

**DEIM SUBDIVISION
NATURAL FEATURES REPORT**

February 2025

PREPARED FOR:

Connie & Josh Deim
348 Galaxy Drive
Castle Rock, CO 80104

PREPARED BY:

Vertex Consulting Services
5825 Delmonico Dr., Suite 320
Colorado Springs, CO 80919

Site Location, Size, Zoning:

The property is zoned RR-5 (Residential Rural) and is located approximately one half of a mile west of the Black Forest Road and Hodgen Road intersection. The subdivision is approximately 35.05 acres and is to include 4 rural residential single-family lots of 5-acre minimum size per lot. Minor Subdivision/Final Plat for 4 lots for single-family residential land use.

Topography

The topography of the project site is moderately sloped towards the channel/floodplain that runs north-south through the property. There are grade changes of approximately 40' from the bottom of the floodplain to the top of the hill on the south side of the property. The majority of the site has moderate slopes with the only portions of the site possessing slopes that would prevent development (30% or greater). These sloped areas have been included within the floodplain no-build area. The soils and geologic hazard report prepared in support of the subdivision identifies the site is suitable for development.

Hydrologic Features/ Flood Hazard/ Floodplain

There are major hydrologic features within the project site boundary. These include the floodplain, Dam, and wetlands. This property is located within a designated FEMA floodplain as determined by the flood insurance rate map, community map numbers 08041C0305G effective date December 7, 2018. Floodplain improvements are not proposed, or required as part of this subdivision.

The Franktown Parker FPE-2 Reservoir Jurisdictional Dam is located on the subject property. The State Dam Engineer and Dam Conservation Easement holder have identified that the dam area should be a no-build and no-disturbance area. This easement area may only be maintained by the easement holder, or their assigns.

Both the floodplain and dam area have been depicted as no-build on the final plat.

Wetlands

The site contains non-jurisdictional isolated wetlands and a jurisdictional pond. The Map has been attached to this report for reference (see below). Wetland features delineated for this site are associated with the floodplain boundaries. As noted, these areas will be protected and have been placed in a no-build area.

Natural Features

There are no unique natural features on the project site, other than the dam and pond as described above.

Wildlife and Migratory Birds

Please refer to the Wildlife Memo dated January 29, 2025 prepared by the US Fish and Wildlife, for additional detailed information regarding Endangered Species, Migratory Birds, State and Local Protections, and Project Impacts. Please also refer to the clarifying correspondence dated June 5, 2025 from Kristin Salamack, USFW Liaison clarifying that no further analysis is required and that USFW have provided clearance.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Colorado Ecological Services Field Office
Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486
Phone: (303) 236-4773 Fax: (303) 236-4005



In Reply Refer To:
Project Code: 2025-0049071
Project Name: Deim Subdivison

01/29/2025 18:59:50 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Colorado Ecological Services Field Office

Denver Federal Center

P.O. Box 25486

Denver, CO 80225-0486

(303) 236-4773

PROJECT SUMMARY

Project Code: 2025-0049071

Project Name: Deim Subdivison

Project Type: Residential Construction

Project Description: 4-lot minor subdivision with no land disturbance to the floodplain or dam.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.068180049999995,-104.71185618825699,14z>



Counties: El Paso County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
<p>Preble's Meadow Jumping Mouse <i>Zapus hudsonius preblei</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/4090</p> <p>General project design guidelines:</p> <p>https://ipac.ecosphere.fws.gov/project/CUQI5XTS7RG4NEZUUCRLYFRUGA/documents/generated/6861.pdf</p>	Threatened

BIRDS

NAME	STATUS
<p>Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/10477</p>	Threatened
<p>Piping Plover <i>Charadrius melodus</i></p> <p>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. <p>Species profile: https://ecos.fws.gov/ecp/species/6039</p>	Threatened
<p>Whooping Crane <i>Grus americana</i></p> <p>Population: Wherever found, except where listed as an experimental population</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/758</p>	Endangered

FISHES

NAME	STATUS
<p>Pallid Sturgeon <i>Scaphirhynchus albus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. <p>Species profile: https://ecos.fws.gov/ecp/species/7162</p>	Endangered

INSECTS

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>There is proposed critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9743</p>	Proposed Threatened

NAME	STATUS
Suckley's Cuckoo Bumble Bee <i>Bombus suckleyi</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

FLOWERING PLANTS

NAME	STATUS
Ute Ladies'-tresses <i>Spiranthes diluvialis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2159	Threatened
Western Prairie Fringed Orchid <i>Platanthera praeclara</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1669	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: County of El Paso

Name: Nina Ruiz

Address: PO Box 1385

City: Colorado Springs

State: CO

Zip: 80901

Email: nina.ruiz@vertexcos.com

Phone: 7194332018



Ruiz, Nina

From: Salamack, Kristin A <kristin_salamack@fws.gov>
Sent: Thursday, June 5, 2025 1:07 PM
To: Ruiz, Nina
Cc: ColoradoES, FW6
Subject: Re: [EXTERNAL] FW: Deim Subdivision

Hi Nina,

Thanks for reaching out. The no concerns email response we provided back in February is still valid for this project.

For future reference if you would like to pass this along to El Paso County, the IPaC report (auto-generated report), that report only indicates that there **may** be suitable habitat for listed species within a given area, based on any habitat suitability models or range maps USFWS has. It is not confirmation that the species in the IPaC report definitively occur in that given area, nor that the project will result in adverse effects to any of those species, just that those are species for which project proponents may want to take a closer look.

Let me know if there are any further questions, thanks!

Kristin Salamack (she/her/hers)

CDOT/USFWS Liaison

Based with the Colorado Ecological Services Field Office
Office (Teams): 720-779-0283
Mobile: 518-441-2827



From: ColoradoES, FW6 <ColoradoES@fws.gov>
Sent: Tuesday, May 27, 2025 9:50 AM
To: Salamack, Kristin A <kristin_salamack@fws.gov>
Subject: Fw: [EXTERNAL] FW: Deim Subdivision

U.S. Fish and Wildlife Service
Colorado Ecological Services Field Office
1 Denver Federal Center, Building 25
Denver, CO 80225

From: Ruiz, Nina <nina.ruiz@vertexcos.com>
Sent: Wednesday, May 21, 2025 2:25 PM
To: ColoradoES, FW6 <ColoradoES@fws.gov>
Subject: [EXTERNAL] FW: Deim Subdivision

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Kristin,

You helped me back in February of this year with determining a proposed subdivision is not of concern (see attached letter). The County has reviewed the auto-generated report by USFW website (attached) and have misinterpreted this to mean that USFW has concerns. If you recall, the property owner has maintained a majority of the site as no-build and there is also no known habitat in the area. Can you please provide an email response reaffirming the email you sent back in February that USFW has no issues? My apologies for the additional work and I thank you in advance for your help!

Nina Ruiz
Senior Executive Consultant



Phone: 719-433-2018
Email: nina.ruiz@vertexcos.com
Address: 5825 Delmonico Dr., Suite 320, Colorado Springs, CO 80919
Website: Vertexconsultingservice.com

From: Kari Parsons <kariparsons@elpasoco.com>
Sent: Wednesday, May 21, 2025 2:16 PM
To: Ruiz, Nina <nina.ruiz@vertexcos.com>
Subject: RE: Deim Subdivision

Hi Nina- I understood the information to state more info is needed based on the documentation supplied on the official letterhead. Can you ask her to review that letter on official letterhead and comment on that and upload new communication..? It appears like they want more study and if done, no concerns? It could be interpreted a few ways; an email may clear it up.



Kari Parsons
Principal Planner
E.P.C. Planning & Community Development
719.520.6306 719.373.8562
<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <https://epcdevplanreview.com/>

From: Ruiz, Nina <nina.ruiz@vertexcos.com>
Sent: Wednesday, May 21, 2025 2:10 PM
To: Kari Parsons <kariparsons@elpasoco.com>
Subject: Deim Subdivision

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hi Kari,

Thank you for reviewing this application! We are still reviewing the comments provided and are not done. One item I was confused about was a request for a further study based on USFW, however, USFW provided an email indicating that they have no concerns on 2/12/25. This email was included in EDARP. Can we disregard this comment based on Kristin's email?

Nina Ruiz
Senior Executive Consultant



Phone: 719-433-2018
Email: nina.ruiz@vertexcos.com
Address: 5825 Delmonico Dr., Suite 320, Colorado Springs, CO 80919
Website: Vertexconsultingservice.com