




March 30, 2026

U.S Fish and Wildlife Service
Colorado Ecological Services Field Office
134 Union Boulevard, Suite 670
Lakewood, CO 80228

RE: Technical Assistance / Effects Determination (
ECOSphere Project Code: 2026-0063618
Carvana Development
City of Fountain, El Paso County, Colorado

To Whom It May Concern:

	Colorado Field Office P.O. Box 25486, DFC Denver, CO 80225	Project Code: <u>2026-0063618</u>
<p>The U.S. Fish and Wildlife Service concludes that, if the project is implemented as described in the information you submitted, the project is not reasonably certain to “take” fish or wildlife listed under the Endangered Species Act of 1973, as amended (ESA; 16 USC 1531 et seq.). If project plans change or new information suggests take could occur, contact this office for reevaluation. Continued compliance with ESA prohibitions of take is mandatory, and it is not possible to absolve individuals or companies from liability for unpermitted take of listed fish and wildlife.</p>		
<p><i>for</i></p>		
<p>Eastern Colorado Supervisor</p>		

This request for technical assistance from the U.S. Fish and Wildlife Service (USFWS) is being submitted in accordance with the requirements of Section 9(a)(1) of the Endangered Species Act (ESA), which 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. § 1538). Carvana, LLC (“Proponent”) is planning to construct a proposed commercial development for vehicle storage (“Project”), to be located west of S. Oak Ranch Road and north of an existing vehicle storage lot in the City of Fountain, El Paso County, Colorado (**Attachment A: Site Location Map**). The Project will involve the development of approximately 27 acres of land within El Paso County Parcel No. 5606000037. The Project will consist of the expansion of an existing vehicle storage lot, as well as associated structures and roads and emergency access driveways. Because Section 9 take restrictions always apply for listed animals, B.E. has reviewed the site for potential habitat that could support listed species which may be affected by site development.

Following review of the site, Bristlecone Ecology, LLC (“B.E.”) has prepared this request for technical assistance for listed species with the potential to be affected by the proposed Project. The Project is in the early stages of design and final plans are not yet available, but one proposed layout is attached (see **Attachment B: Preliminary Site Plan**). Supporting information is provided in the following sections, including a description of the Project and anticipated environmental impact area (EIA) for federally listed species and their respective habitats.

B.E. reviewed lists of threatened, endangered, proposed, and candidate species/critical habitat provided by the USFWS’ Information for Planning and Consultation (IPaC) tool and generated an official species list under ECOSphere Project Code 2026-0063618 (**Attachment C**). After considering the effects of the proposed activity within the anticipated EIA, B.E. has determined that species warranting protection under the ESA are unlikely to be affected by the subject activity for the following reasons:

- A qualified ecologist with B.E. has determined that direct, indirect, and cumulative effects on listed species and their habitats can be avoided entirely or kept to a negligible level through Project design and avoidance, minimization, or mitigation (AMM).
- A qualified ecologist with B.E. has determined that there is minor potential to impact habitat for Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*), but that impacts can be kept to a negligible level through AMM.



March 30, 2026

- A qualified ecologist with B.E. has determined that no potential to impact any other federally protected species and has provided supporting justification.

Listed Species Reviewed

B.E. reviewed the USFWS’ IPaC database for information regarding the potential for threatened, endangered, proposed, and candidate species to occur at the Project site (see **Attachment C: Official IPaC Resource List**). IPaC identified six species as having the potential to occur at the site or be affected by development of the site (**Attachment C**). One of these species – piping plover (*Charadrius melodus*) – is listed under a conditional effects analysis and only needs to be considered if a project will involve water depletions in the N. Platte, S. Platte, or Laramie River basins. The Project is located in the Arkansas River basin and thus will not affect this species. The five remaining species listed in the IPaC query were the federally threatened Preble’s meadow jumping mouse (*Zapus hudsonius preblei* or Preble’s), Eastern black rail, and Ute ladies’-tresses orchid (*Spiranthes diluvialis* or ULTO); and two species proposed for listing as threatened and endangered, respectively – monarch butterfly (*Danaus plexippus*) and Suckley’s cuckoo bumblebee (*Bombus suckleyi*). Each species is discussed individually in the table below (**Table 1**). Those species potentially affected or those requiring additional information are discussed in detail below.

Table 1. Federally Listed T&E Species Potentially Impacted by the Project (USFWS 2024)

Common Name	Scientific Name	Habitat Requirements and Likelihood of Impacts	Federal Status ¹
Mammals			
Preble’s meadow jumping mouse	<i>Zapus hudsonius preblei</i>	Inhabits well-developed riparian corridors with a nearby water source and adjacent, relatively undisturbed grassland communities. Riparian habitat includes a dense combination of grasses, forbs, and shrubs; a taller shrub and tree canopy may be present. Has been found to regularly use uplands at least as far as 100 meters beyond the 100-year floodplain. Likelihood of impacts: Not reasonably certain to adversely affect. The wetland and grassland areas on the site provide some of the primary constituent elements (PCEs) necessary, but do not support sufficient habitat for Preble’s. There is a perennial stream channel, but there are no willows or other shrubs to form a riparian corridor along the stream. The wetlands along the stream are marshy, dominated by bulrushes, sedges, and other graminoids. Without a well-developed riparian element, it is unlikely for Preble’s to inhabit the site.	FT
Birds			
Piping plover	<i>Charadrius melodus</i>	Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska. Likelihood of impacts: None. The Project is not within the river basins listed for a conditional effects analysis.	FT
Eastern black rail	<i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i>	Eastern black rail is a 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. 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: Possible, but unlikely; there is suitable marsh habitat available on-site associated with the stream that flows across the northern portion of the site. If this area were disturbed by development, impacts to the species are possible. This species is discussed further below.	FT

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

Table 1. Federally Listed T&E Species Potentially Impacted by the Project (USFWS 2024)

Common Name	Scientific Name	Habitat Requirements and Likelihood of Impacts	Federal Status ¹
Insects			
Monarch butterfly	<i>Danaus plexippus</i>	Monarch butterflies require milkweeds (<i>Asclepias</i> spp.) as a host plant. This species is proposed for listing as threatened under the ESA. The USFWS is currently reviewing the petition to list the species. There are no statutory requirements for proposed species until the decision to list has been made. Likelihood of impacts: Unlikely; milkweeds were not observed within the Project footprint.	PT
Suckley's cuckoo bumblebee	<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: Unlikely; site development is unlikely to adversely affect bumblebee host colonies.	PE
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 El Paso County. In addition, this species has been proposed for delisting as of January 6, 2025.	FT

¹ FE = Federally Endangered; FT = Federally Threatened; =; PE = Proposed Endangered; PT = Proposed Threatened

Eastern black rail

Eastern black rails have been listed as federally threatened since October 2020 with a 4(d) rule that provides measures that are necessary and advisable to conserve the species (85 FR 63764). For habitat, they require shallow wetlands with dense herbaceous vegetation, usually cattails or bulrushes in Colorado (CPW, n.d.). Emergent vegetation will ideally cover between 90-100% of the total ground cover, according to the Habitat Scorecard for Black Rails v. Jan 2016 (CPW, n.d.) They prefer habitats where surface water is less than 1.2 inches, and does not fluctuate (CPW, n.d.). They may also use the transitional areas between emergent wetlands and upland grasslands to hide from predators and during flooding events.

At the site, there is suitable habitat for this species in the herbaceous wetlands along the unnamed tributary to Fountain Creek that flows from west to east through the undeveloped portion of the site. Eastern black rails have been reported in other marshes in the region, so it is possible that they could utilize the marshes within the site.

Conclusions

B.E. assessed the Project site for potential habitat to support Preble's meadow jumping mouse, Eastern black rails, ULTO, monarch butterflies, and Suckley's cuckoo bumblebees. There was minimal to no habitat present for most of the species listed in the IPaC query. There was suitable habitat for Eastern black rail available; however, the species is unlikely to occur, and if present would only occur within the wetlands and riparian areas of the site, which will not be developed. Should the project include crossing



March 30, 2026

the creek and its wetlands, including building a culvert for a roadway, impacts to suitable habitat could occur. Because impacts will be minimal (approximately 1/10th of an acre), take of Eastern black rails is not expected.

B.E.'s desktop review and on-site habitat assessment concluded that development of the Project is unlikely to affect any threatened, endangered, proposed, or candidate species, or their respective habitats. As such, it is B.E.'s professional opinion that development of the Project is not reasonably certain to result in take of listed species and requests USFWS' concurrence. Should you disagree with this assessment, please do not hesitate to contact Bristlecone Ecology. Thank you for your attention to this matter.

Sincerely,

Bristlecone Ecology, LLC

A handwritten signature in black ink, appearing to read 'Daniel Maynard', is written in a cursive style.

Daniel Maynard
Owner/Ecologist



March 30, 2026

References

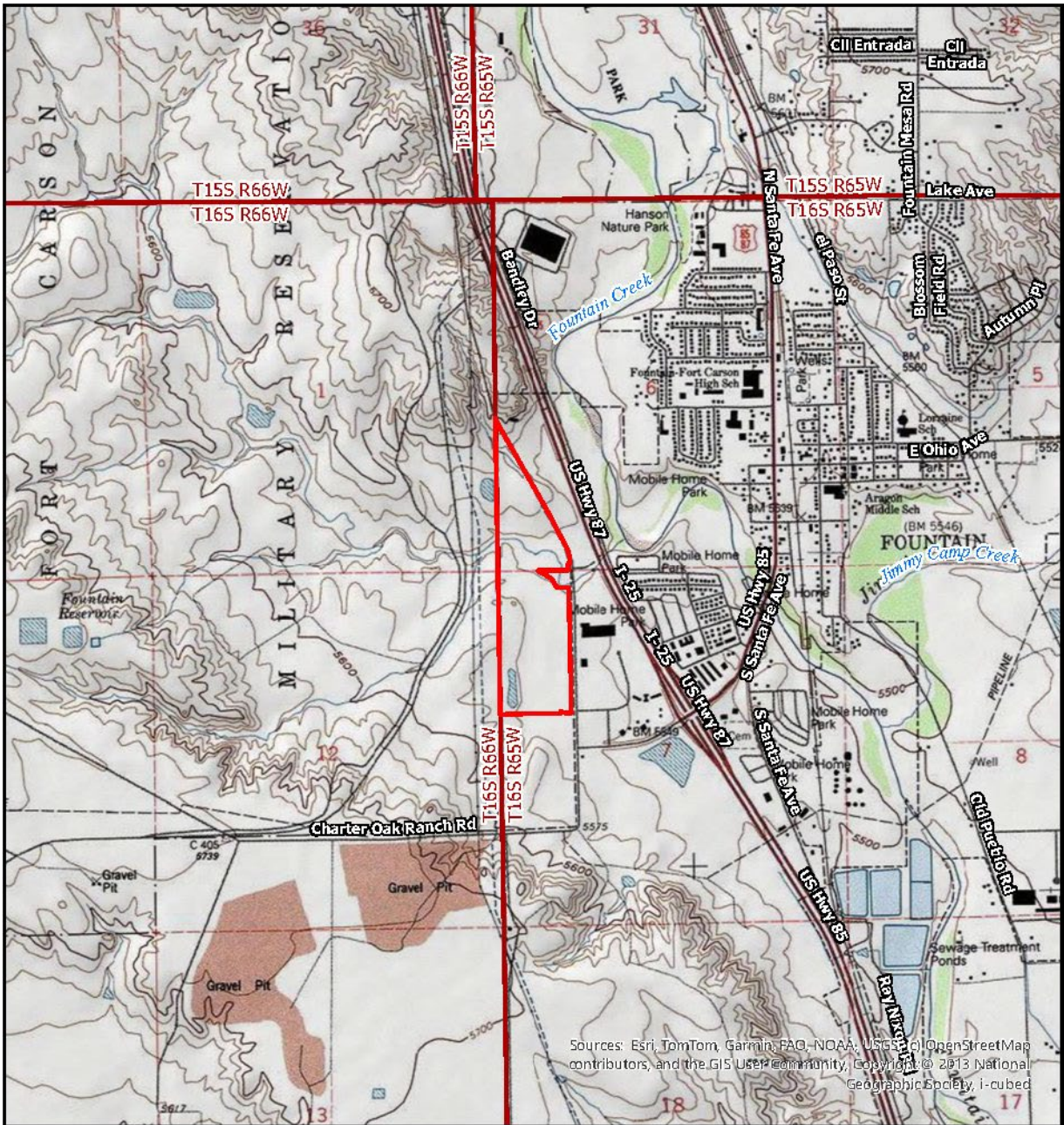
- CPW. 2018. *Species Profiles* for threatened and endangered species. <https://cpw.state.co.us/threatened-and-endangered-wildlife#2194562455-3312324271> Fertig, Walter, Rick Black, and Paige Wolken. 2005. Rangewide Status Review of Ute Ladies'-Tresses (*Spiranthes diluvialis*).
- CPW. n.d. "Wildlife species profiles: Assessing habitat quality for priority wildlife species in Colorado wetlands." CPW Digital Collections. Accessed March 23, 2026. https://cnhp.colostate.edu/download/documents/cwic_docs/CPWSpeciesProfiles/CPWProfiles_blackRail.pdf
- Ryon, T.R. 2001. Summer nests of Preble's meadow jumping mouse. *The Southwestern Naturalist* 46(3):376-378.
- Schorr, R. A. 2001. Meadow Jumping Mice (*Zapus hudsonius preblei*) on the U.S. Air Force Academy El Paso County, Colorado.
- Shenk, T.M., and M.M. Silvert. 1999. Movement patterns of Preble's meadow jumping mouse (*Zapus hudsonius preblei*) as they vary across time and space. Unpublished technical report, Colorado Parks and Wildlife.
- USFWS (United States Fish and Wildlife Service). 2026. Information for Planning and Conservation Online System. <https://ecos.fws.gov/ipac/>. Accessed February 2026.
- USFWS. 2024b. Critical Habitat Portal. Accessed March 2026. http://ecos.fws.gov/tess_public/profile/speciesProfile?spcode=E00F
- USFWS. 1992. Interim Survey Requirements for Ute Ladies-tresses' Orchid (*Spiranthes diluvialis*). https://www.fws.gov/sites/default/files/documents/SPDI_interimSurveyRequirements_1992_revised%202017.pdf
- USFWS. 2025. *Eastern Black Rail - IPaC - FWS.gov*. Generated March 26, 2026. UTC; IPaC v6. <https://ipac.ecosphere.fws.gov/>



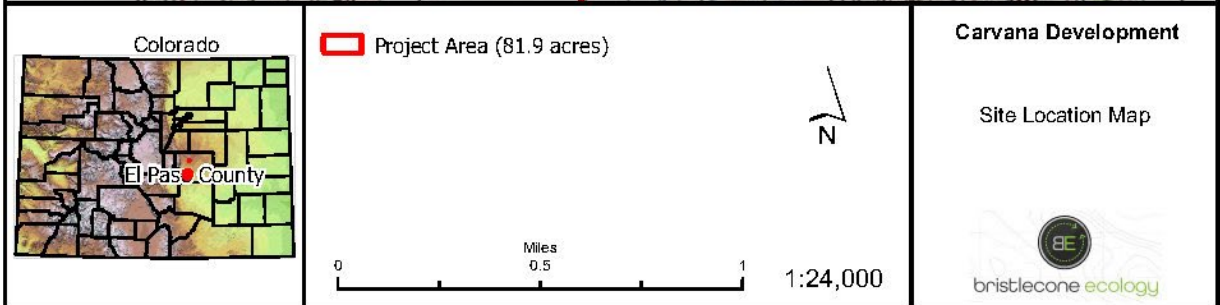
Technical Assistance / Effects Determination Concurrence Request
Caravana Development
City of Fountain, El Paso County, Colorado

March 30, 2026

ATTACHMENT A:
SITE LOCATION MAP



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, i-cubed, OpenStreetMap contributors, and the GIS User Community, Copyright © 2013 National Geographic Society, i-cubed

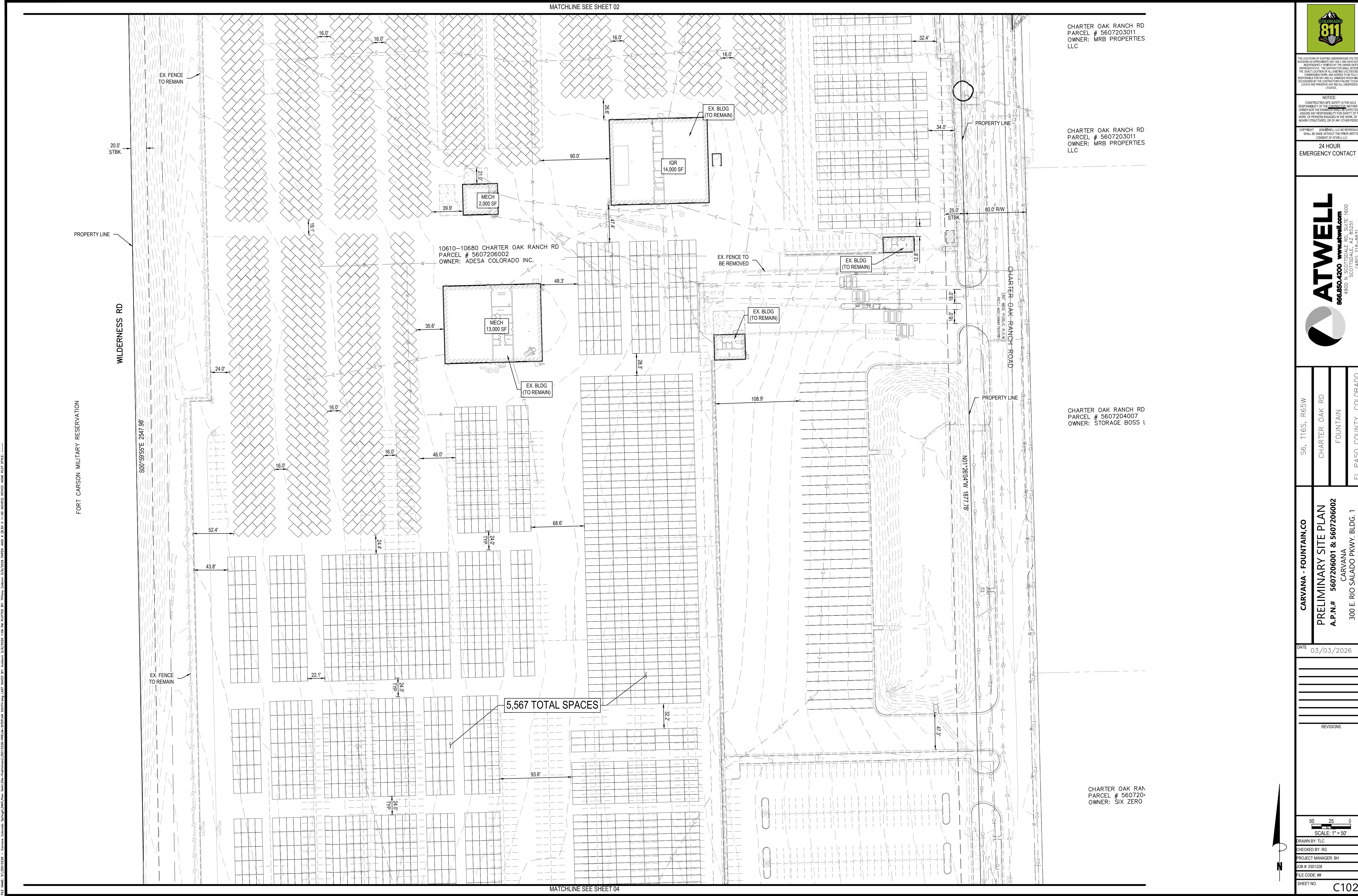




Technical Assistance / Effects Determination Concurrence Request
Caravana Development
City of Fountain, El Paso County, Colorado

March 30, 2026

ATTACHMENT B:
PRELIMINARY SITE PLAN



MATCHLINE SEE SHEET 02

MATCHLINE SEE SHEET 04

CHARTER OAK RANCH RD
 PARCEL # 5607203011
 OWNER: MRB PROPERTIES LLC


CHARTER OAK RANCH RD
 PARCEL # 5607203011
 OWNER: MRB PROPERTIES LLC

CHARTER OAK RANCH RD
 PARCEL # 5607204007
 OWNER: STORAGE BOSS L

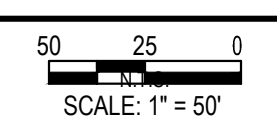
CHARTER OAK RAN
 PARCEL # 5607204007
 OWNER: SIX ZERO

10610-10680 CHARTER OAK RANCH RD
 PARCEL # 5607206002
 OWNER: ADESA COLORADO INC.

5,567 TOTAL SPACES



ATWELL
 866.850.4200 www.atwell.com
 4900 N. SCOTTSDALE RD., SUITE 1600
 SCOTTSDALE, AZ 85251
 (COA # 1925)

CARVANA - FOUNTAIN, CO PRELIMINARY SITE PLAN A.P.N.# 5607206001 & 5607206002	S6, T16S, R65W CHARTER OAK RD FOUNTAIN EL PASO COUNTY, COLORADO
DATE 03/03/2026	
REVISIONS	
 SCALE: 1" = 50'	
DRAWN BY: TLC CHECKED BY: RG PROJECT MANAGER: BH JOB #: 2501228 FILE CODE: # SHEET NO.	
C102	

P:\E-MAIL\2501228 - Carvana Colorado - Springs\03032026-5607206001-5607206002-preliminary\2501228-5607206001-5607206002-preliminary.dwg LAST SAVED: 03/03/2026 1:08 PM PLOTTED BY: Tiffany Cochran 3/3/2026 1:45:45 AM 11.00 11.00 (INCHES) DEVICE: HP PLOT 1102



THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THIS PLAN. THESE UTILITIES ARE NOT TO BE DEGRADED OR DESTROYED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND ADVISED TO FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCURRED BY THE CONTRACTOR. UTILITIES TO BE LOCATED AND PRESERVED ARE SHOWN ON ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE OWNER AND THE ENGINEER SHALL BE PROTECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES OR OF ANY OTHER PERSONS.

COPYRIGHT © 2024 ATWELL LLC. NO REPRODUCTION SHALL BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF ATWELL LLC.

24 HOUR EMERGENCY CONTACT



S6, T16S, R65W
CHARTER OAK RD
FOUNTAIN
EL PASO COUNTY, COLORADO

CARVANA - FOUNTAIN, CO
PRELIMINARY SITE PLAN
A.P.N.# 5607206001 & 5607206002
CARVANA
300 E. RIO SALADO PKWY. BLDG. 1
TEMPE, ARIZONA 85281

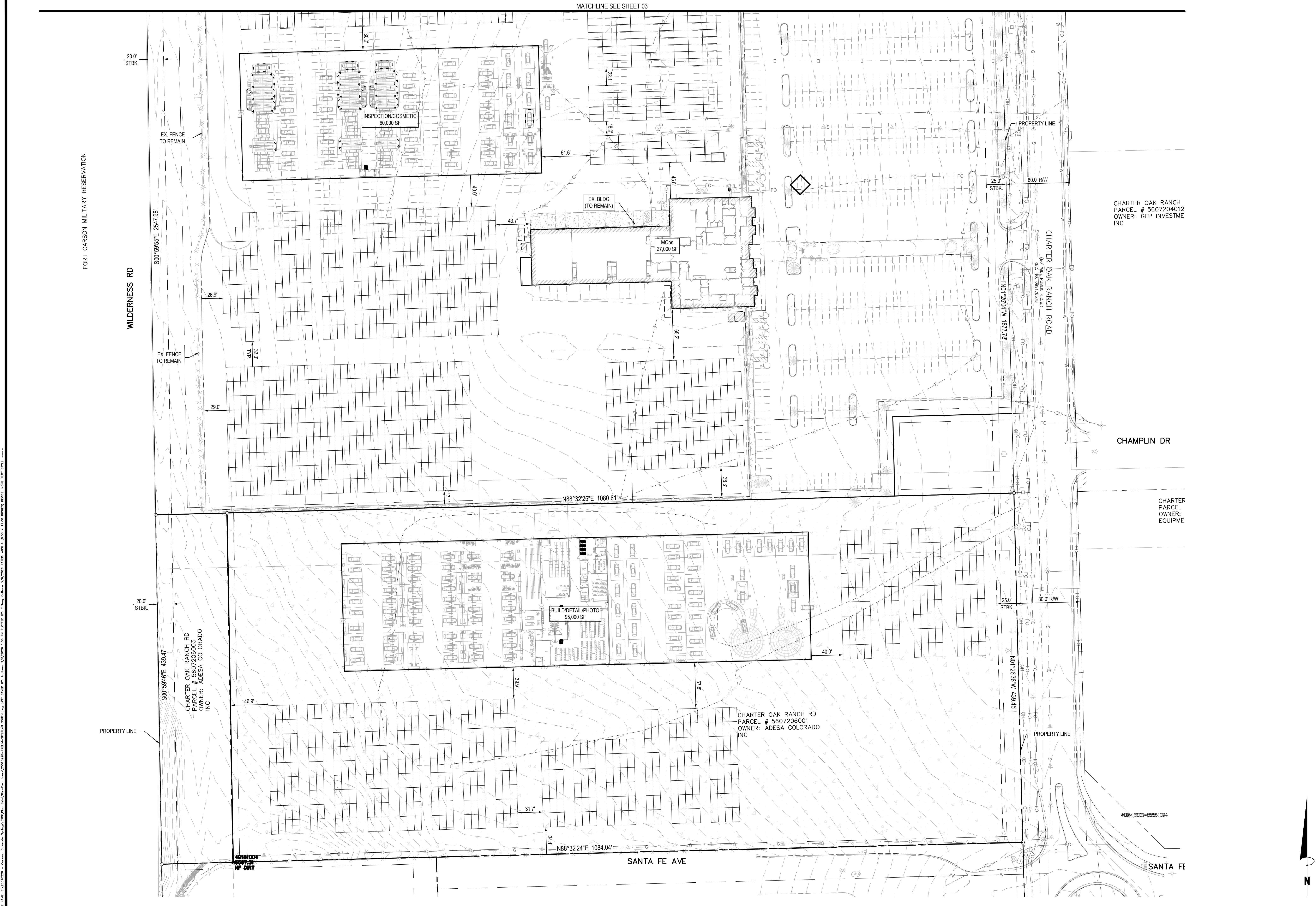
DATE 03/03/2026

REVISIONS

SCALE: 1" = 50'
DRAWN BY: TLC
CHECKED BY: RG
PROJECT MANAGER: BH
JOB #: 2501228
FILE CODE: #
SHEET NO.

C103

MATCHLINE SEE SHEET 03



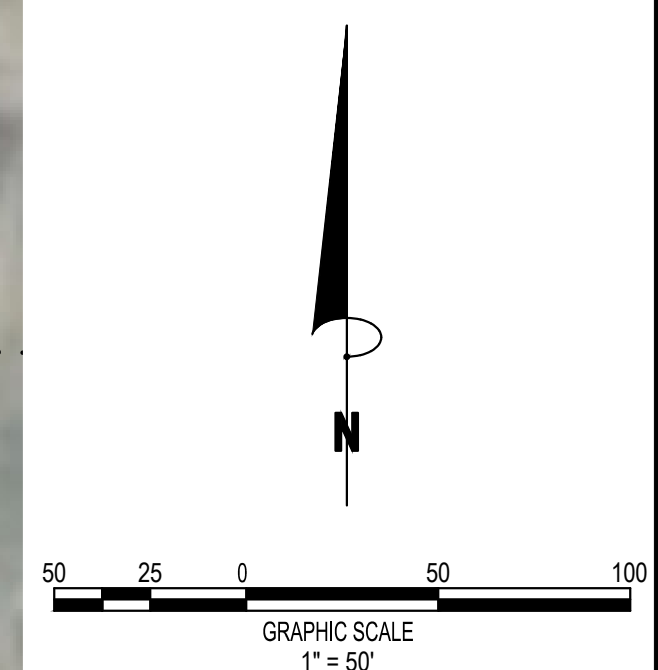
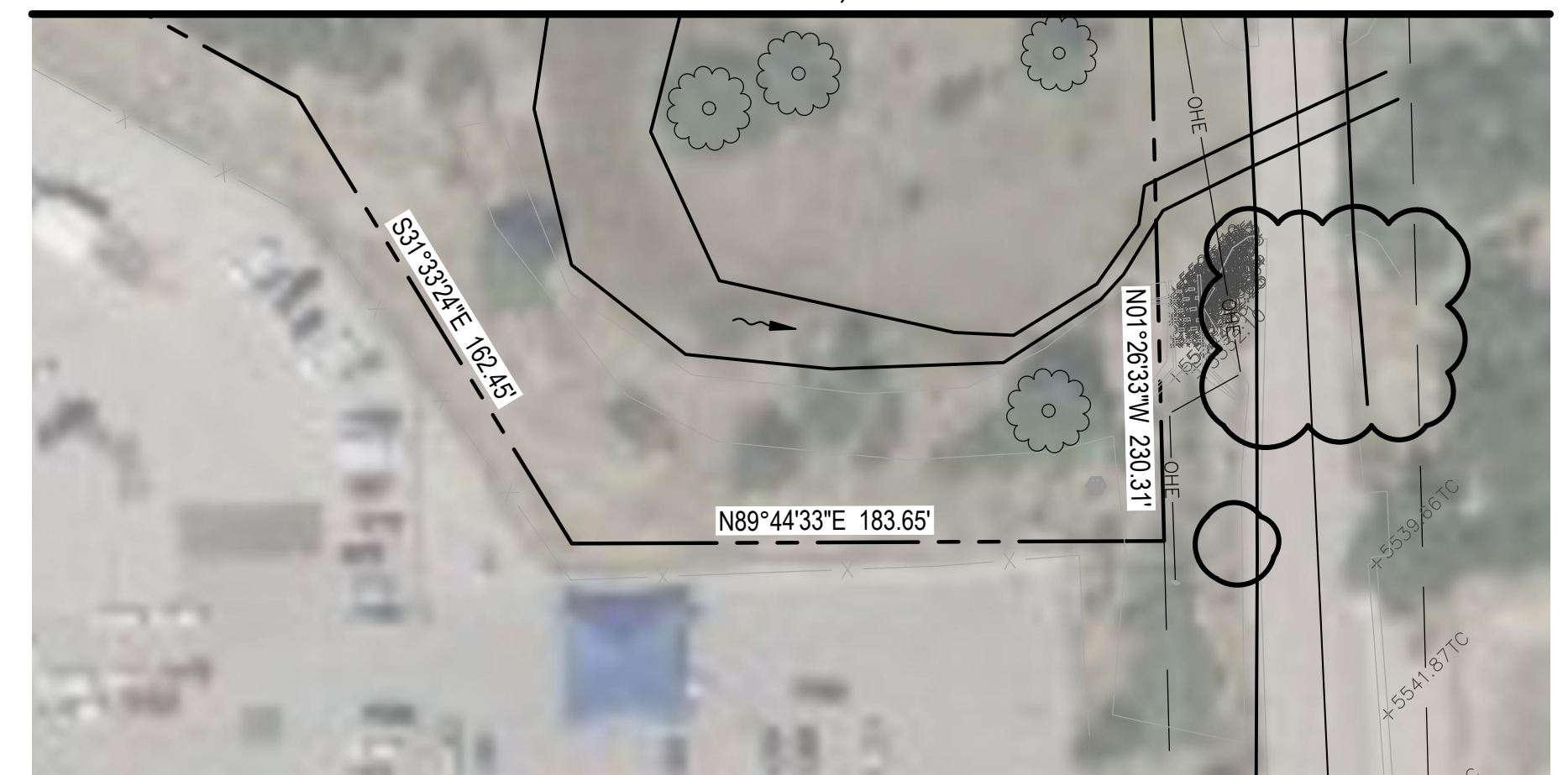
CHARTER OAK RANCH
PARCEL # 5607204012
OWNER: GEP INVESTMENT
INC

CHARTER
PARCEL
OWNER:
EQUIPME

CHARTER OAK RANCH RD
PARCEL # 5607206001
OWNER: ADESA COLORADO
INC

CHARTER OAK RANCH RD
PARCEL # 5607206003
OWNER: ADESA COLORADO
INC

FORT CARSON MILITARY RESERVATION



THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN BY AN APPROPRIATE SYMBOL AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ENGINEER. THE EXACT LOCATION OF ALL UTILITIES SHOULD BE DETERMINED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION WORK AND SHOULD BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCURRED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION WORK AND PRESERVE ALL AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE OWNER AND ENGINEER SHALL NOT BE HELD RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCURRED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION WORK AND PRESERVE ALL AND ALL NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

COPYRIGHT © 2024 ATWELL LLC. NO REPRODUCTION SHALL BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF ATWELL LLC.

24 HOUR EMERGENCY CONTACT

ATWELL
 866.850.4200 www.atwell.com
 4900 N. SCOTTSDALE RD., SUITE 1600
 SCOTTSDALE, AZ 85251
 (COA # 1925)

S6, T16S, R65W
CHARTER OAK RD
FOUNTAIN
EL PASO COUNTY, COLORADO

CARVANA - FOUNTAIN, CO
PRELIMINARY SITE PLAN
 A.P.N.# 5606000037 & 5606000037
 CARVANA
 300 E. RIO SALADO PKWY. BLDG. 1
 TEMPE, ARIZONA 85281

DATE 12/06/2024

REVISIONS

N.T.S.

DRAWN BY: TLC
 CHECKED BY: RG
 PROJECT MANAGER: BH
 JOB #: 24006600
 FILE CODE: #
 SHEET NO. 02

FILE NAME: S:\2024\2024 - Carvana Colorado Springs\02\0228-24\0228-24-01.dwg
 PLOT DATE: 12/06/2024 11:00:00 AM
 PLOT BY: bh
 PLOT SCALE: 1"=50'
 PLOT SHEET: 02 OF 02
 PLOT STATUS: SUCCESS



Technical Assistance / Effects Determination Concurrence Request
Caravana Development
City of Fountain, El Paso County, Colorado

March 30, 2026

ATTACHMENT C:
OFFICIAL IPAC SPECIES 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: 2026-0063618
Project Name: Carvana Development

03/17/2026 16:12:08 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: 2026-0063618

Project Name: Carvana Development

Project Type: Commercial Development

Project Description: Carvana, LLC (“Proponent”) is planning to construct a proposed commercial development for vehicle storage (“Project”), to be located west of S Oak Ranch Road in the City of Fountain, El Paso County, Colorado

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.6789222,-104.71713785579935,14z>



Counties: El Paso County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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.

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

MAMMALS

NAME	STATUS
Preble's Meadow Jumping Mouse <i>Zapus hudsonius preblei</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4090 General project design guidelines: https://ipac.ecosphere.fws.gov/project/X3IS3LOYWVHMJJWSTJEIKW6IGE/documents/generated/10776.pdf	Threatened

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/X3IS3LOYWVHMJJWSTJEIKW6IGE/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: <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. 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/X3IS3LOYWVHMJJWSTJEIKW6IGE/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>	Threatened

NAME	STATUS
------	--------

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/X3IS3LOYWVHMJJWSTJEIKW6IGE/documents/generated/10712.pdf>

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.

-
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.

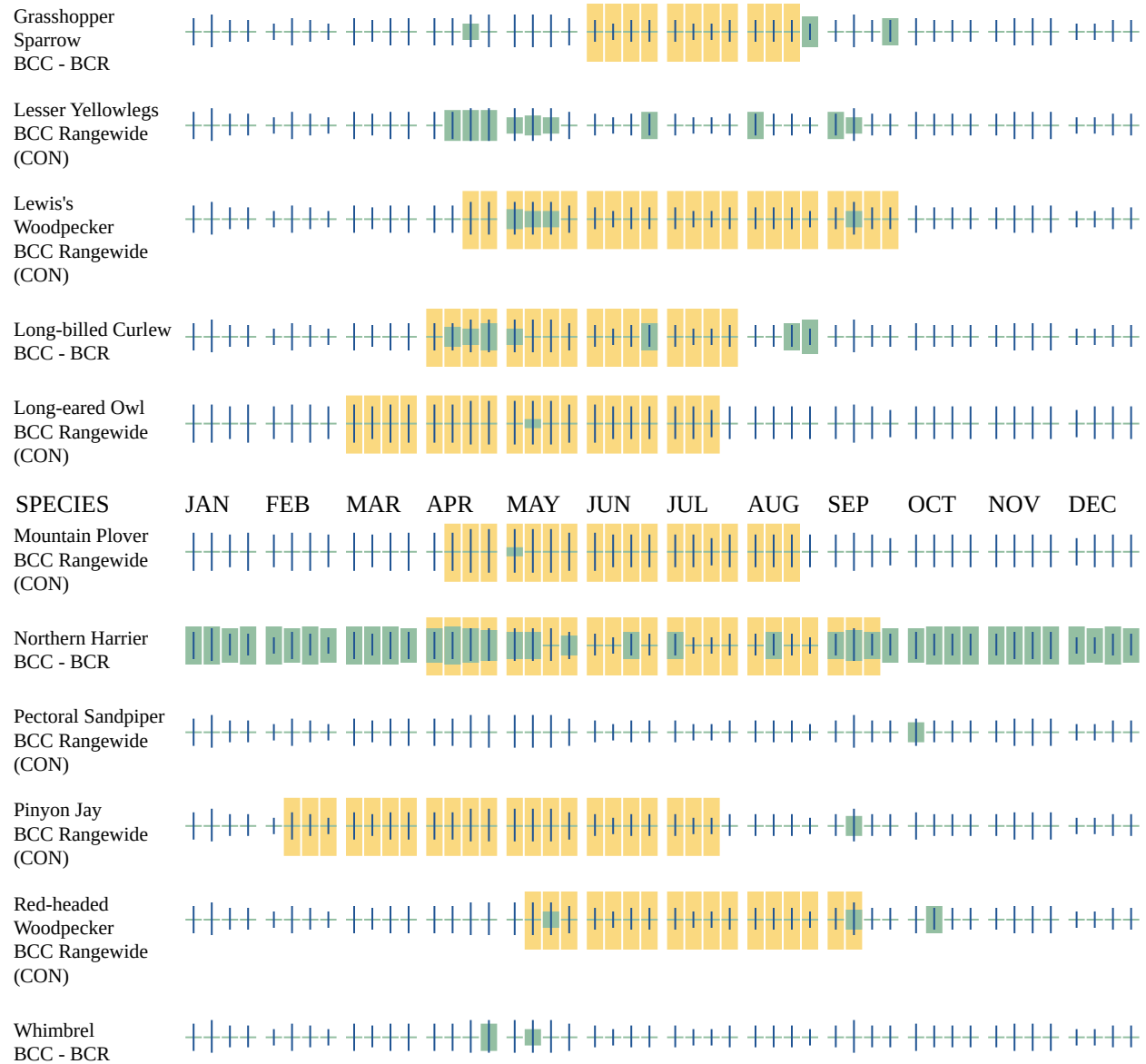
For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<p>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</p>	Breeds Oct 15 to Jul 31
<p>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</p>	Breeds May 25 to Aug 21
<p>Chestnut-collared Longspur <i>Calcarius ornatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9437</p>	Breeds May 1 to Aug 10
<p>Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406</p>	Breeds Mar 15 to Aug 25
<p>Clark's Grebe <i>Aechmophorus clarkii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10575</p>	Breeds Jun 1 to Aug 31
<p>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</p>	Breeds Mar 15 to Aug 15
<p>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</p>	Breeds Dec 1 to Aug 31
<p>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</p>	Breeds Jun 1 to Aug 20
<p>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</p>	Breeds elsewhere

NAME	BREEDING SEASON
<p>Lewis's Woodpecker <i>Melanerpes lewis</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9408</p>	Breeds Apr 20 to Sep 30
<p>Long-billed Curlew <i>Numenius americanus</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/5511</p>	Breeds Apr 1 to Jul 31
<p>Long-eared Owl <i>asio otus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/3631</p>	Breeds Mar 1 to Jul 15
<p>Mountain Plover <i>Charadrius montanus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/3638</p>	Breeds Apr 15 to Aug 15
<p>Northern Harrier <i>Circus hudsonius</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/8350</p>	Breeds Apr 1 to Sep 15
<p>Pectoral Sandpiper <i>Calidris melanotos</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9561</p>	Breeds elsewhere
<p>Pinyon Jay <i>Gymnorhinus cyanocephalus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9420</p>	Breeds Feb 15 to Jul 15
<p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9398</p>	Breeds May 10 to Sep 10
<p>Whimbrel <i>Numenius phaeopus hudsonicus</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/11991</p>	Breeds elsewhere

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](#)



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
- 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.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Emily DeAlto
Address: 2023 W Scott Place
City: Denver
State: CO
Zip: 80211
Email: edealto@bristleconeecology.com
Phone: 9732558335



Technical Assistance / Effects Determination Concurrence Request
Caravana Development
City of Fountain, El Paso County, Colorado

March 30, 2026

ATTACHMENT E:
PHOTOGRAPHIC LOG



Photo 1 – View facing south of an overview of the site. The southern half of the site is already developed. The area between the foreground and developed area are a mesic floodplain and herbaceous wetland, which can provide habitat for Eastern black rail. The remainder of the site is mixed cholla grasslands.



Photo 2 – View facing west of the northern half of the site, where there is an herbaceous wetland and mesic floodplain that might provide habitat for Eastern black rail. A Virginia rail (*Rallus limicola*) was heard in these wetlands during the site survey. These wetlands are entirely herbaceous, lacking any shrub cover that would be suitable for Preble’s meadow jumping mouse.



Photo 3 – Overview of the mesic floodplain and wetlands in the northern half of the site, facing west.