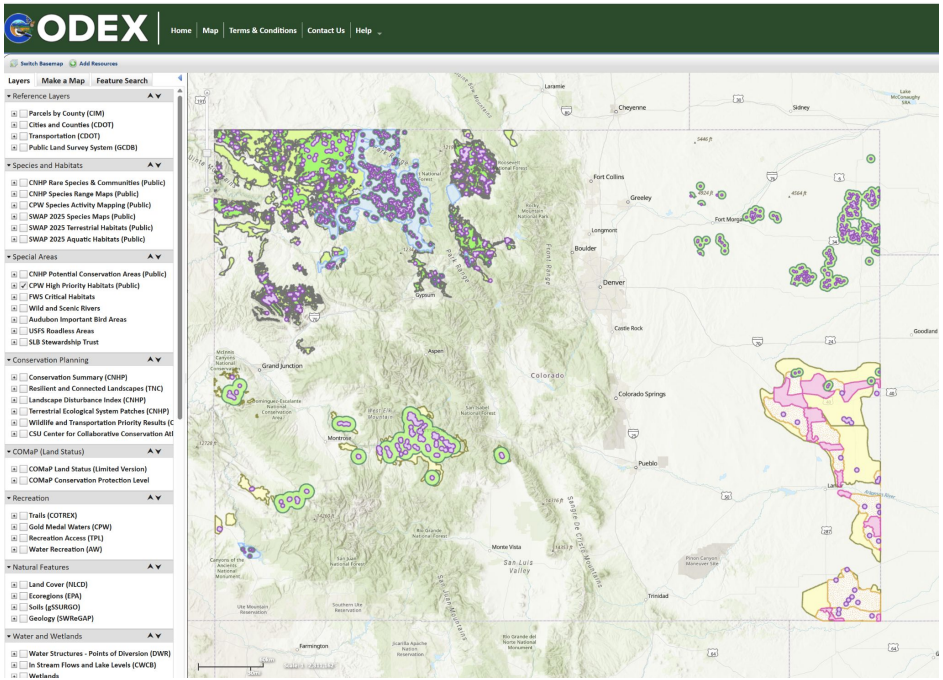
We know where they are	*geospatial data*
We know the impacts of development	*research, scientific literature*
We know what to do about it	*specific recommendations*



CPW High Priority Habitat

- HPH is a subset of CPW species and habitat maps
- Species and habitat maps included in HPH are not developed for any specific development or impact type

HPH maps are the start of the conversation



Colorado Parks and Wildlife's (CPW) Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado	
Species and Associated High Priority Habitat	**Recommendations[1] (by animal type - Big Game, Grouse, Raptors, Other Birds, Small Mammals, Aquatics)**
(Brown shading indicates that this habitat map is maintained by the United States Fish and Wildlife Service and can be found at https://ecos.fws.gov/ecp/report/table/critical-habitat.html)	
Big Game	
Big Game Pinch Points	NSO/NGD (year-round) in CPW-identified big game pinch point areas.
Bighorn Sheep Migration Corridor	CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.
Bighorn Sheep Production Area	NSO/NGD (year-round) in CPW-identified bighorn sheep production areas; TL - No permitted or authorized human activities (including overflights) from April 15 to June 30 (Rocky Mountain Bighorn Sheep) or from February 1 to May 1 (Desert Bighorn Sheep).
Bighorn Sheep Winter Range	TL - No permitted or authorized human activities (including overflights) from November 1 to April 30; CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.
Elk Migration Corridor	CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.
Elk Production Area	TL - No permitted or authorized human activities from May 15 to June 30; CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.
Elk Severe Winter Range	TL - No permitted or authorized human activities from December 1 to April 30; CSU/SSR - Surface density limitation of one pad per square mile and less than one linear mile of routes per square mile (640 acres). If pad or route density cannot be achieved or maintained, implement offsite mitigation to offset functional habitat loss.

NSO = No Surface Occupancy
NGD = No Ground Disturbance
TL = Timing Limitation

CSU = Controlled Surface Use
SSR = Site Specific Relocation

High Priority Habitat annual updates





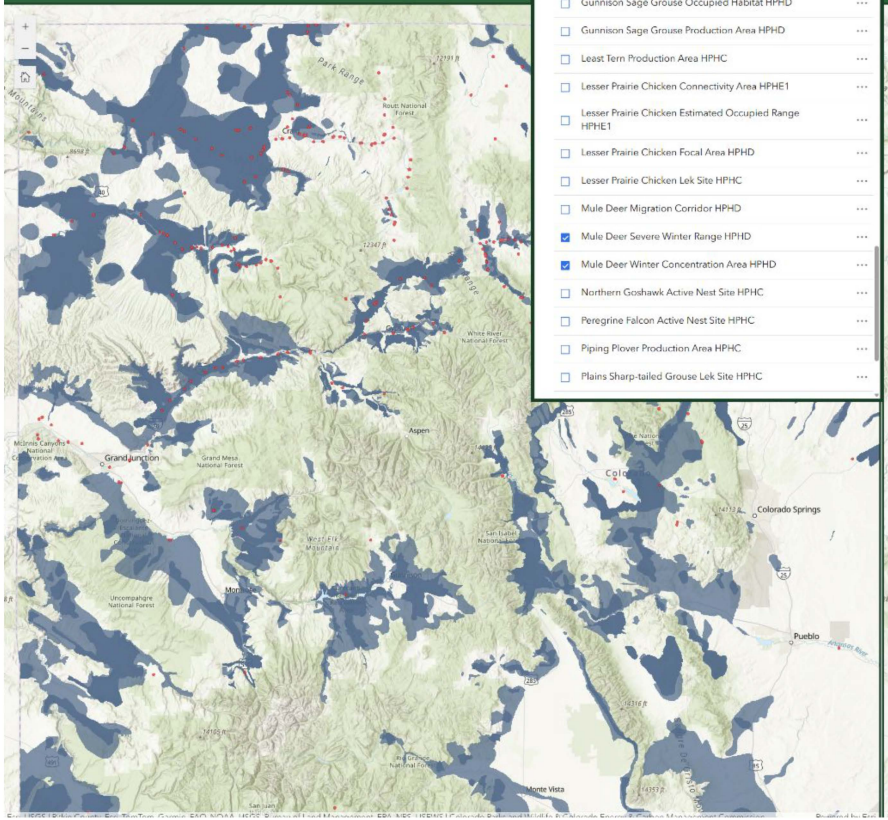



- Statewide annual updates
  - Grouse and prairie chicken lek sites, production areas
  - Raptor active nest sites
- Species Activity Mapping (SAM)
  - Regional updates covering big game, small mammals, birds, bats
- Aquatic updates

Updated maps expected in December 2025

CPW GIS High Priority Habitats Proposed Changes

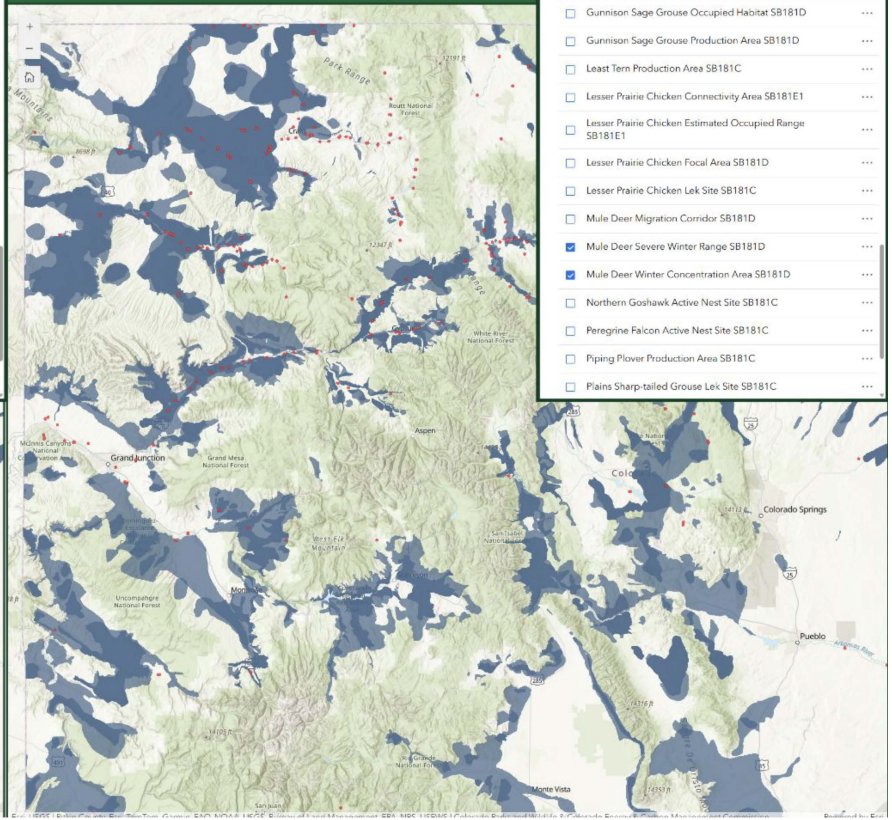
Proposed HPH Update Layers



Select HPH Map Layers

- [ ] Gunnison Sage Grouse Occupied Habitat HPHD
- [ ] Gunnison Sage Grouse Production Area HPHD
- [ ] Least Tern Production Area HPHC
- [ ] Lesser Prairie Chicken Connectivity Area HPHE1
- [ ] Lesser Prairie Chicken Estimated Occupied Range HPHE1
- [ ] Lesser Prairie Chicken Focal Area HPHD
- [ ] Lesser Prairie Chicken Lek Site HPHC
- [ ] Mule Deer Migration Corridor HPHD
- [x] Mule Deer Severe Winter Range HPHD
- [x] Mule Deer Winter Concentration Area HPHD
- [ ] Northern Goshawk Active Nest Site HPHC
- [ ] Peregrine Falcon Active Nest Site HPHC
- [ ] Piping Plover Production Area HPHC
- [ ] Plains Sharp-tailed Grouse Lek Site HPHC

Current ECMC SB181 Layers



Select SB181 Map Layers

- [ ] Gunnison Sage Grouse Occupied Habitat SB181D
- [ ] Gunnison Sage Grouse Production Area SB181D
- [ ] Least Tern Production Area SB181C
- [ ] Lesser Prairie Chicken Connectivity Area SB181E1
- [ ] Lesser Prairie Chicken Estimated Occupied Range SB181E1
- [ ] Lesser Prairie Chicken Focal Area SB181D
- [ ] Lesser Prairie Chicken Lek Site SB181C
- [ ] Mule Deer Migration Corridor SB181D
- [x] Mule Deer Severe Winter Range SB181D
- [x] Mule Deer Winter Concentration Area SB181D
- [ ] Northern Goshawk Active Nest Site SB181C
- [ ] Peregrine Falcon Active Nest Site SB181C
- [ ] Piping Plover Production Area SB181C
- [ ] Plains Sharp-tailed Grouse Lek Site SB181C

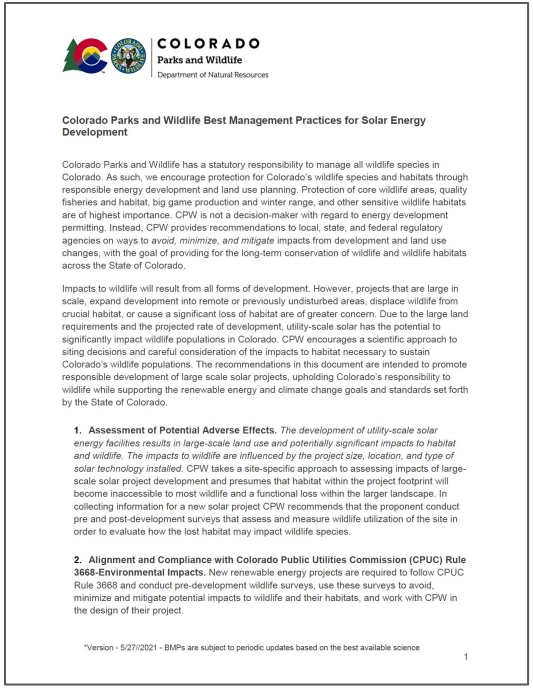
SB24-212 CPW Implementation

Wind and Solar Energy Best Management Practices

- Wind Energy (2013)
- Solar Energy (2021)

Internal review

- Review of scientific research
- Structure of the BMPs



COLORADO
Parks and Wildlife
Department of Natural Resources

Colorado Parks and Wildlife Best Management Practices for Solar Energy Development

Colorado Parks and Wildlife 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 production and winter range, and other sensitive wildlife habitats are of highest importance. CPW is not a decision-maker with regard to energy development permitting. Instead, CPW provides recommendations to local, state, and federal regulatory agencies on ways to *avoid, minimize, and mitigate* impacts from development and land use changes, with the goal of providing for the long-term conservation of wildlife and wildlife habitats across the State of Colorado.

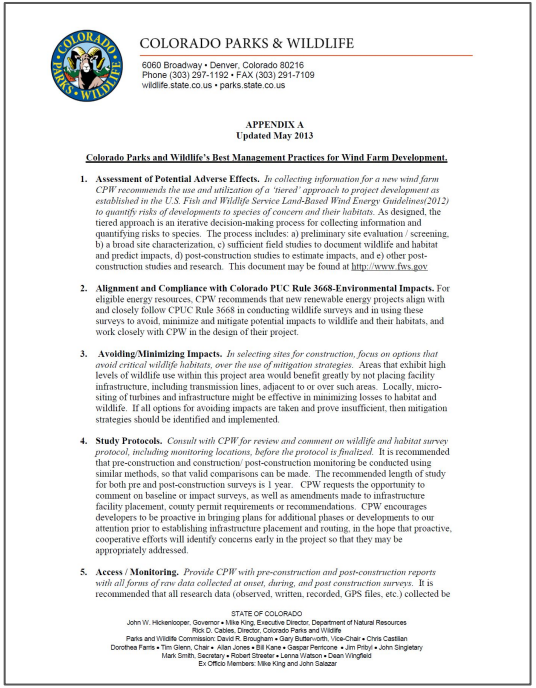
Impacts to wildlife will result from all forms of development. However, projects that are large in scale, expand development into remote or previously undisturbed areas, displace wildlife from crucial habitat, or cause a significant loss of habitat are of greater concern. Due to the large land requirements and the projected rate of development, utility-scale solar has the potential to significantly impact wildlife populations in Colorado. CPW encourages a scientific approach to siting decisions and careful consideration of the impacts to habitat necessary to sustain Colorado's wildlife populations. The recommendations in this document are intended to promote responsible development of large scale solar projects, upholding Colorado's responsibility to wildlife while supporting the renewable energy and climate change goals and standards set forth by the State of Colorado.

1. **Assessment of Potential Adverse Effects.** *The development of utility-scale solar energy facilities results in large-scale land use and potentially significant impacts to habitat and wildlife. The impacts to wildlife are influenced by the project size, location, and type of solar technology installed.* CPW takes a site-specific approach to assessing impacts of large-scale solar project development and presumes that habitat within the project footprint will become inaccessible to most wildlife and a functional loss within the larger landscape. In collecting information for a new solar project CPW recommends that the proponent conduct pre and post-development surveys that assess and measure wildlife utilization of the site in order to evaluate how the lost habitat may impact wildlife species.

2. **Alignment and Compliance with Colorado Public Utilities Commission (CPUC) Rule 3668-Environmental Impacts.** New renewable energy projects are required to follow CPUC Rule 3668 and conduct pre-development wildlife surveys, use these surveys to avoid, minimize and mitigate potential impacts to wildlife and their habitats, and work with CPW in the design of their project.

*Version - 5/27/2021 - BMPs are subject to periodic updates based on the best available science

1



COLORADO PARKS & WILDLIFE

6060 Broadway • Denver, Colorado 80216
Phone (303) 297-1192 • FAX (303) 291-7109
wildlife.state.co.us • parks.state.co.us

APPENDIX A
Updated May 2013

Colorado Parks and Wildlife's Best Management Practices for Wind Farm Development.

1. **Assessment of Potential Adverse Effects.** *In collecting information for a new wind farm CPW recommends the use and utilization of a 'tiered' approach to project development as established in the U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines(2012) to quantify risks of developments to species of concern and their habitats.* As designed, the tiered approach is an iterative decision-making process for collecting information and quantifying risks to species. The process includes: a) preliminary site evaluation / screening, b) a broad site characterization, c) sufficient field studies to document wildlife and habitat and predict impacts, d) post-construction studies to estimate impacts, and e) other post-construction studies and research. This document may be found at http://www.fws.gov

2. **Alignment and Compliance with Colorado PUC Rule 3668-Environmental Impacts.** For eligible energy resources, CPW recommends that new renewable energy projects align with and closely follow CPUC Rule 3668 in conducting wildlife surveys and 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.

3. **Avoiding/Minimizing Impacts.** *In selecting sites for construction, 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 would benefit greatly by not placing facility infrastructure, including transmission lines, adjacent to or over such areas. Locally, micro-siting of turbines and infrastructure might be effective in minimizing losses to habitat and wildlife. If all options for avoiding impacts are taken and prove insufficient, then mitigation strategies should be identified and implemented.

4. **Study Protocols.** *Consult with CPW for review and comment on wildlife and habitat survey protocol, including monitoring locations, before the protocol is finalized.* It is recommended that pre-construction and construction/ post-construction monitoring be conducted using similar methods, so that valid comparisons can be made. The recommended length of study for both pre and post-construction surveys is 1 year. CPW requests the opportunity to comment on baseline or impact surveys, as well as amendments made to infrastructure facility placement, county permit requirements or recommendations. CPW encourages developers to be proactive in bringing plans for additional phases or developments to our attention prior to establishing infrastructure placement and routing, in the hope that proactive, cooperative efforts will identify concerns early in the project so that they may be appropriately addressed.

5. **Access / Monitoring.** *Provide CPW with pre-construction and post-construction reports with all forms of raw data collected at onset, during, and post construction surveys.* It is recommended that all research data (observed, written, recorded, GPS files, etc.) collected be

STATE OF COLORADO
John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: David R. Brougham • Gary Butterworth, Vice-Chair • Chris Castilian
Dorothea Farris • Tim Glenn, Chair • Allan Jones • Bill Kane • Gaspar Pericone • Jim Pribyl • John Singletary
Mark Smith, Secretary • Robert Streeter • Lenna Watson • Dean Wingfield
Ex Officio Members: Mike King and John Salazar

SB24-212 Implementation Links

Where to access this information:

CPW Energy and Land Use page: https://cpw.state.co.us/energy-development-and-land-use

CPW staff contacts, HPH Table and Maps, Wind and Solar Energy BMPs

Colorado Conservation Data Explorer CODEX: https://cnhp.colostate.edu/maps/codex/

ECMC: https://ecmc.colorado.gov/programs/renewable-energy

Colorado Energy Office: https://energyoffice.colorado.gov/siting-study

Statewide Study on Clean Energy and Transmission Siting, Colorado Clean Energy Code Repository