

August 24, 2023

**TO:** Liisa Schmoele  
U.S. Fish and Wildlife Service  
Colorado Field Office  
Denver Federal Center (MS 65412)  
PO Box 25486  
Denver, Colorado 80225

**FROM:** Erin Cubley, Ecologist

**RE:** Threatened and Endangered Species Habitat Assessment – Salisbury Park North, Douglas County, Colorado

Dear Ms. Schmoele,

ERO Resources Corporation (ERO), on behalf of the Town of Parker (Town), is submitting this habitat assessment for threatened and endangered species for the proposed addition of Salisbury Park North. The proposed project is located directly north of the Salisbury Sports and Equestrian Complex, Parker, Colorado (vicinity map; Figure 1). The project area will provide 90 additional acres of park land to the Towns Park system. The project area abuts Cherry Creek, but the project will not impact the resources associated with the creek. ERO assessed the project area for the presence of potential habitat for federally listed threatened, endangered, and candidate species. ERO, on behalf of Hord Coplan Macht Inc. (HCM) and the Town, is requesting technical assistance from the U.S. Fish and Wildlife Service (Service) regarding threatened, endangered, and candidate species in the proposed project area (existing conditions; Figure 2).

### **Federal Nexus**

HCM, on behalf of the Town, is submitting a Conditional Letter of Map Revision (CLOMR) to the U.S. Federal Emergency Management Agency (FEMA) for its review and approval of modifications to the regulatory floodplain in portions of the project area. As part of the CLOMR submittal process, HCM must provide documentation to FEMA that the modifications are in compliance with the Endangered Species Act of 1973, as amended (16 United States Code (U.S.C.) 1531 et seq.) (ESA).

### **Project Location**

The project area is in Section 27 and 28, Township 6 South, Range 66 West of the 6th Principal Meridian in Douglas County, Colorado (Figure 1). The UTM coordinates of the approximate center of the project area are NAD 519472mE, 4372819mN, Zone 13 North. The longitude/latitude of the project area is

104.773505°W/39.504771°N. The elevation of the project area ranges from 5,840 to 5,865 feet above sea level.

## Project Description

The proposed project is a northern expansion to the Salisbury Sports and Equestrian Complex. The project addition consists of active and passive recreational areas including sports fields and courts, play areas, trails and more. The project includes plans to protect and enhance environmentally sensitive aspects along Cherry Creek.

## Site Description

The project area abuts Salisbury Sports and Equestrian Complex to the south, Mostsenbocker Road to the west, Cherry Creek Regional Trail to the east, and public open space to the north (Figure 2). Cherry Creek, shown on the National Hydrography Dataset as a perennial stream, abuts the project area to the northeast (U.S. Geological Survey 2023). Remnant tree nurseries in the northwest and south portions of the project area consist of white ash (*Fraxinus americana*), apple tree (*Malus sp.*), river birch (*Betula nigra*), Norway maple (*Acer platanoides*), silver maple (*Acer saccharinum*), and honey locust (*Gleditsia triacanthos*) (Photos 1 and 2). The project area is dominated by native and nonnative upland species which consist primarily of kochia (*Bassia scoparia*), field bindweed (*Convolvulus arvensis*), Canada thistle (*Cirsium arvense*), desert madwort (*Alyssum desertorum*), hairy golden aster (*Heterotheca villosa*), and smooth brome (*Bromus inermis*) (Photos 3 and 4).

The Natural Resources Conservation Service has mapped the soils in the project area as Buick-Satanta loams 3 to 9 percent slopes, loamy alluvial, Sampson loam, sandy wet alluvial land, Satanta loam (U.S. Department of Agriculture, Natural Resources Conservation Service 2023).

## Endangered Species Act (ESA) Compliance

On June 12, 2023, Emma Clary and Ellie Orr with ERO assessed the project area for suitable habitat for federally listed threatened and endangered species protected under the ESA of 1973, as amended (16 United States Code 1531 et seq.). On August 23, 2023, Jeff Birek, ERO wildlife biologist, completed a follow-up visit to verify the absence of prairie dogs on the site (2023 site visits). For projects that are not constructed, funded, or permitted by a federal agency, the project proponent or its assigned agent (ERO) must demonstrate ESA compliance by submitting to FEMA written justification that a "Take," meaning to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct, will not occur to threatened and endangered species present in the county as a result of the project. The project area does not fall within U.S. Fish and Wildlife Service (Service) habitat or survey guidelines for the majority of the species listed by the Service's Information for Planning and Consultation (IPaC) resource list for the project area (Table 1) (U.S. Fish and Wildlife Service 2023a). Because the project area falls within survey guidelines for Preble's meadow jumping mouse (*Zapus hudsonius preblei* or Preble's) and Ute ladies'-tresses orchid (*Spiranthes diluvialis* or ULTO), ERO assessed the project area for suitable habitat for these species.

**Table 1. Federally threatened, endangered, and candidate species potentially found in the project area or potentially affected by the project.**

Common Name	Scientific Name	Status*	Habitat	Habitat Present or Potential to be Affected by Project?
<b>Mammals</b>				
Gray wolf	<i>Canis lupus</i>	E	Wolves thrive in a wide range of habitats; highly adaptable as a species and occurs in temperate forests, mountains, and grasslands	No
Preble's meadow jumping mouse (Preble's)	<i>Zapus hudsonius preblei</i>	T	Shrub riparian/wet meadows	No
<b>Birds</b>				
Piping plover**	<i>Charadrius melodus</i>	T	Sandy lakeshore beaches and river sandbars	No habitat and no depletions anticipated
Whooping crane**	<i>Grus americana</i>	E	Mudflats around reservoirs and in agricultural areas	No habitat and no depletions anticipated
<b>Fish</b>				
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	T	Clear, swift-flowing mountain streams with cover such as overhanging banks and vegetation and mountain lakes	No
Pallid sturgeon**	<i>Scaphirhynchus albus</i>	E	Large, turbid, free-flowing rivers with a strong current and gravel or sandy substrate	No habitat and no depletions anticipated
<b>Invertebrates</b>				
Monarch butterfly	<i>Danaus plexippus</i>	C	Dependent on milkweeds ( <i>Asclepiadoidea</i> ) as host plants and forage on blooming flowers, a summer resident	No
<b>Plants</b>				
Ute ladies'-tresses orchid (ULTO)	<i>Spiranthes diluvialis</i>	T	Moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes below 7,800 feet in elevation	No
Western prairie fringed orchid**	<i>Platanthera praeclara</i>	T	Moist to wet prairies and meadows	No habitat and no depletions anticipated

\*T = Federally Threatened Species, E = Federally Endangered Species, C = Candidate Species.

\*\*Water depletions in the South Platte River may affect the species and/or critical habitat in downstream reaches in other counties or states.

Source: Service 2023.

The proposed project would not affect the gray wolf, greenback cutthroat trout, or monarch butterfly because of the lack of suitable habitat in the project area. The piping plover, whooping crane, pallid sturgeon, and western prairie fringed orchid are species that are affected by continued or ongoing water depletions to the Platte River system. Modifications to the floodplain would not result in any depletions to the South Platte River. Because of the lack of habitat and depletions, the proposed project would not affect these species.

Because of the association of Preble's and ULTO to wetland/riparian habitat along the Colorado Front Range, ERO evaluated the potential for these species to occur in the project area.

### **Rationale for Excluding the Project Area as Potential ULTO Habitat**

The project area does not contain habitat for ULTO because the project area does not contain a perennial tributary to the South Platte River and is in Douglas County, and the project area does not fall within the Service's guidelines for ULTO surveys due to the dominance of scrub-shrub habitat and a lack of wet meadow habitat (Service 1992).

### **Rationale for Excluding the Project Area as Potential Preble's Habitat**

In 2006, the Service approved implementation of the Douglas County Habitat Conservation Plan (DCHCP). As part of the DCHCP, riparian areas and adjacent upland habitats on nonfederal lands with a high likelihood of supporting Preble's in Douglas County were identified. The designated potential habitat is referred to as the Riparian Conservation Zone (RCZ). For the DCHCP, the Service approved the RCZ mapping as the geographic limits of Preble's habitat on nonfederal lands in Douglas County. Because the project area is outside of the RCZ, the potential for Preble's to be present is unlikely. Furthermore, as part of the DCHCP, projects proposed by the Town outside the RCZ do not require consultation with the Service for potential impacts on Preble's.

### **Other Sensitive Species**

In addition to species listed as threatened or endangered, ERO assessed the project area for potential habitat and the presence of species protected by the Migratory Bird Treaty Act (MBTA). Migratory birds, as well as their eggs and active nests, are protected under the MBTA. Migratory bird habitat typically includes trees and shrubs, but upland grasslands are also used for nesting. No nests were observed in the project area during the 2023 site visits. ERO biologists observed great blue heron (*Ardea herodias*), killdeer (*Charadrius vociferus*), western kingbird (*Tyrannus verticalis*), barn swallow (*Hirundo rustica*), red-winged blackbird (*Agelaius phoeniceus*), common grackle (*Quiscalus quiscula*), western meadowlark (*Sturnella neglecta*), house finch (*Haemorhous mexicanus*), and Bullock's oriole (*Icterus bullockii*) during the 2023 site visits.

The black-tailed prairie dog (*Cynomys ludovicianus*) is a Colorado species of special concern (CPW 2021a). Black-tailed prairie dogs are important components of the short and mesic grasslands systems. No prairie dog burrows were observed in the project area during the 2023 site visits.

If prairie dogs move into the project area, CPW recommends conducting burrowing owl clearance surveys in prairie dog towns that are subject to poisoning or construction projects during the period from March 15 through October 31 (CPW 2021b). Construction occurring from November 1 through March 14 would not require clearance surveys.

### **Conclusions**

Based on our research and findings, it is ERO's conclusion that "Take," meaning to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (Service 1973) would not occur to federal threatened, endangered, and candidate species as a result of the proposed project. Therefore, ERO, on behalf of the Town, requests that the Service confirm that it agrees with the recommendations related to threatened, endangered, and candidate species and that

no further consultation under the ESA is required. Attached are photos and figures of the project area. After you review this information, ERO would appreciate a written determination of this request.

Please contact me at (303) 830-1188 or [ecubley@eroresources.com](mailto:ecubley@eroresources.com) if you need additional information or have any questions. I look forward to hearing from you.

**SIGNED:**

Erin Cubley  
Ecologist

Attachments: Figures 1 and 2; Photo Log

## Site Information

**Location:** Section 27 and 28, Township 6 South, Range 66 West of the 6th Principal Meridian in Douglas County, Colorado.

**Elevation:** Ranges from 5,840 and 5,865 feet above sea level.

**Longitude/Latitude:** 104.773505°W/ 39.504771°N.

**UTM Coordinates:** NAD 519472mE, 4372819mN, Zone 13 North.

**Soils:** Buick-Satanta loams 3 to 9 percent slopes, loamy alluvial, Sampson loam, sandy wet alluvial land, Satanta loam.

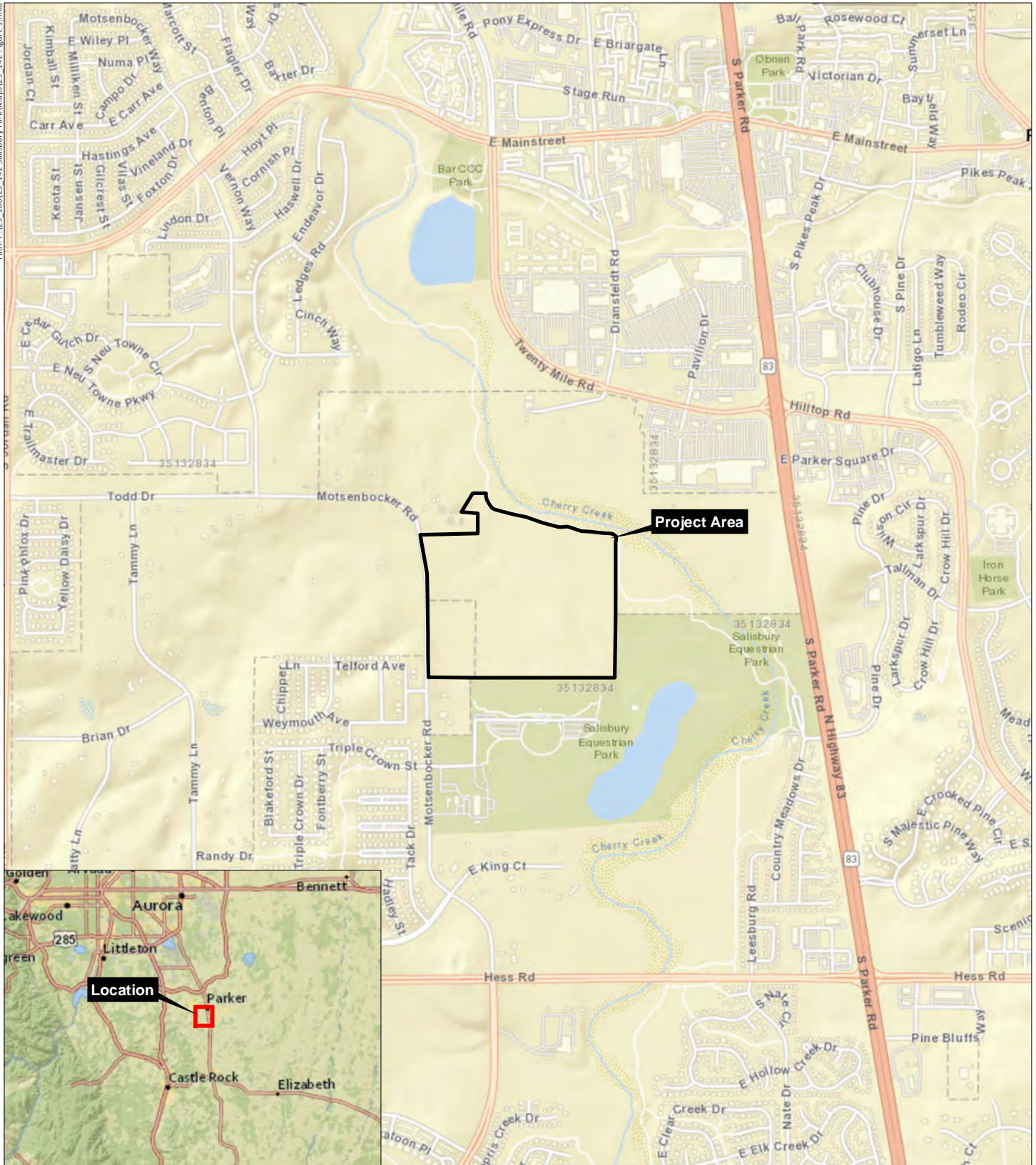
**Site Hydrology:** None

## Qualifications of Surveyors

Qualifications of Erin Cubley are available upon request. Erin Cubley has a PhD in Ecology from Colorado State University and a M.S. in Biology from Eastern Washington University. Erin has 10 years of experience performing vegetation and habitat surveys, conducting biological inventories, and biographical mapping. Erin is familiar with *Spiranthes diluvialis* survey guidelines.

## References

- Colorado Parks and Wildlife. 2021a. "Black-Tailed Prairie Dog." 2021.
- . 2021b. "Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls."
- Kuford, Carl B. 1958. "Prairie Dogs, Whitefaces, and Blue Grama." *Wildlife Monographs*, no. 3: 3–78.
- Power, Mary E., David Tilman, James A. Estes, Bruce A. Menge, William J. Bond, L. Scott Mills, Gretchen Daily, Juan Carlos Castilla, Jane Lubchenco, and Robert T. Paine. 1996. "Challenges in the Quest for Keystone Species." *BioScience* 46 (8): 609–20. <https://doi.org/10.2307/1312990>.
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- . 1992. "Interim Survey Requirements for *Spiranthes Diluvialis*."
- . 2023a. "Endangered, Threatened, Proposed and Candidate Species." IPaC. 2023. <http://ecos.fws.gov/ipac/>.
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- Witmer, Gary, Kurt VerCauteren, Karen Mancini, and Donna Dees. 2000. "Urban-Suburban Prairie Dog Management: Opportunities and Challenges." <https://doi.org/10.5070/V419110183>.



**Project Area**

**Location**

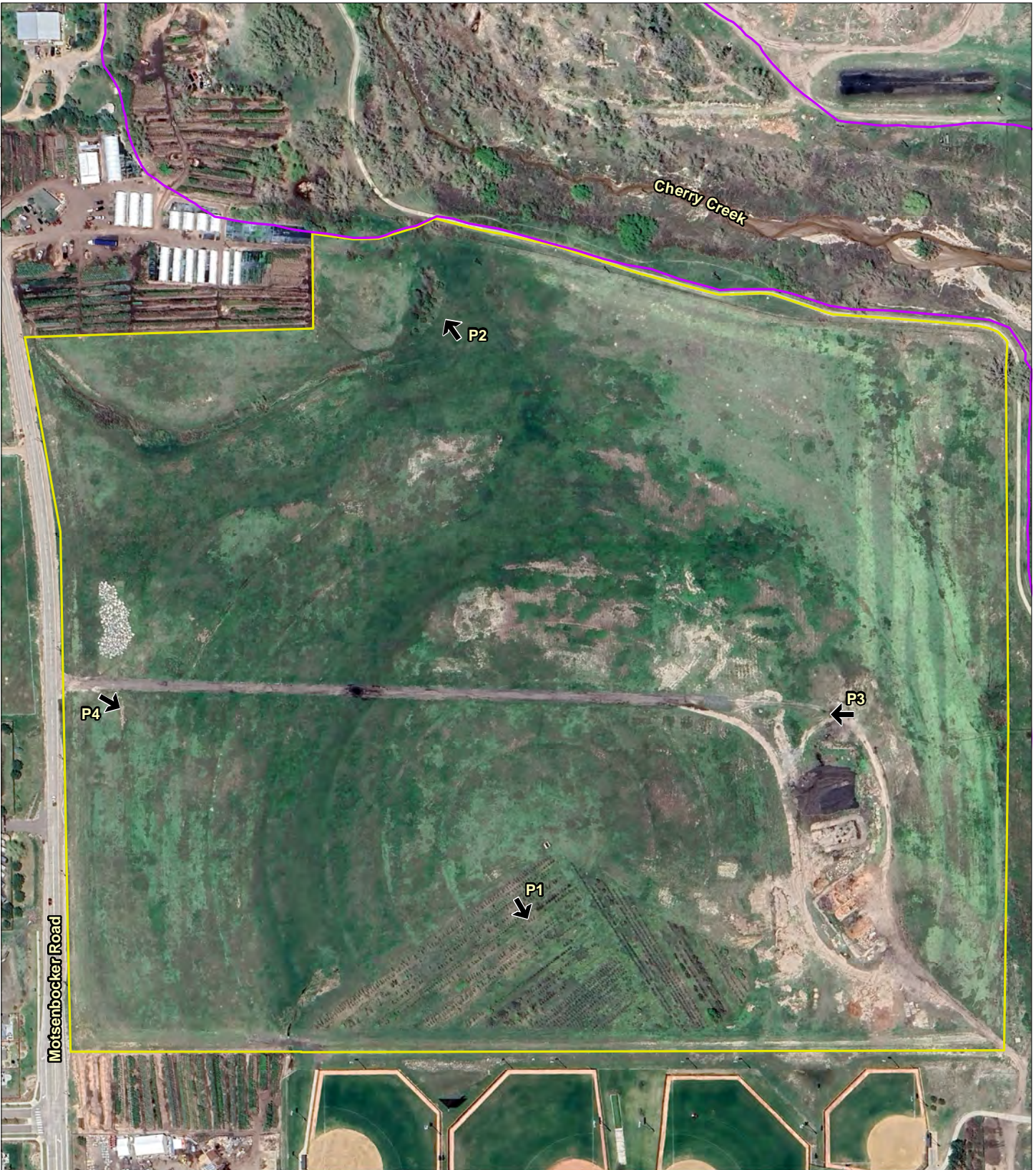
### Salisbury Park

Sections 27 and 28, T6S, R66W; 6th PM  
 UTM NAD 83: Zone 13N; 519472mE, 4372819mN  
 Longitude 104.773505°W, Latitude 39.504771°N  
 USGS Parker, CO Quadrangle  
 Douglas, Colorado

**Figure 1  
Vicinity Map**

Prepared for: Hord Coplan Macht  
 File: 23\_142 Figure 1.mxd (GS)  
 June 12, 2023





### Salisbury Park





-  Photo Point
-  Project Area Boundary
-  Douglas County Riparian Conservation Zone Boundary

Image Source: Google Earth©, May 16, 2023

0 150 300  
 Feet



### Figure 2 Existing Conditions

Prepared for: Hord Coplan Macht  
 File: 23\_142 HA Figure 2.mxd (GS)  
 August 24, 2023



PHOTO LOG  
HABITAT ASSESSMENT  
SALISBURY NORTH PARK, PARKER, COLORADO  
JUNE 12, 2023



**Photo 1** - Remnant tree nursery located in the southern portion of the project area.



**Photo 2** - Remnant tree nursery located in the northwest portion of the project area.

PHOTO LOG  
HABITAT ASSESSMENT  
SALISBURY NORTH PARK, PARKER, COLORADO  
JUNE 12, 2023



**Photo 3** - Site view of existing conditions.