



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
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Denver, Colorado 80225-0486



IN REPLY REFER TO:
TAILS: 06E24000-2019-TA-0460

MAR 25 2019

Mr. Jon Dauzvardis, P.W.S.
Grant E. Gurnée, P.W.S.
Ecosystems Services
1455 Washburn Street
Erie, Colorado 80516

Dear Mr. Dauzvardis and Mr. Gurnée,

The U.S. Fish and Wildlife Service (Service) received your letter and habitat evaluation report on February 5, 2019, regarding the 4 Sites Investments proposed Grandview Reserve residential subdivision in El Paso County, Colorado. You requested concurrence that the proposed action would have no effect on listed species including the Ute-ladies'-tresses orchid (*Spiranthes diluvialis*) (ULTO), and Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's mouse). These comments have been prepared under the provisions of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et. seq.).

The proposed action consists of the proposed development of a 768-acre residential community including 184 single-family multi-acre lots, streets, utilities, and open space areas between the towns of Falcon and Peyton. The project site is located on gently sloping and mildly undulating prairie dissected by four unnamed intermittent drainages which support limited wetland habitat. Two of these swale were preliminarily determined to contain jurisdictional wetlands and waters of the United States under the Clean Water Act pending US Army Corps of Engineers verification. Most of the upland acres would be developed while the drainage swales would be left as open space. The proposed project has no Federal nexus at this time.

The action area under consideration is located within the species' ranges for the Preble's mouse and ULTO, both of which rely on healthy riparian habitat.

The current condition of the riparian zones are not favorable for supporting Preble's mouse. The site photos in the report's appendices show a lack of cover from tall herbaceous or woody species. The considerable distance of unsuitable and disconnected habitat to the nearest known

population would indicate that it is unlikely that Preble's mice are present within the action area.

Based on the information provided in your letter including area photos and project maps, the Service agrees that it is unlikely that the proposed project would result in "take" of the Preble's mouse. The project area does not occur within critical habitat for the Preble's mouse.

Although the project area's riparian habitats have been impacted by livestock grazing and invasive plants, even heavy grazing is not certain to preclude a site from supporting ULTO. The project area has not yet been surveyed for ULTO during the flowering season. Thus, it is not certain that ULTO is absent. The Grandview Reserve subdivision would be located between 7020 and 6860 feet above mean sea level, which is higher than the 6500-foot elevation recommended for conducting ULTO surveys.

You have indicated in your report that at Grandview Reserve, livestock grazing will cease, a landscape restoration program will begin for the areas to be retained as open space, a stormwater management plan would be developed to protect water quality and provide consistent flows to the drainage swales, and an in-season survey for ULTO shall be conducted for all wetland areas to be impacted, including road and trail crossings, utility installation areas, and stormwater outfalls. Such measures could have beneficial effects to ULTO if the species is present. The Service agrees that the proposed project would not affect ULTO if it is not present where construction activities would intersect wetland and riparian sites. However, ULTO needs three consecutive years of surveys to conclude presence or absence. Application of the above conservation measures as planned for the project, and best management practices would most effectively conserve the riparian habitats in the absence of enough surveying. The Service recommends careful consideration of the means by which invasive species are controlled, native herbaceous and woody species are selected and seeded and/or planted, stormwaters are released into the swales, and public access is managed. If future surveys reveal the presence of ULTO population(s) in the project area, additional consultation with this office would be recommended to further consider site-specific conservation measures.

Based on the information provided in your letter, including area photos and project maps, the Service agrees that the proposed project is unlikely to negatively impact ULTO because the project area is located at an elevation higher than where the species would be expected to occur.

If any additional species that are Federally-listed, proposed for Federal listing, or candidate for Federal listing are found in the project area, if critical habitat is designated in the project area, or if new information becomes available that reveals that the action may impact such species in a manner or to an extent that was not previously considered, this office should be contacted to determine if further ESA consultation will be required.

We appreciate your efforts to ensure the conservation of threatened and endangered species under the Endangered Species Act. If you have questions or comments related to this issue, please contact George San Miguel of this office at 303-236-4752.

Sincerely,

A handwritten signature in blue ink, appearing to read "Drue DeBerry". The signature is fluid and cursive, with a large initial "D" and "B".

Drue DeBerry
Colorado and Nebraska Field Supervisor

Reference: Projects\ElPasoCounty_Grandview_FWSconcur