ENVIRONMENTALLY SENSITIVE AREAS REPORT,Legacy Crossing Development

Prepared For:

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Table of Contents

1.0	Introduction and Description of the Study Area	1				
2.0	Site Inventory	1				
2.1	Vegetation Types, Wetlands, Rare species	1				
2.2	Rare and Special Status Species	2 5				
2.3	Wildlife, Wildlife Corridors, Natural Areas	5				
	, 6	6				
2.5	Drainage Patterns, Floodway and Flood Fringe Boundaries	7				
3.0	Assessment of Potential Impacts	7				
3.1	Vegetation Types, Wetlands, Rare species	7				
3.2	Rare and Special Status Species	7				
3.3	Wildlife, Wildlife Corridors, Natural Areas	7				
3.4	, ,	8				
3.5	Drainage Patterns, Floodway and Flood Fringe Boundaries	8				
4.0	Recommendations: Protection Measures, Mitigation, Enhancement	8				
5.0	References	9				
Attachment A:						
Site	Plan					
Site Photos						

Environmentally Sensitive Areas Report- Legacy Crossing Development

1.0 Introduction and Description of the Study Area

This Environmentally Sensitive Areas Report was completed to comply with requirements of the City of Loveland's Comprehensive Master Plan, Municipal Code, and Open Lands Plan (City of Loveland 2023). The City has developed guidelines for preparing environmental assessments for developments and projects that have the potential to impact mapped natural areas (City of Loveland 2008). This report summarizes potential impacts to natural areas and other environmentally sensitive areas from construction of the Legacy Crossing Development. The proposed project includes a proposed real estate development of 53+- acres in size. North Taft Avenue borders the west site boundary and West 57th Street borders the north site boundary.

A tributary to Dry Creek runs along the east site boundary. The site is dominated by grassland/pasture. A site plan showing the site boundaries is included in Attachment A. Representative photographs showing the project are included in Attachment A. Current land uses on the site include open space. Existing real estate development borders the site on the south, open space on the north. The existing Legacy Crossing occurs along the western site boundary.

This report is based on City of Loveland guidelines that require projects to consider impacts to natural areas and adjacent natural areas. The development site includes parts of Natural Area number 78 (Alford Lakes) and Natural Area number 79 (wetland) (City of Loveland 2008). For this report the study area includes the development site and also the nearest Natural Areas. The field review and report were completed by Eric Berg of Wildland Consultants Inc. (WCI). Mr. Berg is a Certified Wildlife Biologist and Certified Professional Wetland Scientist.

2.0 Site Inventory

2.1 Vegetation Types, Wetlands-

Vegetation Types:

Vegetation types on the site include a mix of seeded pasture, and wetlands. The seeded pasture occurs over most of the actual development site. Dominant plants include smooth brome, alfalfa and a few other grasses and forbs. A few small cottonwood trees and Russian olive trees occur along an old ditch in the southwest section of the site. Russian olive trees are also located along the wetland along the eastern site boundary (Map 1- Site Inventory Map). A large plains cottonwood tree occurs in the northeast corner of the site. Photographs of the vegetation types on the site are included in Attachment A.

Map 1. Site Inventory Map, Legacy Crossing Development



Wetlands:

National Wetland Inventory (NWI) mapped wetlands are present on the site at what used to be Alford Lakes (USFWS 2023). These lakes were filled around 2002 and are no longer present on and adjacent to the site. NWI mapped wetlands are also present along the drainage that borders the eastern site boundary.

WCI completed a formal wetland delineation of the site (Wildland Consultants, Inc. 2022). WCI delineated 2 wetlands on the site (Map 1).

Wetland 1 occurs along a large wide drainage/swale that drains to Dry Creek (wetland area 419,784 Square feet (9.6 acres)). This is Natural Area #79. There is no discernable channel or ordinary high water mark. Note: only the western wetland boundary was delineated, the eastern boundary is approximate based on aerial photo interpretation. Dominant species in the wetland included: reed canarygrass (*Phalaris arundinaceae*), cattail (*Typha latifolia*), field sedge (*Carex praegacilis*), curley dock (*Rumex crispus*) and other species. There are few stands of Russian olive (*Eleagnus elegans*) trees in and adjacent to the wetland. Wetland hydrology is present including standing water and saturated soils. Wetland soils are present, including evidence of a depleted soil matrix.

Wetland 2 (2,361 square feet in size (0.054 acres)) occurs along a swale that historically was part of Alford Lakes (lakes were filled for development/housing around 2000). The wetland connects to a swale/ditch that drains to the east but ends prior to connection to Wetland 1. The wetland is dominated by coyote willow (*Salix exigua*) with a fringe of meadow fescue (*Schedonorus pratensis*). Wetland hydrology is present including saturated soils. Wetland soils are present including evidence of a depleted soil matrix.

Upland species adjacent to these wetlands included: smooth brome (*Bromus inermis*), quackgrass (*Elymus repens*), yellow sweetclover (*Melitotus officinalis*), Canada thistle (*Cirsium arvense*), kochia, (*Kochia scoparia*), common milkweed (*Asclpepius speciosa*) and a few other grasses and forbs.

WCI requested a jurisdictional determination of wetlands on the site. The Army Corps of Engineers (ACOE) determined that wetland 1 is jurisdictional, wetland 2 is non-jurisdictional (ACOE 2022). Any disturbance of wetland 1 (including stormwater outfalls) will require a permit from the ACOE.

2.2 Rare/Special Status Species

WCI reviewed habitat conditions on the site to determine if the area provides potential habitat to any federally listed species that are protected under the Endangered Species Act (ESA). Species that are federally listed (formerly listed as Endangered or Threatened) are protected by the ESA. The U.S. Fish and Wildlife Service (USFWS) is the federal agency responsible for administering the ESA. The ACOE is required to consider impacts to federally listed species prior to issuing any 404 Permits. Based on a

search of the USFWS database there are several listed species that have the potential to occur in the project area (USFWS 2023). WCI reviewed this list prior to completing the field review. Table 1 summarizes species that have been identified as potentially occurring in the vicinity of the proposed development (USFWS 2023). Table 1 also summarizes the likelihood for the species to occur on the site.

Table 1. Federally Listed Species with the potential to occur in the project area (USFWS 2023).

Common Name Scientific Name	Status ¹ Federal/State	Habitat	Potential to Occur on the Site					
Plants	Plants							
Ute Ladies'-tresses Spiranthes diluvialis	FT	Areas with seasonally wet soils and wet meadows nears springs, lakes, or perennial streams and their associated flood plains below 6,500 feet above sea level in the South Platte River Drainage	The wetlands on the site provide potential habitat to this species. Past burning, grazing and herbicide use make it unlikely the species is present. There are no known location within 25 miles.					
Western Prairie Fringed Orchid Platanthera praeclara	FT	The species occurs in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and Oklahoma. Upstream depletions to the Platte River system in Colorado and Wyoming may affect the species in Nebraska.	Occurs in native mid and tall grass prairie habitat. No occurrence in Colorado. Any new depletion of water that flows to the Platte River system that results from project development could impact this species. Most developments use established sources of municipal water and do not add to water depletions in the Platte River system					
Fish								
Pallid Sturgeon Scaphirhynchus albus	FE	Riverine Zones, Platte River	No potential to occur on site. Any new depletion of water that flows to the Platte River system that results from project development could impact this species. Most developments use established sources of municipal water and do not add to water depletions in the Platte River system					
Greenback Cutthroat Trout	FT	Mountain streams, S. Platte River Drainage	No potential habitat on or near the site.					
Birds								
Eastern Black Rail Laterallus jamaicensis ssp. jamaicensis	FT	Large cattail and bulrush dominated wetlands.	The large cattail dominated wetland along the eastern site boundary provides potential habitat for this species. Sightings of this species are rare in Larimer County it is unlikely this species is present.					
Bald eagle Haliaeetus leucocephalus	Delisted	Many wetland and forest habitats; typically associated with reservoirs, deep-water lakes, large rivers, and some coastal wetlands. Generally nest in large trees, typically conifers, near water bodies.	Nearest nest site is 2.0 miles to the east. Project construction should not impact this species.					
Piping Plover Charadrius melodus	FT	Sandy beaches, shorelines, islands.	No potential habitat on the site. Any new depletion of water that flows to the Platte River system that results from project development could impact this species. Most developments use established sources of municipal water and do not add to water depletions in the Platte River system					
Whooping Crane Grus americana	FE	Wetlands, lakes, agricultural fields, pastures	A very rare migrant in the region. No potential habitat for the species on site. Any new depletion of water that flows to the Platte River system that results from project development could impact this species. Most developments use established sources of municipal water and do not add to water depletions in the Platte River system					
Mammals								
Gray Wolf Canis lupis	FT	Mountains, foothills, plains undeveloped open lands.	No potential habitat on near the site. Project construction would not impact this species.					
Tricolored Bat Perimyotis subflavus	PT	Caves, abandoned mines winter; forested areas summer	No potential roost areas on the site.					
Preble's Meadow Jumping Mouse Zapus hudsonius	FT	Thick shrubby and tree dominated riparian zones.	No potential habitat on site or near the site. The small isolated riparian zone along the SW pond					

Common Name Scientific Name	Status¹ Federal/State	Habitat	Potential to Occur on the Site
preblei			does not connect to other riparian area. Project construction should not impact this species.

Note

1. Regulatory Status: FT = Federally-listed as threatened FE = Federally-listed as endangered

PT= Proposed threatened

Sources: USFWS 2023. IPac Trust Report for the Legacy Crossing Site.

The only Federally listed wildlife species that have the potential to occur on the site are the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) and the eastern blackrail (*Laterallus jamaicensis ssp. jamaicensis*). The gray wolf (*Canis lupis*) is listed by the USFWS as potentially occurring on the site, urban/tilled agricultural areas do not provide potential habitat to this species.

Preferred habitat for the Preble's meadow jumping mouse includes thick shrubby riparian habitat along regional streams and rivers (Armstrong et al. 1997). Critical habitat has been established for this species in the foothills of Boulder County. There is no shrubby woody riparian habitat on or near the site. The small isolated riparian zone along the southwest pond has no connections to other streams/drainages. There is no potential habitat for the Preble's meadow jumping mouse on or near the development site.

Eastern black rails use shallow wetlands in Colorado dominated by cattails, hardstem bulrush (*Scirpus acutus var. acutus*), soft-stemmed bulrush (*Schoenoplectus tabernaemontani*), and willow (*Salix* spp.) in the overstory (Griese et al. 1980, p. 96). In Colorado's most recent Breeding Bird Atlas, eastern black rails were detected exclusively in extensive cattail marshes with standing water (Wickersham 2016, p. 188). The distribution of the eastern black rail in Colorado is poorly understood. The species is documented as nesting in the Arkansas River Valley. The USFWS considers Weld County probable for supporting a breeding population and Larimer County as possible for supporting a breeding population (USFWS 2020). The Colorado Breeding Bird Atlas has no locations for this species mapped in Larimer or Weld Counties (Colorado Breeding Bird Atlas 2016).

In Colorado's most recent Breeding Bird Atlas, eastern black rails were detected exclusively in extensive cattail marshes with standing water in the Arkansas Valley (Wickersham 2016). Suitable habitat has dense or thick emergent vegetation with high vegetation density (interspersion) as well as a mixture of new and residual growth (Colorado Division of Parks and Wildlife (CDPW) 2016). The site supports a large cattail dominated wetland (Wetland 1). However, it is very unlikely that the species is present on or near the site.

One federally listed (Threatened) plant species, the Ute ladies' tresses orchid (*Spiranthes diluvialis*) has the potential to occur within wetlands, wet meadows, ditch banks in Larimer County. The Ute ladies'-tresses orchid has been documented in areas with seasonally wet soils and wet meadows nears springs, lakes, or perennial streams and their

associated flood plains below 6,500 feet above sea level in the South Platte River Drainage (USFWS 1992a). Known populations of this species occur in Nevada, Utah, and eastern and western Colorado (USFWS 1992b). Several historically documented populations are known to occur along the Front Range (Boulder and Larimer Counties). There are no known locations for this species in the area. The species is unlikely to be present due to past burning, and herbicide use.

2.3 Wildlife, Wildlife Corridors, Natural Areas-

There are no Colorado Parks and Wildlife mapped High Priority Habitat areas on or near the site (CPW 2023). The project area provides habitat to wildlife species adapted to urban grassland and pasture zones and wetlands. The tributary to Dry Creek (wetland along eastern site boundary) provides a wildlife movement corridor in the area.

Wildlife species likely to use the area periodically include: red fox, coyote, raccoon, striped skunk; a variety of small mammals (deer mouse, meadow vole, house mouse, cottontail rabbit, black-tailed prairie dog); a variety of birds (meadow lark, mourning dove, American robin, common grackle, common flicker, yellow warbler, house finch, English sparrow, horned lark, black-billed magpie, starling, American kestrel, red-tailed hawk, great horned owl, and others); a few reptiles (western terrestrial garter snake, gopher snake)(Andrews and Righter 1992, Colorado Division of Wildlife 2011, Fitzgerald et al. 1994, Hammerson 1999). Wildlife species or signs of species observed on or near the site during a June and November field reconnaissance included: English sparrow, house finch, meadow lark, mourning dove, swamp sparrow, fox sparrow, red winged blackbird, great-blue heron, crow, American kestrel, red-tailed hawk, Swainson's hawk, rough-legged hawk, deer mouse, meadow vole, raccoon, striped skunk, cottontail rabbit, red fox, coyote. The most common nesting bird species in the area are likely to be the meadow lark, mourning dove, and red-winged blackbird (wetland area). Raptors use the area for foraging. No raptor nests were observed on the site.

The Migratory Bird Treaty Act protects migratory birds, and active nests. Inactive nests (nests not being used or nests outside the nesting season) are not protected. The Act is enforced by the USFWS. Many migratory bird species have a high interest from a conservation and species diversity perspective (neotropical migrants, raptors, birds of conservation concern (USFWS ranking)).

The pasture/weedy areas on the site provide nesting habitat to agricultural and grassland adapted migratory bird species. A number of pasture/farmland adapted species could be present as nesting birds (meadowlark, mourning dove and many other species). The wetlands on the site provide nesting habitat to red-winged blackbirds (many nesting pairs), swamp sparrow (observed in June), a few waterbird species, and waterfowl. The large plains cottonwood in the northwest site corner provides roost sites for raptors and nesting habitat to a variety of neo-tropical migrants.

During our field reviews we observed red-tailed hawk, Swainson's hawk, rough-legged hawk, American kestrel, and northern harriers foraging on the site. There are no known nests on the site. The nearest bald eagle nest to the site is approximately 2.0 miles to the east (CPW 2023). There are no active prairie dog colonies on the site thus no, good nesting areas for burrowing owls are present. The site provides good raptor foraging areas.

Natural Areas-

The development site includes parts of Natural Area number 78 (Alford Lakes) and Natural Area number 79 (wetland) (City of Loveland 2008).

Natural Area #78 has mostly been removed by the existing development to the south. The majority of the natural area was graded around 2000-2002. The site had an overall habitat rating of 6 (City of Loveland 2008). Most of the habitat values associated with Natural Area #78 were lost when the area was graded. A remnant of Natural Area #78 still exists on the Crossroads Development Site (Map 1, Site Inventory Map). On the development site the remains of Natural Area #78 include an area of seeded grassland/pasture, a small coyote willow dominated wetland, and an old ditch that supports Russian olives and a few small cottonwood trees.

Natural Area #79 is still present and includes a large wetland associated with a drainage to Dry Creek (see Section 2.1)(Map 1, Site Inventory Map). This natural area has an overall habitat rating of 6. The site is dominated by large stands of cattail, with a fringe of other wetland plants (reed canarygrass, American threesquare, field sedge and scattered Russian olive trees. Natural Area #79 provides a local wildlife movement corridor.

Nearby natural areas (Natural Area #151) includes the same tributary to Dry Creek (upstream of the site). Natural Area #151 is now protected open space. These habitats are valuable to a number of native migratory birds, small mammals, and reptiles. Natural Area #151 is separated from the development site by West 57th Street.

2.4 Soils, Geologic Hazards-

Soils information for the site was determined by review of the Larimer County Soil Survey (Web Soil Survey 2023). The dominant soils on the site are the Fort Collins loam, Nunn clay loam and Longmont clay. These are all prime farmland soils.

There are no known geologic hazards (faults, landslide areas) on or near the project area. Soil construction related properties are outlined in the project engineering report. There are no steep slopes on the site.

2.5 Drainage Patterns, Floodway, and Flood Fringe Boundaries-

The development slopes generally to the east/southeast. The highest elevation on the site is around 5,087 feet in the northwest site corner, the lowest elevation on the site is around 5045 feet in the drainage in the southeast site corner. Drainage on the site is towards the east and southeast. The large drainage along the sites eastern boundary drains to the south/southeast and connects to Dry Creek.

The low areas along drainage on the east site boundary are located within an area classified as moderate risk for flooding (FEMA 2023).

3.0 Assessment of Project Impacts

3.1 Vegetation Types, Wetlands-

Project development will result in the conversion of approximately 29.87 acres of grassland/pasture to urban uses. Approximately 23.13 acres of open space will be protected on the site (including Natural Area 79, buffer zone to Natural area 79 and the south site buffer/detention areas). The large eastern wetland (Natural Area Number 79) will not be impacted by development (except for stormwater outfalls). The development team will consult with the City of Loveland forester to determine if the large plains cottonwood tree in the northwest site corner will be preserved or be removed.

3.2 Rare/Special Status Species

No impacts to federally listed or special status plant and wildlife species are expected with project construction. The site provides marginal/poor potential habitat to the Ute ladies' tresses orchid, and Preble's meadow jumping mouse. There are no known populations of the eastern black-rail in Larimer County.

3.3 Wildlife, Wildlife Corridors, Natural Areas-

Project development will result in the conversion of approximately 29.87 acres of grassland/pasture to urban uses. Wildlife species using this habitat will be replaced with urban adapted species. No key or unique wildlife habitats would be impacted by project development.

Approximately 23.13 acres of open space will be protected on the site (including Natural Area 79, buffer zone to Natural area 79 and the detention area in the southwest site corner). The large eastern wetland (Natural Area Number 79) will not be directly impacted by development (except for stormwater outfalls). A buffer zone ranging from a minimum of 56 to a maximum of 298 feet (average of 167 feet) will be created between the edge of lots and the edge of the wetland associated with Natural Area #79 (Attachment A, Site Plan). This buffer zone will include 2 stormwater detention areas (locations to be determined). Disturbed areas of the buffer zone will be reseeded with a native grass seed mix. The buffer zone (including edges of the new detention ponds will

be planted with thickets of native shrubs and trees (chokecherry, rabbitbrush, red osier dogwood, skunkbrush sumac, plains cottonwood, peach leaf willow and other species) (to be shown onsite landscape plan). A public trail will be put into the buffer area between the lots and the edge of the wetland (Attachment A, Site Plan). This trail will be located 25-130 feet from the edge of the wetland (average of 29 feet). Human use of this trail will add to disturbance of the existing natural area.

A portion of the remnant of Natural Area #78 will be graded and converted into a detention area. This detention area will be seeded with a native grassland seed mix. The edges of the detention will be planted with native shrubs and trees. This area will remain as undisturbed open space following restoration/revegetation. No buffer zones area proposed from the remnant Natural Area #78. The wetland (Wetland 2) in this area will not be disturbed by construction.

Minimal indirect impacts are anticipated from project construction on adjacent Natural Areas (#151). These natural areas are separated from the development site by busy West 57th Street.

Impacts to rare and special status species are not anticipated with project construction (Table 1).

3.4 Soils and Geologic Hazards

Direct impacts from construction would include the loss of approximately 29.87 surface acres of prime farmland soils. Soil construction related properties are outlined in the project engineering report.

3.5 Drainage Patterns, Floodway and Flood Fringe Boundaries

All construction related storm water runoff will be controlled using standard erosion and sediment control BMP's as outlined in the project Stormwater Management Plan. Stormwater flows after construction will be channeled into site stormwater detention plans (Attachment A, Site Plan) according to project engineering reports.

All lots are located outside of 100 year floodplain areas.

4.0 Recommendations: Protection Measures, Mitigation, Enhancement

No disturbances to open lands are possible without impacts to the environment. Project development will result in the conversion of approximately 29.87 acres of grassland/pasture to urban uses. Wildlife species using this habitat will be replaced with urban adapted species. No key or unique wildlife habitats would be impacted by project development. Approximately 23.13 acres will remain as open space/natural areas (protected wetland area/Natural Area 79 and buffer and stormwater detention and remnant of Natural Area #78 including detention).

The following mitigation and enhancement measures are proposed for the project:

- Soils, Erosion Control- A Stormwater General Permit will be obtained prior to construction, a Stormwater Management Plan will be followed during construction to minimize offsite erosion and sedimentation.
- Appropriate native wetland and dryland seed mixes will be used for seeding of
 detention areas and disturbed areas of the Natural Area #79 buffer zone and the
 remnant of Natural Area #78 as outlined on the Landscape Plan. Wetland seed mixes
 would be used in detention pond bottoms if appropriate. Control of invasive weeds
 will be completed until restoration is successful.
- Native trees and shrub thickets will be planted adjacent to detention areas and within the buffer zones of Natural Area #79 and #78 (to be shown on Landscape Plan).
- Post construction revegetation and weed monitoring will be completed to evaluate the success of revegetation efforts. Areas that do not meet revegetation success criteria will be reseeded. Shrubs and trees will be replanted if they do not survive.
- The development Home Owners Association will be responsible for weed control within Natural Area #79 and #78, and other open space areas on the site. An annual weed inventory of these sites will be completed. Weed control will be completed by licensed contractors.
- A permit(s) will be obtained from the ACOE for any disturbances proposed in Wetland 1. It is anticipated that stormwater outfalls will impact this wetland area. It is anticipated that wetland impacts would be small, less than 0.1 acres so ACOE required wetland mitigation is unlikely. Wetland 2 will not be disturbed by construction activities
- The development team will consult the City Forester to determine if the large plains cottonwood tree in the northwest site corner should be protected or removed.

5.0 Literature Cited

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Attachment A Site Plan, Site Photos







Photo 1. Western edge, Natural Area #79 (Wetland 1) view to the south from West 57th Street.



Photo 2. Western edge, Natural Area #70 (Wetland 1), view to the north.



Photo 3. View to east across center of the site, seeded pasture.



Photo 4. View to west from near the southeast development boundary, seeded pasture.



Photo 5. View to west of remnants of Natural Area #78, mixed grasses, small cottonwood trees.



Photo 6. View to the east of remnants of Natural Area #78, pasture, ditch with cottonwood trees, Russian Olive trees.



Photo 7. View to north of northwest site corner, large plains cottonwood tree, mixed grasses/weeds.

