



NATURAL FEATURES & WETLANDS REPORT

for

***Schmidt Development
El Paso County, CO***

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TABLE OF CONTENTS

1.0 INTRODUCTION	3
2.0 METHODOLOGY	5
3.0 ENVIRONMENTAL ASSESSMENT	6
4.0 SUMMARY OF IMPACTS	28
5.0 RECOMMENDATIONS.....	31
6.0 REFERENCES	33

FIGURES

FIGURE 1: SITE LOCATION MAP	4
FIGURE 2: RIPARIAN ANALYSIS/HABITAT COVER.....	8
FIGURE 3: NRCS SSURGO SOILS MAP	11
FIGURE 4: NWI/NHD.....	13
FIGURE 5: WETLAND LOCATION MAP.....	14
FIGURE 6: WILDFIRE RISK TO ASSETS	17
FIGURE 7: BURN PROBABILITY	18
FIGURE 8: FIRE INTENSITY SCALE	19
FIGURE 9: FLOOD HAZARD MAP	20
FIGURE 10: SLOPE ANALYSIS	21

TABLES

TABLE 1: POTENTIALLY IMPACTED VEGETATION COMMUNITIES	7
TABLE 2: FEDERALLY LISTED T&E SPECIES POTENTIALLY IMPACTED BY THE PROJECT	23
TABLE 3: SAM WILDLIFE POTENTIAL FOR OCCURRENCE	25

APPENDICES

APPENDIX A: PHOTOGRAPHIC LOG
APPENDIX B: IPAC RESOURCE LIST

1.0 INTRODUCTION

Morley Companies (“Applicant”) has retained Bristlecone Ecology, LLC (“B.E.” or “Agent”) to perform field assessments and prepare a Natural Features & Wetlands Report for the proposed Schmidt development (“Project”), located in unincorporated El Paso County (EPC), Colorado.

1.1. Purpose and Goals

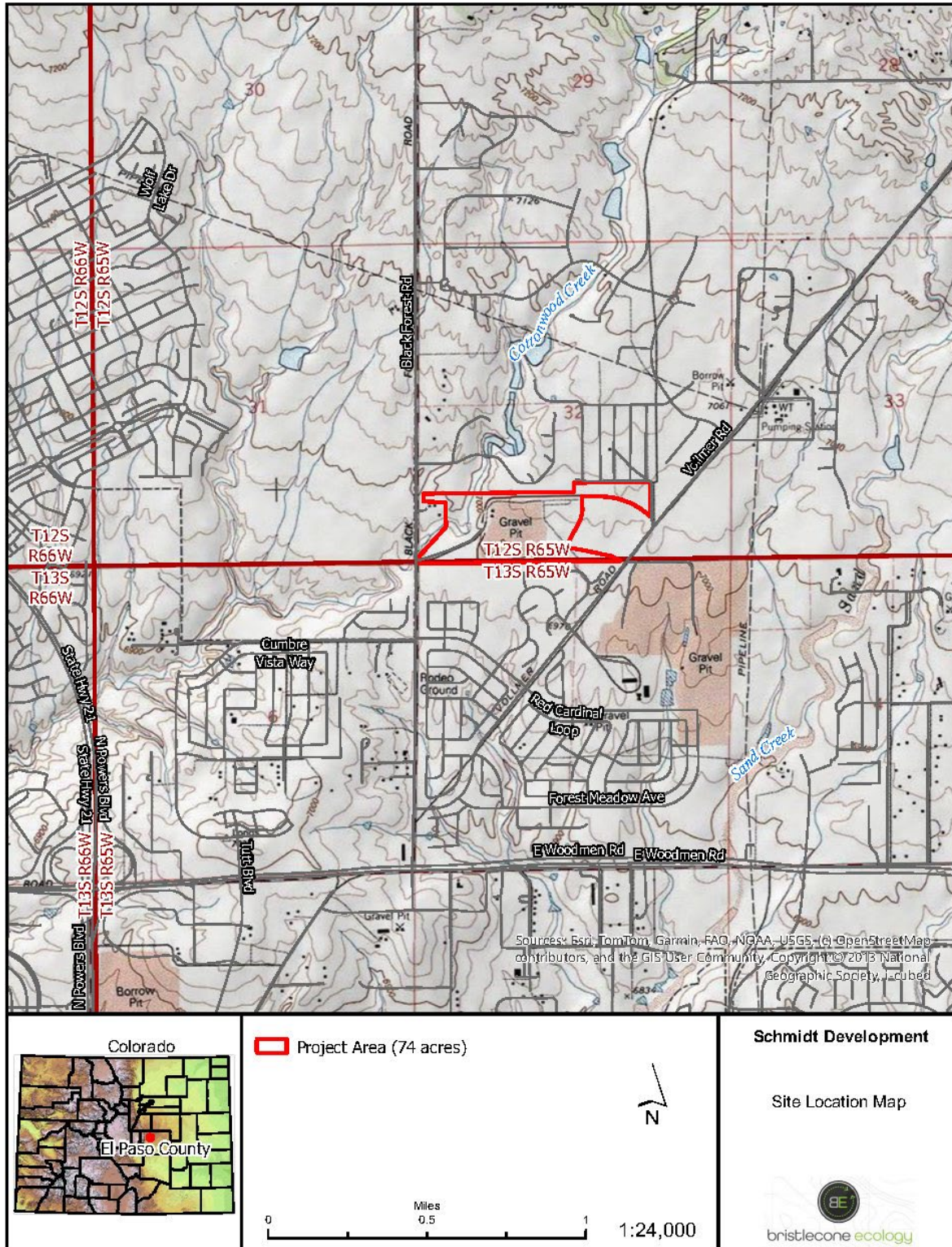
The purpose of this report is to document natural resources and existing site conditions in order to identify potential environmental constraints that may affect the development of the Project. In addition, a goal of this report is to provide guidance on regulatory issues that could influence site development in accordance with development planning and application submittals in EPC. EPC’s Land Development Code requires the preservation of natural landscapes and identification of potential environmental constraints, including:

- Vegetation, including noxious weeds and riparian habitats
- Soil suitability
- Significant topographic features
- Aquatic resources, i.e., wetlands/Waters of the U.S. (WOTUS)
- Potential wildfire hazards
- Potential flood hazards
- Potential wildlife impacts
- Potential occurrence of federal and state-listed threatened and endangered (T&E) species

1.2. Project Description and Site Location

The Project will involve the development of approximately 74 acres of land within El Paso County Parcels No. 5200000570 and No. 5200000577. The Project area is located north of the intersection between Black Forest Road and Vollmer Road; it is bounded on all sides by scattered rural and suburban residential development (**Figure 1: Site Location Map**). The Project will consist of single-family residential lots, local roads, utilities, and other associated facilities and infrastructure. The site is located in the southeast corner of Section 32 in Township 12S, Range 65W, and can be found on the U.S. Geological Survey’s (USGS) Falcon NW 7.5-minute quadrangle (USGS 2020). Elevations of the Project site range between approximately 6,990 and 7,0410 feet above mean sea level (AMSL).

Figure 1: Site Location Map



2.0 METHODOLOGY

B.E. performed a desktop review to gather background information about the environmental setting of the Project area. Publicly available data sources queried via desktop included:

- U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) data
- USFWS Critical Habitat Portal
- Species profiles and spatial data from Colorado Parks and Wildlife (CPW)
- USGS topographic maps
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panels
- Google Earth current and historic aerial imagery
- Colorado State Forest Service (CSFS) Wildfire Hazard Maps
- National Resources Conservation Service (NRCS) county soil survey data
- Colorado Natural Heritage Program (CNHP) Survey of Critical Biological Resources

Following the desktop review of these resources, a site reconnaissance was conducted on May 4th, 2026, to field-verify results of the review and identify potential impacts to resources and constraints to development. The field reconnaissance focused on identifying significant topographic and geologic features, on classifying vegetation communities on the site, and on identifying suitable wildlife habitat, particularly that which could support T&E and sensitive species. Photographs of the site visit can be seen in **Appendix A: Photographic Log**.

3.0 ENVIRONMENTAL ASSESSMENT

The Project area is located within the Foothill Grasslands Level IV ecoregion in Colorado (Chapman et al. 2006). The Foothills Grasslands Ecoregion is composed of a mixture of tall and mid-grasses and isolated pine woodlands (Chapman et al. 2006). Dominant species in the ecoregion include little bluestem (*Schizachyrium scoparium*), big bluestem (*Andropogon gerardii*), blue grama (*Bouteloua gracilis*), switchgrass (*Panicum virgatum*), and yellow Indiangrass (*Sorghastrum nutans*), among others (Chapman et al. 2006).

The topography of the Project consists mainly of flat to rolling grasslands and an old gravel mining site, which has since been graded and grubbed over. In areas that have not already been graded and cleared of vegetation, some vegetation typical of grasslands within the Foothill Grasslands ecoregion predominates within the site. The majority of the site is highly disturbed, short- and mid-grass rolling grasslands. Diversity is moderate for this ecoregion, and the structure of vegetation in the intact uplands is graminoid-dominated but well developed. The site is surrounded by scattered rural and suburban residential development and agriculture/ranchlands.

The Project site contains no Colorado Natural Heritage Conservation Areas or Potential Conservation Areas according to the CNHP (2022), and according to the USFWS' Information for Planning and Consultation (IPaC; 2022), does not contain Wildlife Refuges or Hatcheries. The area has been used historically as rangeland, but residential and commercial development is increasing steadily.

3.1. Vegetation & Riparian Analysis

An array of native and nonnative plants were observed during the site assessment. Dominant species in the uplands throughout the site included blue grama, sand dropseed (*Sporobolus cryptandrus*), little bluestem, fringed sage (*Artemisia frigida*), and bluejoint grass (*Calamagrostis canadensis*). Other upland species present included woods rose (*Rosa woodsii*), big bluestem, Kentucky bluegrass (*Poa pratensis*), crested wheatgrass (*Agropyron cristatum*), and western wheatgrass (*Pascopyrum smithii*), common snowberry (*Symphoricarpos occidentalis*), among others. Within wetter areas, Baltic rush (*Juncus balticus*), sandbar willow (*Salix exigua*), shining willow (*Salix lasiandra*), broadleaf cattail (*Typha latifolia*), narrowleaf cottonwood (*Populus angustifolia*), Nebraska sedge (*Carex nebrascensis*), and creeping bentgrass (*Agrostis stolonifera*) were the dominant species. The majority of the site is highly disturbed and graded, but those areas that have not been disturbed are generally healthy short- and mid-grass rolling grasslands.

Within the Project site, riparian and wetland vegetation is associated with Cottonwood Creek which flows through the western side of the site. The creek is best described as a narrow channel in a broad, shallow floodplain that supports predominantly wetland plants. Vegetation abutting the channel included Baltic rush, Nebraska sedge, broadleaf cattail, sandbar willow, and shining willow. The riparian corridor along the creek is robust, supporting sandbar, shining, and peachleaf willows (*Salix amygdaloides*), narrowleaf cottonwoods and plains cottonwoods (*Populus deltoides*), and boxelders (*Acer negundo*).

Because riparian corridors often develop near streams and other water sources, B.E. identified the wetland areas in the desktop review and field survey as potential areas for riparian cover. B.E. surveyed around the wetlands identified in the NHD, NWI, and wetland report and mapped any riparian habitats associated with these aquatic features. All of the riparian cover on the site was found in areas within the floodplain of Cottonwood Creek, as well as a small gully to the east of the creek that drains into it (**Figure 2: Riparian Analysis/Habitat Cover**). The riparian areas were dominated by shining willow and sandbar willow, with some cottonwoods and boxelders.

The majority of the site (64%) was identified as graded/developed and did not have any vegetation (**Figure 2**). The most dominant undeveloped habitat type was foothills grasslands (31.9%), which was composed of typical vegetation for this habitat type, including blue grama, little bluestem, sand dropseed, and fringed sage. Riparian areas covered less than 3.0% of the site, and emergent marsh wetlands covered the remaining 0.5% of the site (**Figure 2**). No other unique or distinctive features were present on the site. Both the wetlands and riparian areas will be almost entirely preserved in open space tracts and will not be developed.

A few varieties of noxious weeds were present at the site, mostly scattered throughout the property in low densities. Noxious weed species observed included common mullein (*Verbascum thapsus*), Canada thistle (*Cirsium arvense*), and yellow toadflax (*Linaria vulgaris*). Noxious weeds are discussed further in **Section 3.4**.

B.E. reviewed CNHP data for the Falcon NW 7.5-minute quadrangle, which summarizes vegetation communities in the state by USGS quadrangle. Data were reviewed to determine the probability of the presence/absence of significant natural communities, rare plant areas, and riparian corridors that could be found within the Project area. Based on CNHP's data and the site reconnaissance, the probability of these plant communities being impacted by Project development is described below in **Table 1: Potentially Impacted Rare Vegetation Communities**.

Table 1. Potentially Impacted Rare Vegetation Communities (CNHP 2022)

Plant Community (Type)	Status ¹	Presence and Location	Probability of Impacts
<i>Hesperostipa comata</i> - <i>Bouteloua gracilis</i> Central Grassland	G4, S2	Occurs on flat to rolling topography with deep sandy loam to loam soils. Common in the central Great Plains of the United States.	None. Community is not present in the Project area. Needle-and-thread grass was not present at the site.
<i>Andropogon gerardii</i> - <i>Sporobolus heterolepis</i> Western Foothills Grassland	G2, S1	Found primarily in mesic habitats of the Rocky Mountain Foothills and the western U.S in mesic foothills and riverine habitats. Characterized by medium-tall to tall grasses, with big bluestem and prairie dropseed dominating	None. Neither big bluestem nor prairie dropseed were present at the site.

¹ = Critically Imperiled; 2 = Imperiled; 3 = Rare or Uncommon; 4 = Widespread, Abundant, and Apparently Secure; 5 = Demonstrably Widespread, Abundant, and Secure; NR = Not Ranked

Figure 2: Riparian Analysis/Habitat Cover



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3.2. Soils

Soil survey data and reports were reviewed to determine the potential for the presence of geologic hazards within the Project (NRCS 2022a). County soil survey data indicated that the site is composed primarily of Columbine gravelly sandy loam (0 to 3 percent slopes; 72.0% of Project area) and Stapleton-Bernal sandy loams (3 to 20% slopes; 15.3% of Project area) with a few additional minor components (NRCS 2022a; **Figure 3: NRCS SSURGO Soils**). Additional soils comprising a smaller area included Blakeland loamy sand (1 to 9 percent slopes; 7.3% of Project area), and Pring coarse sandy loam (3 to 8 percent slopes; 5.4% of Project area [Figure 3]). These soils were identified as the primary series occupying the Project area; there are also minor components (called “inclusions”) within each series or consociation that could contribute to the overall soil composition at the site.

The NRCS provides information on soil properties that could influence the development of building sites for dwellings with and without basements, as well as small commercial buildings, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Qualitative soil ratings are assigned to each major soil group and include ‘Not Limited,’ ‘Somewhat Limited,’ and ‘Very Limited.’ ‘Not Limited’ indicates that the soil type has properties that are very favorable for the specified type of construction. ‘Somewhat Limited’ indicates that the soil type has properties that are moderately favorable for the specified type of construction, however these limitations can generally be overcome through planning and design considerations. ‘Very Limited’ indicates that the soil type has properties that cannot generally be overcome through design and planning considerations (NRCS 2022b). Based on the soils present, the majority of the site was rated ‘Not Limited’ for dwellings with or without basements (NRCS 2022b). The Stapleton-Bernal sandy loams (15.3% of the site) was rated ‘Somewhat Limited’ for dwellings with or without basements (NRCS 2022b). For small commercial buildings, the majority of the site (Columbine gravelly sandy loam, 51.8% of the site) was rated ‘Not Limited,’ while the Blakeland loamy sand and Pring coarse sandy loam were rated ‘Somewhat Limited’ for small commercial buildings, and the Stapleton-Bernal sandy loams were rated as ‘Very Limited’ for small commercial buildings (NRCS 2022b).

B.E. reviewed the hydric soil ratings for all soil components present on the Project site to aid in the identification of wetland habitats during the site reconnaissance. Hydric soils are those that form under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions, and their formation is required in order for wetlands to become established. All of the primary soil series occurring on the site were described as having a low hydric to nonhydric rating in El Paso County, with each series rated as follows:

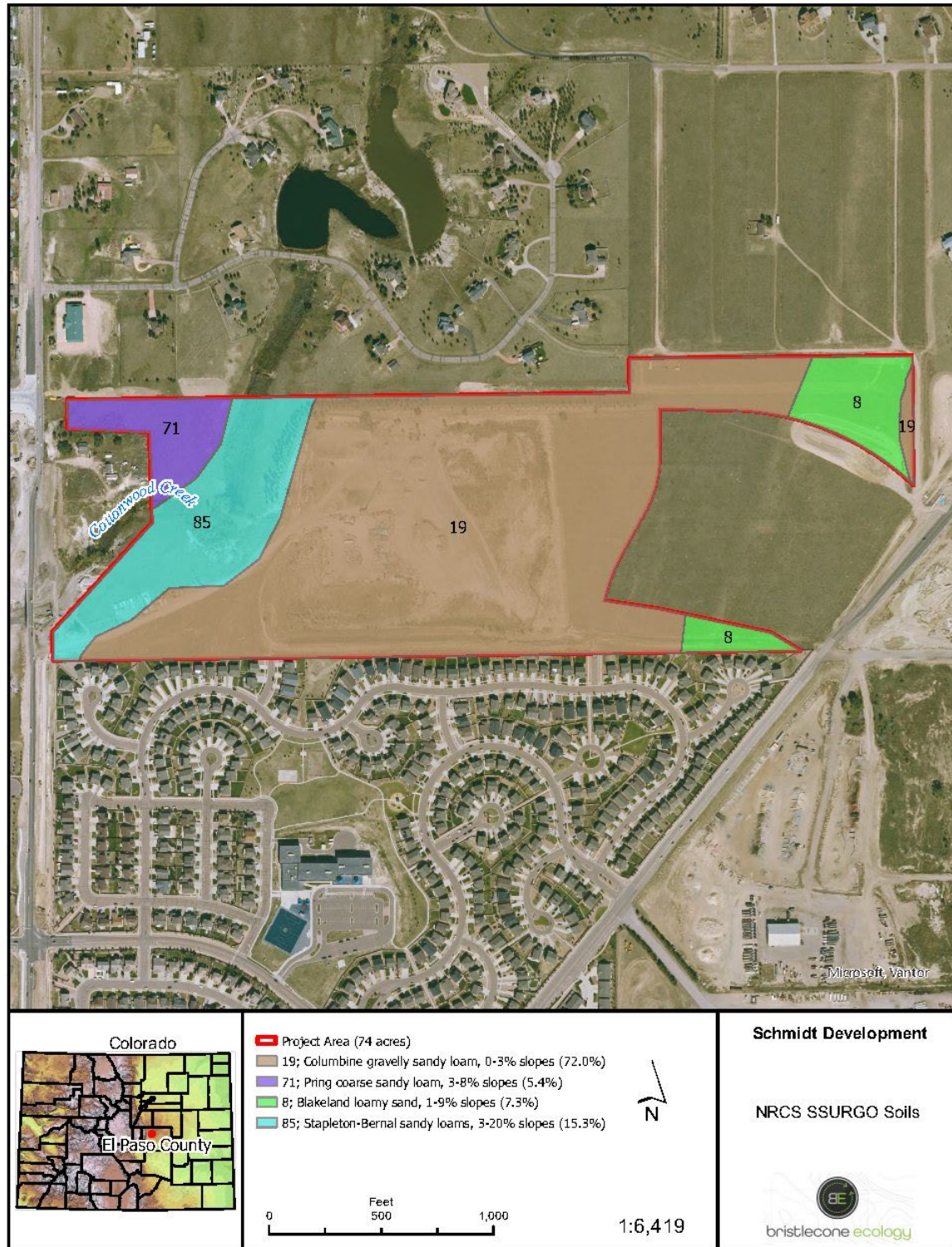
- Blakeland loamy sand (1 to 9 percent slopes) – hydric rating 1
- Columbine gravelly sandy loam (0 to 3 percent slopes) – hydric rating 2
- Pring coarse sandy loam (3 to 8 percent slopes) – hydric rating 5
- Stapleton-Bernal sandy loams (3 to 20 percent slopes) – hydric rating 0

Hydric ratings are on a scale of 1 to 100, with 100 having greater hydric components and zero having no hydric components (NRCS 2022a). The Pleasant soil series, a minor component of some of the primary series on the site, is rated as hydric in El Paso County and is typically found in

depressions and drainages where ponding can regularly occur (NRCS 2022c). Pleasant soil is likely found in depressions, swales, and other wetter portions of the site where wetlands may occur. Based on these ratings, the overall suitability of the site to support the development of hydric soils, and thus the presence of wetlands, is moderate in depressions, swales, and wetter areas, and very low in other areas.

The Blakeland loamy sand and Columbine gravelly sandy loam are grouped into Hydrologic Group A, while the Pring coarse sandy loam and Stapleton-Bernal sandy loams are grouped into Hydrologic Group B (NRCS 2022d). The 'A' grouping includes soils that have high infiltration rate, which results in the soil having a corresponding high rate of surface and ground water transmission. The 'B' grouping includes soils that have a moderate infiltration rate, which results in the soil having a corresponding moderate rate of surface and ground water transmission. Additional detailed soil data for the Project will be presented in a soils/geology/geotechnical report that will be submitted separately.

Figure 3: NRCS SSURGO Soils Data



3.3. Significant Topography and Natural Landforms

The topography of the site is characterized by sparse flat to rolling grasslands, an old gravel pit that has been graded, and a stream and riparian corridor associated with Cottonwood Creek. The floodplain associated with Cottonwood Creek is the most significant natural feature on the site. There are steep slopes leading down to the channel of Cottonwood Creek, which are composed of sandy soils and are quite unstable and eroding. There are steep cutbanks on the sides of the floodplain in some areas. In other areas there are more gentle slopes on the sides of the channel. This channel contributes to the site's overall drainage pattern, channeling runoff from this corner of the site to the rest of Cottonwood Creek to the southwest. The cutbanks and other steep areas represent significant topographic constraints to development, and most likely contribute to defining some 'No Build' areas.

The remainder of the site is flat and has been grubbed and graded. Besides the above-described features, there were few other natural landforms or significant topography on the site. There were no rock outcroppings, cliffs, or other significant geologic features on the site.

3.4. Aquatic Resources

Aquatic resources include jurisdictional wetlands and other regulated WOTUS such as streams/rivers, ponds/lakes, and ditches, as well as non-regulated wetlands, streams/rivers, ponds/lakes, ditches, and other surface water features. A desktop review and formal wetland delineation was conducted on May 4th, 2026. The desktop review identified areas with the potential for wetlands (**Figure 4: NWI/NHD Map**), and the wetland delineation identified two wetlands on the western side of the site along Cottonwood Creek, labeled as W1 and W2, as well as a stream channel with an ordinary high water mark (OHWM) within W2 (**Figure 5: Wetland Location Map**). The two wetlands are separated by an upland berm but are hydrologically connected by a culvert under the berm. The wetlands and OHWM are associated with Cottonwood Creek and receive their hydrology from regular flows through the creek. W1 was ecologically diverse, composed of palustrine emergent, shrub-scrub, and aquatic bed vegetation types. W2 was a palustrine shrub-scrub wetland dominated by sandbar willows. The emergent wetland was dominated by cattails, rushes, sedges, and grasses; the aquatic bed wetland was dominated by submerged and emergent aquatic plants and open water. The OHWM within W2 was only a foot wide throughout most of the reach. Both wetlands were relatively highly functioning and diverse, though there is erosion along the upper banks from storm events through Cottonwood Creek which surround the wetlands and may pose a threat to wetland functionality.

Further details about these features can be found in the *Schmidt Development Wetland Delineation Report*.

Figure 4: NWI/NHD Map



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Figure 5: Wetland Location Map



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3.5. Noxious Weeds

Noxious weeds are defined as those non-native plants that aggressively invade and are detrimental to native vegetation communities and ecosystems. The *Colorado State Noxious Weed Act* (Colorado Revised Statute 35-5.5-103) developed a list of plants considered noxious in the state of Colorado that should be targeted for control by various methods dependent upon list category (A, B, or C). In addition, requirements have been set forth by the El Paso County Noxious Weed Management Plan (EPC 2017), and the El Paso County Noxious Weeds and Control Methods report (EPC 2018a), which contain guidelines for the control and treatment of noxious weeds found in the County. EPC requires that residential, commercial, or industrial projects that include ground disturbing activities submit a project-specific noxious weed management plan.

B.E. noted various noxious weed populations on the site with few areas of concentration. List B species observed included Canada thistle and yellow toadflax, and List C species observed included great mullein. Yellow toadflax and Canada thistle were found in more mesic areas, specifically in the floodplain along the edges of wetlands. Great mullein was found throughout the site, but was not abundant and only in sparse concentrations. These populations should be inventoried and treated by a licensed herbicide sprayer to prevent and control the spread of noxious weeds at the site during construction and post-construction.

3.6. Wildfire Hazards

In the 2018 El Paso County Development Standards, the stated purpose and intent for fire protection and wildfire mitigation is to ensure that any proposed development is reviewed for wildfire risks and adequate fire protection (EPC 2018b). No permit associated with development, construction, or occupancy shall be approved or issued until the provisions of these standards are satisfied, and a Wildland Fire and Hazard Mitigation Plan may be required. The Project area is located within the Black Forest Fire Protection District (BFFPD) coverage. There are two fire stations within the BFFPD, located as follows:

- Station 1; 11445 Teachout Rd, Colorado Springs, CO 80908 (3.5 miles from the site)
- Station 2; 16465 Ridge Run Dr, Colorado Springs, CO 80908 (8.6 miles from the site)

In total, the BFFPD has the following operations equipment available:

- 3 fire engines
- 2 ambulances
- 1 wildland fire engine
- 2 brush trucks
- 2 water tenders
- Several command vehicles

Wildfire hazards for the Project site were evaluated using the Colorado State Forest Service's (CSFS) online Wildfire Risk Reduction Planner (WRRP; CSFS 2020). WRRP allows professionals, planners, and the public to access the best scientific information regarding wildfire risk and establish prevention and mitigation measures accordingly. According to WRRP, the Wildfire Risk to Assets at the site is about 47% "Lowest" risk, 50% "Low" risk, and 3% "Moderate" risk (CSFS

2020; **Figure 6: Wildfire Risk to Assets**). CSFS determines “Wildfire Risk to Assets” by combining the burn probability rating of a site with the values-at-risk rating. While the Project site has a low to very low rating of values and assets that would be adversely impacted by wildfire, the burn probability for about 85% of the site is rated Level 6 “Moderately High”, with the remaining 15% rated “Moderate” at Level 5 (CSFS 2020; **Figure 7: Wildfire Burn Probability**). The Fire Intensity rating – a measure of fire behavior based on available fuels, weather, and topography – is a mix of about 40% “Lowest Intensity”, 10% “Low Intensity”, and 50% “Moderate Intensity”, due primarily to the entire site being unforested (CSFS 2020; **Figure 8: Fire Intensity Rating**). The areas of “Lowest” fire intensity generally correspond to the old gravel pit area, where there is little to no vegetation.

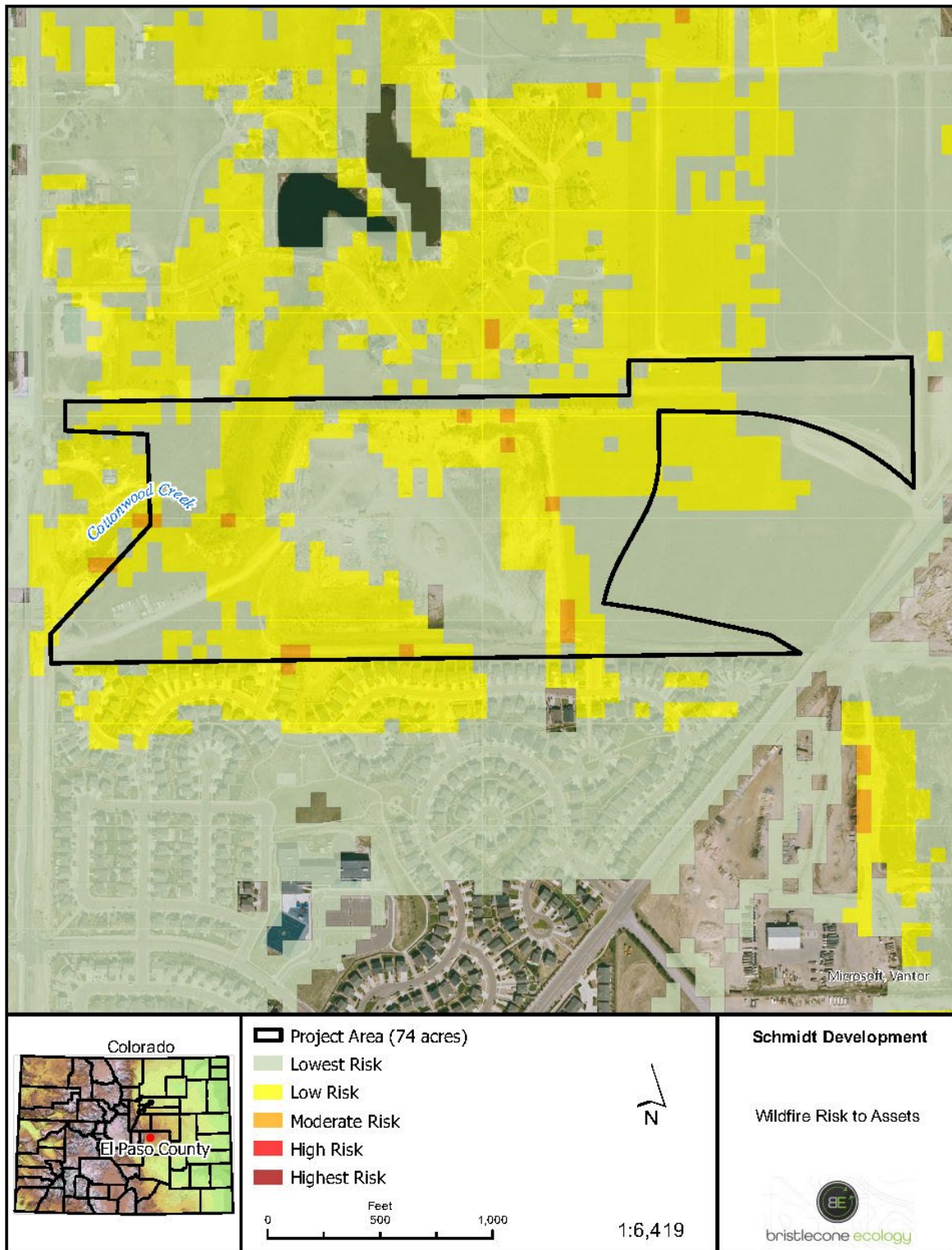
3.7. Flood Hazards

Flood hazard maps from the Federal Emergency Management Agency (FEMA) were reviewed to determine the potential for flood hazard at the site. The majority site is within Zone X, meaning that the area is deemed by FEMA to have minimum flood hazard “above the 500-year flood zone”. (**Figure 9: FEMA Flood Hazard Map**). A portion of the site, along Cottonwood Creek, is in Zone AE, meaning the area has a 1% annual risk of flooding (**Figure 9**).

3.8. Slope

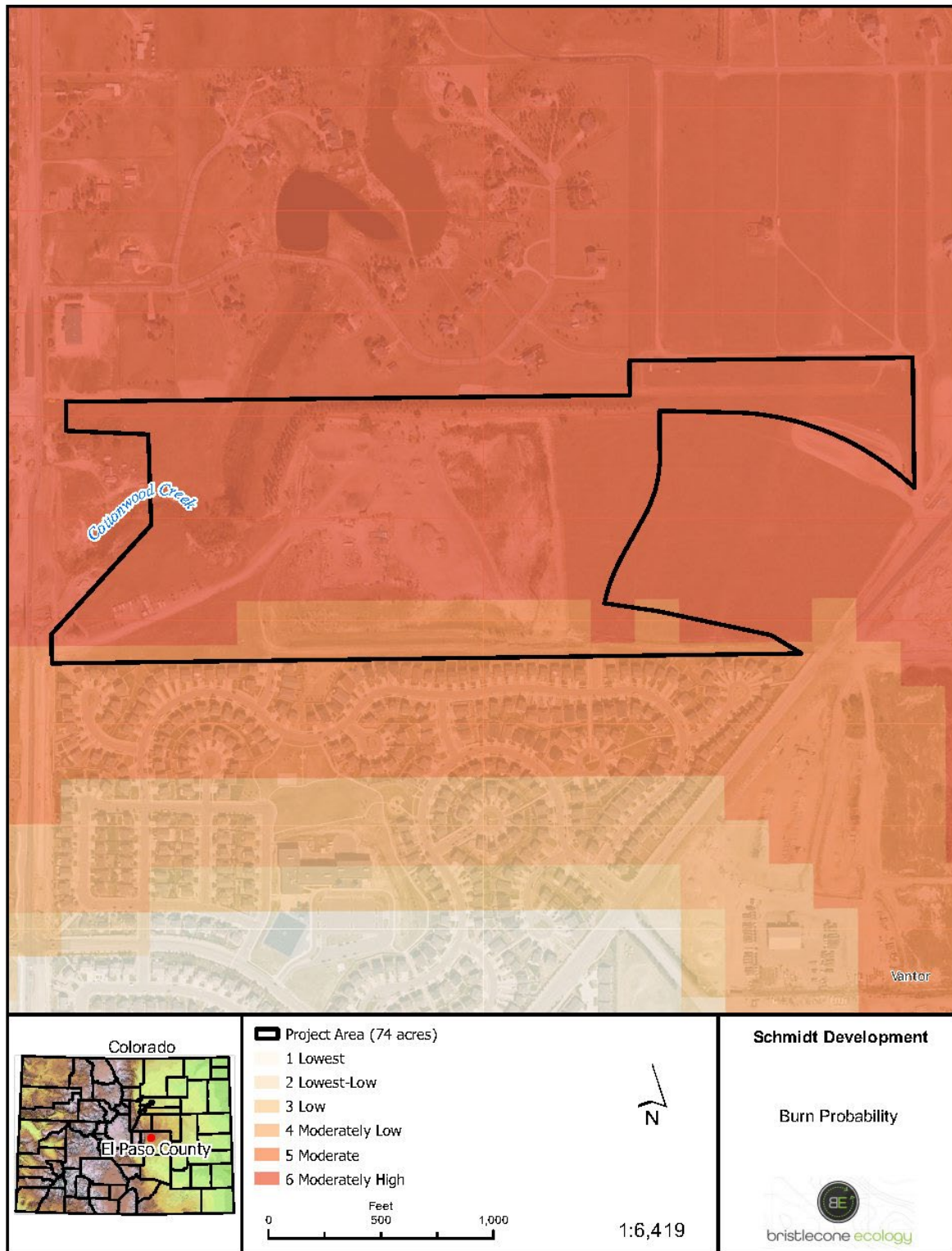
Slopes greater than 20 percent were mapped using topographic survey data and verified during the site reconnaissance (**Figure 10: Slope Analysis**). Slopes greater than 20% can affect developability as well as other factors such as fire spread and erosion potential. Based on the survey data, slopes greater than 20 percent are depicted in yellow, orange, and red in **Figure 10**. Ten-foot contour lines are included to depict topography over an aerial background. Areas of the site that were steep and rocky generally correspond to those portions of the site with slopes greater than 20 percent. These areas generally coincide with the cutbanks of Cottonwood Creek. All other areas of the site had moderate to low slopes under 20% grade, shown in blue in **Figure 10**. Additionally, the areas around the old gravel pit are no longer steep slopes, and have been graded since the light detection and ranging (LiDAR) data used to measure the slope across the site was collected.

Figure 6: Wildfire Risk to Assets



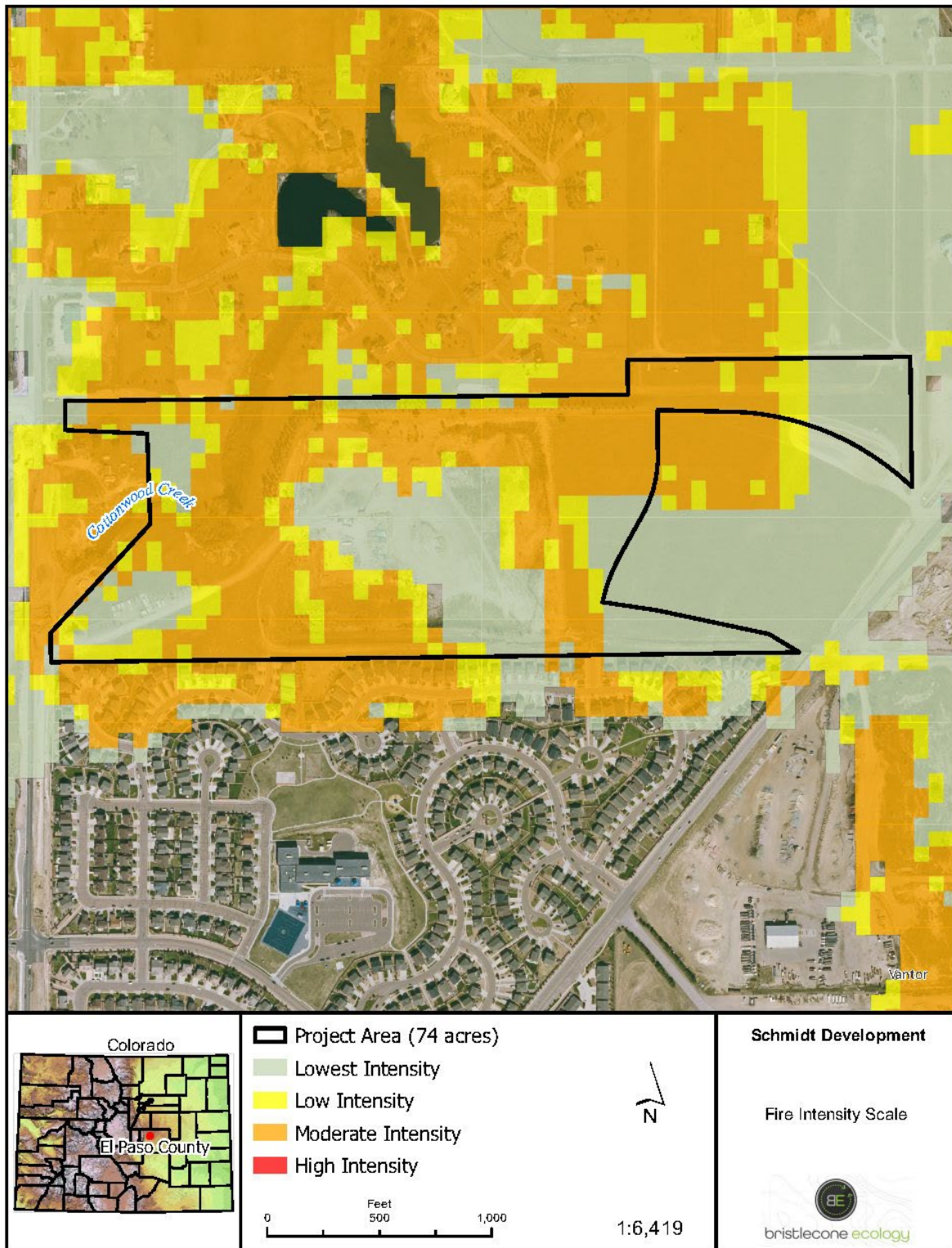
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Figure 7: Wildfire Burn Probability



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Figure 8: Fire Intensity Scale



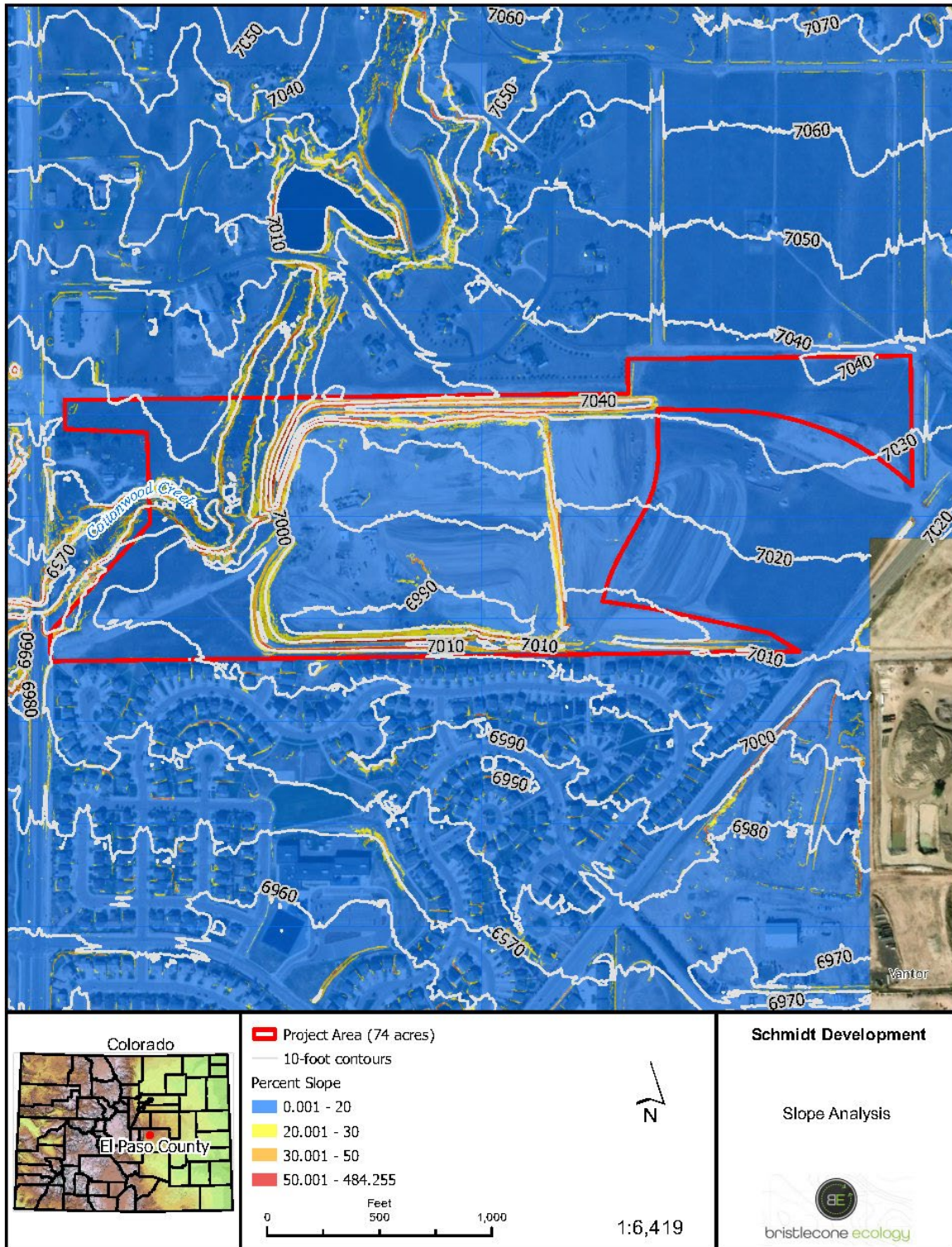
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Figure 9: FEMA Flood Hazard Layer



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Figure 10: Slope Analysis



3.9. Federally Listed T&E Species

The USFWS IPaC database (USFWS 2025) was used to determine the likelihood of occurrence for federally listed T&E species within the Project area. The IPaC query listed five species, including two birds, two insects, and one flowering plant with the potential to occur within, or be affected by, development of the Project Area (**Table 2: Federally Listed T&E Species Potentially Impacted by the Project**). B.E. has provided our professional opinion regarding the probability of occurrence of T&E species at the Project site and their probability of being impacted by Project development. A concurrence letter for a determination of ‘No Concerns’ was requested from USFWS on May 28th, 2026.

Table 2. Federally Listed T&E Species Potentially Impacted by the Project (USFWS 2025)

Common Name	Scientific Name	Habitat Requirements and Likelihood of Impacts	Federal Status ¹
Birds			
Piping plover	<i>Charadrius melodus</i>	Listed under a conditional effects analysis for water depletions in the N. Platte, S. Platte and Laramie River Basins, which may affect listed species in Nebraska. Likelihood of impacts: None, the Project is located in the Arkansas River Basin.	FT
Eastern black rail	<i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i>	Subspecies of black rail that occurs east of the Rocky Mountains in North America. Black rails are small, cryptic marsh/wetland specialists, and depend entirely upon these habitats to support their resource needs. Requires dense overhead cover (usually cattails [<i>Typha</i> spp.] or bulrushes [<i>Schoenoplectus</i> / <i>Scirpus</i> spp.]) and moist to saturated soils. Eastern black rails have been expanding their range in Colorado. Likelihood of impacts: Unlikely, there is a small amount of suitable habitat available in the marsh wetlands onsite, however, this area is small and will not be impacted by the Project.	FT
Insects			
Monarch butterfly	<i>Danaus plexippus</i>	Monarch butterflies require milkweeds (<i>Asclepias</i> spp.) as a host plant. Caterpillars consume the plant, and adults lay their eggs on milkweed. Monarch butterfly is a Proposed Threatened species for listing under the ESA. While there are no requirements until a listing decision is made, a 4(d) Rule has been proposed and due diligence is encouraged. Likelihood of impacts: Unlikely, there were no milkweed plants observed on the site.	P
Suckley's Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Suckley's cuckoo bumblebee is a social parasite that relies entirely on other species of bumblebees as hosts. The last confirmed sighting in the U.S. was in 2016 in Oregon (USFWS 2024). May be found anywhere robust bumblebee colonies are present. While there are no requirements until a listing decision is made, due diligence is encouraged. Likelihood of impacts: Very unlikely, site development is unlikely to affect bumblebee host colonies.	P
Flowering Plants			
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	Primarily occurs along seasonally flooded river terraces, sub-irrigated or spring-fed abandoned stream channels, and lakeshores. May also occur along irrigation canals, berms, levees, irrigated meadows, gravel pits, borrow pits, and other human-modified wetlands. There are no known populations in El Paso County. Likelihood of impacts: Unlikely, there are no known populations in EPC and there is no suitable habitat for the species.	FT

¹FE= Federally Endangered; FT=Federally Threatened; ST=State Threatened; C=Candidate for Listing; P= Proposed

3.10. Wildlife Communities

The Project site provides limited habitat for some grassland wildlife, including birds, mammals, reptiles, and amphibians, as well as low-to-moderate quality wetland habitat for these wildlife. Development of the site would inevitably affect some habitat for wildlife. Those that could be affected were identified first by referencing CPW's Species Activity Mapping (SAM) spatial data to assess the likelihood of occurrence for state T&E species, state species of concern (SC), and other general wildlife, including big game species (CPW 2023). The Colorado Natural Heritage Program (2024) also provides species status data from tracked natural animal and plant communities in the state. The review indicated that there is potential for the occurrence of 16 mammals, 13 reptiles and 14 birds, and, including one SC mammal, one state and federally threatened mammal, one state threatened bird, and one federally protected bird (**Table 3: SAM Wildlife Potential for Occurrence**).

In general, sensitive wildlife species and Colorado SC species do not receive statutory protections. Some of the species listed in the SAM data have additional designations that may afford them additional protections. The Project area does not intersect with big game migratory routes, though it does intersect with a black bear (*Ursus americanus*) Human Conflict Area, and mule deer (*Odocoileus hemionus*) and pronghorn (*Antilocapra americana*) Resident Population Areas (CPW 2023). Development of residential properties has the potential to attract black bears if trash or pets are readily available for forage/as prey animals. The Project Area is within the overall range of black-tailed prairie dog (*Cynomys ludovicianus*), which is a Colorado SC and provides nesting and roosting habitat for the state threatened burrowing owl (*Athene cunicularia*). The Project Area is also within the breeding range of burrowing owls (CPW 2023) and of many additional sensitive bird species, as well as overall range for sensitive bats, lizards, snakes, turtles, and other wildlife (**Table 3**).

Table 3. SAM Wildlife Potential for Occurrence (CPW 2023; CNHP 2024)

Common Name	Scientific Name	Type of Occurrence (CPW 2023)	Status ^{1,2}
Mammals			
Big brown bat	<i>Eptesicus fuscus</i>	Overall range	n/a
Black bear	<i>Ursa americanus</i>	Overall range Human conflict area	n/a
Black-tailed prairie dog	<i>Cynomys ludovicianus</i>	Overall range Low occurrence	SC, S3
Dwarf shrew	<i>Sorex nanus</i>	Overall Range	G4S2
Hoary bat	<i>Lasiurus cinereus</i>	Overall range	n/a
Little brown myotis	<i>Myotis lucifugus</i>	Overall range	n/a
Long eared myotis	<i>Myotis evotis</i>	Overall range	n/a
Mountain lion	<i>Puma concolor</i>	Overall range	n/a
Mule deer	<i>Odocoileus hemionus</i>	Overall range Resident population area	n/a
Olive-backed pocket mouse	<i>Perognathus fasciatus</i>	Overall range	G5, S3
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	Overall range	FT, ST
Pronghorn	<i>Antilocapra americana</i>	Overall range Resident population area	n/a
Red bat	<i>Lasiurus borealis</i>	Overall range	G3G4, S2S3B
Silver-haired bat	<i>Lasionycteris noctivagans</i>	Overall range	n/a
White-tailed deer	<i>Odocoileus virginianus</i>	Overall range	n/a
White-tailed jackrabbit	<i>Lepus townsendii</i>	Overall range	n/a
Reptiles and Amphibians			
Bullsnake	<i>Pituophis catenifer sayi</i>	Overall range	n/a
Common lesser earless lizard	<i>Holbrookia maculata</i>	Overall range	n/a
Hernandez short-horned lizard	<i>Phrynosoma hernadesi</i>	Overall range	n/a
Milksnake	<i>Lampropeltis elapsoides</i>	Overall range	n/a
Ornate box turtle	<i>Terrapene ornata ornata</i>	Overall range	n/a
Prairie lizard	<i>Sceloporus consobrinus</i>	Overall range	n/a
Prairie rattlesnake	<i>Crotalus viridis</i>	Overall range	n/a
Plateau fence lizard	<i>Sceloporus tristichus</i>	Overall range	n/a
Six-lined Racerunner	<i>Aspidoscelis sexlineata</i>	Overall range	n/a
Smooth greensnake	<i>Opheodrys vernalis</i>	Overall range	n/a
Terrestrial garter snake	<i>Thamnophis elegance</i>	Overall range	n/a
Variable skink / many lined skink	<i>Plestiodon multivirgatus</i>	Overall range	n/a
Western rattlesnake	<i>Crotalus oreganus</i>	Overall range	n/a

¹FT=Federally Threatened; ST=State Threatened; SC=State Species of Concern; BGEPA=Bald and Golden Eagle Protection Act

²State (S) or Global (G) CNHP Status: 1=Critically Imperiled; 2=Imperiled; 3=Vulnerable; 4=Apparently Secure, but Cause for Long Term Concern; 5=Demonstrably Secure; B=Breeding; N=Non-breeding

Table 3. SAM Wildlife Potential for Occurrence (CPW 2023; CNHP 2024)

Common Name	Scientific Name	Type of Occurrence (CPW 2023)	Status ^{1,2}
Birds			
Band-tailed pigeon	<i>Patagioenas fasciata</i>	Breeding range	n/a
Brewer's sparrow	<i>Spizella breweri</i>	Breeding range	S4B
Burrowing owl	<i>Athene cunicularia</i>	Breeding range	ST
Cassin's sparrow	<i>Peucaea cassinii</i>	Breeding range	n/a
Golden eagle	<i>Aquila chrysaetos</i>	Breeding range	BGEPA, S3S4B
Grasshopper sparrow	<i>Ammodramus savannarum</i>	Breeding range	S3S4B
Lark bunting	<i>Calamospiza melanocorys</i>	Breeding range	S4
Lazuli bunting	<i>Passerina amoena</i>	Breeding range	S5B
Lewis' woodpecker	<i>Melanerpes lewis</i>	Breeding range	G4S4
Northern harrier	<i>Circus hudsonius</i>	Breeding range	S3B
Prairie falcon	<i>Falco mexicanus</i>	Breeding range	S4B, S4N
Rufous hummingbird	<i>Selasphorus rufus</i>	Migration range	n/a
Swainson's hawk	<i>Buteo swainsoni</i>	Breeding range	S5B
Virginia warbler	<i>Leiothlypis virginiae</i>	Breeding range	n/a

¹FT=Federally Threatened; ST=State Threatened; SC=State Species of Concern; BGEPA=Bald and Golden Eagle Protection Act

²State (S) or Global (G) CNHP Status: 1=Critically Imperiled; 2=Imperiled; 3=Vulnerable; 4=Apparently Secure, but Cause for Long Term Concern; 5=Demonstrably Secure; B=Breeding; N=Non-breeding

Following the review of the SAM data, a site reconnaissance was performed to field-verify the information provided in the data and to conduct a general wildlife survey. The proposed development may have varying impacts on wildlife depending on habitat quality across the site. The majority of the site is already graded, and thus there is very little habitat available in these areas. Generally, though, the grasslands provide moderate quality upland habitat where they do still exist, and the wetlands associated with Cottonwood Creek provide moderately high quality wetland habitat.

In terms of sensitive species, some of the species listed in the SAM data are likely to occur on the site, though only two of the species listed were observed. The majority are either not expected to occur or may occur only infrequently based on available habitat. Mule deer (*Odocoileus hemionus*) and lazuli bunting (*Passerina amoena*) were the only sensitive species for which CPW has mapped ranges and High Priority Habitats that were observed in the Project area. Other species such as big brown bat (*Eptesicus fuscus*), common lesser earless lizard (*Holbrookia maculata*), plains garter snake (*Thamnophis radix*), prairie lizard (*Sceloporus consobrinus*), lark bunting (*Calamospiza melanocorys*), grasshopper sparrow (*Ammodramus savannarum*), Swainson's hawk (*Buteo swainsoni*), and Northern harrier (*Circus hudsonius*) are species in the

SAM data that could reasonably be expected to occur on-site in the appropriate seasons and in the appropriate habitats.

Golden eagles (*Aquila chrysaetos*), which nest mostly on cliffs in mountainous areas, and bald eagles (*Haliaeetus leucocephalus*), which are typically associated with large bodies of water, receive federal protection under the Bald and Golden Eagle Protection Act (BGEPA). Golden eagles may occasionally nest in large trees (primarily cottonwoods) on Colorado's eastern plains. There are no cliffs or large cottonwoods within the Project area and no eagle-sized nests were observed in the medium-sized cottonwood on the site. There are also no large bodies of water within the vicinity of the site, so it is unlikely that bald eagles would occur except accidentally. Raptor species may utilize the site for hunting. Nests were not observed in any of the trees on or surrounding the site during the site visit.

The Project area also provides habitat for additional mammals, including rodents, ungulates, and carnivores. Other than mule deer, other mammals observed during the site reconnaissance included porcupine (*Erethizon dorsatum*) and cottontail rabbit (*Sylvilagus* sp.). No other mammals were observed during the site reconnaissance, but other species may be expected to occur, including coyotes (*Canis latrans*), pronghorn (*Antilocapra americana*), gray foxes (*Urocyon cinereoargenteus*), red foxes (*Vulpes vulpes*), and small fossorial mammals (*Geomidae* family).

No prairie dog (*Cynomys* spp.) colonies were present within the Project Area, and no other burrows or dens were observed that would suggest nesting or roosting habitat for the state threatened burrowing owls exists. The Project Area is within burrowing owl breeding range, and thus, burrowing owls could migrate through the area. However, the lack of nesting and roosting resources suggest burrowing owls are unlikely to use the site even in migration. The Project area is within the Block Clearance Zone for the state and federally threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*), thus impacts to the species are not likely.

Several species of migratory birds were observed during the site visit, including horned lark (*Eremophila alpestris*), western meadowlark (*Sturnella neglecta*), vesper sparrow (*Pooecetes gramineus*), barn swallow (*Hirundo rustica*), dusky flycatcher (*Empidonax oberholseri*), northern house wren (*Troglodytes aedon*), broad-tailed hummingbird (*Selasphorus platycercus*), brown-headed cowbird (*Molothrus ater*), red-winged blackbird (*Agelaius phoeniceus*), and American robin (*Turdus migratorius*). These species all have potential to breed on the Project site. Additional, non-breeding migratory bird species observed during the site visit included white-crowned sparrow (*Zonotrichia leucophrys*), chipping sparrow (*Spizella passerina*), green-tailed towhee (*Pipilo chlorurus*), Swainson's thrush (*Catharus ustulatus*), orange-crowned warbler (*Leiothlypis celata*), and yellow-rumped warbler (*Setophaga coronata*).

No amphibians were observed during the survey, and it is unlikely any would occur except in the vicinity of W1 and W2, which both have small open water areas within them where amphibian breeding could occur.

4.0 SUMMARY OF IMPACTS

4.1. Vegetation

Development of the Project site would unavoidably disturb existing vegetation within the Level IV Foothill Grasslands ecoregion. Most of the site is already grubbed and graded, so about only a small area of remaining grasslands would be potentially affected by the future residential development. Based on the site survey completed in May 2026, it is unlikely that any sensitive plant communities will be impacted.

Additionally, some wetland vegetation is expected to be disturbed, as construction of channel improvements will be required to support the development. W1 and W2 are surrounded by riparian vegetation as well, some of which will be affected. Wetland vegetation observed during the wetland determination included a combination of emergent vegetation, shrubs, and aquatic vegetation in the open water portion of W1, representing diverse, well stratified wetland community types throughout the site. Further information about the wetlands on the site can be found in the Project's formal wetland delineation report.

4.2. Soils

Soils at the site included sandy loams belonging predominantly to the Columbine series, Pring series, and Stapleton-Bernal series, and loamy sands belonging to the Blakeland series, and the minor Pleasant component. The majority of the site is rated 'Not Limited' for the development of residential buildings, with or without basements. Only the Stapleton-Bernal series, which is found along the floodplain of Cottonwood Creek, is rated as 'Somewhat Limited' for development of residential buildings. Soils do not represent a significant constraint to residential development.

4.3. Significant Topography and Natural Landforms

The main natural landform identified during the site survey was the channel of Cottonwood Creek. This channel and its floodplain play a significant role in the hydrology that feeds the wetlands on site. Flows in this drainageway also contribute to erosion of the slopes surrounding the wetlands which are steep and unstable. Project development will not alter the hydrology of the channel and will continue to use it as a natural drainageway and 'No Build' area. Changes in surface runoff are expected based on increases in impervious surfaces, which could reduce groundwater infiltration, alter sediment transport, increase erosions, and affect wetland habitat quality in Cottonwood Creek. As such, channel improvements will be required in a portion of the wetlands/riparian area/floodplain. The rest of the site consists of rolling foothill grasslands and graded area, lacking any other significant geologic features that could be affected by site development.

4.4. Aquatic Resources

There are two aquatic resources on the Project site, both associated with Cottonwood Creek. Both wetlands are assumed to be jurisdictional wetlands and Waters of the U.S. and the State of Colorado. Further information about the aquatic features present on the site can be found in the report in the *Schmidt Wetland Delineation Report*.

4.5. Noxious Weeds

Noxious weeds are present on the Project site in several areas but in limited quantities. List A Species, which require reporting and eradication by Colorado law (Colorado Department of Agriculture [CDA] 2006), were not detected. List B Species require either eradication, containment, or suppression; List C Species require control through either public education or chemical control. List B and List C noxious weeds that were detected during the site reconnaissance included:

List B:

- Canada thistle
- Yellow toadflax

List C:

- Common mullein

It is possible that additional noxious weed populations may be present on the site. A site inventory to identify and map noxious weeds during the growing season would be required to accurately catalogue all populations. In accordance with EPC requirements, noxious weeds on the site should be identified and controlled prior to and following construction.

4.6. Wildfire Hazard

Approximately 50% of the Project area is rated as “Low” wildfire risk to assets, 47% of the Project area is mapped as ‘Lowest’ risk, and 3% “Moderate”. The site is rated around 85% Level 6 ‘Moderately High’ and 15% Level 5 ‘Moderate’ in terms of burn probability based on the available fuels at the site, which includes disturbed and undisturbed grasslands. Fire intensity varies across the site, with ratings from ‘Lowest’ to ‘Moderate’, with about half of the site rated as ‘Moderate’. The areas of “Lowest” fire intensity generally correspond to the old gravel pit area, where there is little to no vegetation. The site is within the Black Forest Fire Protection District, and the nearest fire response is Station 1, which is located about 3.5 miles from the site.

Development of the site would result in a reduction of the available fuels for wildfires, and would potentially reduce fire intensity through the removal of grasslands, while simultaneously increasing the values and assets present on the site, as well as increasing potential ignition sources. As such, the overall wildfire risk index for the Project is expected to be somewhat higher after development.

4.7. Wildlife

Similar to the impacts for vegetation, some wildlife will inevitably be affected by development of the Project area. Some species that prefer suburban habitats, including some species of birds, are expected to benefit from an increase in planted trees and bird feeders in yards. Any designated open spaces, such as the planned park, floodplain, and detention pond surrounding Cottonwood Creek, may also conserve some of the grassland and wetland habitats that are currently available, but open, undisturbed grasslands are expected to be reduced overall.

Since grasslands are the most dominant habitat type, grassland species are expected to experience the greatest adverse impacts. Deer, foxes, bears, and coyotes may experience adverse effects from the increase in urbanization in close proximity to wildland areas. Bears in the nearby forested areas in particular may be attracted by the increase in available anthropogenic food sources. Few sensitive species were present and only in small numbers and thus are not expected to be affected any more than other species. State SC black-tailed prairie dogs were not present, and thus the state-threatened burrowing owl is also not anticipated to be present on the Project site. The site is within the Block Clearance Zone for the state and federally threatened Preble's meadow jumping mouse, thus the species is not anticipated to use the Project site.

Implementation of a stormwater management plan will assist in protecting water quality downstream, which will provide some benefits to aquatic species including invertebrates. Detention facilities may add seasonal water features that could support additional wildlife such as waterfowl and amphibians.

4.8. Federally Listed T&E Species

The IPaC identified five federally listed T&E species within the project area, but the likelihood of impacts to any of these species is unlikely to nonexistent. All listed species are either precluded because the Project will not involve water depletions in the Platte River watershed (piping plover) or because there is little to no suitable habitat present (Eastern black rail, monarch butterflies, Suckley's cuckoo bumblebee, and Ute ladies-tresses orchid).

5.0 RECOMMENDATIONS

Upon completion of a desktop review, site reconnaissance, and wetland assessment, B.E. finds that some environmental constraints are present within the Project area. Constraints are summarized below within the regulatory context that they apply, and recommendations are provided.

5.1. Clean Water Act

Section 404 of the Clean Water Act prohibits the discharge of dredge or fill material into WOTUS (including wetlands) without a valid permit. Wetland habitats are present on the site and are assumed to be regulated. A formal wetland delineation was performed on May 4th, 2026, finding a total of 2.33 acres of palustrine emergent and scrub-shrub wetlands present on the site. All wetlands on the site are presumed to be federally jurisdictional. A Section 404 permit would be required if wetlands on the site are impacted by development, as expected.

5.2. Endangered Species Act

Section 9(a)(1) of the Endangered Species Act prohibits the take of federally listed species and their habitats, and defines such take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. § 1531). There is no suitable habitat for any of the listed species identified in the IPaC data (**Appendix B**). Other federally listed species occurring downstream of the Project area would not be affected because the Project will not involve water depletions from the river basins where these species occur. No impacts to any federally listed species are anticipated from site development. B.E. has requested concurrence from the USFWS for a determination of ‘No Concerns’, and confirmation will be provided when it is received.

5.3. Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act

Migratory birds, and the parts, nests, or eggs of such a bird receive statutory protection under the Migratory Bird Treaty Act, which prohibits the intentional take of migratory birds. Bald eagles and golden eagles receive additional statutory protection from accidental take and disturbance under the BGEPA. Both acts particularly apply to nesting birds and their nests. There were no nests observed on the site, and suitable nesting substrates for raptors were not available within the site. Nesting substrates for other migratory birds are present in the form of open grasslands, which are expected to be used by some migratory birds during the breeding season.

It is recommended that vegetation clearing/grubbing/grading of the site occur outside of the nesting season (March 15th to July 31st) to avoid disturbing nesting migratory birds. If such timing restrictions are not possible, B.E. recommends conducting a migratory bird nesting survey during the nesting season to ensure impacts to nesting birds do not occur. In particular, ground nesting songbirds are expected to use the available grasslands at the site and surveys should be conducted to avoid disturbance.

5.4. Colorado Noxious Weed Act

In order to ensure Project compliance with the Colorado Noxious Weed Act, and to comply with the requirements of El Paso County’s Noxious Weed Management Plan, the Project should be

May 28, 2026

inventoried and site-specific weed management should be implemented. In particular, control of Canada thistle and yellow toadflax (or any other List B noxious weeds observed on the site) is required by Colorado law. Mechanical and/or chemical control by a licensed herbicide applicator is recommended.

5.5. Non-Statutory Considerations

There is potential for other wildlife, including big game such as black bears and mule deer, to occur within the site. However, no big game migratory routes traverse the Project. The site is listed as a mule deer and pronghorn concentration area by CPW, as well as an area of potential human conflict for black bears. Coordination with CPW is recommended to determine the appropriate avoidance measures to take during and after construction regarding general wildlife. Impacts to wildlife should be reduced as much as is practical through the implementation of typical covenants, such as using bear-resistant trash containers and fencing that allow safe passage for game animals.

Should you have any questions regarding the information or recommendations provided in this report, please feel free to contact Bristlecone Ecology at dmaynard@bristleconeecology.com.

Sincerely,

Bristlecone Ecology, LLC



Daniel Maynard
Owner/Ecologist

6.0 REFERENCES

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APPENDIX A

PHOTOGRAPHIC LOG



PHOTO 1 – View facing southwest of the shrub-scrub (PSS) wetlands within W1. This wetland is associated with Cottonwood Creek. It is dominated by shining willow, Baltic rush, and creeping bentgrass. The surrounding uplands, which can be seen in the foreground represented by dry graminoids, are dominated by common snowberry (*Symphoricarpos albus*), blue grama, and Junegrass (*Koeleria macrantha*).



PHOTO 2 – View facing north of the palustrine aquatic bed (PAB) portion of W1. This portion of the wetland was open water during the site visit and was surrounded by cattails (emergent marsh) and willows (shrub-scrub wetlands).



PHOTO 3 – View facing northwest of the wetlands within W2, also associated with Cottonwood Creek. Typical rolling grasslands in the areas that have not been graded can also be seen in the foreground and background of the photo. The creek topography is generally wide and flat, without a clear channel in some areas. There was water flowing through the creek during the site survey.



PHOTO 4 – View facing east at the western edge of W2. A small channel was conveying flowing water during the time of the survey, showing clear wetland and stream hydrology. This portion of the wetland was shrub-scrub, dominated by shining willow, with also Baltic rush and creeping bentgrass in the herbaceous layer. Blue grama becomes dominant outside of the wetland.



APPENDIX B

IPAC RESOURCE LIST



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: 2026-0094164
Project Name: Schmidt Development

05/25/2026 17:23:58 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 (ESA) 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 these species or critical habitats ([Colorado Ecological Services Field Office](#)). Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. We recommend 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 ESA 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 ESA and its implementing regulations ([50 CFR 402](#)), Federal agencies are required to use 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 like a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines 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 Federal agencies also address proposed species and proposed critical habitat within the consultation (see Conferencing below) and consider candidate species. 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>.

Projects and activities without a Federal nexus (e.g., without Federal funding, permit, or authorization) should be evaluated for the potential to "take" listed wildlife. Take does not apply to listed plants and to designated critical habitat. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct ([ESA Section 3, Definitions](#)). Harm in the definition of "take" in the ESA means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering ([50 CFR 17.3](#)).

Conferencing: Conferencing for species proposed for Federal listing or for proposed critical habitat is only required if a proposed action is likely to jeopardize the continued existence of a species or will result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10). If an action agency determines that their action would not jeopardize the continued existence of the proposed species and/or would not result in the destruction or adverse modification of proposed critical habitat, the determination should be saved in the agency's project record. Agencies may request a voluntary conference to address adverse effects; however, at this time the Colorado Field Office intends to not conduct voluntary conferences for the species discussed in this cover letter.

For purposes of ESA section 7 consultation, we treat experimental populations (e.g., gray wolf in Colorado) as if they are proposed for listing, except on National Park Service and National Wildlife Refuge system lands, where they are treated as threatened. Evaluations for proposed species are completed under the regulations for conferencing ([50 CFR 402.10](#)).

Gray Wolf: On November 8, 2023, the Service promulgated an ESA section 10(j) (i.e., nonessential experimental population or NEP) rule (10(j) rule) for gray wolf (*Canis lupus*) within the State of Colorado ([88 FR 77014](#)). In the 10(j) rule, the Service determined that the loss of the Colorado NEP would not be likely to appreciably reduce the likelihood of survival of the species in the wild and that the establishment of the NEP would benefit recovery by increasing redundancy and representation. Furthermore, it is unlikely that typical agency actions in Colorado, especially those with temporary impacts to habitat, will result in any adverse effects to the gray wolf. Agencies may consider implementing voluntary conservation measures near active dens and rendezvous sites. See Conferencing above.

Colorado River Fish, Platte River Species, & Depletions: Formal interagency consultation under section 7 of the ESA is required for projects that may lead to depletions of water from any system that is a tributary to the Colorado River. Federal agency actions resulting in water depletions to the Colorado River system may affect the endangered bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), and the threatened humpback chub (*Gila cypha*), and their designated critical habitats. Similarly, formal consultation is required for projects that may lead to depletions of water from the Platte River, affecting the endangered pallid sturgeon (*Scaphirhynchus albus*), threatened piping plover (*Charadrius melodus*), threatened western prairie fringed orchid (*Platanthera praeclara*) the endangered whooping crane (*Grus americana*), and the whooping crane's designated critical habitat. Additional information on the Platte River Recovery Implementation Program is available here: <https://www.fws.gov/media/federal-depletions-plan-platte-river-recovery-implementation-program>.

Water depletions include evaporative losses and consumptive use of surface or groundwater within the affected basin, often characterized as diversions minus return flows. Project elements that could be associated with depletions include, but are not limited to: ponds, lakes, and reservoirs (e.g., detention, recreation, irrigation, storage, stock watering, municipal storage, and power generation); drilling, hydraulic fracturing and completion of oil and gas wells; hydrostatic testing of pipelines; water wells; dust abatement; diversion structures; and water treatment facilities. Any actions that may result in water depletions should be identified. An analysis of the water depletion should include: an estimate of the amount and timing of the average annual water use (both historic and new uses) and methods of arriving at such estimates; location of water use or where diversion occurs, as specifically as possible; if and when the water will be returned to the system; and the intended use of the water. Depending on Project details, the Service may have more specific questions regarding the potential consumptive use of the water.

The Service, in accordance with the Upper Colorado River Endangered Fish Recovery Program (<https://coloradoriverrecovery.org/uc/>), adopted a [de minimis policy](#), which states that water-related activities in the Upper Colorado River Basin that result in less than 10 acre-foot per year of depletions in flow have no effect on the Colorado River endangered fish species and their critical habitat, and thus do not require consultation for potential effects on those species and critical habitat. While no section 7 consultation is needed, the Service requests Federal agencies notify the Upper Colorado Fishes Coordinator of depletions between 0.1 and 10 acre-feet per year with the approximate location of the project (e.g., reference to the most proximate surface water or tributary), the water use (e.g., agricultural, oil and gas, energy), and the timing of and depletion amount. Similarly, detention basins designed to detain runoff for less than 72 hours, and temporary withdrawals of water outside of critical habitat (e.g., for hydrostatic pipeline testing) that return all the water to the same drainage basin within 30 days, are considered to have no effect and do not require consultation.

Suckley's Cuckoo Bumble Bee: On December 17, 2024, Suckley's cuckoo bumble bee (*Bombus suckleyi*) (Suckley's) was proposed for listing as an endangered species (89 FR 102074). Suckley's is an obligate social parasite of social bumble bees in the genus *Bombus*. Suckley's cannot successfully reproduce without the availability of suitable host colonies. It is a semi-specialist parasite and confirmed to usurp nests of Western bumble bee (*Bombus*

occidentalis) and Nevada bumble bees (*Bombus nevadensis*) (Service 2024). Based on the best available information, no Suckley's have been observed in Colorado since 2014 despite ongoing surveys. The Species Status Assessment (SSA) shows observations since 2018 occur only in northern latitudes, primarily in Canada ([Service 2024](#)), but the species may persist in high quality upper elevation habitats in western States.

While Suckley's is proposed for listing, there is no prohibition of "take" under Section 9 of the ESA; therefore, projects without a federal nexus, do not need to engage with the Service to exempt take under the ESA. However, we encourage everyone to incorporate conservation measures benefiting pollinators and pollinator habitat into projects. Examples include retaining suitable foraging (diversity and abundance of native floral resources), nesting (suitable host colony above or below ground), and overwintering habitat (loose substrates such as leaf litter, duff, rotting logs); maintaining habitat for host bumble bees by avoiding impacts to abandoned underground holes (rodent burrows); and revegetation efforts that include native seed mixes with a diversity of nectar plants (<https://www.xerces.org/monarchs/monarch-nectar-plant-guides>) to promote an abundance and diversity of native floral resources. Additionally, we recommend supporting and conducting general bumble bee and pollinator surveys. You may also consider tools that offer regulatory assurances should Suckley's become a listed species. For example, on January 22, 2026, the Service [Proposed a Nationwide Conservation Benefit Agreement for Bumble Bees](#).

At this time, the Colorado Field Office will not be participating in voluntary conferences for the species. Nationally, the Service is developing range-wide consultation guidance and streamlining tools for the Suckley's, and we will share these as they become available.

Monarch Butterfly: The monarch butterfly (*Danaus plexippus*) was proposed threatened under the Endangered Species Act (ESA) on December 12, 2024 (89 FR 100662). The proposed listing rule, including a special 4(d) rule, and proposed critical habitat in the California winter range, are available on the species webpage: <https://ecos.fws.gov/ecp/species/9743> and at <https://www.fws.gov/species/monarch-danaus-plexippus>. Two monarch butterfly populations occupy North America – the eastern population which is east of the Rocky Mountains, and the western population which is west of the Rocky Mountains. The eastern population supports well over 90% of the monarchs in North America. Colorado supports both populations. In Colorado, monarch butterfly habitat consists of grasslands, prairies, riparian areas, and urban gardens that support milkweed and a variety of nectar plants. We recommend agencies include proactive conservation measures into their projects such as restoring disturbed areas with local seed mixes with a diversity of nectar plants (<http://www.xerces.org/monarch-nectar-plants/>) and evaluating the full impact of their action (including conservation measures) when considering whether their project will jeopardize the species.

While the monarch butterfly is proposed for listing, there is no prohibition of "take" under Section 9 of the ESA; therefore, projects without a federal nexus, do not need to engage with the Service to exempt take under the ESA. However, we encourage everyone to include conservation measures to benefit monarch butterflies and other pollinators into projects. You may also consider tools that offer regulatory assurances should the monarch become a listed species such

as Conservation Benefit Agreements (CBAs), or you may qualify to enroll into the [Candidate Conservation Agreement with Assurances for the Monarch Butterfly](#).

At this time, the Colorado Field Office will not be participating in voluntary conferences for the species. It is unlikely that typical localized actions in Colorado, especially those with temporary impacts in migratory or breeding habitat, will jeopardize the species. Nationally, the Service continues to develop range-wide consultation guidance and streamlining tools for the Monarch butterfly and other pollinators.

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the 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 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>.

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 ESA. Please include the Consultation Code found in the header of this letter with any request for consultation or correspondence about your project that you submit to our office at ColoradoES@fws.gov.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- 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

Project Code: 2026-0094164

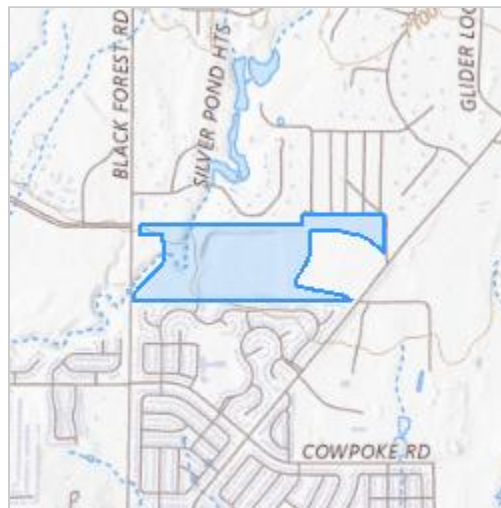
Project Name: Schmidt Development

Project Type: Residential Construction

Project Description: The Project will involve the development of approximately 74 acres of land within El Paso County Parcels No. 5200000570 and No. 5200000577. The Project area is located north of the intersection between Black Forest Road and Vollmer Road; it is bounded on all sides by scattered rural and suburban residential development (Figure 1: Site Location Map). The Project will consist of single-family residential lots, local roads, utilities, and other associated facilities and infrastructure. The site is located in the southeast corner of Section 32 in Township 12S, Range 65W, and can be found on the U.S. Geological Survey's (USGS) Falcon NW 7.5-minute quadrangle (USGS 2020).

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.956718699999996,-104.69503466456189,14z>



Counties: El Paso County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 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 1 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.

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477 General project design guidelines: https://ipac.ecosphere.fws.gov/project/VEVGJHB4HVCDPGIKWOJ4S7XU7I/documents/generated/10809.pdf	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: 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. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743 General project design guidelines: https://ipac.ecosphere.fws.gov/project/VEVGJHB4HVCDPGIKWOJ4S7XU7I/documents/generated/10810.pdf	Proposed Threatened
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 General project design guidelines: https://ipac.ecosphere.fws.gov/project/VEVGJHB4HVCDPGIKWOJ4S7XU7I/documents/generated/10712.pdf	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.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Jul 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Dec 1 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

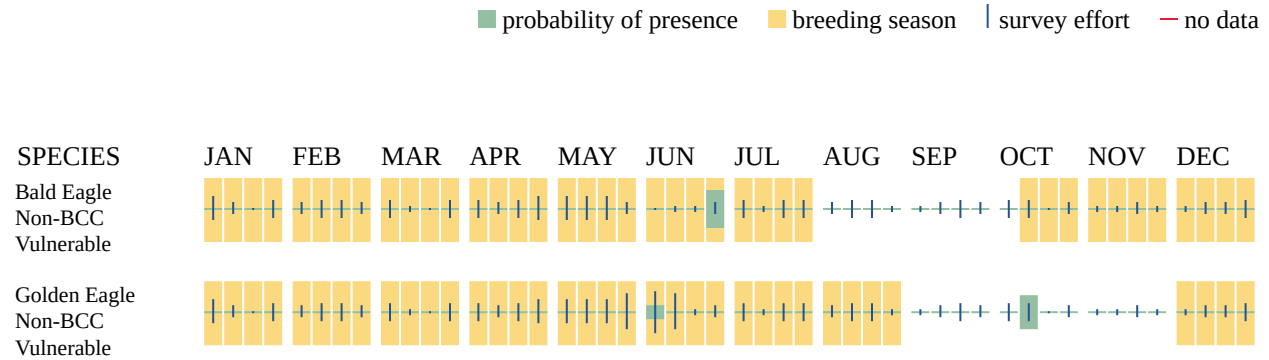
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

-
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)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Jul 31
Broad-tailed Hummingbird <i>Selasphorus platycercus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/11935	Breeds May 25 to Aug 21
Ferruginous Hawk <i>Buteo regalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/6038	Breeds Mar 15 to Aug 15
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Dec 1 to Aug 31
Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Lewis's Woodpecker <i>Melanerpes lewis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9408	Breeds Apr 20 to Sep 30
Northern Harrier <i>Circus hudsonius</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

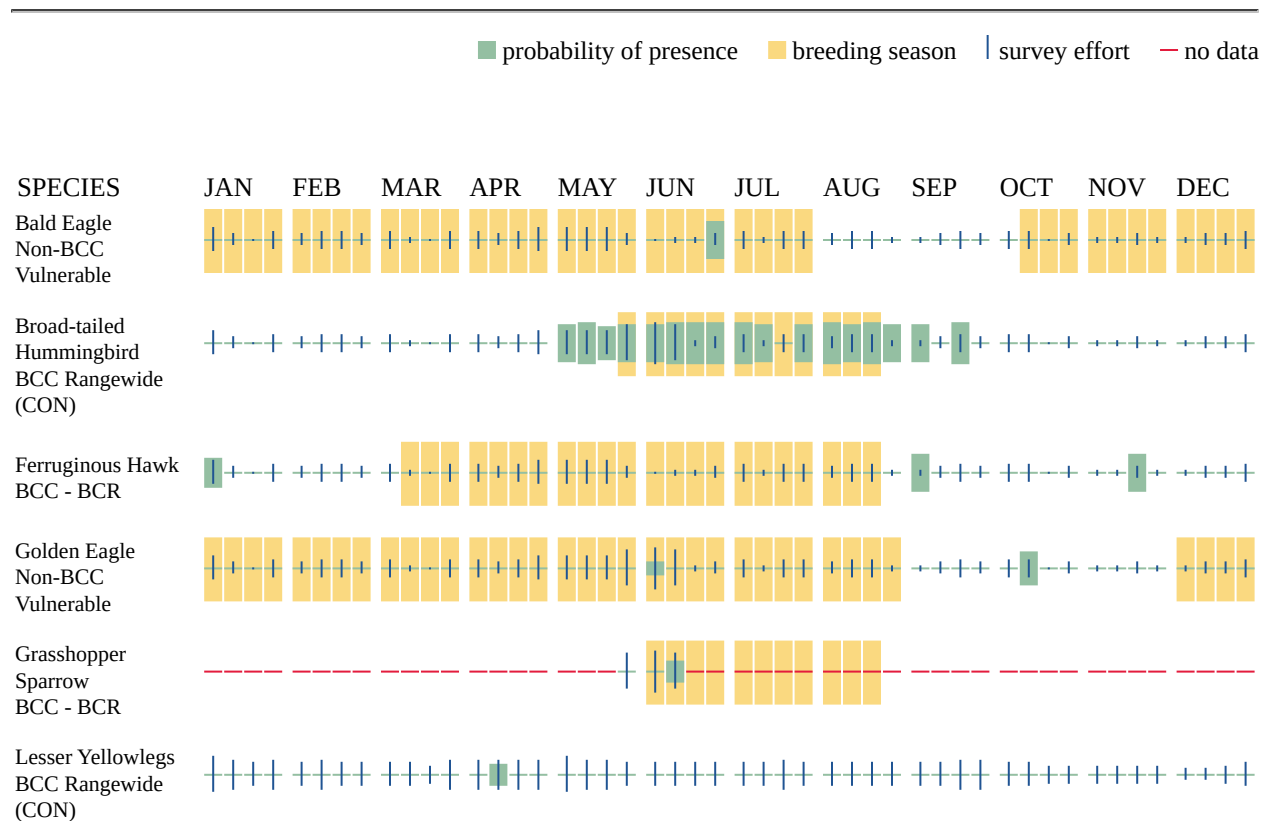
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

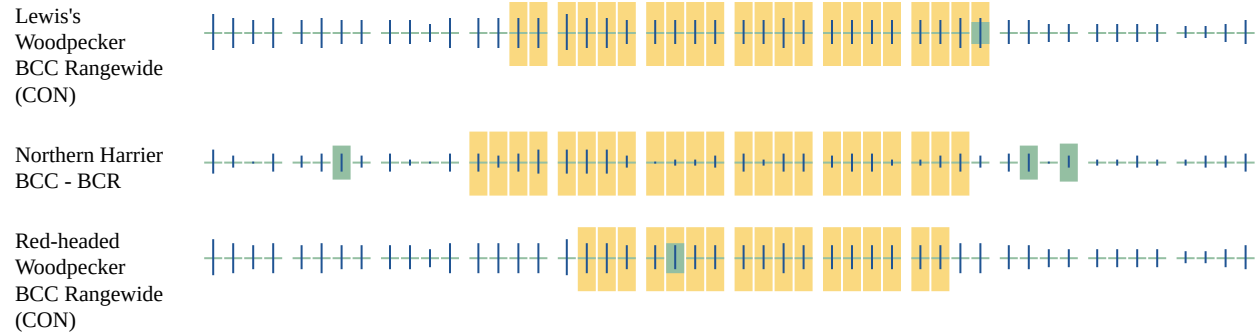
Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

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](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBA

IPAC USER CONTACT INFORMATION

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State: CO
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Email: edealto@bristleconeecology.com
Phone: 9732558335