



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Area 14, Southeast Region  
4255 Sinton Road  
Colorado Springs, CO 80907  
P 719.227.5200

June 22, 2021

El Paso County Planning and Development  
Attn: John Green, Project Manager  
2880 International Circle, suite 110  
Colorado Springs, CO 80910

RE: Waterview North Commercial Service Rezone

Dear Mr. Green,

Colorado Parks and Wildlife (CPW) has received the proposed amendment addressing changes in land use for the specified parcels. CPW staff is familiar with the proposed location of the project as well as the area surrounding the site. CPW has reviewed past comments as well as the wildlife impact assessment for the project area. CPW wants to continue to address potential impacts to wildlife found on shortgrass prairie habitat.

CPW has a statutory responsibility to manage all wildlife species in Colorado; as such we encourage protection for Colorado's wildlife species and habitats through responsible energy development and land use planning. Protection of core wildlife areas, quality fisheries and habitat, big game winter range and seasonal migration corridors, and raptor nesting locations are of extreme importance. CPW recommends that all proposed projects be assessed to avoid, minimize, or mitigate impacts to sensitive wildlife habitats and species. That includes species of concern as well as Federal and/or State listed species, big game wildlife (migration corridors, winter range, and parturition areas), breeding and nesting habitats for sensitive ground-nesting birds, and nests of raptors sensitive to development in order to prevent loss of habitat or fragmentation of habitat. US Fish and Wildlife Service should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location.

Wildlife species that can be found on the project site include: black tailed prairie dog, burrowing owls, mule deer, white-tailed deer, pronghorn, several bat species,



many additional species of small mammals, a variety of reptiles, and a variety of grassland birds as well as scaled quail. Golden eagles are present year-round and utilize the area frequently. Golden eagles, as well as Ferruginous hawk, Red-tailed hawk, Prairie falcon, and Swainson's hawk, hunt nearby and within prairie dog colonies, and nest in the surrounding area. This is also a migratory flyway with staging and wintering areas for waterfowl and other migratory birds.

The majority of the project is shortgrass prairie which provides habitat for the species listed above. If black-tailed prairie dog towns are present within the project area, there is a high probability that burrowing owls and mountain plovers are present within those towns as well. Consultation with USFWS is recommended to ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. The best way to avoid impacts on the nesting efforts of migratory birds is to focus construction activities outside of the breeding season (March 15<sup>th</sup> -October 31<sup>st</sup>). 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.

**Other Threatened, Endangered, and State Species of Concern:** Burrowing Owls (*Athene cunicularia*), a state threatened bird, may be found within the preferred corridor and CPW recommends a survey of prairie dog colonies prior to construction to determine absence or presence of the species. If nesting burrowing owls are present, CPW recommends no human encroachment within 660 ft. of nesting burrows from March 15 to October 31. If burrowing owls merely occupy the site, it is recommended that earthmoving and other disturbance activities be delayed until late fall after they have migrated. CPW would like to note that the recommended survey protocol and actions to protect nesting burrowing owls document has been updated and revised as of April 4, 2021. If groundbreaking cannot be postponed, surface activity can proceed in areas greater than 660 feet (200 meters) from the nest burrow. If the actual nest burrow cannot be determined, then buffer the entire group of burrows in use. NOTE: For large industrial disturbances (e.g. drilling rigs, residential construction, etc.), CPW recommends a larger buffer of ¼ mile (1320 feet, 400 meters) from the nest burrow.

The proposed project area is within the range of the Mountain Plover (*Charadrius montanus*), a state species of special concern. The Best Management Practices for mountain plover recommend surveys to identify habitat and plover nests within the project area, and plan construction activity outside of critical nesting periods, April 1st through August 15 where these species are found. Mountain plovers can nest in

short-grass prairie, dryland cultivated farms, and prairie dog towns and are likely to be nesting on the project area.

The entire project area is within the overall range of the Swift Fox (*Vulpes velox*), a state species of special concern. CPW recommends pre-construction surveys to identify and avoid all maternal swift fox den sites. Swift fox live here year-round, breed during December, and raise their young into the next fall. It is recommended that swift fox surveys include daylight searches for den areas and nighttime spotlight searches during August and September. Swift fox is a species of state and federal concern that lives in and around the proposed area.

We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager Philip Gurule, should you have any questions or require additional information at 719-227-5283 or via email at philip.gurule@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody Wigner', with a stylized flourish at the end.

Cody Wigner  
Area Wildlife Manager

Cc: Philip Gurule, DWM  
SE Region Files  
Area 14 Files