

DRAFT

**BIOLOGICAL AND CULTURAL ASSESSMENT
COLLIERS HILL, FILING NO. 4G
SOUTHWEST OF COUNTY ROAD 10
AND COUNTY ROAD 5
WELD COUNTY, COLORADO**

Prepared for:

**RICHMOND AMERICAN HOMES OF COLORADO
4360 South Monaco Street
Denver, Colorado 80237**

Attention: Mr. Ryan Teater

Project No. DN50,523.000-240-R1

November 17, 2020



5.0 OPINION AND RECOMMENDATION

Based on the direct field observations and our limited literature research, it is our professional opinion that jurisdictional wetlands and Waters of the US are not present on the Site.

We did not observe the presence or potential habitat for Federally or State listed species on the Site.

The Site was assessed for potential migratory bird nesting habitat. The Site potentially contains habitat for ground-nesting migratory birds. For a greater level of assurance, it is recommended that destruction of grassland vegetation be removed outside of the breeding season (March to August). If construction activities are planned during the breeding season, we recommend a migratory bird survey be performed prior to development.

History Colorado did not indicate historical sites within the Site boundaries.

6.0 LIMITATIONS

This assessment only applies to the site in its current state, in areas that were easily observed. This assessment only applies to areas of observation. We believe that CTL performed services in a professional manner, consistent with industry standards and practices in the locality of the project at the time the services were performed. No warranty, express or implied, is made.

CTL | THOMPSON, INC.

Reviewed by:

Christine Whitacre
Environmental Technician

Lela Updegrave
Staff Biologist

CMW LTU:MLW/nn

Via e-mail: Ryan.Teater@mdch.com

Matthew L. Wardlow, P.E.
Environmental Department Manager

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TERMS

ACOE – Army Corps of Engineers

BGEPA – Bald and Golden Eagle Protection Act

CHS – Colorado Historical Society

CPW – Colorado Parks and Wildlife

CWA – Clean Water Act

ESA – Endangered Species Act

Federally Endangered/Threatened Species – Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future.

FEMA – Federal Emergency Management Agency

IPaC – Information for Planning and Consultation

Jurisdictional WOTUS – Waters that are "jurisdictional" are subject to the multiple regulatory requirements of the Clean Water Act by the US Army Corps of Engineers. Non-jurisdictional waters are not subject to those requirements.

MBTA – Migratory Bird Treaty Act

NFHL – National Flood Hazard Layer

NHD – National Hydrology Dataset

NHPA – National Historic Preservation Act

PMJM – Preble's meadow jumping mouse

State Endangered/Threatened Species – A species that is considered Endangered or Threatened by State legislature. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range throughout the state. "Threatened" means a species is likely to become endangered within the foreseeable future.

'Take' – According to the Endangered Species Act, 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

USFWS – United States Fish and Wildlife Service

USGS – United States Geological Survey

WOTUS – Waters of the US



1.0 INTRODUCTION

Richmond American Homes contracted CTL | Thompson, Inc. (CTL) to perform a Biological and Cultural Assessment for Colliers Hill, Filing No. 4G, hereafter referred to as the Site. The Site is located southwest of the intersection at County Road 10 and County Road 5 in Section 17, Township 1 North, and Range 68 West of the 6th Principal Meridian in the Town of Firestone, Weld County, Colorado. We evaluated the Site for:

- The presence of jurisdictional wetlands;
- The presence of threatened or endangered species on the Site;
- The presence of endangered or threatened species critical habitat on the Site; and,
- The presence of registered archeological and/or historic sites on the subject Site.

On November 13, 2020 our Ms. Chrissy Whitacre conducted a Site visit. Site conditions consisted of temperatures in the mid-70s, 10% cloud cover, with winds up to one to three mph. Photographic documentation is presented in **Appendix A**. During this visit, Ms. Whitacre collected specific information about the Site's physical features, vegetation, hydrology, soil conditions, and surrounding environmental conditions. This information is required to evaluate aquatic and biological components of the Site. CTL searched publicly available literature on federal, state and local websites, and contacted local historical officials regarding the Site, which are outlined in the **REFERENCES** section of this letter report.

1.1 Summary of Site Historical Use

The Site is vacant land vegetated with weeds and grasses. We observed Little Bluestem (*Schizachyrium scoparium*) and cheat grass (*Bromus tectorum*). Historical research indicates that the Site has been vacant/agricultural land since at least 1937. Oil/gas wells have operated in the surrounding area since the early 1990s. The Site location and plan are shown on **Figure 1** (Area Map) and **Figure 2** (Site Plan).



1.2 Existing Conditions

The Site currently consists of vacant land in a naturally vegetated state. The EPA's Region 8 Ecoregion Map classifies the Site as front range fans. A photographic record of our Site reconnaissance is presented in **Appendix A**.

2.0 AQUATIC RESOURCE ASSESSMENT

The following subsections discuss our research and on-Site assessment of Waters of the U.S., wetlands, and FEMA floodplains on the Site and/or in connection with the Site. Pertinent findings discussed in the following subsections are displayed in **Figure 2**.

2.1 Waters of the U.S.

The Clean Water Act was passed by the U.S. Congress in 1971 to protect the physical, biological, and chemical quality of "Waters of the U.S." The Corps Regulatory Program administers and enforces Section 404 of the Clean Water Act. Under Section 404, a Corps permit is required for the discharge of dredged or fill material into wetlands and Waters of the U.S. The Corps defines Waters of the U.S. as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters.

The Corps jurisdiction of the "Waters of the U.S." changed in 2006 as a result of the U.S. Supreme Court's Decision in *Rapanos v. United States* & *Carabell v. United States*. The June 5, 2007 Agency Guidance document indicates the Corps will continue to assert jurisdiction over all water which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. The agency will continue to assert jurisdiction over wetlands "adjacent" to traditional navigable waters.

The Corps will assert jurisdiction over non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have



continuous flow at least seasonally (e.g. typically three months). The Corps will assert jurisdiction over those adjacent wetlands that have continuous surface connection to such tributaries (e.g. they are not separated by uplands, a berm, dike, or similar feature).

The Corps will assert jurisdiction over non-navigable water, defined as not relatively permanent tributaries and their adjacent wetlands, as long as such tributaries and wetlands have a significant nexus to traditional navigable waters. Significant nexus includes consideration of hydraulic factors including the following:

- Volume, duration, and frequency of flow, including consideration of certain physical characteristics of the tributary;
- Proximity to the traditional navigable water;
- Size of the watershed;
- Average annual rainfall; and,
- Average annual winter snow pack.

Finally, the Corps has indicated the following geographic features generally are not jurisdictional waters:

- Swales or erosion control features (e.g. gullies, small washes characterized by low volume, infrequent, or short duration flow); and,
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

On November 13, 2020 we did not observe water features which would be considered jurisdictional WOTUS by the ACOE.

2.2 Wetlands

Wetlands are defined by the U.S. Army Corps of Engineers (Corps) as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. To meet the classification, a wetland must show



evidence of a minimum of one positive wetland indicator from each parameter of hydrology, soil, and vegetation. Each must be found in order to make a positive wetland determination. Delineated wetlands that are determined as jurisdictional by the Corps are regulated and proper care must be taken to protect them during development. If the disturbance and/or development of a jurisdictional wetland cannot be avoided, the Corps may approve mitigation. Mitigation may include the construction of a new wetland to replace the former wetland, either on or off the Site. Guidelines for the mitigation of new wetlands are outlined in the U.S. Army Corps of Engineers Standard Operating Procedures for the Regulatory Program.

During our Site visit on November 13, 2020 we did not observe wetlands on the Site as defined by the ACOE.

The U.S. Fish and Wildlife Service (USFWS) defines wetlands as lands transitional between terrestrial and aquatic systems, where the water table is usually at or near the surface, or the land is covered by shallow water. For the purpose of this classification, wetlands must have at least one of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of the year.

CTL used a USFWS National Wetland Inventory Map as an aid to help determine the location of wetlands that might be present at the Site, included in **Appendix B**. The map does not indicate the presence of wetlands on the Site.

2.3 FEMA Floodplains

The Federal Emergency Management Agency (FEMA) provides Flood Insurance Risk Maps (FIRMs), which display floodplains (also referred to as flood zones) and define floodplains based on the annual chance of flooding over a designated period of time. Floodplains may provide critical habitat for State and/or Federal protected species. FEMA also provides locations of regulatory floodways, which must be reserved in order to discharge the base flood of an area without cumulatively increasing the water surface elevation more than a designated



height. FEMA requires hydrologic and hydraulic analyses that demonstrate that the proposed development of a regulatory floodway would not result in any increase of flood levels.

We researched the FEMA National Flood Hazard Layer (NFHL) map for floodplains on the Site. The FEMA NFHL did not indicate the presence of floodplains on the Site.

3.0 BIOLOGICAL RESOURCE ASSESSMENT

The following subsections discuss our assessment of critical habitat or potential habitat of State and Federal protected species, as well as other species of concern, on the Site and/or in connection with the Site. Pertinent findings discussed in the following subsections are displayed in **Figure 2**.

3.1 Federally Threatened, Endangered, and Candidate Species

The project area was assessed for potential habitat for threatened, endangered, and candidate species under the Endangered Species Act (ESA). Federally threatened and endangered species are protected under the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.). Significant adverse effects to a federally listed species or its habitat require consultation with the U.S. Fish and Wildlife (USFWS) under Section 7 or 10 of the Endangered Species Act (ESA). The service lists 9 threatened or endangered species with potential habitat in Weld County (USFWS 2017). Table I lists common and scientific names and the status of the species.

Table I
Federal Threatened, Endangered, and Candidate Species
Weld County

Common Name	Scientific Name	Status
Interior Least Tern	<i>Sterna antillarum athalassos</i>	Endangered
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	Threatened
Piping Plover	<i>Charadrius melodus</i>	Threatened
Whooping Crane	<i>Grus americana</i>	Endangered
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered
Colorado Butterfly Plant	<i>Gaura neomexicana var. coloradensis</i>	Threatened



Common Name	Scientific Name	Status
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened
Western Prairie Fringed Orchid	<i>Platanthera praeclara</i>	Threatened
Preble's Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>	Threatened

The Mexican spotted owl is a large bird that nests and roosts on cliff ledges or in caves in canyons with dense stands of ponderosa pine or pinyon–juniper, in forests with high canopy cover, and open understory. An adequate habitat includes large trees, uneven aged tree stands, multi-storied canopy, standing dead trees, and a tree canopy creating shade over 40 percent or more of the ground with some type of water source available. There are no cliff ledges or caves located on the Site and tree canopy did not cover 40 percent of the ground. It is unlikely the proposed development of the Site will have an impact to the Mexican spotted owl, due to lack of potential habitat within the Site boundaries.

The interior least tern, piping plover, and the whooping crane are species that are affected by impacts to waterways and lakes. These species of bird typically reside along sandy shorelines of creeks, lakes, and rivers. There are no large bodies of water with sandy shorelines present on the Site, thus there is no suitable habitat for these species. We did not observe evidence of these birds, nor do we believe the development of the Site will impact these bird species based on the lack of potential habitat within the Site boundaries.

The pallid sturgeon is a river bottom dweller, found in areas of strong current and firm sand bottom in the main channel of large turbid rivers such as the Platte River. There is not a large turbid river located on the Site. We did not observe evidence of this species, nor do we believe the Site to be suitable habitat for this species. Thus, we do not believe that the development of the Site will adversely affect this species.

The Preble's meadow jumping mouse is typically located in low undergrowth consisting of grasses and forbs, in open wet meadows, riparian corridors near forests, or where tall shrubs and low trees provide adequate cover. They prefer well developed riparian habitat with adjacent, relatively undisturbed grassland communities and a nearby water source. Their nests are composed of plant material and are generally located aboveground at the base of shrubs and



trees or in open grasslands. The Site was assessed for potential Preble's meadow jumping mouse habitat; no well-developed riparian habitat with adjacent undisturbed grassland communities was present on the Site. It is our opinion that the Site does not present habitat suitable for Preble's meadow jumping mouse and that development of the Site will not adversely affect this species.

The Ute ladies'-tresses orchid typically occurs at elevations below 6,500 feet in moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes. Occurrences of Ute ladies'-tresses have been documented in Colorado, Wyoming, Idaho, Nevada and Utah. The populations in Colorado mostly occur along the Front Range. The Site was assessed for potential Ute ladies'-tresses habitat; there are no floodplains of perennial streams located on the Site. We did not observe evidence of the Ute ladies'-tresses. It is our opinion that the Site does not present habitat suitable for the Ute ladies'-tresses and that development of the Site will not adversely affect this species.

The Colorado butterfly plant is a short-lived perennial herb with reddish stems that are 2 to 3 feet tall. Flowers are arranged in a branched, elongated pattern around the leaves and have four reddish sepals (modified leaves surrounding the flower) and four white petals that turn pink or red with age. It is found within a small area of southeastern Wyoming, western Nebraska, and Platte, Laramie and Weld Counties in Colorado, mostly on private lands managed for livestock and agriculture. The Colorado butterfly plant is found in active floodplains along perennial streams and occurs where vegetation is relatively open. The Site was assessed for potential Colorado butterfly plant habitat; there are no floodplains of perennial streams located on the Site. We did not observe evidence of the Colorado butterfly plant. It is our opinion that the Site does not present habitat suitable for the Colorado butterfly plant and that the development of the Site will not adversely affect this species.

The western prairie fringed orchid is a perennial orchid found in North American tall grass prairies. The orchid grows to a height of approximately four feet tall with a flowering stalk that bears up to 24 white flowers about one inch across. The species is believed to occur in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. This species is listed in Weld County because of the potential downstream effects from activities in this area. Upstream depletions of the Platte River system may affect the species in Nebraska. It is our



opinion that development of the Site does not adversely affect habitat suitable for the western prairie fringed orchid since the Site will not directly impact the Platte River.

3.2 State Threatened, Endangered, and Candidate Species

The burrowing owl (*Athene cunicularia*) is a small, migratory owl that occupies prairie dog towns in Colorado during the spring and summer breeding season. The owl is active during the day and uses prairie dog burrows for nesting and roosting. Burrowing owls are a threatened species, and are protected under federal and state laws, including the Migratory Bird Treaty Act. Per CPW, no human encroachment is allowed within 150 feet of prairie dog burrows that are being used as nests from March 15 through October 31. It is recommended that efforts to eradicate prairie dogs or destroy abandoned towns do not occur between March 15 and October 31, as owls may be present. We did not observe prairie dog towns on the Site, therefore we do not believe habitat is present for this species.

Other State protected species in Colorado been taken into consideration. Based on lack of suitable habitat on Site and information regarding population locations from CPW, we do not believe these species to be a concern for the Site.

3.3 Other Species of Concern

The black-tailed prairie dog (*Cynomys ludovicianus*) is a burrowing rodent, 15 inches in length with a black-tipped tail. They do not hibernate but will remain underground for several consecutive days during extremely cold weather. Once occupying seven million acres in Colorado, the black-tailed prairie dog is now present on the eastern third of Colorado below 6,000 feet. Approximately 150 other species rely on the habitat that the black-tailed prairie dog creates. We did not observe this species on the Site during our November 13, 2020 Site visit.

Other CPW listed species of concern have been taken into consideration. Based on lack of suitable habitat on Site and information regarding population locations from CPW, we do not believe these species to be a concern for the Site.



3.4 Migratory Bird Treaty Act

Migratory birds, as well as their eggs and nests, are protected under the Migratory Bird Treaty Act (MBTA). The MBTA does not contain any prohibition that applies to the destruction of a bird nest alone (without bird or eggs), provided that no “take” (of bird or eggs) occurs during the destruction. The regulatory definition of “take” means to pursue, hunt, shoot, kill, trap, capture or collect, or attempt to pursue, hunt, wound, kill, trap, capture, or collect. While destruction of a nest by itself is not prohibited under MBTA, nest destruction that results in the unpermitted take of migratory birds or their eggs is illegal and fully prosecutable under the MBTA. One method to avoid a violation of the MBTA is to remove vegetation and nests outside the active breeding season, which typically falls between March and August, depending on species.

The Site was assessed for potential migratory bird nesting habitat. The Site potentially contains habitat for ground-nesting migratory birds. For a greater level of assurance, it is recommended that destruction of grassland vegetation be removed outside of the breeding season (March to August). If construction activities are planned during the breeding season, we recommend a migratory bird survey be performed prior to development.

3.5 Bald and Golden Eagle Protection Act of 1940

Bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) are protected by the MBTA (discussed in the previous section) and the Bald and Golden Eagle Protection Act of 1940, as amended November 1978. These species nest in a variety of habitats, including on cliffs and in large trees, and prefer a nearby water source. The Act allows further protection of eagles by prohibiting anyone, without a permit issued by the Secretary of the Interior, from “taking” eagles, including their parts, eggs or nests. Like MBTA, “take” means to pursue, hunt, wound, kill, trap, capture, or collect; however, it also includes “disturb,” which means to agitate or bother a bald or golden eagle to the level that causes or is likely to cause injury, decrease in productivity, or nest abandonment.

We did not observe suitable habitat for bald or golden eagles on the Site. CPW raptor nest database indicates the closest bald eagle nest is located approximately 2 miles to the north. As of the date of this report, we do not believe development of this Site will impact these species.



4.0 CULTURAL RESOURCE ASSESSMENT

The following section discusses our assessment of historical or archaeological listings on the Site and/or in connection with the Site.

4.1 Historical and Archaeological Findings

Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of their undertakings on historic properties prior to construction. If it determines that it has no undertaking, or that its undertaking is a type of activity that has no potential to affect historic properties, the agency has no further Section 106 obligations. However, if it determines its undertaking may have an adverse effect on a historic property it must notify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer to consult with during the process. It should also plan to involve the public and identify other potential consulting parties. Additionally, under NHPA Section 110(f), where a federal undertaking may directly and adversely affect a property designated as a National Historic Landmark, the agency must, prior to approving the undertaking and to the maximum extent possible, undertake such planning and actions necessary to minimize harm to such landmark. It should be noted, that with certain limited exceptions, federal agencies are prohibited by NHPA Section 110(k) from granting loans, loan guarantees, permits, licenses, or other assistance to any applicant who intentionally significantly adversely affected a historic property to which the assistance would relate with the intent to avoid the requirements of Section 106. If you perform these activities prior to the start of construction, it will help to avoid significant project delays and possible project cancellation. A review of listed cultural resources does not always rise to the level of a Section 106 review.

CTL contacted History Colorado, Office of Archaeology and Historic Preservation, and requested a search of the Colorado Inventory of Cultural Resources. We received a response on November 4, 2020, which indicated no historical sites within the Site boundaries.



5.0 OPINION AND RECOMMENDATION

Based on the direct field observations and our limited literature research, it is our professional opinion that jurisdictional wetlands and Waters of the US are not present on the Site.

We did not observe the presence or potential habitat for Federally or State listed species on the Site.

The Site was assessed for potential migratory bird nesting habitat. The Site potentially contains habitat for ground-nesting migratory birds. For a greater level of assurance, it is recommended that destruction of grassland vegetation be removed outside of the breeding season (March to August). If construction activities are planned during the breeding season, we recommend a migratory bird survey be performed prior to development.

History Colorado did not indicate historical sites within the Site boundaries.

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Reviewed by:

Christine Whitacre
Environmental Technician

Lela Updegrave
Staff Biologist

CMW LTU:MLW/nn

Via e-mail: Ryan.Teater@mdch.com

Matthew L. Wardlow, P.E.
Environmental Department Manager



REFERENCES

Munsell Soils Color Charts, 1992 Revised Addition.

National Register of Historic Places, National Register Information System website,
www.nr.nps.gov.

U.S. Army Corps of Engineers, 33 CFR Part 328 – Definition of “Waters of the United States”,
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U.S. Army Corps of Engineers Wetlands Delineation Manual, Produced by the Corps of Engineers, 1987 Edition.

U.S. Fish and Wildlife Service, IPac, The Environment Conservation Online System (ECOS),
<https://ecos.fws.gov/ipac/>.

U.S. Fish and Wildlife Service, Mountain and Prairie Region, Endangered Species Program website, www.mountain-prairie.fws.gov/endspp.

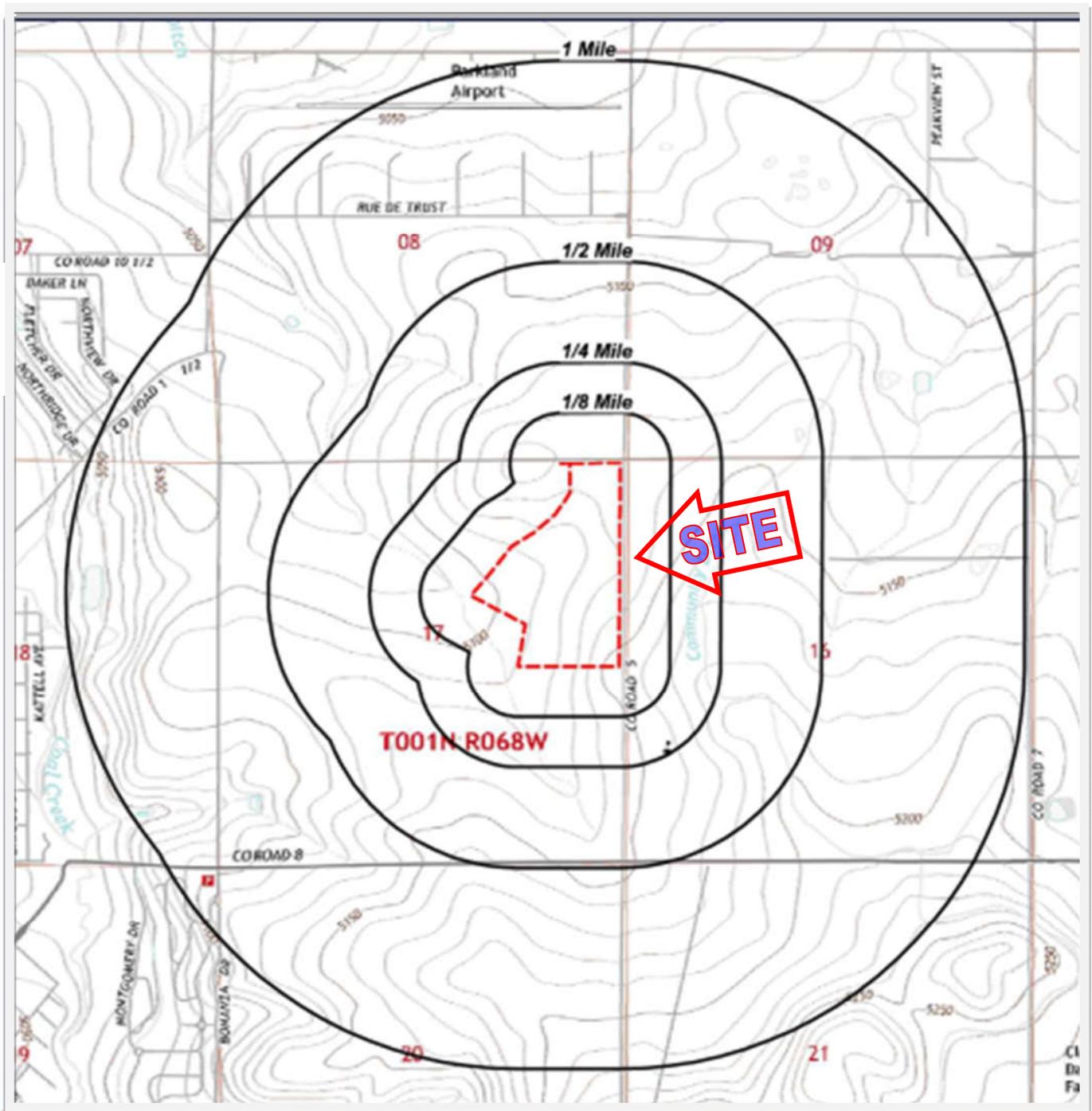
U.S. Fish and Wildlife Service, National Wetlands Inventory,
<http://nmviewogc.cr.usgs.gov/viewer.html>.

U.S. Geological Survey Topographic Map, Piney Creek Quadrangle, Colorado (1890, 1940, 1942, 1953, 1957, 1960, 1966, 1981, and 2013).

Rocky Mountain Flora, William A. Weber, Copyright 1976.

Scats and Tracks of the Rocky Mountains, James C Halfpenny, PH. D., Copyright 2001.

The Guide to Colorado Birds, Mary Taylor, Copyright 1998.



T 1 N

Target Property (TP)

68 W

Quadrangle(s): Erie
 Source: USGS,
 07/23/2013
 Colliers Hill Filing 4G
 WCR 5
 Erie, Colorado
 80516





 Site Boundaries

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APPENDIX A
SITE PHOTOGRAPHS

Overall Site Photos	
<p>Description: Site Direction: West</p>	<p>Description: Site Direction: North</p>
<p>Description: Site Direction: South</p>	<p>Description: Transmission lines at the north end of the Site Direction: East</p>

SITE PHOTOGRAPHS



Description: Natural gas pipe apparatus at northeast corner
Direction: East



Description: Agricultural land to the north
Direction: North



Description: Agricultural land to the east
Direction: East



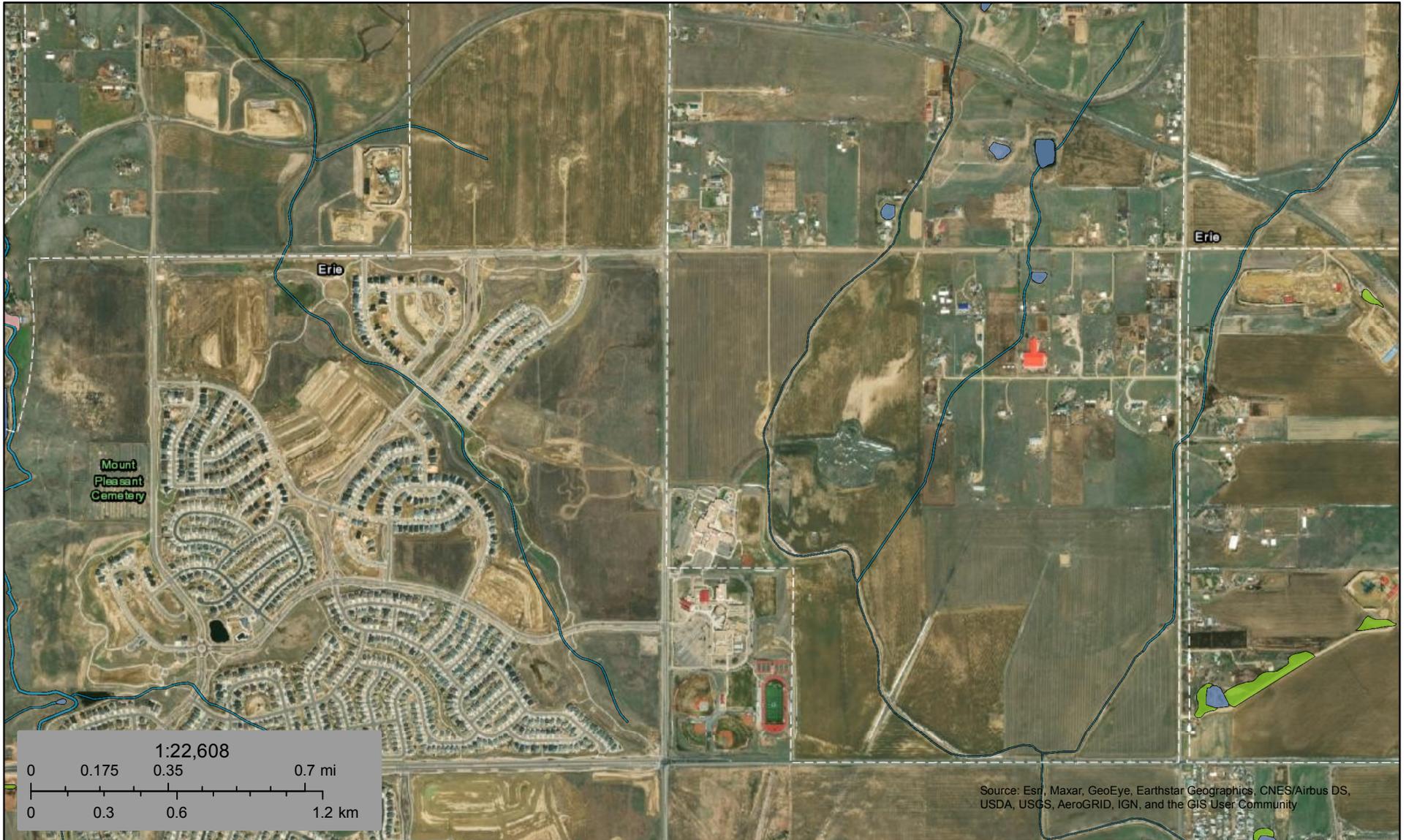
Description: Vacant land to the south
Direction: South

SITE PHOTOGRAPHS

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APPENDIX B
WETLAND INVENTORY MAP



November 10, 2020

Wetlands

- Estuarine and Marine Deepwater
- Freshwater Forested/Shrub Wetland
- Freshwater Emergent Wetland
- Freshwater Pond
- Estuarine and Marine Wetland
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

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APPENDIX C

COLORADO HISTORICAL SOCIETY RESPONSE

HISTORY COLORADO
Office of Archaeology and Historic Preservation
1200 Broadway, Denver, Colorado 80203

Christine Whitacre
CTL Thompson
1971 West 12th Ave
Denver, CO 80204

November 4, 2020

Re: Colliers Filing 4G DN50523
File Search No. 23174

At your request, the Office of Archaeology and Historic Preservation has conducted a search of the Colorado Inventory of Cultural Resources within the area shown in the provided map, located in the following areas:

PM	T	R	S
6th	1N	68W	17

0 sites and 3 surveys were located in the designated area(s).

If information on any district, site, building, structure, or object in the project area was found, detailed information follows the summary. If no properties were found, but surveys are known to have been conducted in the project area, survey information follows the summary. We do not have complete information on surveys conducted in Colorado, and our site files cannot be considered complete because most of the state has not been surveyed for cultural resources. There is the possibility that as yet unidentified cultural resources exist within the proposed impact area.

Our letter should not be interpreted as formal consultation under Section 106 of the National Historic Preservation Act (36 CFR 800) or the Colorado Register of Historic Places (CRS 24-80.1). In the event that there is federal or state agency involvement, please note that it is the responsibility of the agencies to meet the requirements of these regulations.

We look forward to consulting with you regarding the effect of the proposed project on significant cultural resources in accordance with the Advisory Council on Historic Preservation regulations titled "Protection of Historic Properties" or the Colorado Register of Historic Places, as applicable (<http://www.historycolorado.org/oahp/consultation-guidance>).

If you have any questions, please contact the Office of Archaeology and Historic Preservation at (303) 866-3392. Thank you for your interest in Colorado's cultural heritage.

Steve Turner, AIA
State Historic Preservation Officer

*Information regarding significant archaeological resources is excluded from the Freedom of Information Act. Therefore, legal locations of these resources must not be included in documents for public distribution.

23174_sy