



United States Department of the Interior



FISH AND WILDLIFE SERVICE
134 Union Blvd
Lakewood, Colorado 80228

In Reply Refer to:
FWS/R6/ES/COFO

ECOSphere: 2023-009779

April 7, 2023

Sarah Itz
Environmental Specialist
RESPEC
5540 Tech Center Drive
Colorado Springs, Colorado 80919

Subject: Triview Metropolitan Districts Northern Delivery System, El Paso County, Colorado

Dear Sarah Itz:

You have requested technical assistance from the U.S. Fish and Wildlife Service (Service), regarding Triview Metropolitan Districts (Triview) Northern Delivery System Project (project) in El Paso County, Colorado. The project would bring renewable water to northern El Paso County municipal customers by using existing infrastructure to capture, treat, and convey water to the north end of Colorado Springs Utilities. Triview would construct a booster pump station, the southwestern-most terminus of the water line, and an access road on land owned by the City of Colorado Springs located east of the intersection of Old Northgate Road and Highway 83. This location occurs approximately 45 feet west of the boundary of designated critical habitat for the Preble's meadow jumping mouse (*Zapus hudsonius preblei*), listed as threatened under the Endangered Species Act (ESA). Our review was performed consistent with our authority under the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*).

We received a biological assessment from you on October 27, 2022, after which we determined there was no federal nexus for the project and therefore, no avenue for coverage under section 7 of the ESA. The project is not anticipated to use federal funding nor impact waters of the U.S. resulting in no need for a permit from the U.S. Army Corps of Engineers; therefore, no federal nexus is present. We reached out via email to confirm that there was no federal nexus on November 17, 2022, and received confirmation via email on February 3, 2023. Subsequent correspondence between the Service and RESPEC (on behalf of Triview) indicated that there would be no construction within the designated critical habitat boundary for the Preble's mouse. Further, Triview would not remove any shrubs which could serve as upland habitat/hibernacula for the Preble's mouse due to permanent disturbance resulting from construction of the access road and pump station and temporary disturbance resulting from construction of the open trench waterline.

Triview has committed to the following conservation measures to avoid take of the Preble's mouse:

- Triview will install above-grade fencing to ensure that designated critical habitat is not encroached upon during construction.
- Triview will only conduct construction activities during daylight hours.
- Triview will use El Paso County Conservation District's native seed mix to re-vegetated temporarily disturbed areas.

Given that no activities associated with the project would occur within designated critical habitat, and that Triview has committed to the above conservation measures, we feel that take is not reasonably certain to occur to the Preble's meadow jumping mouse as a result of this proposed project.

We appreciate your request for assistance and encourage you to contact us again if the scope of the project changes or new information indicates that the project may result in take of a listed species. We also encourage you to pass our contact information to construction contractors in the event there are any questions or points of clarification.

Please reference the ECOSphere project code 2023-009779 when contacting our office about this letter. If we can be of any additional assistance, please contact Kristin Salamack of this office at kristin_salamack@fws.gov or by phone at (303) 236-4748.

Sincerely,

Liisa Niva
Eastern Colorado Supervisor
Colorado Ecological Services Field Office

CC:
Gwendolyn Dall, RESPEC

Reference: I:\Salamack\USFWS_Project Assignments\2023\0009779_El Paso Co_Northern Delivery System