

# CTL | THOMPSON

Founded in 1971

## BIOLOGICAL ASSESSMENT

---

MESA TOP  
RIDGEGATE PARKWAY AND INTERSTATE 25  
LONE TREE, COLORADO

Prepared for:

BROOKFIELD PROPERTIES  
6465 South Greenwood Plaza Boulevard, Suite 700  
Centennial, Colorado 80111

And

BCUS ACQUISITIONS LLC  
DELAWARE LIMITED LIABILITY COMPANY

Attention: Christopher Bremner

Project No. DN52,036.000-240-R1

September 26, 2023

[CTL | Thompson, Inc.](#)  
[Denver](#), [Fort Collins](#), [Colorado Springs](#), [Glenwood Springs](#), [Pueblo](#), [Summit County](#) – Colorado  
[Cheyenne](#), Wyoming and [Bozeman](#), Montana



## TABLE OF CONTENTS

---

|                                                                   |    |
|-------------------------------------------------------------------|----|
| TERMS.....                                                        | i  |
| 1.0 INTRODUCTION.....                                             | 1  |
| 1.1 Summary of Property Historical Use .....                      | 2  |
| 1.2 Existing Conditions .....                                     | 2  |
| 2.0 AQUATIC RESOURCE ASSESSMENT .....                             | 2  |
| 2.1 Waters of the U.S. ....                                       | 3  |
| 2.2 Wetlands .....                                                | 4  |
| 2.3 FEMA Floodplains .....                                        | 5  |
| 3.0 BIOLOGICAL RESOURCE ASSESSMENT .....                          | 6  |
| 3.1 Federally Threatened, Endangered, and Candidate Species ..... | 6  |
| 3.2 State Threatened, Endangered, and Candidate Species .....     | 8  |
| 3.3 Other Species of Concern .....                                | 9  |
| 3.3 Migratory Bird Treaty Act .....                               | 10 |
| 3.4 Colorado Raptors .....                                        | 11 |
| 3.5 Bald and Golden Eagle Protection Act of 1940 .....            | 11 |
| 5.0 OPINIONS AND RECOMMENDATIONS .....                            | 12 |
| 5.0 LIMITATIONS .....                                             | 13 |
| REFERENCES .....                                                  | 14 |
| FIGURE 1 – TOPOGRAPHIC AREA MAP                                   |    |
| FIGURE 2 – SITE MAP                                               |    |
| APPENDIX A – PROPERTY PHOTOGRAPHS                                 |    |
| APPENDIX B – WETLAND INVENTORY MAP                                |    |
| APPENDIX C – FEMA NFHL                                            |    |



## 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 U.S.



## 1.0 INTRODUCTION

Brookfield Properties and BCUS Acquisitions LLC, a Delaware limited liability company, contracted CTL | Thompson, Inc. (CTL|T) to perform a Biological Assessment for the property located southwest of the intersection of Ridgeway Parkway and Interstate 25 in Lone Tree, Colorado.

**TABLE I**  
**LOCATION AND GENERAL DESCRIPTION**

| <b>Descriptor</b>                | <b>Description</b>                                                                                                                |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Location</i></b>           | Southwest of the intersection of Ridgeway Parkway and Interstate 25, Lone Tree, Douglas County, Colorado                          |
| <b><i>Township and Range</i></b> | Portions of Sections 21, 22, 27, 28, Township 6 South, Range 67 West of the 6th Principal Meridian                                |
| <b><i>USGS Quadrangle</i></b>    | Castle Rock North, CO; Sedalia, CO; Highlands Ranch, CO; Parker, CO                                                               |
| <b><i>Parcel Number</i></b>      | 2231-211-00-002<br>2231-280-00-003<br>2231-210-00-006<br>2231-223-00-009<br>2231-211-00-006<br>2231-214-00-002<br>2231-210-00-012 |
| <b><i>Current Use</i></b>        | Vacant land                                                                                                                       |
| <b><i>Total Land Area</i></b>    | ~390 acres                                                                                                                        |
| <b><i>Ownership</i></b>          | Ridgeway Investments Inc C/O Coventry Development Group                                                                           |

We evaluated the Subject Property for:

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

On August 29, 2023, Ms. Karolyn Fagundes and Mr. Jacob Willoughby conducted a site visit. Subject Property conditions consisted of temperatures in the upper 80s, cloud cover of approximately 10% and winds of approximately two to five (2-5) miles per hour (mph). Photographic documentation is presented in **Appendix A**. During this visit, Ms. Fagundes



and Mr. Willoughby collected specific information about the Subject Property's physical features, vegetation, hydrology, soil conditions, and surrounding environmental conditions. This information is required to evaluate aquatic and biological components of the Subject Property. CTL|T searched publicly available literature on federal, state and local websites, and contacted local historical officials regarding the Subject Property, which are outlined in the **References** section of this report.

## 1.1 Summary of Property Historical Use

---

Historical research indicates that the Subject Property was primarily agricultural land. Based on historical aerial photographs, the Property was used for crop cultivation as early as 1937. The Property was used for crop cultivation or animal husbandry until approximately 2015. The Subject Property location and plan are shown on Figure 1 (Area Map) and Figure 2 (Site Plan).

## 1.2 Existing Conditions

---

The Subject Property consists of approximately 390 acres of vacant land in a naturally vegetated state. Common herbaceous species observed at the Subject Property mostly consisted of non-native prairie species such as smooth brome (*Bromus inermis*), prairie sagewort (*Artemisia frigida*), and blue grama (*Bouteloua gracilis*). Tree cover was relatively low and included the native Gambel oak (*Quercus gambelii*). The EPA's Region 8 Ecoregion Map classifies the Subject Property as Pine-Oak Woodlands in the south central semi-arid prairies. A photographic record of our site reconnaissance is presented in **Appendix A**.

## 2.0 AQUATIC RESOURCE ASSESSMENT

---

The following subsections discuss our research and onsite assessment of Waters of the U.S., wetlands, and FEMA floodplains on the Subject Property and/or in connection with the Subject Property.



## 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 U.S. Army Corps of Engineers (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* and *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 recent Supreme Court Ruling, under *Sackett vs EPA*, modified the interpretation of the type of wetlands that are considered to fall under federal jurisdiction. Updated regulations and clarifications of what would be considered to be Waters of the U.S. are expected to be provided in the coming months. For the purposes of this report, we will define wetlands by the *Rapanos* decision definition until we are given further guidance by the Army Corps of Engineers.

Traditionally, the Corps has asserted 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.

During our site visit on August 29, 2023, we observed the site for potential Waters of the US. We did not observe Waters of the U.S. on or adjacent to the Subject Property.

## **2.2 Wetlands**

---

Wetlands are defined by the 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.



We did not observe obvious evidence of wetlands as defined by the Corps on or adjacent to the Subject Property.

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

## 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 Subject Property. The FEMA NFHL indicated the entirety of the Property as an area of minimal flood hazard. Floodplains were not indicated on or adjacent to the Subject Property. The FEMA NFHL map is presented in **Appendix C**.



### 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 Subject Property and/or in connection with the Subject Property.

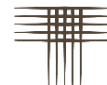
#### 3.1 Federally Threatened, Endangered, and Candidate Species

The Subject Property 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). We consulted the FWS Information for Planning and Consultation (IPaC) map to identify threatened and endangered species which could be potentially affected by activities on the Property. The service lists seven threatened, endangered, or candidate for protection species with potential habitat in the boundary of the Subject Property (USFWS 2023). Table I lists common and scientific names and the status of the species.

TABLE II  
FEDERAL THREATENED AND ENDANGERED SPECIES  
DOUGLAS COUNTY

| COMMON NAME                    | SCIENTIFIC NAME                            | STATUS     |
|--------------------------------|--------------------------------------------|------------|
| Gray Wolf                      | Mammal – <i>Canis lupus</i>                | Endangered |
| Piping Plover                  | Bird – <i>Charadrius melodus</i>           | Threatened |
| Whooping Crane                 | Bird – <i>Grus americanus</i>              | Endangered |
| Pallid Sturgeon                | Fish – <i>Scaphithynchus albus</i>         | Endangered |
| Greenback Cutthroat Sturgeon   | Fish – <i>Oncorhynchus clarkii stomias</i> | Threatened |
| Ute Ladies'-tresses            | Plant – <i>Spiranthes diluvialis</i>       | Threatened |
| Western Prairie Fringed Orchid | Plant – <i>Platanthera praeclara</i>       | Threatened |

The gray wolf is a large canine and considered to be a keystone predator. Wolves inhabit a large range of habitats, including forests, tundra, grasslands, and mountains. Alt-



though the gray wolf was previously considered to be extirpated in Colorado, per CPW, a pack has been present in the northwest corner of the state. USFWS currently lists the entirety of Colorado as part of the current range for gray wolves. We did not observe evidence of gray wolves, nor do we expect development of the Property to impact this species.

The piping plover (*Charadrius melodus*), and the whooping crane (*Grus americanus*) are species that are affected by impacts to waterways and lakes. Piping plover typically reside along open shorelines of creeks, lakes, and rivers. Whooping crane breed and nest in wetland habitat where bulrush, cattail, are the dominant vegetation type. Piping plovers nest primarily in southeastern Colorado in Kiowa and Bent Counties. There are no large bodies of water with wetlands or sandy shorelines present on the Subject Property, thus there is no suitable habitat for these species. We do not believe the development of the Subject Property will adversely impact these bird species.

The pallid sturgeon (*Scaphirhynchus albus*) 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 are no known occurrences of the pallid sturgeon in Colorado. The species would be adversely impacted if large rivers in Colorado that flow into Nebraska were impacted. There are no large rivers on or adjacent to the Subject Property that flow into Nebraska. Thus, we do not believe that the development of the Subject Property will adversely affect this species.

The greenback cutthroat trout is a coldwater fish belonging to the trout, salmon and whitefish family. They have dark, round, spots on the sides and tail and two colorful blood-red stripes on each side of the throat under the jaw. Greenbacks prefer cold, clear gravely headwater streams and mountain lakes which provide an abundant food supply of insects. Based on the lack of habitat within the Property boundaries, we do not believe that the development of the Property will adversely affect this species.

The Ute ladies'-tresses orchid (*Spiranthes diluvialis*) 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 Subject Property was assessed for potential Ute ladies'-tresses habitat.



According to the FEMA NFHL there are no floodplains of perennial streams located on the Subject Property, indicating a lack of habitat for this species. It is our professional opinion that development of the Subject Property will not adversely affect this species.

The western prairie fringed orchid (*Platanthera praeclara*) is a perennial orchid found in North American tall grass prairies. The orchid grows to a height of approximately four (4) 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 Douglas 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. The Subject Property does not contain a tributary to the South Platte River. We do not believe development of the Subject Property will impact this species.

### **3.2 State Threatened, Endangered, and Candidate Species**

---

The project area was assessed for potential habitat for threatened, endangered, and candidate species and critical habitat designated by Colorado Parks and Wildlife (CPW). Colorado's State Wildlife Action Plan (SWAP) articulates a set of conservation priorities that considers an expansive array of wildlife from a statewide perspective. According to the SWAP plan, the Tier 1 list represents the species of highest conservation priority in the State, while Tier 2 species remain important in light of forestalling population trends or habitat conditions that may lead to a threatened or endangered listing status. Based on the lack of riparian or wetland features on or adjacent to the Subject Property, the Property does not provide adequate habitat for any Tier 1 fish or amphibian 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 burrowing owls on the Property; however, we observed active prairie dog towns throughout the southern portion of the Property (Figure 2), indicating suitable habitat for burrowing owls. If development is planned for the Subject Property during the owls' breeding season (March 15 through October 31), we recommend a burrowing owl survey.

The olive-backed pocket mouse (*Perognathus fasciatus*) resides in arid and semi-arid upland areas and is often found in thinly covered grasslands and prairies. They prefer forest edges and are associated with blue gramma and wheat grasses. According to CPW data, the Subject Property falls within olive-backed pocket mouse's overall range. However, due to the lack of forest edge habitat, we do not believe the Subject Property contains critical habitat for the olive-backed pocket mouse.

The interior least tern (*Sterna antillarum athalassos*) is affected by impacts to waterways and lakes. The least tern generally prefers sparsely-vegetated sandy shores of reservoirs and gravel pits where they nest directly on the ground. The diet of least terns consists primarily of small, slender fish and aquatic invertebrates. The least tern nests primarily in southeastern Colorado. There are no large bodies of water with sandy shorelines present on the Subject Property, 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 Subject Property will adversely impact these bird species based on the lack of potential habitat within the Subject Property boundaries.

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

### **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. 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 ob-



served prairie dog towns within the southern portion of the Property. Douglas County does not have a prairie dog management plan or policy for private properties. Colorado Parks and Wildlife (CPW) recommends attempting to remove or exterminate prairie dogs prior to bulldozing an active prairie dog town for humane reasons.

The Colorado Parks and Wildlife offers three options for the handling of prairie dogs:

1. Do nothing and develop the Subject Property as per usual.
2. Poison the Prairie Dogs. This option should be utilized with caution, as it can have unintended effects to other wildlife in the area and could result in a take of a protected species.
3. Relocation; this requires that the developer find an appropriate site and obtain CPW approval of the site (wild to wild permit). Alternatively, the prairie dogs may be transported to facilities that support the USFWS national black-footed ferret recovery program (wild to black-footed ferret recovery program permit) or a licensed raptor rehabilitation program (wild to raptor rehabilitation permit). No permit fees are charged for the wild to black-footed ferret recovery program permit or wild to raptor rehabilitation permit.

### 3.3 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 Subject Property was assessed for potential migratory bird nesting habitat. Several migratory birds were observed on the Subject Property including a red-tailed hawk (*Buteo jamacicensis*), and western meadowlarks (*Sturnella neglecta*). The majority of the Property provides ground-nesting migratory bird habitat and some tree-nesting habitat. For a



higher level of assurance and to avoid destruction of migratory bird nests, vegetation should be removed outside of the breeding season (March to August). If development is planned during the breeding season, we recommend a migratory bird survey.

### **3.4 Colorado Raptors**

---

Colorado raptors such as red-tailed hawks (*Buteo jamacicensis*), Ferruginous hawk (*Buteo regalis*), and American kestrels (*Falco sparverius*) are protected by the MBTA (discussed in the previous section). Additionally, Colorado Parks and Wildlife recommends buffer zones around active raptor nests to avoid and minimize disturbance to nesting raptors in Colorado. For raptors, CPW recommends no human encroachment beyond that which historically occurred, within one-third to one-fourth mile radius of active nests, depending on the species. Raptor species in Colorado have varying breeding seasons dependent upon their food sources and when hatchlings fledge (leave) the nest. The general raptor breeding season in Colorado is from January to August.

We observed one soaring red-tailed hawk during our site visit but did not observe adequate nesting habitat for raptors adjacent to the Property. It is our professional opinion that Colorado raptors will not be impacted by development of the Property.

### **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.



CPW data indicates that the southeast portion of the Property overlaps with known bald eagle winter and summer forage habitat area. CPW data also indicates the nearest active bald eagle nest is located approximately 1.5 miles east of the Subject Property. We did not observe eagles during our visit. We do not believe development of the Property would result in a take of bald eagles or golden eagles.

## 5.0 OPINIONS AND RECOMMENDATIONS

---

We did not observe potential Waters of the U.S. on the Subject Property.

We did not observe wetlands defined by the Army Corps of Engineers or the USFWS on the Subject Property.

We did not observe the presence of Federal or State listed endangered or threatened species on the Subject Property.

The FEMA NFHL map did not indicate the presence of floodplains on the Subject Property.

Prairie dogs were observed on the southern portion of the Subject Property. Douglas County does not have specific management recommendations for prairie dogs on private property. Due to the presence of prairie dogs, we recommend a burrowing owl survey to ensure the owls are not nesting in the on-site prairie dog burrows if development of the Subject Property is planned between March 15 and October 31.

For a higher level of assurance and to avoid destruction of ground-nesting and tree-nesting migratory bird nests, vegetation should 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 conducted prior to development.



## 5.0 LIMITATIONS

---

This assessment only applies to the Subject Property in its current state, in areas that were easily observed. If development of the Subject Property is planned for spring 2024 or later, you should consider a supplementary study be completed, as site conditions and animal behaviors are not static season to season. We believe that CTL|T 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.

Karolyn Fagundes  
Environmental Scientist

Reviewed by:

Jacob Willoughby  
Environmental Scientist

Via e-mail: [Christopher.Bremner@brookfieldpropertiesdevelopment.com](mailto:Christopher.Bremner@brookfieldpropertiesdevelopment.com)



## REFERENCES

---

CPW State Wildlife Action Plan (SWAP) 2015.

Munsell Soils Color Charts, 1992 Revised Addition.

National Register of Historic Places, National Register Information System website, [www.nr.nps.gov](http://www.nr.nps.gov).

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.

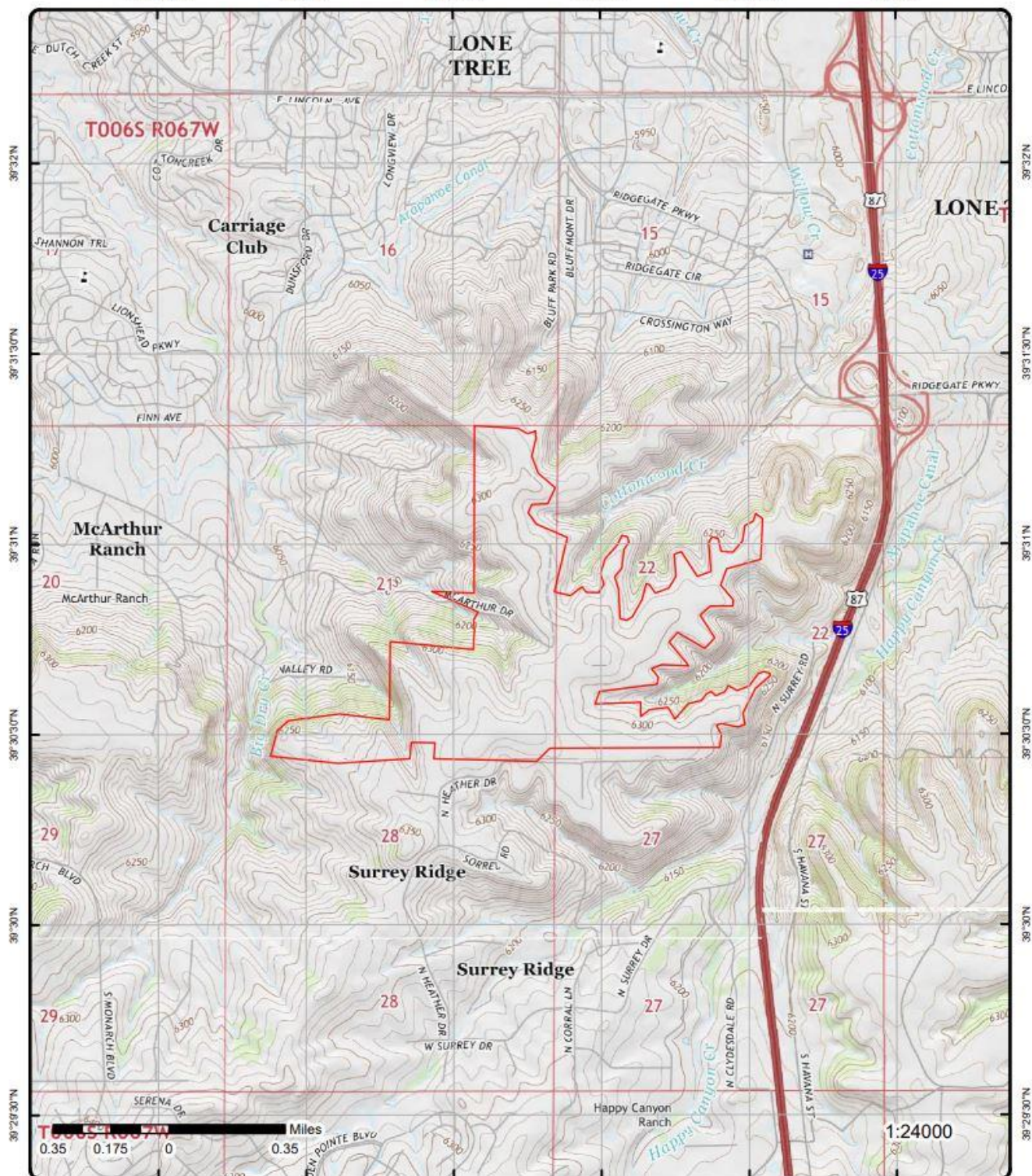
U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://nmviewogc.cr.usgs.gov/viewer.htm>

U.S. Army Corps of Engineers Wetlands Delineation Manual, Produced by the Corps of Engineers, 1987 Edition.

U.S. Army Corps of Engineers, 33 CFR Part 328 – Definition of “Waters of the United States”, [www.usace.army.mil/inet/functions/cw/cecwo/reg/33cfr328.htm](http://www.usace.army.mil/inet/functions/cw/cecwo/reg/33cfr328.htm).

U.S. Fish and Wildlife Service, Mountain and Prairie Region, Endangered Species Program website, [www.mountain-prairie.fws.gov/endspp](http://www.mountain-prairie.fws.gov/endspp).

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



## Topographic Map

Year: 2016

Order Number: 23080301087

Address: SW of Ridgeway Pkwy and I-25, CO



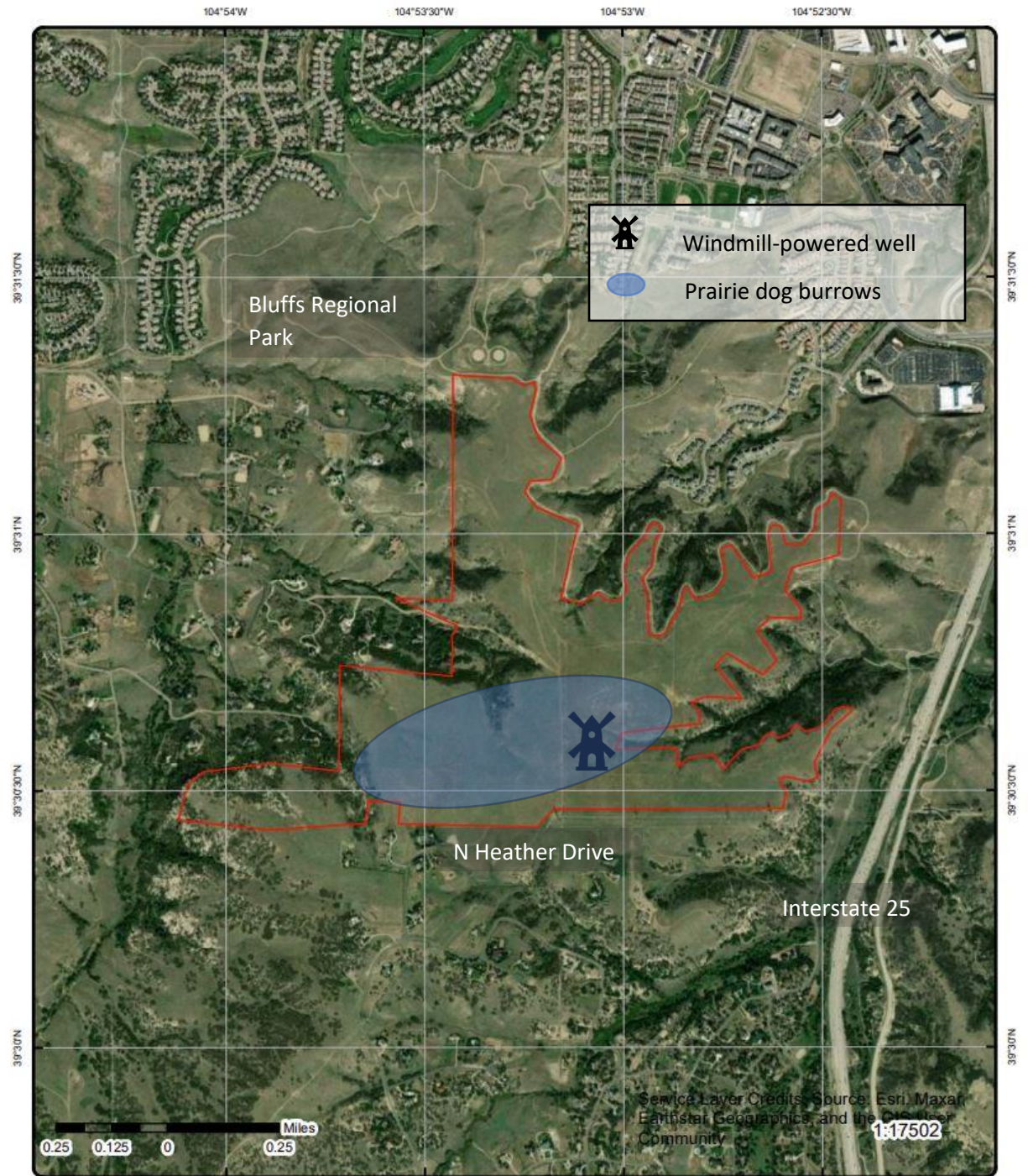
Quadrangle(s): Castle Rock North, CO; Sedalia, CO; Highlands Ranch, CO; Parker, CO

© ERIS Information Inc.

Source: USGS Topographic Map

RIDGEGATE PROPERTIES  
BIOLOGICAL ASSESSMENT  
MESA TOP  
CTL/T PROJECT NO. DN52,036.000-240-R1

TOPOGRAPHIC AREA MAP  
FIGURE 1



**Aerial** Year: 2021

Order Number: 23080301087

Address: SW of Ridgeway Pkwy and I-25, Lone Tree, CO



© ERIS Information Inc.

Source: ESRI World Imagery



## **APPENDIX A**

### **PROPERTY PHOTOGRAPHS**

| Overall Property Photos                                                          |                                                                                    |                                                                      |                                                                                      |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                  |   |                                                                      |   |
| Description: General View of Property and prairie dog burrow<br>Direction: North |                                                                                    | Description: General View of Property from center<br>Direction: East |                                                                                      |
|                                                                                  |  |                                                                      |  |
| Description: General View of Property from center<br>Direction: South            |                                                                                    | Description: General View of Property from center<br>Direction: West |                                                                                      |

## SUBJECT PROPERTY PHOTOGRAPHS

| Overall Property Photos                                                                          |                                                                                                              |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
|                 |                           |
| <b>Description:</b> Windmill-powered well near center/eastern portion<br><b>Direction:</b> South | <b>Description:</b> Debris on eastern portion<br><b>Direction:</b> West                                      |
|                |                          |
| <b>Description:</b> Drainage ditch on western portion<br><b>Direction:</b> West                  | <b>Description:</b> High power transmission lines on and adjacent to Property<br><b>Direction:</b> Northeast |

## SUBJECT PROPERTY PHOTOGRAPHS

| Overall Property Photos                                                                    |                                                                                    |                                                                   |                                                                                      |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                            |   |                                                                   |   |
| Description: Bare soil near former agriculture plots<br>Direction: East                    |                                                                                    | Description: Pole-mounted transformers<br>Direction: East         |                                                                                      |
|                                                                                            |  |                                                                   |  |
| Description: Drainage ditch on northern portion with residences beyond<br>Direction: North |                                                                                    | Description: Interstate 25 and residences<br>Direction: Southeast |                                                                                      |

## SUBJECT PROPERTY PHOTOGRAPHS



## **APPENDIX B**

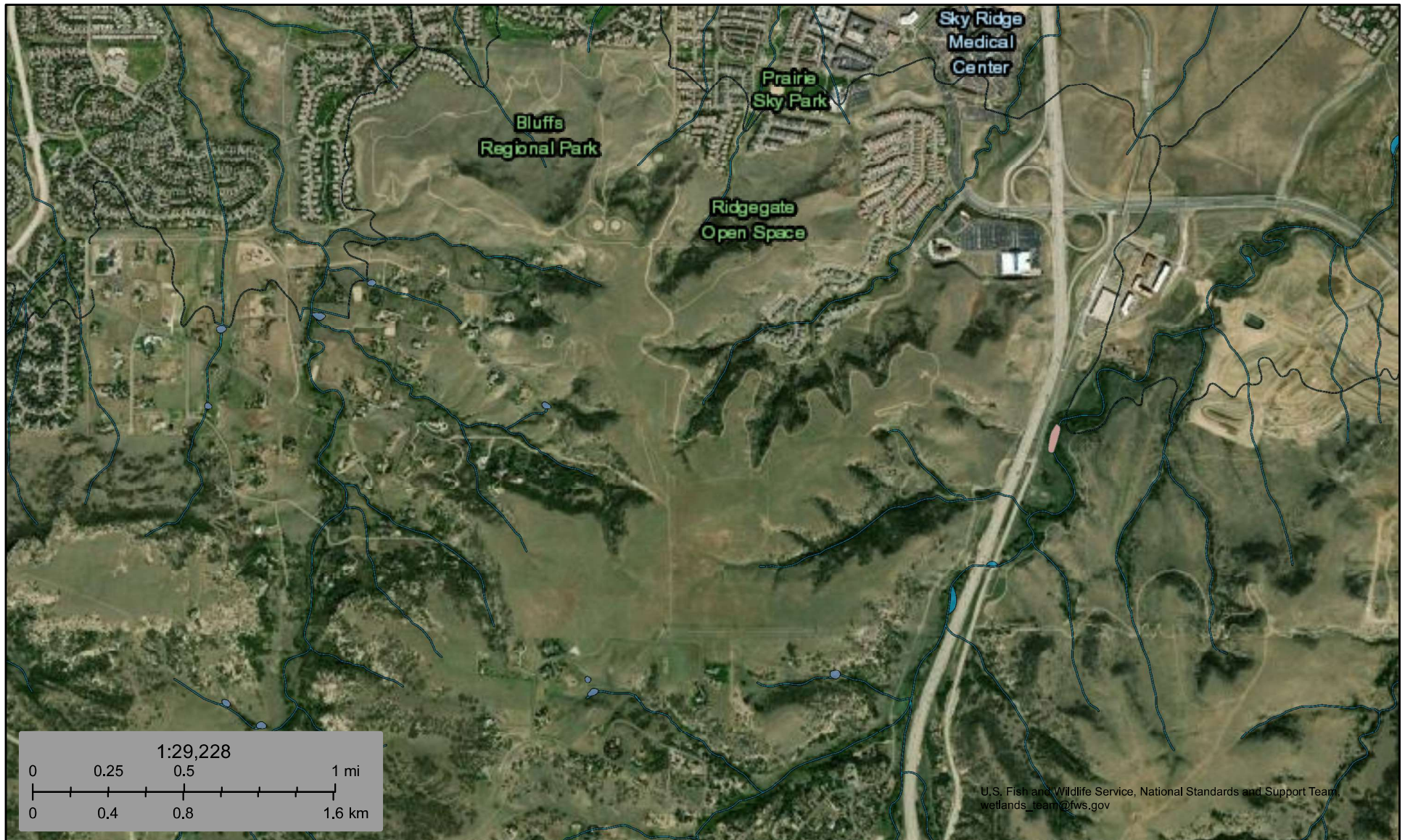
### **WETLAND INVENTORY MAP**



U.S. Fish and Wildlife Service

# National Wetlands Inventory

## Mesa Top



September 7, 2023

### Wetlands

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



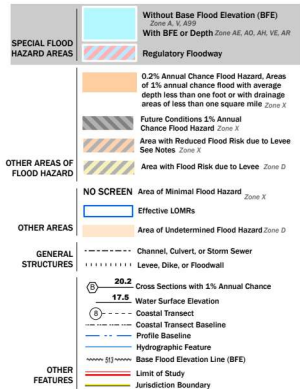
## **APPENDIX C**

### **FEMA NHFL**



### FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR DRAFT FIRM PANEL LAYOUT



### NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM issue. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates, refer to the Flood Insurance Study Report for this jurisdiction.

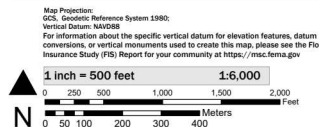
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6626.

Base map information shown on this FIRM was provided in digital format by the United States Geological Survey (USGS). The base map shown is the USGS National Map Orthorectified, Last released October, 2020.

This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 9/20/2023 2:32 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. For additional information, please see the Flood Hazard Mapping Updates Overview Fact Sheet at <https://www.fema.gov/media-library/assets/documents/119418>.

This map complies with FEMA's standards for the use of digital flood maps. If it is not used as described below, the base map shown complies with FEMA's base map accuracy standards. This map is used if the one or more of the following map elements do not appear: base map imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date.

### SCALE



### NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP

PANEL 44 OF 461

| COMMUNITY         | NUMBER | PANEL |
|-------------------|--------|-------|
| CITY OF LONE TREE | 080319 | 0044  |
| DOUGLAS COUNTY    | 080049 | 0044  |