

From: [David Mijares](#)
To: [Fish and Wildlife \(coloradoes@fws.gov\)](mailto:coloradoes@fws.gov)
Subject: Request for clearance letter/review
Date: Thursday, November 08, 2018 2:17:00 PM
Attachments: [Natural Features Report.pdf](#)
[Species List- Colorado Ecological Services Field Office.pdf](#)
[16-093 - Judge Orr Ranchettes - Prelim Plan - 2018.10.23.pdf](#)

I am working on a rural subdivision in El Paso County northeast of the intersection of Stapelton Road and Judge Orr Road. The proposal is to subdivide 40.61 acres into rural residential (5 acre minimum lots). Improvements will include development of paved roadways providing access to proposed lots. Overlot grading is not proposed and only the area of proposed roadways is intended to be disturbed. I have attached limited natural features report, species list generated by fish and wildlife website, and preliminary plan document for your review. Please confirm receipt of information and let me know if you need anything else.

Thank you,

David Mijares, PE

President

CATAMOUNT ENGINEERING

321 W. Henrietta Ave Suite 'A'

PO BOX 221

Woodland Park, CO 80866

(719)426-2124



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
<http://www.fws.gov/coloradoES>
<http://www.fws.gov/platteriver>

In Reply Refer To:

September 18, 2017

Consultation Code: 06E24000-2017-SLI-1330

Event Code: 06E24000-2017-E-04170

Project Name: Judge Orr Ranchettes

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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 ECOS-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 ECOS-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:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

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 Tracking Number 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
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

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

Consultation Code: 06E24000-2017-SLI-1330

Event Code: 06E24000-2017-E-04170

Project Name: Judge Orr Ranchettes

Project Type: DEVELOPMENT

Project Description: Development of 40.66 Acres located northeast of the intersection of Judge Orr and Stapleton Rd in. The parcel being contained within the NE1/4 of S. 33, T12S, R64W of the 6th PM in El Paso County, CO.

The proposed development will consist of platting of 7- 5 acre lots to be sold for individual residential development. The reach of the Haegler basin through the site will be platted as a no build area and physical modifications are not proposed within the no build area.

Infrastructure will consist of approximately 1870 lf of paved roadway. Overhead electrical service will be developed by Mountain View Electrical Association. Physical improvement proposed to occur during Winter 2018

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/38.95974233821573N104.55686809718809W>



Counties: El Paso, CO

Endangered Species Act Species

There is a total of 10 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 5 of these species should be considered only under certain conditions. 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.

Mammals

| NAME | STATUS |
|--|------------------------|
| North American Wolverine <i>Gulo gulo luscus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5123 | Proposed Threatened |
| Preble's Meadow Jumping Mouse <i>Zapus hudsonius preblei</i> There is final designated critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4090 | Threatened |

Birds

| NAME | STATUS |
|---|------------|
| <p>Least Tern <i>Sterna antillarum</i></p> <p>Population: interior pop.</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"> Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska. <p>Species profile: https://ecos.fws.gov/ecp/species/8505</p> | Endangered |
| <p>Mexican Spotted Owl <i>Strix occidentalis lucida</i></p> <p>There is final designated critical habitat for this species. Your location is outside the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/8196</p> | Threatened |
| <p>Piping Plover <i>Charadrius melodus</i></p> <p>Population: except Great Lakes watershed</p> <p>There is final designated critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins 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 designated critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska. <p>Species profile: https://ecos.fws.gov/ecp/species/758</p> | Endangered |

Fishes

| NAME | STATUS |
|---|------------|
| Greenback Cutthroat Trout <i>Oncorhynchus clarki stomias</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2775 | Threatened |
| Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none">Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska. Species profile: https://ecos.fws.gov/ecp/species/7162 | 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. This species only needs to be considered under the following conditions: <ul style="list-style-type: none">Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska. 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.

USFWS National Wildlife Refuges And Fish Hatcheries

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuges or fish hatcheries within your project area.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service³. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured. Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are [USFWS Birds of Conservation Concern](#) that might be affected by activities in this location. The list does not contain every bird you may find in this location, nor is it guaranteed that all of the birds on the list will be found on or near this location. To get a better idea of the specific locations where certain species have been reported and their level of occurrence, please refer to resources such as the [E-bird data mapping tool](#) (year-round bird sightings by birders and the general public) and [Breeding Bird Survey](#) (relative abundance maps for breeding birds). Although it is important to try to avoid and minimize impacts to all birds, special attention should be given to the birds on the list below. To get a list of all birds potentially present in your project area, visit the [E-bird Explore Data Tool](#).

| NAME | BREEDING SEASON |
|--|-------------------------|
| Buff-breasted Sandpiper <i>Tryngites subruficollis</i> Bird of Conservation Concern (BCC) | Breeds elsewhere |
| Burrowing Owl <i>Athene cunicularia</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/9737 | Breeds Mar 15 to Aug 31 |
| Cassin's Sparrow <i>Aimophila cassinii</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/9512 | Breeds Aug 1 to Oct 10 |
| Chestnut-collared Longspur <i>Calcarius ornatus</i> Bird of Conservation Concern (BCC) | Breeds May 1 to Aug 10 |
| Golden Eagle <i>Aquila chrysaetos</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/1680 | Breeds Apr 1 to Aug 31 |

| | |
|---|-------------------------|
| Lark Bunting <i>Calamospiza melanocorys</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/5511 | Breeds May 10 to Aug 15 |
| Long-billed Curlew <i>Numenius americanus</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/5511 | Breeds Apr 1 to Jul 31 |
| Lewis's Woodpecker <i>Melanerpes lewis</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/9408 | Breeds Apr 20 to Sep 30 |
| Lesser Yellowlegs <i>Tringa flavipes</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/9679 | Breeds elsewhere |
| Mccown's Longspur <i>Calcarius mccownii</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/9292 | Breeds May 1 to Aug 15 |
| Mountain Plover <i>Charadrius montanus</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/3638 | Breeds Apr 15 to Aug 15 |
| Semipalmated Sandpiper <i>Calidris pusilla</i> Bird of Conservation Concern (BCC) | Breeds elsewhere |
| Snowy Plover <i>Charadrius alexandrinus</i> Bird of Conservation Concern (BCC) | Breeds Mar 5 to Sep 15 |
| Sprague's Pipit <i>Anthus spragueii</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/8964 | Breeds elsewhere |
| Whimbrel <i>Numenius phaeopus</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/9483 | Breeds elsewhere |
| Willow Flycatcher <i>Empidonax traillii</i> Bird of Conservation Concern (BCC) https://ecos.fws.gov/ecp/species/3482 | Breeds May 20 to Aug 31 |

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
 - Measures for avoiding and minimizing impacts to birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
 - Nationwide conservation measures for birds
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>
-

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

There are no wetlands within your project area.
