

July 21, 2020

Delta County  
Elyse Ackerman-Casselberry,  
Community & Economic Development Director  
501 Palmer St Suite 119  
Delta, CO 81416

**Re: Comments on Delta County Draft Land Use Regulation**

Submitted electronically to: [DeltaCountyLandUse@deltacounty.com](mailto:DeltaCountyLandUse@deltacounty.com)

Dear Elyse,

Thank you for the opportunity to comment on the Draft Land Use Code for Delta County. Please accept these comments on behalf of the 600+ members of the Western Slope Conservation Center (WSCC). WSCC has a 43-year history of seeking community-based solutions that protect our natural resources in the North Fork and Lower Gunnison Watersheds.

As the population of Colorado continues to grow quickly and more lands are developed to accommodate that growth, wildlife habitats and corridors continue to become pinched to the point where we are seeing the decline of many species, such as elk, mule deer, and the Gunnison sage grouse, among many others, due to lack of habitat or habitat fragmentation. Much of the Delta County lands include critical winter range for many big game species including mule deer and elk, among a variety of other critically important species. Additionally, an important economic driver to Delta County is outfitting, hunting and angling, which contributes to the combined economic benefits of approximately \$80.9 million and supports an estimated 912 jobs, according to the 2019 State Comprehensive Outdoor Recreation Plan (SCORP)<sup>1</sup> produced by Colorado Parks and Wildlife (CPW). When considering a revision to land use plans in the county, these resources must also be considered.

Included below are several recommendations on additions and changes for the Land Use Code. In accordance with this Land Use Code, we ask that Delta County align these codes with existing state plans, including but not limited to the State Wildlife Action Plan<sup>2</sup> created by CPW.

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<sup>1</sup> <https://cpw.state.co.us/aboutus/Pages/SCORP.aspx>

<sup>2</sup> <https://cpw.state.co.us/aboutus/Pages/StateWildlifeActionPlan.aspx>

## ***Wildlife***

*Any impact that must be “minimized” should also require mitigation*

Impacts on critical habitat areas, big game winter ranges, and big game migration corridors should be avoided if at all possible during development, based on consultation with and mapping provided by CPW. If impacts cannot be avoided, those impacts should be minimized, and to the maximum extent practicable mitigated. As currently drafted, impacts that are “minimized” would not require any mitigation. Additionally, there should be clear benchmarks for how much impact to wildlife habitats or corridors is allowable before actions need to be taken to mitigate those impacts. The county should determine who is charged with assessing the impacts and making minimization and mitigation requirements (the county or CPW).

## ***Fencing***

There are understandably needs for wildlife restrictive fencing for different land uses. Most agriculture developments will use elk fencing to protect crops from wildlife encroachment. However, this fencing can also cause a bottleneck effect in critical migration corridors, specifically over major transportation routes like Highway 133. Fencing of this nature that drastically limits wildlife movement should be considered within the wildlife report impacts and should be minimized and mitigated.

## ***Maps***

Mapping wildlife habitat, corridors, and critical winter ranges take time and maps are often changing with new technology and studies. We encourage ongoing consultation with CPW when determining if there is evidence of wildlife or habitats on a subject’s property and discussing the most recent maps and data to be used for the Wildlife Report when required.

## ***Missing Standards Required in the Wildlife Report***

WSCC is in support of the Wildlife Report requirement but believes that additional standards should be added in order to adequately protect wildlife habitats and migration corridors. Monitoring requirements should be required on a site-specific level so that if wildlife habitats are being further degraded than initially reported the adequate steps can be taken to minimize and mitigate those impacts. Additionally, cumulative impacts to wildlife should also be taken into account as development expands throughout the county and should be addressed in the Wildlife Report.

## ***Oil and Gas Extraction***

Although oil and gas extraction is not included in this planning process, we would like to reiterate our concerns as stated in WSCC’s September 3rd, 2019 letter addressing Delta County’s repeal of their oil and gas regulations. Thorough yet reasonable oil and gas regulations are invaluable to mitigating impacts, providing operators and residents alike transparency and certainty, and protecting public health and safety. When Delta County approaches this topic, the discussion should begin the process of

addressing oil and gas regulations by accepting the list of 33 areas unanimously agreed to in the oil and gas working group, including water quality, air quality, transportation, hazardous materials and emergency response, and addressing regulatory gaps. County-level oil and gas regulation helps to tailor a more locally responsive overlay to the floor established in state or federal regulations. Western Slope counties are frequently citing the need for locally-tailored oil and gas regulations.

We look forward to continuing to work with Delta County and participate on behalf of our members in the process of finalizing the Land Use Code.

Respectfully,



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