



COLORADO

Parks and Wildlife

Department of Natural Resources

Southeast Region
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Colorado Springs, CO 80907
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November 10, 2023

Kari Parsons
El Paso County Dev. Services Department
2880 International Circle
Colorado Springs, CO 80910-6107

Subject: Southern Colorado Dual-Service Rail Park Sketch Plan

Dear Mrs. Parsons,

The Colorado Parks and Wildlife (CPW) is in receipt of the above referenced permit application and is familiar with the site. This area included within the development boundaries will sustain numerous wildlife species including deer, elk, coyote, fox, raptors, burrowing owls, and numerous small mammals.

The following is a list of general recommendations the CPW would like to be taken into consideration with the development of the railway in order to avoid conflicts with wildlife.

Raptors and Migratory Birds:

There is suitable habitat for nesting raptors and migratory birds on the proposed project area. Consultation with USFWS is recommended to ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. To avoid impacts to the nesting efforts of migratory birds CPW recommends any proposed development or exploration of the site focus, seismic work, construction, 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 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. CPW also recommends the use of preconstruction surveys to identify raptor nests within the project area and the implementation of 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.

Burrowing Owl Active and Potential Nest Sites

Burrowing owls are listed as State Threatened, and nest in active or inactive prairie dog (black-tailed or white-tailed) burrows. If development is proposed to occur in a prairie dog colony that has been active within the past 10 years, CPW recommends the adherence to CPW's Burrowing Owl survey protocol if development occurs from March 15 through August



31. If nesting burrowing owls are present, no human encroachment or surface disturbance should occur within a 200-meter buffer of nesting burrows from March 15 to August 31. If burrowing owls occupy the site, CPW recommends that earthmoving and other disturbance activities be delayed until after they have migrated away from the site.

Big Game:

In assessing potential impacts to wildlife, CPW considers potential negative impacts on big game species through direct habitat loss and fragmentation. This includes impacts from the displacement of big game during parturition and the winter months, as well as the functional habitat loss associated with increased human activity in these habitats. Disturbance to big game in the winter can lead to poor body condition, shift distribution to suboptimal habitat types, can affect over winter survival of adults and/or result in a decrease in neonatal survival rates. Elk and deer have been observed within the area and throughout the Fountain Creek corridor. This area has been identified as a migration corridor and an important calf production area for elk. It also serves as overall range for both elk and deer.

Elk Winter Concentration Area

Elk winter concentration areas are defined as that part of the winter range where animal densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten. CPW recommends a timing limitation from December 1 to April 30

Once again, we appreciate being given the opportunity to comment on the Southern Colorado Dual-Service Rail Park Sketch Plan. Please Feel free to contact District Wildlife Manager Sarah Watson at 719-439-9636 or sarah.watson@state.co.us should you have any questions or require additional information.

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: Sarah Watson, DWM
SE Region File
Area 14 File