



COLORADO

Parks and Wildlife

Department of Natural Resources

Southeast Region - Area 14
4255 Sinton Road
Colorado Springs, CO 80907
P 719.227.5200 | F 719.227.5264

6/13/2022

Mayberry Phase 1 - Filing No.3

ATTN: Ryan Howser

2880 International Circle, Colorado Springs, CO. 80910

Mr. Ryan Howser

Thank you for the opportunity to comment on the Mayberry project. Colorado Parks and Wildlife (CPW) has reviewed the material and is familiar with the site. Due to the general nature of the projects, CPW comments will address potential impacts to wildlife found on shortgrass prairie habitat.

CPW recommends that all projects be assessed to avoid, minimize, or mitigate impacts to sensitive wildlife 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 (USFWS) should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location.

Wildlife species that can be found on the project site include: mule deer, white-tailed deer, pronghorn, several bat species, many additional species of small mammals, a variety of reptiles, and a variety of grassland birds. Golden eagles are present year-round and utilize the area frequently. Golden eagles, Red-tailed hawk, Prairie falcon, and Swainson's hawk, hunt nearby and nest in the surrounding area.

The majority of the project area is shortgrass prairie which provides habitat for the species listed above. Consultation with USFWS is recommended to ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. The best way to avoid impacts on the nesting efforts of migratory birds is to focus construction activities outside of the breeding season (March 15th -October 31st). If construction must occur during the breeding season, surveys for active nests should be conducted prior to groundbreaking. All migratory birds are protected under the Migratory Bird



Treaty Act and removal or disturbance of any migratory bird nest would require consultation with CPW and USFWS prior to disturbance.

The proposed project area is within the range of the Mountain Plover (*Charadrius montanus*), a state species of special concern. The Best Management Practices for mountain plover recommend surveys to identify habitat and plover nests within the project area, and plan construction activity outside of critical nesting periods, April 1st through August 15 where these species are found. Mountain plovers can nest in short-grass prairie, dryland cultivated farms, and prairie dog towns and are likely to be nesting on the project area.

We appreciate the opportunity to comment on this project. If you have any questions or need any additional information please contact District Wildlife Manager Drew Vrbenec at 719.439.9638 or by email at drew.vrbenec@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Kroening", with a stylized flourish at the end.

Tim Kroening
Area 14 Wildlife Manager

CC: Drew Vrbenec DWM
Southeast Region Files
Area 14 Files