

**BIOLOGICAL ASSESSMENT
AND CULTURAL RECORDS REVIEW
LOUISVILLE INDUSTRIAL PARK
DILLON ROAD AND 96th STREET
LOUISVILLE, COLORADO**

Prepared for:

**UNITED PROPERTIES
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Attention: Mr. Arthur Belz

Project No. DN50,375.000-240-R1

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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 U.S.



1.0 INTRODUCTION

United Properties contracted CTL | Thompson, Inc. (CTL) to perform a Biological Assessment and Cultural Records Review for the property known as the Louisville Industrial Park (the “Site”). The Site is approximately 30 acres in area and is generally located northeast of Dillon Road and South 96th Street in Louisville, Colorado. The Site is geographically located within the southwestern corner of Section 16, Township 1 South, Range 69 West, of the 6th Principal Meridian, in Boulder 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 January 14, 2020, our Ms. Lela Updegrave conducted a Site visit. Photographic documentation is presented in **Appendix A**. Site conditions were sunny with approximately 10% cloud cover, temperatures in the low 50s, and winds ranging from 1-3 mph. During this visit, Ms. Updegrave 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

Historical research indicates that the Site was primarily used for agriculture. A single-family residential home, an outbuilding and a barn are located on the Site. The Site location and plan are shown on Figure 1 (Area Map) and Figure 2 (Site Plan).



1.2 Existing Conditions

The Site consists primarily of non-native upland grasses and forbs including crested wheatgrass (*Agropyron cristatum*), and kochia (*Kochia scoparia*). Identification of specific plant species was difficult due to the season and much of the property had been graded/mowed at the time of our visit. The EPAs Region 8 EcoRegion Map designates the Site as south-central semi-arid prairie habitat. 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.

During our Site visit on January 14, 2020, we did not observe obvious evidence of Water of the U.S. as defined by the Corps on the Site.

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 January 14, 2020 we observed wetlands within the central portion of the Site due to a stormwater outfall structure. Stormwater features are generally not considered jurisdictional by the Corps. In our professional opinion, we do not believe these wetlands would be considered jurisdictional. For a higher level of assurance, a jurisdictional determination can be made by the Corps.

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 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 13 threatened or endangered species with potential habitat in Boulder County (USFWS 2017). Table I lists common and scientific names and the status of the species.

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

Common Name	Scientific Name	Status
Canada Lynx	Mammal - <i>Lynx canadensis</i>	Threatened
Preble's Jumping Mouse	Mammal - <i>Zapus hudsonius preblei</i>	Threatened
North American Wolverine	Mammal - <i>Gulo luscus</i>	Proposed Threatened



Common Name	Scientific Name	Status
Black-Footed Ferret	Mammal - <i>Mustela nigripes</i>	Endangered
Mexican Spotted Owl	Bird - <i>Strix occidentalis lucida</i>	Threatened
Interior Least Tern	Bird - <i>Sterna antillarum athalassos</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 Trout	Fish - <i>Oncorhynchus clarki stomias</i>	Threatened
Ute Ladies'-tresses	Plant - <i>Spiranthes diluvialis</i>	Threatened
Colorado Butterfly Plant	Plant - <i>Gaura neomexicana</i> var. <i>coloradensis</i>	Threatened
Western Prairie Fringed Orchid	Plant - <i>Platanthera praeclara</i>	Threatened

The Canada lynx (*Lynx canadensis*) is a medium-sized cat with long legs, large paws, long tufts on the ears, and a short, black-tipped tail. The lynx is highly adapted for hunting in deep snow due to its long legs and large feet. Distribution of lynx is closely associated with boreal forest in North America, particularly in areas that receive deep snow and have high-density populations of snowshoe hares. Boreal forest is not present on the Site. It is unlikely development of the Site will impact the Canada lynx due to lack of potential habitat within the Site boundaries.

The North American wolverine (*Gulo gulo*) is the largest member of the Mustelid family, also known as the weasel family. The wolverine is a stocky and muscular animal that more closely resembles a bear than other members of its family. Wolverines can weight up to 70 pounds but typical weight between 20 to 40 pounds. The species requires a habitat that is cold and receives enough snow to reliably maintain deep snow late into the warm season. The southern areas of the species' range are restricted to high elevations where near-arctic conditions occur. Due to the southern latitude and non-alpine environment, it is our opinion that the Site does not present habitat suitable for the North American wolverine. It is unlikely development of the Site will impact the North American wolverine.

The black-footed ferret (*Mustela nigripes*) is usually found on shortgrass and midgrass prairies in close association with prairie dogs. Data suggest that a ferret needs a prairie dog colony of at least 31.3 acres to exist for a year and at least 125 acres to raise a litter. Attempts to reintroduce the ferret to Colorado have been difficult, as they do not migrate well to expand



their population. The black-footed ferret has only been released in specific locations in northern and southern Colorado. The nearest black-footed ferret release Site is approximately 15 miles to the southeast. It is unlikely that the ferret would be located on the Site, based on the distance from released locations provided by CPW.

The Mexican spotted owl (*Strix occidentalis lucida*) 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 impact the Mexican spotted owl, due to the lack of potential habitat within the Site boundaries.

The interior least tern (*Sterna antillarum athalassos*), piping plover (*Charadrius melodus*), and the whooping crane (*Grus americanus*) 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 adversely impact these bird species based on the lack of potential habitat within the Site boundaries.

The pallid sturgeon (*Scaphithynchus 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 not large rivers on the Site that flow into Nebraska. Thus, we do not believe that the development of the Site will adversely affect this species.

The greenback cutthroat trout (*Oncorhynchus clarki stomias*) 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. Greenbacks originally lived in the mountain and foothill areas of the Arkansas and South Platte River systems. There are no headwater streams or mountain lakes located on the Site. Based on the lack of suitable habitat within the Site boundaries, we believe that the development of the Site will not adversely affect this species.

The Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*), referred to as PMJM, is a species that 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. The mice 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 jumping mouse habitat. Due to the lack of riparian features and wet meadows in the Site, we do not believe the Site contains potential habitat for 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 Site was assessed for potential Ute ladies'-tresses habitat. Due to the lack of floodplains on the Site, 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 (*Gaura neomexicana* var. *coloradensis*) 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, as well as Platte, Larimer 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. Due to the lack of floodplains on the Site, it is our opinion that the Site does not present habitat suitable



for the Colorado butterfly plant and that development of the Site will not adversely affect this species.

The western prairie fringed orchid (*Spiranthes diluvialis*) 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 Boulder 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. There are no riparian features on the Site which connect to the Platte River. We do not believe the development of the Site will negatively impact this species.

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 burrowing owls on the Site, as our Site visit falls outside of their migratory season. We observed active prairie dog towns throughout the northern portion and southern portions of the Site (see **Figure 2**), indicating suitable habitat for burrowing owls. If development is planned for the Site during the owls' breeding season (March 15 through October 31), we recommend a burrowing owl survey prior to development.

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 observed active prairie dog towns on northern and southern portions of the Site (see **Figure 3**). Boulder 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 Site 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.

The on-Site prairie dog towns present a concern for burrowing owls, a State listed species (see Section 3.2). As discussed in the previous section, we recommend a burrowing owl survey if development of the Site is planned between March 15 and October 31, as burrowing owl nests may be present on-Site.

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 majority of the Site generally provides tree-nesting and ground-nesting migratory bird 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 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.

CPW data indicates that the Site falls within a known bald eagle winter forage range, which suggests that eagles may use the Site for food sources. We did not observe eagle nests on the Site; however, it is our professional opinion that the large trees and nearby water sources on the Site may provide habitat for bald eagles. We did not observe suitable habitat for golden



eagles on the Site. For a higher level of assurance and to avoid destruction of a bald eagle nest, 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 be performed prior to development.

4.0 CULTURAL RESOURCE REVIEW

The following section discusses our assessment of historical or archaeological listings on the Site and/or in connection with the Site. Pertinent findings discussed in the following subsections are displayed in **Figure 3**.

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 the Colorado Historical Society, Office of Archaeology and Historic Preservation, and requested a search of the Colorado Inventory of Cultural Resources. A response was received on January 24, 2020 that identified five sites within the vicinity of the Site boundaries (see Appendix C). The Colorado Central Railroad was identified adjacent to the east of the Site, and a historic property known as the “Owen Property” is located on the southwestern corner of the Site. The “Mobley Property/Nave Place is identified approximately 650 feet to the south of the Site. Two of the sites are listed as “areological” and their locations were not provided by the Colorado Historical Society. None of these five historical sites are listed as eligible for the National Register of Historical Places. The locations of the three historical sites provided by the Colorado Historical Society can be seen in **Figure 3**.

5.0 OPINION AND RECOMMENDATION

Based on the direct field observations and our limited literature research, it is our professional opinion that Waters of the U.S. are not present on the Site. We observed wetlands on the Site associated with a stormwater outfall structure, however we do not believe these wetlands would be considered jurisdictional by the Corps. For a higher level of assurance, the Corps may be contacted to provide an official jurisdictional determination.

We did not observe the presence of federally listed endangered or threatened plant or animal species on the site. We did not observe critical habitat for listed endangered or threatened plant or animal species.

Prairie dogs were observed on the northern and southern portions of the Site. Boulder County does not have specific management recommendations for prairie dogs on private property. Due to the timing of the Site visit, it is unclear if burrowing owls may be present on the Site during the spring and summer months. If development of the Site does not occur before March 15, a burrowing owl survey is recommended to ensure the owls are not nesting in the prairie dog burrows.

The Site contains potential habitat for tree nesting and ground nesting migratory birds. For a higher level of assurance and to avoid destruction of ground-nesting 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 be performed prior to development.

The Colorado Historical Society did not indicate historical sites eligible for the National Register of Historic Places.

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.

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Reviewed by:

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Environmental Department Manager

LTU:MLW/nn

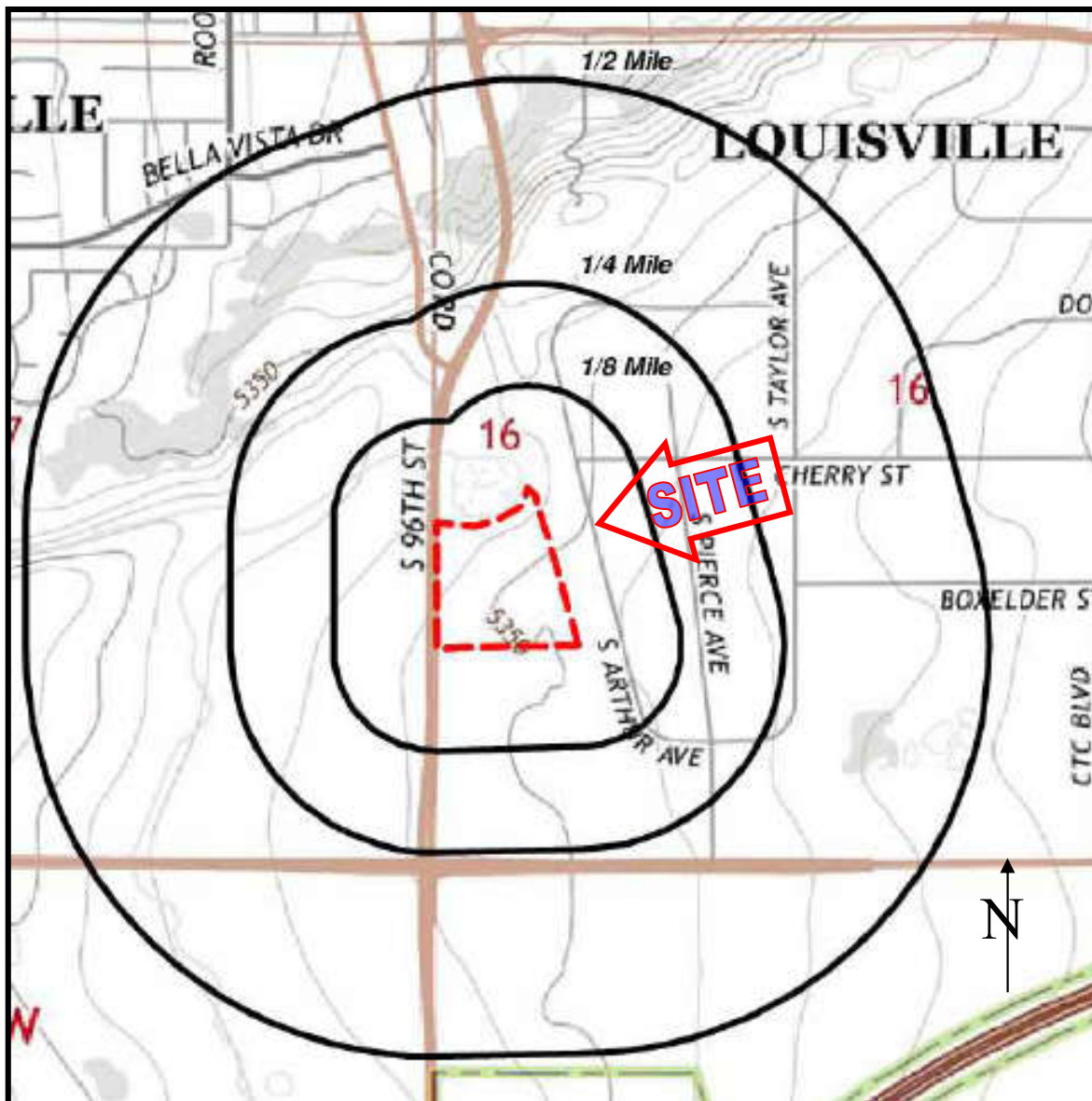
Via e-mail: arthur.belz@uproperties.com



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- National Register of Historic Places, National Register Information System website,
www.nr.nps.gov.
- FEMA Flood Map Service Center, Search by Address,
<https://msc.fema.gov/portal/search>

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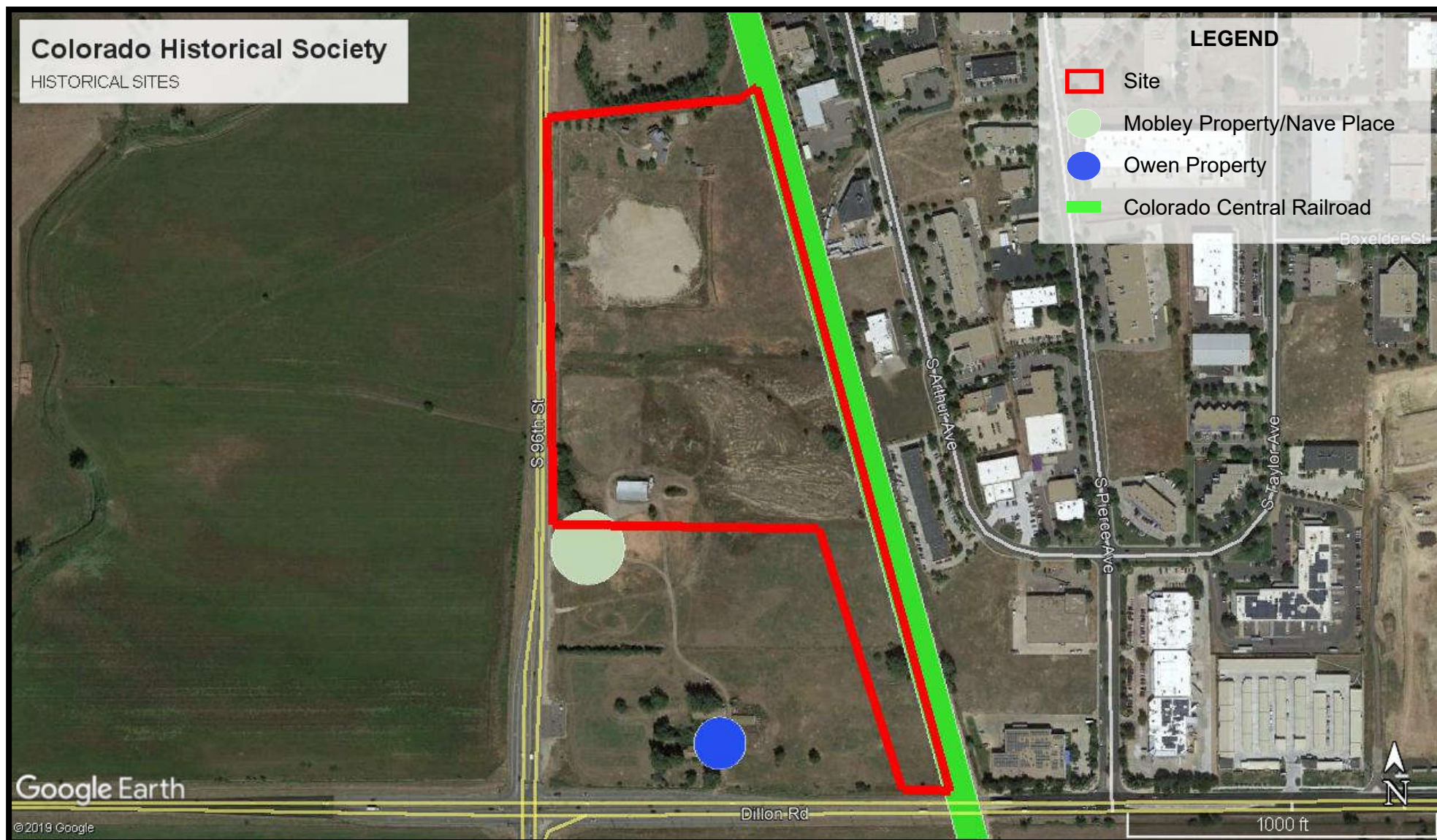
Source:
U.S.G.S. Topographic Map
Louisville/Lafayette, Colorado
2013

Approximate Site Map

1" ~ 600'



*locations approximate





APPENDIX A

SITE PHOTOGRAPHS



Description: General Site View
View Direction: North



Description: General Site View
View Direction: West



Description: General Site View
View Direction: East



Description: General Site View
View Direction: South

SITE PHOTOGRAPHS



Description: Stormwater Outfall Channel
View Direction: East



Description: Stormwater Outfall Wetlands
Direction: Southeast



Description: Prairie Dog Burrow
View Direction: N/A



Description: Potential Raptor Nesting Habitat
View Direction: South

SITE PHOTOGRAPHS



APPENDIX B

WETLAND INVENTORY MAP



U.S. Fish and Wildlife Service

National Wetlands Inventory

Louisville Industrial Park



January 15, 2020

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

COLORADO HISTORICAL SOCIETY RESPONSE

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

Lela Updegrave
CTL Thompson
1971 West 12th Ave
Denver, CO 80204

January 24, 2020

Re: Louisville Industrial Park – DN50375
File Search No. 22440

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	1S	69W	16

5 sites and 4 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.