



Corporate Headquarters
3222 South Vance Street, Suite 200, Lakewood, CO 80227
T: 303.980.5200 F: 303.980.0089
www.pinyon-env.com

December 3, 2021

Wildlife Report

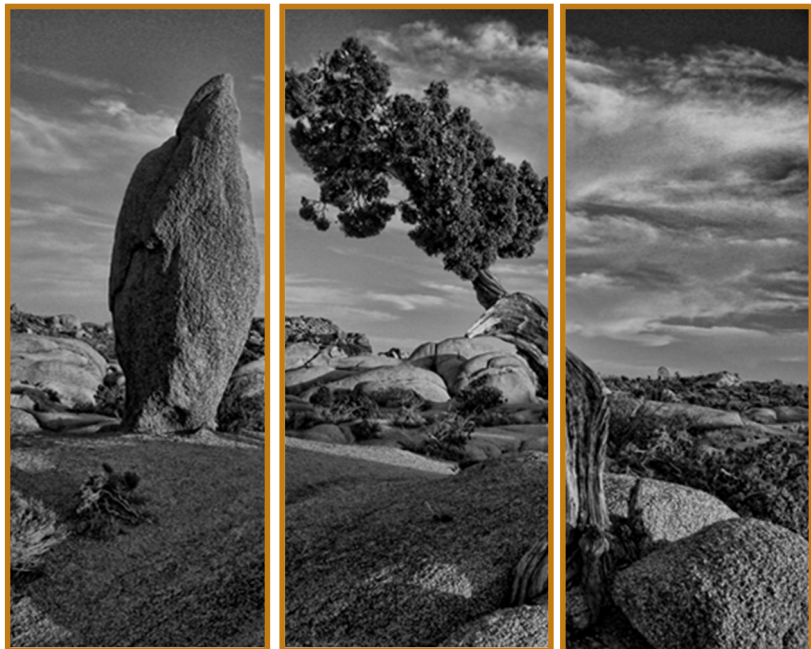
18735 Brown Road
El Paso County, Colorado

Prepared for:

Chris Boyd
6238 Gilmer Way
Westerville, Ohio 43081

Pinyon Project No.:

121149601.BIO003



December 3, 2021

Wildlife Report

**18735 Brown Road Project
El Paso County, Colorado**

Prepared for:

Chris Boyd
6238 Gilmer Way
Westerville, Ohio 43081

Pinyon Project No.:

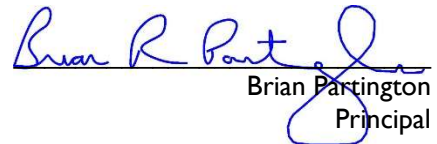
121149601.BIO003

Prepared by:



Jeff Henderson
Biologist

Reviewed by:



Brian Partington
Principal

Table of Contents

I.	Introduction and Project Description	I
I.1	Project Location	I
2.	Methods	3
3.	Results	4
3.1	Habitat Description	4
3.1.1	Land Use	4
3.1.2	General Habitat and Vegetation Description	4
3.2	Federally and State-listed Species	4
3.2.1	Federally Listed Species	4
3.2.2	State-listed and State Special Concern Species	6
3.3	Migratory Birds	6
4.	Conclusions	7
5.	Limitations	8
6.	References	9

Tables

Table I-1	Summary of Project Location Information	2
Table 3-1	Potential for Federally Listed Species to Occur in the Study Area	5

Figures

- Figure 1. Project Location
Figure 2. Biological Resources

Appendices

- Appendix A Photographic Log

I. Introduction and Project Description

Chris Boyd has contracted Pinyon Environmental, Inc. (Pinyon) to assess the wildlife use of the property located at 18735 Brown Road in El Paso County, Colorado, focusing on the potential for species of concern and/or their habitat subject to the following regulations:

- **The Endangered Species Act:** This federal statute protects plant and animal species listed as threatened and endangered, as well as their critical habitats, with the goal of ensuring their long-term survival. The U.S. Fish and Wildlife Service (USFWS) administers these requirements.
- **The Colorado Non-game, Endangered, and Threatened Species Conservation Act:** This state statute protects state-listed threatened and state-listed endangered species with the goal of ensuring their long-term survival. Colorado Parks and Wildlife (CPW) administers these requirements. CPW also designates species as Special Concern. This designation does not afford legal protections but nevertheless represents the conservation priorities of the agency.
- **The Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA):** These federal statutes protect migratory birds and eagles from unlawful “take” (killing or possession). Vegetation clearing, earth-moving, bridge demolition, and other construction activities are examples of activities that have the potential to disrupt nesting activity or destroy nests of bird species protected under the MBTA and BGEPA. The USFWS administers these requirements.

Pinyon understands that Mr. Boyd is planning to subdivide the property. El Paso County requires a Minor Subdivision request, and a Wildlife Report (report) is needed to support this request. This report details the methodology and results of Pinyon’s wildlife assessment.

I.1 Project Location

The study area used for this assessment consisted of the 35-acre parcel located at 18735 Brown Road in El Paso County, Colorado. The project location is shown in Figure I and described in Table I-1, below.

Table I-1 Summary of Project Location Information

Information	Details
County	El Paso
US Geological Survey 7.5-Minute Quadrangle	Black Forest (USGS, 2019)
Section, Township, and Range (6th Principal Meridian)	Section 7, Township 11 South, Range 65 West
Elevation of Project (feet above mean sea level)	7,442 (at approximate center)
Location of Project in Decimal Degrees (WGS84)	39.101858°, -104.717444°

2. Methods

Pinyon biologist Jeff Henderson visited the study area on November 16, 2021, to assess the property for wildlife use, focusing on the potential for species of concern and/or their habitat. Pinyon evaluated the following during the site visit:

- Habitat for federally listed threatened (FT), federally listed endangered (FE), and federal listed candidate (FC) species, as specified by the USFWS online Information for Planning and Consultation (IPaC) System (USFWS, 2021a).
- Habitat for state-listed threatened (ST), state-listed endangered (SE), and state-listed special concern (SC) species, as indicated by CPW Species Activity Mapping Data and specified by USGS quadrangle on the Colorado Natural Heritage Program (CNHP) website (CPW, 2021b; CNHP, 2019).
- Habitat for migratory birds, including raptors and eagles. The biologist visually scanned for raptor nests within the study area and within 0.5 mile of the study area boundary.

While in the field, data were recorded using a tablet-based Collector for ArcGIS paired with a Trimble R1 antenna to obtain sub-meter accuracy. The data were downloaded and mapped in ArcGIS mapping software. General habitat conditions and land uses were noted. Photographs were taken while in the field (Appendix A). The weather during the site visit was cloudy, and approximately 60° Fahrenheit.

3. Results

3.1 Habitat Description

3.1.1 Land Use

The study area is surrounded primarily by rangeland (e.g., grazing for cattle and horses). Residential properties are located north, northeast, and south of the study area. There are no structures within the study area; however, the study area has fencing bordering the west and south sides. Brown Road and minimal vehicle use parallels the northern boundary of the study area (Figure 1). One drainage and three wetlands are located within the study area (Figure 2). There is evidence of human alteration in the landscape (e.g., evidence of earthwork, changes to the drainage, nearby development). Therefore, some of the natural vegetation, soils, and hydrology have likely been altered by filling, grading, and improvement activities in the past.

3.1.2 General Habitat and Vegetation Description

The study area is an undeveloped parcel, which consisted of shortgrass prairie habitat and rangeland areas. Dominant vegetation included common yarrow (*Achillea millefolium*), crested wheatgrass (*Agropyron cristatum*), kochia (*Bassia scoparia*), little bluestem (*Schizachyrium scoparium*), smooth brome (*Bromus inermis*), and western wheatgrass (*Pascopyrum smithii*) (Appendix A). In the wetland areas, vegetation was dominated by Baltic rush (*Juncus balticus*), cattail (*Typha* sp.), curly dock (*Rumex crispus*), and reed canary grass (*Phalaris arundinacea*) (Appendix A). In addition, the noxious weeds Canada thistle (*Cirsium arvense*), downy brome (*Bromus tectorum*), common mullein (*Verbascum thapsus*), and musk thistle (*Carduus nutans*) were distributed across the study area.

3.2 Federally and State-listed Species

3.2.1 Federally Listed Species

Based on a review of the USFWS online IPaC System, there are FT and FC species with the potential to occur in, or be impacted by, projects in or near the study area (USFWS, 2021a). The pallid sturgeon (*Scaphirhynchus albus*; FE), Piping Plover (*Charadrius melodus*; FT), Whooping Crane (*Grus americana*; FE), and western prairie fringed orchid (*Platanthera praeclara*; FT) are included because they occur downstream of the study area and could be impacted by projects that result in water depletions to the South Platte River or its tributaries.

Pinyon conducted a habitat assessment for the remaining species listed in the IPaC System with the potential to occur in, or be impacted by, projects in or near the study area (Table 3-1). There is a low potential for monarch butterflies (*Danaus plexippus*) to occur in the study area. The monarch butterfly is a FC species with no current regulatory protections. No habitat for other FT, FE, or FC species was observed within the study area.

Table 3-1 Potential for Federally Listed Species to Occur in the Study Area

Common Name	Scientific Name	Federal Status	Habitat ¹	Potential for Occurrence in the Study Area
Birds				
Eastern Black Rail	<i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i>	FT	Dense emergent marshes with cattails, rushes, sedges, and grasses. Water less than 2.5 inches with minimal fluctuation.	None. Suitable habitat does not occur in the study area.
Fish				
Greenback Cutthroat Trout	<i>Oncorhynchus clarkii stomias</i>	FT	A self-sustaining population from a single location in Colorado: a four-mile stretch of Bear Creek south of Pike's Peak. Adapted to cold, clear, oxygenated streams of moderate gradient.	None. Suitable habitat does not occur in the study area.
Mammals				
Preble's Meadow Jumping Mouse	<i>Strix occidentalis lucida</i>	FT	Along permanent or intermittent streams in areas with herbaceous cover and adequate cover of shrubs and trees.	None. Suitable habitat does not occur in the study area.
Insects				
Monarch Butterfly	<i>Danaus plexippus</i>	FC	Found within a variety of habitats that feature their obligate larval host plant, milkweed (<i>Asclepias</i> spp.).	Low. No milkweed was observed in study area; however, monarch butterflies could migrate through.
Plants				
Ute Ladies'-tresses Orchid	<i>Spiranthes diluvialis</i>	FT	Sub-irrigated alluvial soils along streams; open meadows on floodplains including riparian areas.	None. Suitable habitat does not occur in the study area.
<p>FT = federally listed as threatened., FC = federal candidate species</p> <p>¹Based on a review of distribution maps from NatureServe Explorer online (NatureServe, 2021) and Colorado Parks and Wildlife Species Activity Mapping (CPW, 2021b).</p>				

3.2.2 State-listed and State Special Concern Species

Based on a review of the CPW Threatened and Endangered List, CPW Species Activity Mapping data, and the CNHP Tracking List, there are ST and SC species with the potential to occur in the USGS Black Forest, Colorado 7.5-Minute Quadrangle Map (CPW, 2021a; CPW, 2021b; CNHP, 2019; USGS 2019). The Preble's meadow jumping mouse is not discussed in this section, as they were previously discussed in Table 3-1. The Northern leopard frog (*Lithobates pipiens*), a SC species, is often found within or near permanent water with rooted aquatic vegetation and commonly inhabit wet meadows and fields (CPW, 2021a; CPW, 2021b). No suitable habitat for the Northern leopard frog was observed in the study area. No other ST or SC species' habitats were observed within the study area.

3.3 Migratory Birds

The MBTA protects birds and their active nests (except for rock doves [*Columbia livia*], European starlings [*Sturnus vulgaris*], and some other non-native birds). In Colorado, most nesting and rearing activities occur between April and August; however, raptors may nest as early as December. These timeframes are guidelines and nesting birds are protected under the MBTA year-round. Trees, shrubs, grasses, and human-made structures in or near the study area may provide nesting sites for migratory birds (e.g., songbirds). However, no migratory bird nests were noted within the study area during the site visit.

One small tree was observed within the study area. Large trees were noted within 0.5 mile of the study area (within the CPW Recommended Buffer Zones for raptors) that could be used by nesting raptors (CPW, 2020) (Appendix A). No raptor nests were observed within the study area or in bordering properties; however, it was not feasible to survey every tree within 0.5 mile of the study area due to property access constraints.

4. Conclusions

Pinyon has completed this Wildlife Report for the 18735 Brown Road Project in El Paso County, Colorado. The project area was assessed for the presence of federally and state-listed species and migratory birds.

There is a low potential for monarch butterflies (FC) to occur in the study area. The monarch butterfly is a candidate species and is not yet listed or proposed for listing under the Endangered Species Act. Based on the habitat present, no state-listed or Special Concern species are expected in the study area.

A variety of migratory birds may nest in and near the study area, although no nests were observed during the site visit. The nesting season for migratory birds generally occurs from April through August, although raptors may nest as early as December. These timeframes are guidelines and birds are protected year-round.

No impacts to protected wildlife are anticipated as a result of the proposed Minor Subdivision; therefore, no mitigation is recommended or required.

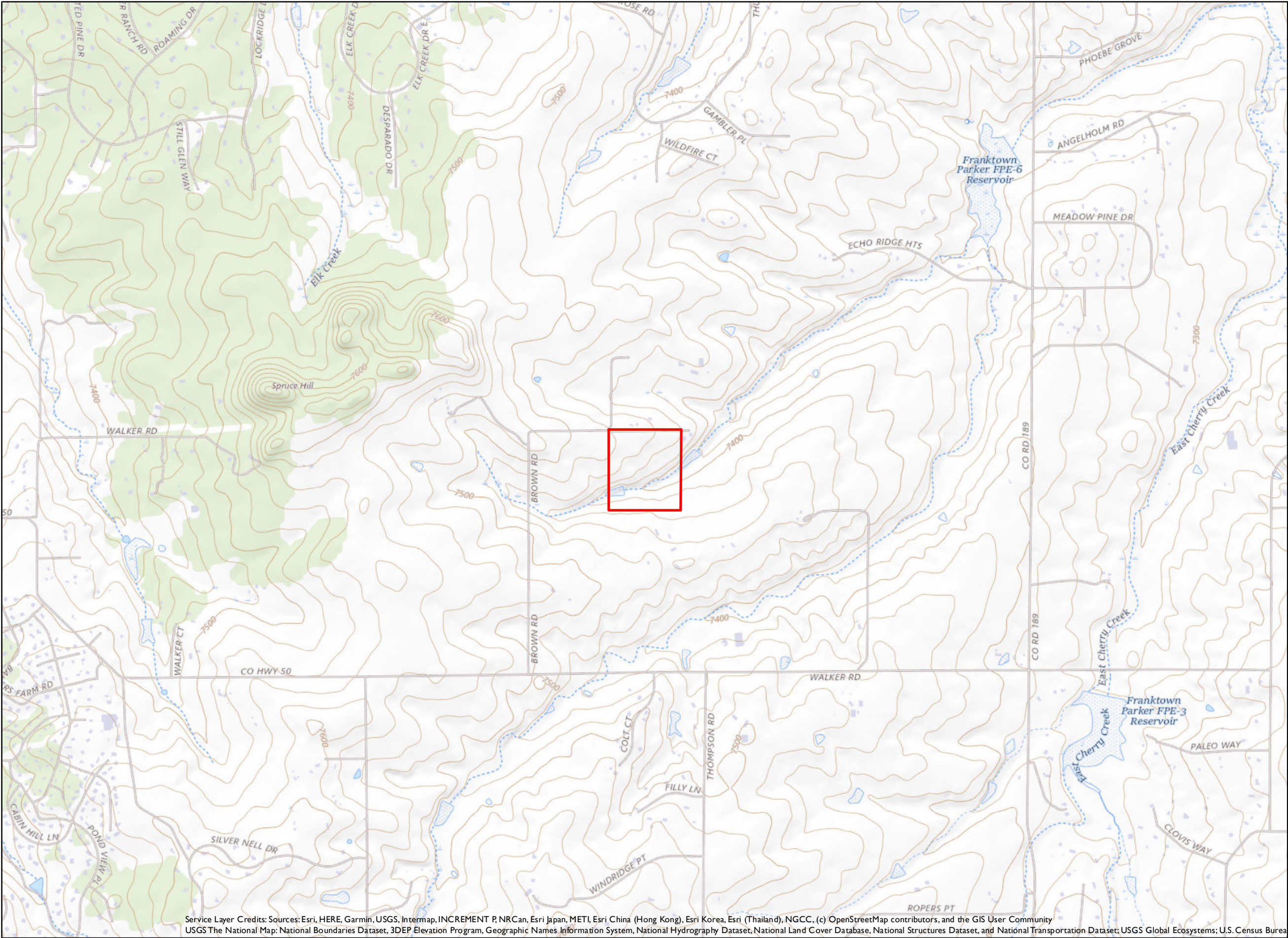
5. Limitations

This report was prepared by Pinyon, at the request of and for the sole benefit of Chris Boyd, or any entity controlling, controlled by, or under common control with Chris Boyd. The conclusions and recommendations offered in this report are based on the data obtained from a limited number of samples, within a prescribed study area as described in the text. Soil, hydrologic, vegetation, biological and ecological conditions typically vary even over short distances, by season, by elevation, and by meteorological conditions. Thus, the nature and extent of variations outside this biological investigation may not become evident except through further investigation. It is possible that ecological conditions may change from those observed, particularly over time.

6. References

- CNHP, 2019. "CNHP Conservation Status Handbook (Tracking Lists)", <https://cnhp.colostate.edu/ourdata/trackinglist/>. Updated November 2019.
- CPW, 2020. "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors (2020)." Available at: <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>.
- CPW, 2021a. "Threatened and Endangered List." Available at: <https://cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>. Accessed November 2021.
- CPW, 2021b. "CPW Species Data." Colorado Parks and Wildlife, GIS Unit. Updated January 28, 2021. Available at: <https://www.arcgis.com/home/item.html?id=190573c5aba643a0bc058e6f7f0510b7>.
- NatureServe, 2021. Available at: <https://explorer.natureserve.org/>. Accessed November 2021.
- USFWS, 2021a. "IPaC- Information for Planning and Consultation System," U.S. Fish and Wildlife Service. Available at: <http://ecos.fws.gov/ipac/>. Accessed July, October, and November 2021.
- USFWS, 2021b. "ECOS- Environmental Conservation Online System: Monarch Butterfly (*Danaus plexippus*)," United States Fish and Wildlife Service. Available at: <https://ecos.fws.gov/ecp/species/9743>. Accessed September and October 2021.
- USGS, 2019. "7.5 Minute Topographic Map, Black Forest, Colorado," U.S. Geological Survey, 2019.

Figures



Legend

Study Area

Map Sources:
U.S. Geological Survey 7.5' Quadrangle
Black Forest, Colorado 2019



Pinyon
Environmental, Inc.

PROJECT LOCATION
18735 Brown Road
El Paso County, Colorado

Site Location: Section 7, Township 11 South, Range 65 West, 6th Principal Meridian

Pinyon Project Number: I/21-1496.01

Drawn By: PJW

Figure: I

Reviewed By: JGH





Date: 11/19/2021

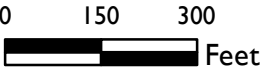


Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Legend

-  Study Area (35.88 acres)
-  Wetlands (1.49 acres)
-  Unnamed Drainageways
-  Flow Direction



BIOLOGICAL RESOURCES

18735 Brown Road
El Paso County, Colorado

Site Location: Section 7, Township 11 South, Range 65 West, 6th Principal Meridian

Pinyon Project Number: I/21-1496.01

Drawn By: PJW

Figure: 2

Reviewed By: JGH

Date: 12/1/2021

Appendix A

Photographic Log

Photo 1. A view of the study area and upland vegetation. Photo facing south from the center of the study area.



Photo 2. A view of the study area and upland vegetation. Photo facing east from the southeast corner of the study area.



Wildlife Report

Photographic Log for 18735 Brown Road, El Paso County, Colorado
Photos Taken: November 16, 2021

Photo 3. A view of wetland habitat located within the study area. Photo facing west.



Photo 4. A view of trees surrounding the study area. Photo facing south.



Wildlife Report

Photographic Log for 18735 Brown Road, El Paso County, Colorado
Photos Taken: November 16, 2021