COLORADO
Parks and Wildlife
Department of Natural Resources

Southeast Region
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Kari Parsons
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RE: CPW Comments on the Monument Academy Residential PUD & Amendment to Tract A,C,D, Lots 46, & 47 Walden Preserve 2, Filing 5

Dear Joe Letke,

Colorado Parks and Wildlife (CPW) received your request for comment on the Monument Academy Residential PUD & Amendment to Tract A,C,D, Lots 46, & 47 Walden Preserve 2, Filing 5 Project in El Paso County. CPW staff are familiar with the location of the Project as well as the area surrounding the site. This letter includes a summary of CPW's statutory responsibility, general recommendations, understanding of the project, potential impacts to wildlife, and recommendations for impact avoidance, minimization, and/or mitigation.

CPW'S STATUTORY RESPONSIBILITY

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 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

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habitats and species. That includes species of concern as well as Federal and/or State listed species, big game wildlife (migration corridors, winter range, and 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. US Fish and Wildlife Service should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location.

UNDERSTANDING OF THE PROJECT

The project property is currently zoned RR-5 (Residential Rural) and is located west of the established Walden residential community near Highway 83 in northern El Paso County. The surrounding area reflects a transition from rural acreage development to low-density suburban residential neighborhoods. Adjacent to the east and northeast is Walden III, which consists of approximately 0.5-acre residential lots, while Walden Preserve 2 Filing 5 to the southeast contains lots averaging approximately one acre. To the west are a variety of institutional and rural uses, including Monument Academy, a riding academy, outdoor storage, and undeveloped land.

POTENTIAL IMPACTS TO WILDLIFE RESOURCES

Big Game

Elk, Deer, and Pronghorn

CPW has identified the project site to have regular occurrences of Elk, Mule Deer, and Pronghorn. Including resident herds of Elk and Mule Deer. To avoid, minimize, or mitigate adverse impacts to these species, CPW recommends the following in regard to fencing.

Fencing

The CPW document "Fencing with Wildlife in Mind" provides general suggestions for wildlife-friendly fencing. In addition to the measures outlined in the report, CPW recommends the following:

- For security fencing, CPW requests that the security fence be tall enough to discourage deer from jumping, at least 8 feet in height, and have a smooth top with no protrusions or wire that can risk entanglement or impalement.
- Security fencing should allow for movement of small and medium sized wildlife by providing a 6-inch gap at the bottom of the fence, or using woven wire fencing as described in the Colorado Department of Transportation Standard Plan No. M-607-4. CPW is happy to discuss this recommendation in more detail with the developer as site plans progress.
- Anywhere that security fencing is not required on the site, CPW recommends the use of wildlife permeable fencing (wildlife-friendly) to allow movement of wildlife to the extent possible.
- Project design should continue to consider wildlife movement and the inclusion of wildlife movement corridors through the Project to avoid potential impacts to big game and other wildlife moving through the area. Any planning should consider the entire Project area with the goal of allowing wildlife movements through the larger development site.

Bears

Black bears are known to inhabit the proposed project area and adjacent properties. Improperly managed trash receptacles, bins, and storage areas at residences can become strong attractants for bears, leading to increased bear-human conflicts, habituation, and potential threats to both human safety and wildlife health. Bears attracted to readily available food sources, including garbage, frequently become habituated to human presence, increasing risks of property damage, vehicle collisions, and management actions, including lethal removal of problem bears (Beckmann & Berger, 2003; Spencer et al., 2007). District

staff respond to numerous bear incidents directly adjacent to the proposed project area annually due to trash cans being flipped and/or destroyed.
To minimize the potential property damage and/or human-bear conflict, CPW recommends the following:

- Encourage residents to use bear-resistant trash receptacles *with locking lids* throughout the subdivision.
- Ensure regular trash removal schedules to prevent accumulation and potential attraction. This is particularly important in May and August when local bear activity is highest.
- Secure storage for waste bins and dumpsters in bear-resistant enclosures or fenced areas.
- Recommended removal of bird feeders annually between April through November.

The development boundaries will sustain numerous wildlife species including deer, pronghorn, coyote, fox, raptors, songbirds, and numerous small mammals. The following is a list of general recommendations the CPW would like to be taken into consideration with the residential side of this development in order to avoid nuisance conflicts with wildlife. Many times these conditions can be enforced through the local Homeowner's Association or through covenants.

Pets

Pets should not be allowed to roam free and fences should be installed to decrease or eliminate this problem. It is strongly encouraged that dog kennels have a top enclosure, regardless of the height of the kennel. Dogs and cats chase or prey on various wildlife species. One benefit to keeping animals under control is that they are less likely to bother other people, be in roadways or become prey for coyotes, foxes, eagles, hawks or owls. Feeding of all wildlife should be prohibited, with the exception of songbirds. The use of bird feeders, suet feeders, and hummingbird feeders are discouraged. However, if feeders are used, they should be placed so

they are inaccessible to raccoons or skunks and other wildlife species that might cause damage or threaten human safety. It is illegal to feed big game including deer and pronghorn.

Attractants

Trash should be kept indoors until the morning of trash pickup. Bears, Skunks, raccoons, and other scavenging wildlife are attracted to garbage and do become habituated. Pet food is also attractive to scavengers, so pets should be fed inside. If pets are fed outside, feeding should occur only for a specified period of time and food bowls returned afterwards to a secure site.

Landscaping

When landscaping lots, it is strongly recommended that native vegetation be used, as wildlife can be attracted to ornamental and floral landscaping features. Planting of trees and shrubs that are attractive to native ungulates (deer and pronghorn) should incorporate the use of materials that will prevent access and damage (fencing, tree guards, trunk guards, etc.).

Raptors and Migratory Birds

The Project is in the breeding range of Golden eagle (*Aquila chrysaetos*), though no nests are known in the area. The Project area contains suitable habitat for nesting raptors and migratory birds, including SGCN and SC species listed above. To ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, CPW recommends consultation with USFWS. All migratory birds are protected under the Migratory Bird Treaty Act, and any removal or disturbance of an active migratory bird nest requires prior consultation with CPW and USFWS. Both active and potential nest sites, as well as winter night roosts, should be considered when evaluating potential disturbance during ground-disturbing activities.

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CPW mapping data includes the presence of an inactive stick nest in the area, and results from field surveys conducted for the Project indicate that some nesting habitat for raptors is present. CPW appreciates the commitment to conducting preconstruction surveys and adhering to seasonal buffers and time restrictions to mitigate impacts on nesting migratory birds to the greatest extent feasible.

To minimize impacts on nesting migratory birds, CPW recommends the following:

- Conduct ground disturbance and vegetation clearing activities outside of the breeding season (March 15th - August 31st). If construction must occur during the breeding season, surveys for active nests of ground-nesting species as well as tree-nesting raptors should be conducted prior to groundbreaking.

- Since prairie dog colonies occur within the Project area, the colonies should be surveyed for Burrowing owls. If development in prairie dog colonies occurs during the spring through late summer months (Feb 1 to Oct 31), the presence of Burrowing owls and whether they are actively nesting should first be determined. If nesting Burrowing owls are present, no human encroachment or surface disturbance should occur within 100 meters of nesting burrows during March 1-August 15. 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.

- Preconstruction surveys should be conducted to identify raptor nests within the Project area and implement appropriate restrictions. CPW recommends adherence to the recommended buffer distances and timing stipulations identified in the CPW document "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors," available on the CPW website.

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Native Bat Species

In Colorado, native bat species, including those known to occur within the project area, use buildings, caves, mines, concrete culverts, and other structures for maternity roosts, night roosts, and hibernacula as well as for transition roosts. They may utilize existing swallow nests for these purposes. Roosting bats are sensitive to disturbance and could leave roost sites following human visitation. Protection of roosting bats from human disturbance, especially at significant winter hibernation sites and summer maternity sites, is important for the conservation of the *Myotis* species.

To avoid or minimize impacts to native bat species, CPW recommends the following:

- When construction is planned to occur, technicians should conduct a visual bat survey of any current structures within the project area that have crevices, cracks, and seams larger than approximately three feet tall or wide before performing maintenance. CPW is happy to provide additional information regarding the completion of visual bat surveys if maintenance will be performed in an area where bat use is suspected.
- Because bats may also roost in old swallow nests, it's important to check for bats before washing off any nests from structures. CPW recommends leaving swallow nests in place or completing the visual bat surveys before washing off nests from the concrete.

We appreciate your consideration of our comments and recommendations. As always, CPW staff are available to work with developers on how best to minimize development impacts to both wildlife and their habitats. If you have questions or would like clarification about any of our comments, please contact District Wildlife Manager Demetria Wright at 719-439-9601 or demetria.wright@state.co.us

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Sincerely,

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