

Hay Creek Valley Subdivision

Wildlife Report

February 15th, 2023



Prepared for:

View Homes Inc

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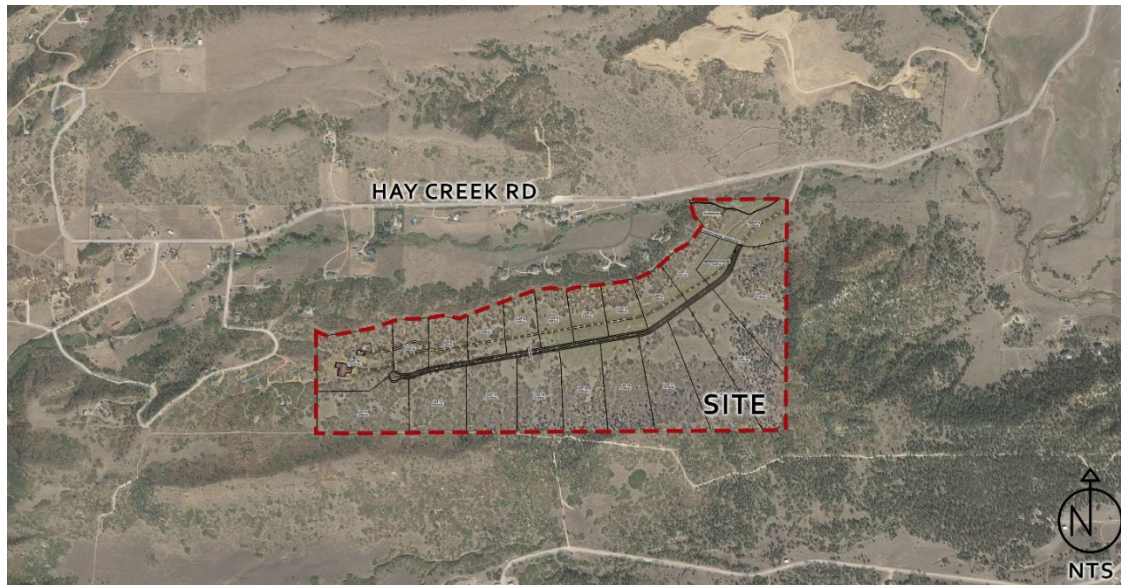
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Site Location, Size, and Zoning:

The Hay Creek Valley Subdivision project is proposing 20 single family rural residential parcels on 214.62 acres located south of Hay Creek and west of Highway 25 to the south of the Town of Monument. The site has one single family residence which shall remain in the western portion of the site. The remainder of the site is vacant grassland and pine forest. The site is currently zoned RR-5 and will remain with proposed parcels ranging in size from 5.5 to 17 acres.



Endangered Species Act Compliance

The Endangered Species Act (ESA) of 1973 is administered by the U.S. Fish and Wildlife Service (USFWS) and protects threatened and endangered species and their habitats. Potentially significant adverse effects to federally listed species and/or their habitats require consultation with USFWS under Section 7 or Section 10 of the ESA (USFWS, 2023a). Prior to visiting the Project Area, Matrix used the USFWS Information, Planning, and Conservation (IPaC) system to determine whether known federally listed species or critical habitat have been documented in El Paso County. The USFWS lists eight threatened, endangered, or candidate species with potential habitat in El Paso County ([Table 1](#)). During the site visit, Matrix assessed the Project Area for potential habitat for threatened, endangered, or candidate species listed under the Endangered Species Act (ESA) of 1973.

Table 1. Federally Threatened, Endangered, and Candidate Species Potentially Found in El Paso County or Potentially Affected by Projects in El Paso County

Scientific Name	Common Name	Status*	Habitat	Habitat Present or Potential to Be Affected by Project?
Birds				
<i>Charadrius melodus</i> **	piping plover	T	Sandy lakeshore beaches and river sandbars	No suitable habitat or depletions of the South Platte River
<i>Laterallus jamaicensis ssp. jamaicensis</i> **	eastern black rail	T	Moist tidal marshes, in areas of short vegetative structures, dominated by salt grass or glasswort.	No suitable habitat or depletions of the Arkansas River
Fish				
<i>Scaphirhynchus albus</i> **	pallid sturgeon	E	Large, turbid, free-flowing rivers with strong current and gravel or sandy substrate	No depletions of the South Platte River
<i>Oncorhynchus clarkii stomias</i>	greenback cutthroat trout	T	Cold freshwater streams and lakes with varying habitat types, dependent on life stages	No suitable habitat
Insects				
<i>Danaus plexippus</i>	monarch butterfly	C	Occur in Colorado during the migration season (May-October)	No suitable habitat
Plants				
<i>Spiranthes diluvialis</i>	Ute ladies'-tresses	T	Moist to wet alluvial meadows, floodplains of perennial stream, and around springs and lakes below 7,800 feet in elevation	No suitable habitat
Mammals				
<i>Canis lupus</i>	gray wolf	E	Temperate forests, mountains, tundra, taiga, and grasslands	No. Not likely to be present within Project Area
<i>Zapus hudsonius preblei</i>	preble's meadow jumping mouse	T	Riparian habitat with scrub shrub communities and adjacent, undisturbed grassland communities, and a nearby water source	Not likely to adversely affect

*T = Federally Threatened; E = Federally Endangered; C = Federal Candidate

**Species may be affected by water depletions or use in the South Platte River basin

Preble's Meadow Jumping Mouse (PMJM; *Zapus hudsonius preblei*) prefer well developed riparian habitat with scrub shrub communities and adjacent, undisturbed grassland communities, and a nearby water source (USFWS, 2023b). Matrix contacted USFWS Preble's Lead Biologist, Kate Lunz, to determine if PMJM were present within

the Project Area. According to Ms. Lunz, United States Army Corp of Engineers (USACE) will initiate an informal consultation with USFWS during the Clean Water Act (CWA) Section 404 permitting process (USFWS, 2023c). The proposed Project is outside of the mapped critical range and based on habitat review during the site visit and no supporting habitat within the proposed construction boundaries, PMJM is not likely to be adversely affected by the proposed Project.

Colorado State-Listed Threatened and Endangered Species, and Other Game and Nongame Species

It is the policy of the State of Colorado that wildlife and their environments are protected, preserved, enhanced, and managed for the use and benefit of its people and its visitors. Under this policy, a list of endangered and threatened species was established by the Colorado Nongame, Endangered, or Threatened Species Conservation Act, which is administered by Colorado Parks and Wildlife (CPW). A complete list of Colorado state threatened and endangered species was obtained from the CPW's State Wildlife Action Plan (CPW, 2015), and there were no threatened, endangered, or candidate species have the possibility to occur or be affected by disturbance-related activities within the Project Area.

CPW notes the following wildlife as present in the area:

- Black bear (potential human-wildlife conflict area)
- Black-tailed prairie dog (Species of Concern in Colorado)
- Elk
- Gunnison's prairie dog
- Moose
- Mountain lion (potential human-wildlife conflict area)
- Mule deer
- Preble's meadow jumping mouse (Threatened species, USFWS)
- White-tailed deer
- Wild turkey
- Numerous small mammals, amphibians, and reptiles

Under TITLE 33 – NONGAME AND ENDANGERED SPECIES CONSERVATION, it is unlawful for the take, possession, transport, export, processing, sale, or shipment of nongame wildlife and/or wildlife appearing on the list of wildlife indigenous to the state determined to be endangered or threatened. Additionally, under state regulations, other game or nongame species may require a special permit for intended take or removal.

Migratory Birds, Raptors, and Eagles

Migratory birds, including raptors, and their active nests are protected under the Migratory Bird Treaty Act (MBTA). The MBTA prohibits the removal or disturbance of

active nests that would result in the loss of eggs or young. All bird species mentioned in **Table 1** are migratory birds protected under the MBTA. Migratory birds and raptors could be potentially impacted from the Project, both directly through habitat loss and indirectly due to sound disturbance related to construction activities.

Construction-related disturbances that occur during the migratory bird and raptor nesting season (January 15 through September 30) could result in direct mortality to raptors and migratory birds and cause others to become displaced. Migratory bird nesting habitat likely occurs immediately adjacent to the Project Area; therefore, Project activities during the nesting season could directly impact active nests, resulting in direct mortality to eggs or nestlings. If the Project occurs during the nesting season and occupied nests are found within the Project Area, specified buffers will be created and the area will be avoided until a qualified biologist can confirm that fledglings have left the nest. CPW provides additional recommendations on nest buffers for raptors and eagles. Additionally, construction lighting, noise, and vibration in the immediate vicinity of active nests, could also result in nest failure or abandonment.

To avoid impacts to migratory birds and raptors, the following mitigation measures will be implemented:

- Vegetation will be removed prior to the migratory bird and raptor nesting season (January 15 through September 30).
- If it is not possible to remove habitat (clearing/grubbing) prior to the nesting season, the contractor must have a qualified biologist survey the site for nesting migratory birds within seven days prior to clearing/grubbing or other construction activities. Active nests should be identified, protected, and avoided.
- CPW and USFWS may be contacted should an active nest become abandoned as a result of construction activities.

If other active raptor nests are observed within the construction area during clearing/grubbing or construction, a qualified wildlife biologist at Matrix will be consulted for guidance on avoidance/setback or biological monitoring requirements per agency regulations. A report will be provided to the client and shared as necessary with appropriate agency personnel.

References

[CPW] Colorado Parks and Wildlife. 2015. Colorado's 2015 State Wildlife Action Plan. Available at: <https://cpw.state.co.us/aboutus/Pages/StateWildlifeActionPlan.aspx> Accessed: February 2023.

[USFWS] U.S. Fish and Wildlife Service. 2023a. Information for Planning and Consultation (IPaC). Environmental Conservation Online System. Available at: <https://ecos.fws.gov/ipac/>. Accessed: February 2023.

USFWS. 2023b. Environmental Conservation Online System (ECOS). Available at: <https://ecos.fws.gov/ecp/>. Accessed: February 2023.

USFWS. 2023c. U.S. Fish and Wildlife Service. Email communications on January 24, 2023. Kate Lunz (Preble's Lead Biologist).

