

Final

**Environmental Assessment/
Habitat Conservation Plan**

For the

Issuance of an Incidental Take Permit

Under Section 10(a)(1)(B) of the

Endangered Species Act

For the Construction of a Single Family

Residence at

The Lefever Property

12715 Kaibab Ct.

Black Forest Colorado

With assistance from—

GreyStone Environmental Consultants Inc.

&

Kathleen Linder, U.S. Fish and Wildlife Service

November 19th, 2002

Title Page

Lead Agency: U.S. Fish and Wildlife Service, Department of Interior

Legal Authority: Endangered Species Act of 1973, as amended,
Section 10(a), as implemented by
50 CFR 17.32(b)(1) and 17.22(b)(1)

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Final

ENVIRONMENTAL ASSESSMENT/HABITAT CONSERVATION PLAN FOR THE ISSUANCE OF AN INCIDENTAL TAKE PERMIT UNDER SECTION 10(A)(1)(B) OF THE ENDANGERED SPECIES ACT FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT THE LEFEVER PROPERTY

October 1st, 2002

Introduction

Thomas Lefever hereinafter referred to as "Applicant," has applied to the U.S. Fish and Wildlife Service for a permit to allow the incidental take of Preble's meadow jumping mouse (*Zapus hudsonius preblei*), (PMJM) a species listed as threatened under the Endangered Species Act of 1973, as amended (ESA). The incidental take would be in the form of potential disturbance to and loss of habitat potentially used by Preble's meadow jumping mouse. The proposed action involves the construction of a single-family home in an area known to be inhabited by PMJM. The property is located within Abert Estates Lot 4, Black Forest Colorado (Development since 1995 for Residential lots)

This document provides an Environmental Assessment (EA) as documentation of National Environmental Policy Act (NEPA) compliance and a habitat conservation plan (HCP) as required by Section 10 of the ESA in support of the Incidental Take Permit application. The intent of the HCP is to minimize and mitigate the potential incidental take of PMJM. No other federally listed species are known to be adversely affected by the proposed project.

The Applicant or its contractor will monitor the HCP and prepare an annual report on the progress of habitat improvement measures for three growing seasons, or until success criteria are met. Three alternatives have been identified: 1) The Proposed 2) Wait for Regional 10(A)(1)(B) Permit, and 3) No Action Alternative.

Background

Thomas W. Lefever purchased the Property 12715 Kaibab Ct. Abert Estates Lot 4 on March 1 2002. Tom did do Due Diligence before purchase of the property (5.4 acres) with the Regional Buildings, Flood Plan and Etc. Neither Seller, nor the County mentioned this being a

Habitat area. Applicant became aware of this issue Tom after 2 months of trying to get building permits. Tom met with Pete Plage and Kathleen Linden at the FWS field office. Tom has hired GreyStone Environmental Consultants (Tom Ryon) to help with the Study on May 1 2002

- Property is located within Abert Estates Residential Development.
- Abert Estes was developed in 1995 for housing.
- A well permit # 057241 issued April 2002 (See attached plot plan for location of well)
- Electricity was supplied to the property in April 2002
- Septic permit #ON0002802 issued in March 2002 (see attached plot plan for Septic area)
- Property was cleared for construction by County Flood plain in April 2002
- Said proposed house is clear of the 100 year flood plain
- Other Properties have been built within the past 2 years with out FWS permits in Abert (Lots # 5 & 25)
- Hired GreyStone to help with recommendations May 1, 2002
- 5.4 Acres (2.3 acres in no build zone and flood plain open for habitat)

The Preble's meadow jumping mouse came under the full protection of the Endangered Species Act as a threatened species in June 1998. The Applicant had a builder under contract to construct a single-family residence at the site during the summer 2000. Because the proposed building site is within potential habitat for the mouse, construction at the site has been postponed until an incidental take permit for the mouse can be obtained. The Applicant originally planned to begin construction by May 1, 2002.

Purpose and Need

The purpose of this EA/HCP is to evaluate the environmental impacts of the proposed action and to obtain an incidental take permit for the PMJM. The EA component of this report is required to document compliance with NEPA. Section 10 of the ESA requires an HCP in support of the Incidental Take Permit application. The intent of the HCP is to minimize and mitigate the potential incidental take of PMJM to the maximum extent practicable and to reduce the likelihood that the proposed project will negatively affect the survival and recovery of PMJM.

Description of the Affected Environment (by GreyStone's Tom Ryon)

Vegetation

The property is situated in the Black Forest habitat of the Palmer Divide at an elevation of approximately 6800 to 7000 feet. The property and Abert Estates subdivision was formerly used as cattle pasture and, therefore, is not comprised entirely of native mixed prairie species as would be found in undisturbed areas. Some of the grasses that are common to the Black Forest area and the property include blue grama (Bouteloua gracilis), smooth brome (Bromus inermis), and western wheatgrass (Agropyron smithii). Ponderosa pine (Pinus ponderosa) predominates the forested portions of the property and local area. Shrub species in the area include Gambel's oak (Quercus gambelii) in riparian corridors along streams. The property contains all of these species, particularly within the drainage easement portion at the northern half of the property. A small stream, Black Squirrel Creek, runs northeast to southwest along the southern edge of the drainage easement portion of the property. Riparian and wetland vegetation is only found in small narrow sections along the creek because of its small size, intermittent flow, and steep banks. Wetland vegetation species include Baltic rush (Juncus balticus), sedges (Carex spp.) and (sandbar willow).

Wildlife

The Black Forest area has a diversity of wildlife species, despite the recent increase in real estate development. The property, particularly the drainage easement portion, probably contains or is frequented by many species of birds, mammals, reptile's, amphibians, and invertebrates. Bird species that are common to the area include perching birds such as American robin, western meadowlark, black-billed magpie, European starling, mountain bluebird, common grackle, American goldfinch, and western kingbird, raptors such as red tailed hawk, great horned owl, northern harrier, American kestrel, and ferruginous hawk: and toher birds such as northern flicker and broad-tailed hummingbird. Common mammal species to the Black Forest area include small mammals such as deer mouse, meadow vole, prairie vole, western harvest mouse, hispid pocket mouse, several species of Myotis bats, northern pocket gopher, and vagrant shrew: carnivorous mammals such a coyote, red fox, striped skunk, raccoon, longtail weasel, and bobcat: and other mammals such as mule deer, desert cottontail, muskrat, and porcupine. Common retile species for the area and property include bull snake, prairie rattlesnake, plains

garter snake, and eastern fence lizard. Amphibians that are common in the Black Forest area include northern leopard frog, bullfrog, chorus frog, wood house's toad, and tiger salamander.

Threatened or Endangered Species

PMJM, a federally threatened species, is known to occupy the riparian habitat associated with the flood plain in Black Squirrel Creek which flows through the property. PMJM is known to occur at the corner of Hwy 83 and Shoup Rd, Located approx ½ mile south west of property. Other nearby sections of Black Squirrel Creek in El Paso County have been recently surveyed for PMJM with positive results (Greystone 2001) The Colorado Division of Wildlife (CDOW) also conducted trapping South and North of property along the Creek. No trapping has been conducted at the Lefever Property, but due to the close proximity to a known population of PMJM and suitable continuous habitat, PMJM is assumed to be present at the site.

Wetlands

There has been no official wetland delineation of the property. However, wetland habitat exists in small, narrow segments along parts of Black Squirrel Creek within the drainage easement portion of the property. The riparian corridor of Black Squirrel Creek lies within the drainage easement and there would not be any destruction of the riparian corridor from construction activities, if appropriate measures are taken to prevent surface runoff and soil erosion from reaching the creek.

Wetlands on the property include herbaceous types and woody types. Herbaceous wetlands are composed mainly of Baltic rush and sedges. Woody wetlands include sandbar willow and peach-leafed willow (Salix amygdaloides).

Geology/Soils

Soils on site consist of Silty sand to sandy silt 0-5' - silty sand 5 to 10' clayey silt 10-15' / Soils testing were performed by Colorado Engineering in Monument and can be obtained by request. Copy of borings attached to this HCP.

Land Use

Abert Estates is a Residential development established in 1995, all the lots have been sold and are already built except this lot #4

Air Quality

The property is located in a rural portion of El Paso County that meets all relevant air quality standards.

Water Resources and Water Quality

The water supply for the proposed home will come from the privately permitted well (Denver aquifer) located on the property. Black Squirrel Creek splits the lot #4. A portion of the property lies within the 100-year floodplain of the creek bed.

Alternatives Considered

The alternatives considered include: 1) build the residence at the proposed site 2) Wait for El Paso County Regional Plan 3) no action. This section describes each alternative. The environmental consequences of the alternatives are discussed in the “Environmental Consequences” section, below.

Alternative 1- Proposed (Preferred) Alternative

The proposed action is the issuance of a permit under Section 10(a)(1)(B) of the Endangered Species Act to allow the incidental take of Preble’s meadow jumping mouse during the construction of a single family residence at the site. The proposed alternative would allow the Applicant to construct a home at the site as originally planned. The proposed project will directly affect approximately 1/2 acre of potential habitat for PMJM. The project would not adversely affect the continued existence of PMJM on the property due to the small area of habitat affected.

The proposed home and associated facilities will consist of a single-family residence (Figure 3 shows the construction impact area plan for the site.)

An HCP has been developed as part of the preferred alternative. The proposed HCP will allow for the incidental take of PMJM by permitting the house to be constructed in an area that may be periodically used by the mouse as foraging habitat. The incidental take permit application is attached (refer to Figure 4). Construction will result in about ¼ acre of permanent habitat loss and another 1/4 acre of temporary effects to the habitat associated with localized disturbance. Applicant will preserve and enhance a 4.515-acre area of similar foraging habitat for the mouse in the remaining acres of the property (Appendix 7 & 8).

The proposed project minimizes potential effects to PMJM and its habitat while meeting the Applicant’s needs. The proposed alternative would result in minimal impacts to potential habitat (Table 1).

Table 1. Areas disturbed by project features (proposed alternative)

Feature	Area of Disturbance	
	Square feet	Acres
Proposed residence	2700	0.062
Out Building 35x50	1750	0.04
patio	500	0.012
Lawns & decks	2000	0.042
Circle Drive	4500	0.10
Concrete driveway apron	3500	.081
Sub-total of hard surface areas	14,950	0.346
Temporary construction disturbance	1500	0.035
(Septic System)	8000	0.18
Total	24,450	.56

Alternative 2- Wait for Regional 10(a)(1)(B) Permit

This alternative involves waiting for approval of the El Paso County regional 10(a)(1)(B) Permit. The proposed construction of the residence might be able to proceed under a countywide HCP. It is unknown when this regional HCP will take affect, or if it will address the proposed project. This alternative assumes that the Applicant could wait for several years for the regional HCP to be approved and implemented.

Alternative 3- No Action Alternative

The no action alternative consists of not constructing the home and its associated facilities. This alternative would avoid any incidental take of PMJM at this site. This alternative would not allow the Applicant to use the property and the completed infrastructure for a home site as originally intended. Under this alternative, no application for incidental take would be submitted. The intended use for the land would not be met. This would cause a great loss of money and time to the Applicant.

Environmental Consequences

Alternative 1- Proposed (Preferred) Alternative

Vegetation

The proposed action will result in the alteration of approximately 0.56 acres of mixed grassland vegetation during construction. Of this total, 0.215 acres will be temporary disturbance that will be replaced with appropriate species after completion of construction. Planting additional shrubs will enhance an additional 0.89-acre area as mouse habitat. The attached planting plan describes a detailed planting plan for the shrub enhancement area (refer to Appendix 3: Planting Plan).

Wildlife

The small amount of disturbance associated with the proposed project should have little direct affect on wildlife. A few rodents or birds may be directly displaced by the proposed project. Some increased competition for nesting or foraging habitat may result. The majority of the property will remain in its current state, including the riparian area along the creek that is preserved by a conservation easement. The proposed project includes an HCP that will result in a conservation easement, and shrub plantings to enhance 0.89 acres as habitat for PMJM. These preservation and enhancement measures should compensate for impacts to wildlife habitat.

Threatened and Endangered Species

Preble's meadow jumping mice typically inhabit areas characterized by well-developed plains riparian vegetation with relatively undisturbed grassland and water source in close proximity (Armstrong et al. 1997). Recent studies have suggested that PMJM may have a wider ecological tolerance than previously thought, and that the requirement for diverse vegetation and well-developed cover can be met under a variety of circumstances (Meaney et al. 1997). Radio-tracking studies conducted near Douglas County by the Colorado Division of Wildlife have documented PMJM using upland habitat adjacent to wetlands and riparian areas (Shenk and Sivert 1999). The most recent U.S. Fish and Wildlife Service (FWS) survey guidelines for PMJM define PMJM habitat as riparian areas within 300 feet of the 100-year floodplain of a stream (FWS 1999). Based on this definition, the proposed residence site is located within the potential habitat. The proposed project could result in the incidental take of PMJM and affect

PMJM that inhabit the property by disturbing 0.56 acres of potential foraging or hibernation habitat. Preserving and enhancing an additional 0.89 acres as habitat for PMJM will mitigate these impacts.

Wetlands

No wetlands will be affected by the proposed project.

Geology/Soils

No significant alterations to geology or soils at the site are expected to result from the project.

Land Use

This area of El Paso County is zoned Residential allowing one residence per Lot as per the Development. The proposed residence has been approved by El Paso County. The proposed residence will not change land use in the area.

Air Quality

Air quality will not be significantly affected because of the small construction area and limited duration of construction. Emissions from construction-related activities would be localized and limited to short periods of time.

Water Resources and Water Quality

Water quality of the area should not be affected because ground-disturbing activities will not be conducted in Black Squirrel or its flood plain. Standard best management practices (BMPs) including sediment barriers, such as silt fencing or hay bales, will be used to minimize any sediment associated with construction from reaching Black Squirrel Creek.

Cultural Resources

No known cultural sites exist on the site; therefore, no impacts to cultural resources are anticipated.

Cumulative Effects

There will be no significant adverse cumulative effects to resources due to the small area of disturbance (about 0.56 acre) and short period of construction.

Recreation and Visual Resources

The property is not open to public access, so the proposed project will have no effect on recreational resources.

Indirect Effects

Competitors and predators increase with human presents. Standard BMP measures will reduce the potential for affects to the Black Squirrel Creek in the form of increased sedimentation or runoff during construction.

Alternative 2- Wait for Regional 10(a)(1)(B) Permit

This alternative was considered non-practicable because of uncertainties about the timing of the El Paso County Regional HCP. It is unknown when the regional HCP will take effect, or if it will address the proposed project.

Alternative 3- No Action Alternative

This alternative would not result in any disturbance at the site or potential take of PMJM. This alternative was considered non-practicable because it would not allow the Applicant to develop a home site on his property. Without the ability to build on the property, the Applicant would not have purchased this very expensive property.

Habitat Conservation Plan

Conservation Measures

As part of the proposed project, an HCP has been proposed to avoid or minimize potential adverse effects of the proposed project on PMJM and its habitat.

The Applicant will implement the following measures to assure that the proposed action does not reduce the potential for survival and recovery of PMJM in the wild—

The loss of 0.56 acres of potential PMJM habitat will be compensated by the protection and enhancement of approximately 0.89 acres of potential habitat. PMJM can be predicted by the amount of shrub cover available at a site (White and Shenk 2000). Tom Lefever will dedicate 4.515 acres as a permanent conservation easement including the septic area with only occasional disturbance due to maintenance or replacement of the septic system. The area disturbed will be restored to habitat of biological value to PMJM . This area is currently grass and trees.

Approximately 100 shrubs will be planted in five clumps with 20 shrubs per clump. Within clumps, shrubs will be planted on 3-foot centers. Shrubs will be watered for the first 2 growing seasons, or until they become established, whichever is longer. Shrubs will be considered to be established when they show signs of new growth and are not wilting between watering. Table 2 shows the species of shrubs that will be used. Appendix 3 shows the planting plan (with native seed mix) that will be used along the Black Squirrel Creek beds as indicated.

- **Construction activities will be carried out using standard best management practices to minimize the potential for impacts to Black Squirrel Creek.** Standard BMPs include use of silt fencing during construction to minimize the amount of sediment from construction activities that reaches the creek.

Table 2. Shrubs planted for habitat enhancement

Common Name	Latin Name	Size	Quantity
Wild Plum	<i>Prunus americana</i>	1 gallon	25
Chokecherry	<i>Prunus virginiana</i>	1 gallon	25
Three-leaved sumac	<i>Rhus trilobata</i>	1 gallon	25
Snowberry	<i>Symphoricarpos occidentalis</i>	1 gallon	25
TOTAL			100

Maintenance, Monitoring, and Reporting

A monitoring period will be in effect for three full growing seasons or until success is achieved. At the end of each growing season, a brief letter report will be submitted to the Service describing the status of any remedial work performed. The shrub planting will be considered successful when 67 percent of shrubs are established. The shrubs will be considered established when 67 percent of the planted shrubs survive a full growing season without supplemental irrigation. This letter report will include photographs of the site.

Unforeseen or Extraordinary Circumstances

Unforeseen or extraordinary circumstances are defined as “changes in circumstances surrounding and HCP that were not or could not have been anticipated to occur by the HCP

participants (landowner) or the Service, that result in a substantial and adverse chance in the status of a covered species.” Consistent with the Department of Interior’s “No Surprises” policy, the Service will not require the Applicant to provide additional mitigation measures in the event of unforeseen or extraordinary circumstances affecting PMJM.

This HCP does not authorize incidental take for any species other than PMJM. In the event any other currently listed species, or species that is listed in the future, is impacted by implementation of this HCP, the Applicant will consult with the Service and take appropriate action, as necessary, to comply with the Endangered Species Act.

Funding Availability

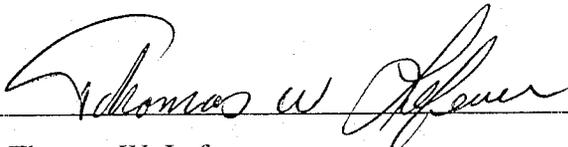
The Applicant will provide the funding necessary for the completion of the activities and conservation measures required under this HCP. Due to the short term (10 years) of this HCP, long-term funding assurances will not be required. Funding assurances for habitat mitigation and monitoring will be met by the applicant and secured by a 10,000.00 letter of credit from High Plains Bank in Wiggins Co.

Additional Measures and Concerns

There are no additional measures or conditions being proposed under this HCP.

References

- Armstrong, D.M., M.E. Bakeman, A. Deans, C.A. Meaney, and T.R. Ryon. 1997. Report on habitat findings of the Preble's meadow jumping mouse. Boulder, Colorado. Report to the U.S. Fish and Wildlife Service and Colorado Division of Wildlife.
- Meaney, C.A., A. Deans, N.W. Clippenger, M. Rider, N. Daly, and M. O'Shea-Stone. 1997. Third year survey for Preble's meadow jumping mouse (*Zapus hudsonius preblei*) in Colorado. Boulder, Colorado. Under contract to Colorado Division of Wildlife.
- Shenk, Tanya M. and M.M. Sivery. 1999. Movement Patterns of Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*) as they vary across time and space. Colorado Division of Wildlife Report.
- Soil Conservation Service. 1974. Soil Survey of Castle Rock Area, Colorado.
- U.S. Fish and Wildlife Service. 1999. Interim Survey Guidelines for Preble's Meadow Jumping Mouse. Revised May 19, 1999.
- White, Gary C. and Tanya M. Shenk. 2000. Relationship of Preble's Meadow Jumping Mouse Densities of Vegetation Cover. Colorado Division of Wildlife Report.
- Greystone, 2001 Preble's meadow jumping mouse survey, Black Squirrel Creek east of Highway 83. Prepared for El Paso County Environmental Services Department, Colorado Springs, Colorado. July.



Thomas W. Lefever

Date 11-19-02
11/19/02



Federal Fish and Wildlife License/Permit Application Form

Return to: *Click here for addresses*
Endangered Species Permits
U.S. Fish and Wildlife Service

Type of Activity: Native Endangered & Threatened Species -
Incidental Take Permits associated with a
Habitat Conservation Plan

[Empty box for return address]

A. Complete if applying as an individual				
1.a. Last name: <i>Lefever</i>	1.b. First name: <i>Thomas</i>	1.c. Middle name or initial: <i>William</i>	1.d. Suffix: <i>SR</i>	
1.e. Doing business as (dba):	2.a. Street Address (line 1): <i>12715 Kaibab CT</i>	2.b. Street Address (line 2):		
2.c. Street address (line 3):	3.a. City: <i>Black Forest</i>	3.b. County: <i>El Paso</i>	3.c. Province:	3.d. State: <i>CO</i>
3.e. Zip code or postal code: <i>80908</i>	3.f. Country (only for non-commercial): <i>USA</i>	4. Date of birth (mm/dd/yyyy): <i>11-2-59</i>	5. Social Security No: <i>521-06-4879</i>	
6. Occupation: <i>Contractor</i>	7. List of any business, agency, organizational, or institutional affiliation associated with the wildlife or plants to be covered by this license or permit:			
8. Home telephone number: <i>970 483 6410</i>	9. Work telephone number: <i>970 483 6414</i>	10. Fax number: <i>970 483 6417</i>	11. E-mail address: <i>LBSTLef@Aol.com</i>	

B. Complete if applying as a business, corporation, public agency or institution				
1.a. Name of business, agency, or institution:		1.b. Doing business as (dba):		2. Tax identification no.:
3.a. Street address (line 1):		3.b. Street address (line 2):		3.c. Street address (line 3):
4.a. City:		4.b. County:		4.c. State: 4.d. Zip code:
5.a. Principal officer - Last name:		5.b. First name:		5.c. Middle name or initial 5.d. Suffix:
5.e. Principal officer title:		6. Describe the type of business, agency, or institution:		
7. Home telephone number:	8. Work telephone number:	9. Fax number:	10. E-mail address:	

C. All applicants complete	
1. Do you currently have or have you had any Federal Fish and Wildlife License or Permit? Yes <input type="checkbox"/> If yes, list the number of the most recent license or permit you hold: _____ No <input checked="" type="checkbox"/>	
2. Have you obtained any required state or foreign government approval to conduct the activity you propose? Yes <input type="checkbox"/> If yes, provide a copy of the license or permit. _____ No <input type="checkbox"/> Not Required <input checked="" type="checkbox"/>	
3. Attachments: Complete the additional pages of this application. Application will not be considered complete without these pages. Incomplete applications may be returned.	
4. Enclose check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$25. Institutions which qualify under 50 CFR 13.11(d)(3) may be exempt from fees.	
5. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a license or permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	

Signature (in ink) of applicant or person responsible for permit in Block A or B <i>Thomas W. Lefever</i>	7. Date (mm/dd/yyyy): <i>5-7-02</i>
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INCIDENTAL TAKE PERMIT APPLICATION
ENDANGERED OR THREATENED WILDLIFE

1. A complete description of the activity sought to be authorized.

2. Species: (List protected wildlife and plants)

Quantity Common Name Scientific Name

_____ Preble's meadow jumping mouse Zapus hudsonius preblei

If known, include age and sex of such species.

3. A Habitat Conservation Plan that specifies:

A. The impact that will likely result from such taking.

B. The steps you will take to monitor, minimize, and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to be used to deal with unforeseen circumstances;

C. What alternative actions to such taking the applicant considered and the reasons why such alternatives are not proposed to be utilized; and

D. Such other measures that the U.S. Fish and Wildlife Service may require as being necessary or appropriate for purposes of the plan.

The rest of the requested information is addressed in the Environmental Assessment/Habitat Conservation Plan.

NATIVE ENDANGERED & THREATENED SPECIES
APPLICATION FOR PERMIT

INCIDENTAL TAKE PERMITS ASSOCIATED WITH A
HABITAT CONSERVATION PLAN (HCP)

INSTRUCTIONS TO APPLICANTS

You are urged to coordinate with the Service as soon as possible for guidance in assembling a complete application package, therefore expediting timely issuance of a permit should one be granted. If you are renewing or amending an existing permit, your complete application package must be received at least 30 days prior to the expiration of your existing permit.

The time required to process an application for an Incidental Take permit will vary depending on the size, complexity, and impacts of the HCP involved. Procedurally, the most variable factor in application processing is the level of analysis required for the proposed HCP under the National Environmental Policy Act (whether an Environmental Impact Statement, Environmental Assessment, or a categorical exclusion is required), although other factors such as public controversy can also affect application processing times. The target timeline from receipt of a complete application to the issuance of a permit is: up to 3 months for low-effect HCPs, 4 to 6 months for HCPs with an Environmental Assessment, and up to 12 months for HCPs with a 90-day comment period and/or an Environmental Impact Statement. Although not mandated by law or regulation, these targets are adopted as Service and National Marine Fisheries Service (NMFS) policy and all offices are expected to streamline their Incidental Take permit programs, and to meet these targets to the maximum extent practicable.

The information provided in your permit application will be used to process your application in accordance with the Endangered Species Act, its implementing regulations (which may include the solicitation of public comments on the application for 30 to 90 days), and with U.S. Fish and Wildlife Service policy. Receipt and possession of a permit under the Endangered Species Act should be regarded as a privilege, as we must balance permit issuance with our duties to protect and recover listed species.

Before you submit an application for an Incidental Take permit, we may require you to conduct biological surveys to determine which species and/or habitat would be impacted by the activities sought to be covered under the permit. These biological surveys provide information that the applicant needs to develop an adequate Habitat Conservation Plan, and that we need to assess the biological impacts. In addition, the information provided in a biological survey can reduce the applicant's risk of take under Section 9 of the Endangered Species Act by ensuring that affected species and/or habitat will be identified and thus covered under the permit.

Section 10(a)(2)(A)(i) of the Endangered Species Act requires that no Incidental Take permit

may be issued unless the applicant submits a conservation plan that specifies the impacts which will likely result from the incidental take. These impacts can be determined by conducting a biological survey. Our general permit regulations at 50 CFR 13.12(a)(9) also allow us to collect such other information as we determine that is relevant to the processing of a permit application.

Prior to conducting the biological survey, you may wish to obtain a permit from us for Scientific Purposes, Enhancement of Propagation or Survival (commonly called a Recovery permit) which will authorize any taking of listed species that would result from the survey. Contact the nearest Service Field office to discuss the need for a biological survey and a corresponding Recovery permit, as we will evaluate this on a case-by-case basis. If a biological survey is required, we urge you to apply for the corresponding Recovery permit at least 3 months prior to the desired start of the survey to allow for processing time.

If you are not applying as an individual, but as a business, corporation, institution, or non-Federal public agency (block B. on page 1), the person to whom the permit will be issued (e.g., the president, director, executive director, or executive officer) is legally responsible for implementing the permit. Although other people under the direct control of the permittee (e.g., employees, contractors, consultants) receive third party take authorization in their capacity as designees of the permittee, the individual named as the permittee ultimately is legally responsible for the permit and any activities carried out under the permit except as otherwise limited in the case of permits issued to State or local government entities under 50 CFR 13.25(d).

Up-to-date annual reports and any other required reports under your existing permit(s) must be on file before a permit will be considered for renewal or amendment.

If your activities may affect species under the authority of the NMFS, then you may need to obtain a separate permit from NMFS. NMFS and the Service share jurisdiction for sea turtles. The Service issues permits to conduct activities impacting sea turtles on land, and the NMFS issues permits to conduct activities impacting sea turtle in the marine environment. To apply for a permit to conduct activities with sea turtles in the marine environment, please contact the NMFS via the Internet at http://www.nmfs.noaa.gov/prot_res/PR3/Permits/ESAPermit.html

Please check one:

- New application for Incidental Take permit associated with a Habitat Conservation Plan.
- Renewal of an existing Incidental Take permit associated with a Habitat Conservation Plan using my current application package on file. Note: if the information in your current application package has changed in a manner that triggers a major amendment or a change not otherwise specified in the HCP or Implementing Agreement, then you must apply for an amendment to your existing permit. Such changes may include changes in location, activity, amount or type of take, or species to be covered by the permit.

Amendment of existing Incidental Take permit associated with a Habitat Conservation Plan.

Transfer or succession of an existing Incidental Take permit associated with a Habitat Conservation Plan using the current application package on file.

General permit regulations for the U.S. Fish and Wildlife Service can be found at 50 CFR 13. Regulations for an Incidental Take permit can be found at 50 CFR 17.22(b)(1) for endangered wildlife species and 50 CFR 17.32(b)(1) for threatened wildlife species. Applications for an Incidental Take permit associated with a Habitat Conservation Plan must provide the following specific information (relevant to the activity) in addition to the general information on page 1 of this application. In addition, each landowner who wishes to be covered under the Incidental Take permit associated with a Habitat Conservation Plan must sign (in ink) and date the Incidental Take Permit Application Certification Notice on page 9, unless the landowner will be covered under this U.S. Fish and Wildlife Service Incidental Take permit via another vehicle, such as a certificate of inclusion (50 CFR 13.25(d)).

You have 4 options for providing the specific information for items 1 - 7 below. Choose only one option.

Option I. Renewal of Existing Incidental Take Permit

If you are applying for renewal of your existing valid renewable Incidental Take permit with no changes, excepting changes allowed under the existing permit such as minor amendments, you may sign the following statement. If you have any changes to your Incidental Take permit, you must use Option II. The same person who signs in box C.6 on page 1 should sign the statement below.

I certify that the statements and information submitted in support of my original application for a U.S. Fish and Wildlife Service Incidental Take permit # _____ are still current and correct and hereby request renewal of that permit. This certification language is required under 50 CFR 13.22(a).

signature

date

please print name legibly

* Please note: If you have signed above statement, then your renewal request is complete. Please submit this renewal request to the return address on page 1 of the application. Requests for renewals must be received no later than 30 days prior to permit expiration to ensure that your current permit remains in effect while we process your request for permit renewal.

Option II. New or Amended Incidental Take Permit

If the information below is already provided in the attached Habitat Conservation Plan (or Implementing Agreement, if applicable), then you do not have to provide it here. Instead, check the box below and indicate after each item the page numbers in the Habitat Conservation Plan or Implementing Agreement that provides the requested information. If the information is not in the attached Habitat Conservation Plan (or Implementing Agreement if applicable), then use Option III. below.

- I am not providing the information for items 1 - 7 as part of my permit application because it is already provided in my Habitat Conservation Plan or Implementing Agreement (copy attached or already submitted) on the pages indicated below. Please specify whether the page numbers are from the Habitat Conservation Plan or the Implementing Agreement.

If you have already submitted a final draft Habitat Conservation Plan, please indicate the document's date.

Date of final draft Habitat Conservation Plan 5-7-02

1. Identify property description:

- a. Provide the physical address(es), or location of activities. Include a formal legal description such as Section/Township/Range, County tax parcel number, or other formal legal description. Fill in below, or provide page references where the requested information is located.

Page(s) & source: El Paso County

- b. Attach map and/or plat of property under consideration.

Total acres involved 5.4
Approximate acres to be impacted 0.56
Approximate acres to be protected 0.89

- c. Describe proposed management activities to enhance, restore, or maintain habitat, including timeframes. Fill in below, or provide page references where the requested information is located.

Page(s) & source: Gray Stone (see HCP)

2. Provide a complete description of activity(ies) to be authorized. Fill in below, or provide page references where the requested information is located.

Page(s) & source: #5, +6 HCP

3. Identify species and activity:

- a. For a new permit:

Provide the common and scientific names of the species sought to be covered by the permit, as well as the species' status (federally classified as endangered (E), federally classified as threatened (T), proposed for federal classification as endangered (PE), proposed for federal classification as threatened (PT), federal candidate for listing (C), or local species of concern (SOC)). Also include the number, age, and sex of such species, if known. Also, please quantify any anticipated effects to the habitat of each covered species.

- b. For an amended permit:

Identify the additional species sought to be covered by the amendment (provide both the scientific, to the most specific taxonomic level, and common names), as well as the species status (see a. above).

Provide the number, age and sex of such species (if known).

Identify the activity sought to be authorized for each species.

Identify the species on your existing permit and activities authorized for each species. If any activities requested in this application differ from those authorized in your existing permit, then state the current activity and the requested new activity for each species.

Identify species to be deleted from your existing permit.

Quantify any anticipated effects to the habitat of each added species.

Fill in below, or provide page references where the requested information is located in the conservation plan.

Page(s) & source: Page #5 PM-IM (Zapus hudsonius preblei)

4. A conservation plan that specifies:

- a. The impact that will likely result from the incidental taking. A discussion of the impact that will likely result from the incidental take should include quantification of any anticipated effects to the habitat of the species sought to be covered by the permit.
- b. The steps that will be taken to minimize and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to deal with unforeseen circumstances.
- c. The steps that will be taken to monitor and report on such impacts, including a copy of the monitoring plan. We are authorized to require reports of activities conducted under a permit per the Service's general permit regulations at 50 CFR 13.45.
- d. Alternative actions to such incidental taking that have been considered and the reasons why these alternatives are not proposed for use.
- e. The biological goals(s) and objectives for the Habitat Conservation Plan.
- f. The duration requested for the proposed permit.

5. An Implementing Agreement

is

is not

(FWS Field Office to circle one)

required as part of the permit application for a Habitat Conservation Plan.

This Implementing Agreement, which must be signed at finalization of the Habitat Conservation Plan, is legally enforceable. Are you willing to commit to an Implementing Agreement at finalization of the Habitat Conservation Plan?

Yes, I am willing to commit to an Implementing Agreement. Please submit any unsigned, draft Implementing Agreement that you have prepared with our Field Office.

No, I am not willing to commit to an Implementing Agreement.

6. Although not required, we strongly encourage applicants to ensure that their Habitat Conservation Plans are consistent with the Habitat Conservation Planning Handbook, subsequent Handbook addendums, and current policies.

7. Identify any additional permits currently held or needed for the proposed activities (i.e. permission to work on Federal lands, Federal bird banding permit, State permits, etc).
- a. Attach a copy or give agency name, permit number, if any, date of signature, and duration of permit.
 - b. If you have already applied for these additional permits/authorizations and are awaiting issuance of the permits/authorizations, then state it here. *[If you do not have this permission at this time, please provide an explanation.]*

Option III. If any of the above information in items 1-3 and 5-7 is not in your attached Habitat Conservation Plan (or Implementing Agreement if applicable), then attach separate pages. In order to assist us in processing your application, please provide the item number (1.a., etc.) of the required information before each of your responses. Thank you.

Option IV. Permit Transfer or Succession of a Permit

If you are applying for an existing permit to be transferred to you or obtaining rights of succession of an existing permit, please fill out the following information. You and the current permit holder may also need to sign an assumption agreement.

Please indicate the name of the Habitat Conservation Plan to be transferred or succeeded and indicate the document's date.

Name of Habitat Conservation Plan _____

Date of Habitat Conservation Plan _____

An Assumption Agreement

is *is not* (FWS Field Office to circle one)

required as part of the transfer or succession permit application for a Habitat Conservation Plan.

Regardless of which Option you choose to provide the required information, all applicants must sign the following Certification. This language may be altered only under certain circumstances, such as a permit transfer; any change in the language must be reviewed by the Department of Interior, Office of the Solicitor and approved by the Service. The same person who signs in box C.6 on page 1 should sign the certification.

**Incidental Take Permit Application
Certification Notice**

By submitting this application and receiving an Incidental Take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act, I

Thomas w Lefever (print name(s))

attest that I/we own the lands indicated in this application, or have sufficient authority or rights over these lands to implement the measures of the Habitat Conservation Plan (and Implementing Agreement if applicable) covered by the Incidental Take permit. Further, upon receipt of the Incidental Take permit, I/we agree to conduct the activities as specified in the Habitat Conservation Plan (and Implementing Agreement if applicable) according to the terms and conditions of the Incidental Take permit and its supporting documents.


signature

5-7-02
date

Tom Lefever
please print name legibly

signature

date

please print name legibly

The public reporting burden for completing this application is estimated to be less than 2.5 hours, including time for reviewing instructions, gathering and maintaining application data, and completing and reviewing the forms. Comments regarding the burden estimate or any other aspect of the reporting requirement(s) should be directed to the Service Information Collection Clearance Officer, MS 222 ARLSQ, Fish and Wildlife Service, Washington, DC 20240.

An agency may not conduct and a person is not required to respond to a collection of information unless a currently valid OMB control number is displayed.

Thomas Lefever
12715 Kaibab Court
Black Forest, CO 80908

October 1, 2002

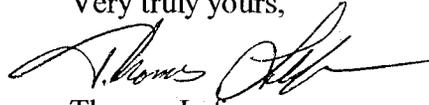
U.S. Fish and Wildlife Service
Colorado Field Office
Attn: LeRoy Carlson
755 Parfet Street, Suite 361
Lakewood, CO 80215

Dear Mr. Carlson:

I am in the process of applying for an incidental use permit for the construction of a residence at the above referenced address. As part of the final approval process of my Habitat Conservation Plan, the U.S. Fish and Wildlife Service has asked me to commit formally to granting a conservation easement to El Paso County. My attorney was informed yesterday by Barbara Spagnuolo of your staff that upon receipt of this formal commitment from me, the Habitat Conservation Plan could then be approved (assuming all other issues have been adequately addressed) and that the actual grant of the conservation easement would occur immediately following that approval.

In light of the above, please accept this letter as representing my firm commitment to grant and record with the Clerk and Recorder of El Paso County a conservation easement substantially in the form of the draft conservation easement that is enclosed with this letter.

Very truly yours,



Thomas Lefever

Enclosure
Draft Conservation Easement.

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is made this _____ day of November, 2002, by THOMAS LEFEVER ("Grantor") in favor of El Paso County, Colorado, a municipal corporation having an address at 27 E. Vermijo Avenue, Colorado Springs, Colorado ("Grantee"):

A. Grantor is the sole owner in fee simple of certain real property in El Paso County, Colorado, as more particularly described in the attached Exhibit A ("the Property").

B. The Property possesses natural, scenic, open space, and environmental values (collectively, "Conservation Values") of great importance to the people of the State of Colorado.

C. In particular, portions of the Property have been preliminarily designated as critical habitat for the Preble Jumping Mouse, pursuant to the Federal Endangered Species Act.

D. Grantor intend that the Conservation Values of the Property be preserved and maintained through consistent land used patterns including, without limitation, those uses existing at the time of this Easement grant which do not significantly impair or interfere with those values.

E. Grantor further intend to convey to Grantee the right to preserve and protect the Conservation Values of the Property in perpetuity.

In Consideration of the mutual covenants, terms, conditions, and restrictions contained in this Easement and pursuant to the laws of the State of Colorado, in particular C.R.S. § 38-30.5 -101 et. Grantor voluntarily grants and convey to Grantee a Conservation Easement in perpetuity over certain portions of the Property (as more particularly set for in the Habitat Conservation Plan attached hereto as Exhibit B) of the nature, character and extent set forth below ("Easement"). **IT IS EXPRESSLY UNDERSTOOD BY GRANTORS AND GRANTEE THAT THIS EASEMENT COVERS ONLY THOSE PORTIONS OF THE PROPERTY DESIGNATED AS REQUIRING PROTECTION PURSUANT TO THE HABITAT CONVERSATION PLAN ATTACHED HERETO AS EXHIBIT B.**

1. **Purpose:** The purpose of this Easement is to protect and preserve 4.515 acres of critical habitat to the Preble Jumping Mouse per the Habitat Conservation Plan attached hereto as Exhibit B. (Easement will not be disturbed except for the leach field. The leach field may have occasional temporary disturbance due to maintenance or repair. Leach field area as well as all temporary disturbed areas will be seeded with natural grasses, and restored to habitat of biological value to PMJM.)

2. **Rights and Obligations of Grantee:** To accomplish the purpose of this Easement, the following rights are conveyed to Grantee:

a. To preserve and protect the Conversation Values of the Property;

b. To enter upon the Property at reasonable times to monitor Grantors' compliance with and otherwise enforce the terms of this Easement. Any entry upon the Property shall be upon prior notice to Grantors. Grantee shall not unreasonably interfere with Grantors' use and quiet enjoyment of the Property; and

c. To prevent any activity or use of the Property inconsistent with the purpose of this Easement and to require the restoration of any damaged areas or features of the Property resulting from any inconsistent activity or use.

3. **Prohibited Uses:** Any activity or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting this general prohibition, the following activities and uses are expressly prohibited:

a. **Construction of Buildings and Other Structures:** The construction or reconstruction of any building or other structure or improvement on portions of the Property covered by this Easement, except those existing on the date of this Easement, without the advance written permission of Grantee is prohibited.

b. **Subdivision:** Any division or subdivision of title to the Property, whether by physical or legal process, is prohibited without the prior written consent of the Grantee.

c. **Land Management:** The Property must be operated and managed in accordance with the Habitat Conservation Plan attached hereto as Exhibit B.

d. **Timber Harvesting**: Trees may be cut to control insects and disease, to control invasive non-native species, and to prevent injury and property damage.

Commercial timber harvesting on the Property is prohibited.

e. **Mining**: The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel or any other mineral substance is prohibited.

f. **Paving and Road and Trail Construction**: No portion of the Property covered by this Easement may be paved or otherwise covered with concrete, asphalt, or any other paving material without the prior written consent of the Grantee. Consent shall not be unreasonably withheld.

g. **Trash**: The dumping or uncontained accumulation of any trash, refuse or debris on the Property is prohibited.

h. **Commercial or Industrial Activity**: All commercial or industrial uses of the Property are prohibited.

4. **Reserved Rights**. Grantors reserve to themselves, their successors and assigns, all rights accruing from ownership of the Property, including the right to engage in or to permit or invite others to engage in all uses of the Property not expressly prohibited and not inconsistent with the purpose of this Easement.

5. **Notice of Intention to Undertake Certain Permitted Actions**. The purpose of requiring Grantors to notify Grantee prior to undertaking certain activities afford Grantee an opportunity to ensure that the activities are assigned and carried out in a manner consistent with the purpose of this Easement. Whenever notice is required, Grantors shall notify Grantee in writing not less than sixty (60) days prior to the date Grantors intend to undertake the activity. Notice shall describe the nature, scope, design, location, timetable, and any other information material to the proposed activity in sufficient detail to permit Grantee to make an informed judgment of its consistency with the purpose of this Easement.

6. **Grantee's Approval**. Where Grantee's approval is required, Grantee must grant approval or withhold approval in writing within sixty (60) days of receipt of Grantors' written request. Grantee's approval may be withheld only upon a reasonable determination that the action as proposed would be inconsistent with the purpose of this Easement.

7. **Grantee's Discretion.** Enforcement of the terms of this Easement shall be at the discretion of Grantee. Any forbearance by Grantee to exercise its rights in the event of a breach of this Easement shall not be deemed or construed to be a waiver by Grantee of the breach or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. Grantee's delay or omission in exercising any right or remedy upon Grantors' breach shall not impair any right or remedy construed as a waiver.

8. **Acts beyond Grantors' Control.** No event shall be construed to entitle Grantee to bring any action against Grantors for injury to or change in the Property resulting from causes beyond Grantors' control, including, without limitation, fire, flood, storm, drought, earth or underground water movement, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

9. **Extinguishment.** If the purpose of this Easement becomes impossible to accomplish, this Easement can only be wholly or partially terminated or extinguished by judicial proceedings in a court of competent jurisdiction. Each party shall promptly notify the other when it first learns of such circumstances.

10. **Grantee Assignment.** This Easement is transferable. Grantee may only assign its' rights and obligations under this Easement to an organization that is (a) a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder and (b) authorized to acquire and hold conservation easements under Colorado law. As a condition of transfer, Grantee must ensure that the conservation purposes of this Easement continue to be carried out by the transferee.

11. **Subsequent Grantor Transfers.** Grantors agree to incorporate the terms of this Easement into any deed or other legal instrument by which they divest themselves of any interest in the Property.

12. **Notices.** Any notice, demand, request, consent, approval or communication contemplated by this Easement shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantors: Thomas W. Lefever
12715 Kaibab Court
Black Forest, CO 80908

To Grantee: El Paso County, Colorado
Planning Department
27 E. Vermijo Avenue
Colorado Springs, CO 80903

or to other addresses as the parties may designate by written notice to the other.

13. **Recordation.** This instrument will be recorded with the deed to the Property and other documents evidencing Grantors' acquisition of the Property with the El Paso County, Colorado, Clerk and Recorder. Grantee may re-record it at any time as may be required to preserve its rights in this Easement.

14. **General Provisions**

a. **Controlling law:** The interpretation and performance of this Easement shall be governed by the laws of the state of Colorado. Court jurisdiction shall exclusively be in the District Court for the Fourth District of Colorado.

b. **Liberal Construction:** This Easement shall be liberally construed to effect the purpose of the Easement and the policy and purpose of C.R.S. 53840.5.101 at *seq.* If any provision in this Deed of Conservation Easement is found to be ambiguous, an interpretation consistent with the purposed of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

c. **Severability:** If any provision of this Easement, or its application to any person or circumstance, is found to be invalid, the remaining provisions of this Easement, or its application to other persons or circumstances shall not be affected.

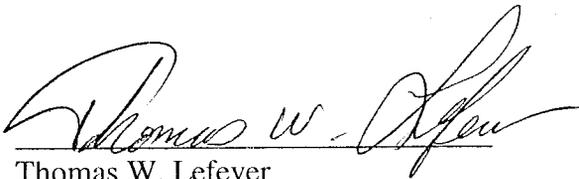
d. **Entire Agreement.** This Deed of Conservation Easement sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Easement, all of which are merged in this Easement.

- e. **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantors' title in any respect.
- f. **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties and their respective successors and assigns. This Easement shall continue as a servitude running in perpetuity with the Property.
- g. **Termination of Rights and Obligations.** A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.
- h. **Captions.** The captions in this Deed of Conservation Easement have been inserted solely for convenience of reference and are not a part of the Easement and have not effect upon its construction or interpretation.
- i. **Amendment.** Should an amendment to or modification of this Easement become appropriate, Grantors and Grantee are free to jointly amend this document. Any amendment or modification must be consistent with the conservation purposes of this Easement and may not affect its perpetual duration. Any amendment must be written, signed by all parties and recorded in the records of the El Paso County Clerk and Recorder.

TO HAVE AND TO HOLD by Grantee, its successors, and assigns forever, Grantors and Grantee have executed this Deed of Conservation Easement on the day and year written above.

FOR THE GRANTOR:

THOMAS LEFEVER


Thomas W. Lefever

FOR THE GRANTEE:

EL PASO COUNTY

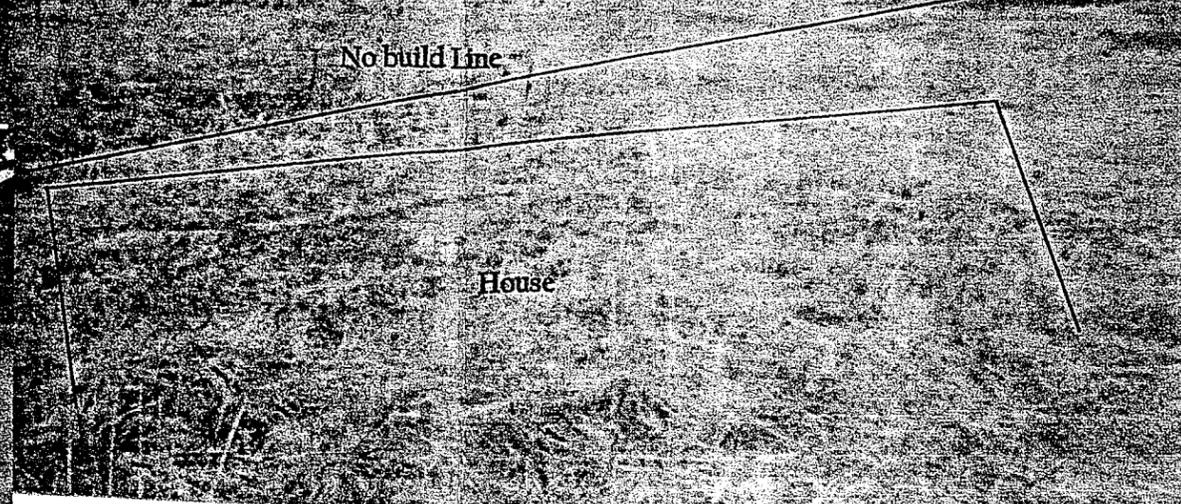
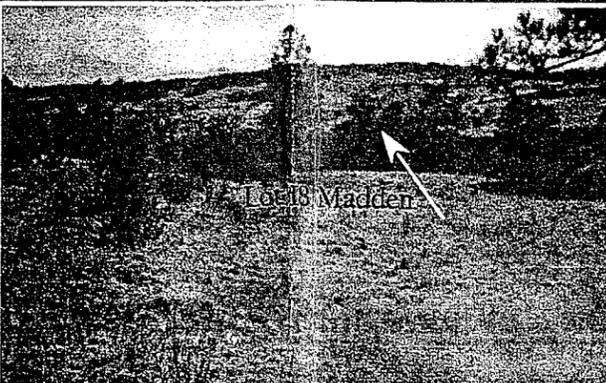
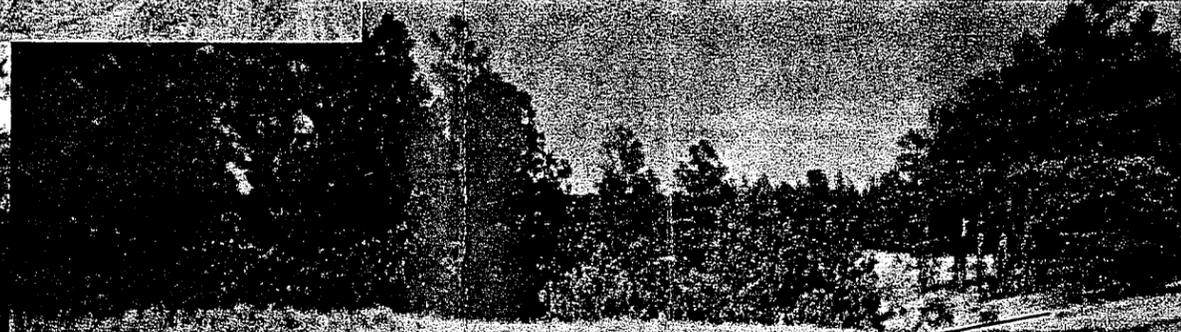
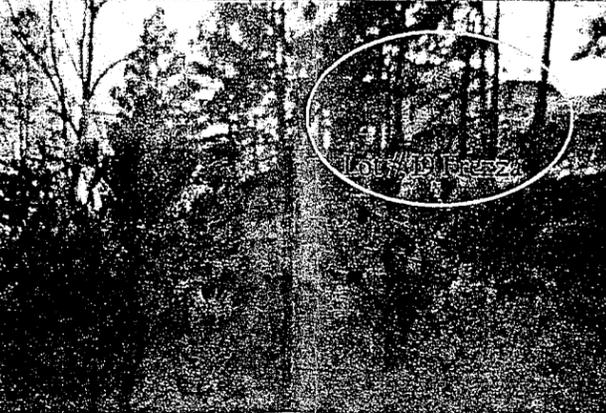
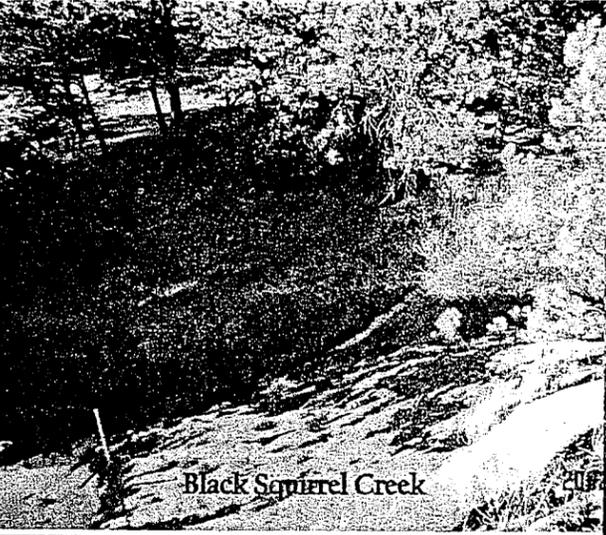
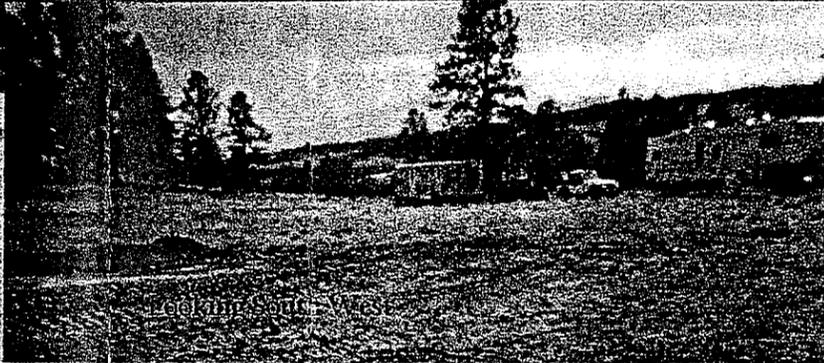
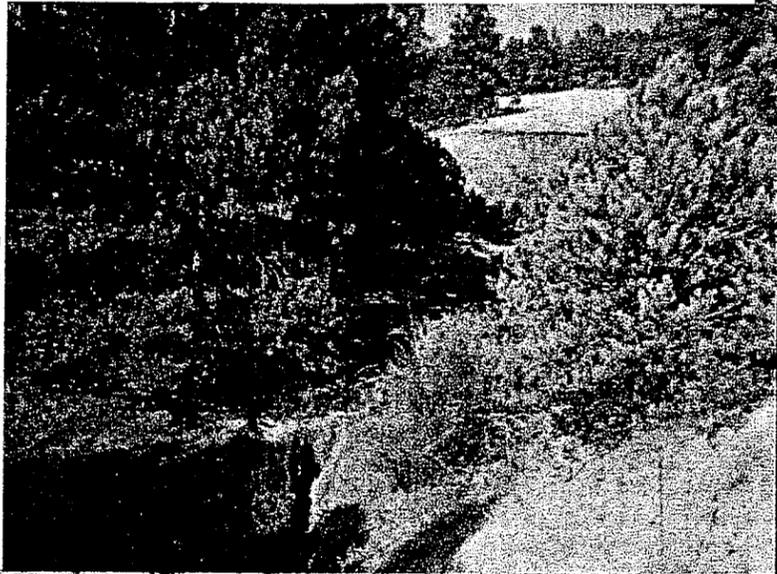
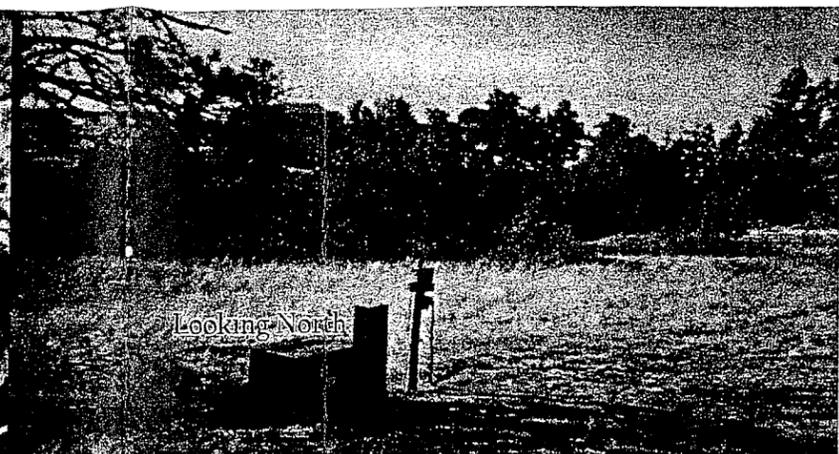
12715 Kaibab Ct.
Abert Estates Lot 4
Black Forest Colorado 80908

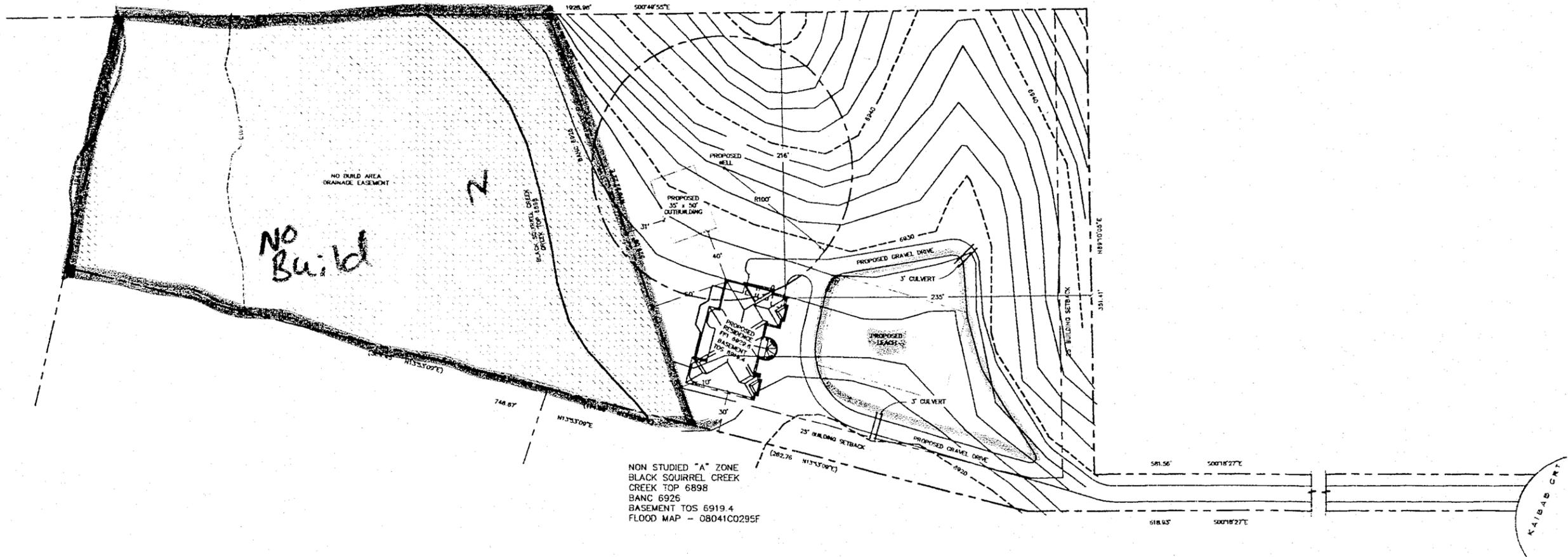
Thomas & Kelly Lefever

Sections 9,10,&16, Township 12 South Range 66 west, of the 6th pm, El Paso County Colorado

- * House 30' higher than creek bed and Habitat area
- * Will not disturb creek bed or banks, will never touch other side

- * Abert Estates Developed in 8/1995
- * Grandfather Rule
- * Established Subdivision
- * All lots built on except this one
- * 45% of Property is in a no Built zone
- * Willing to Catch and Relocate if seen
- * Sold as a subdivision lot for home



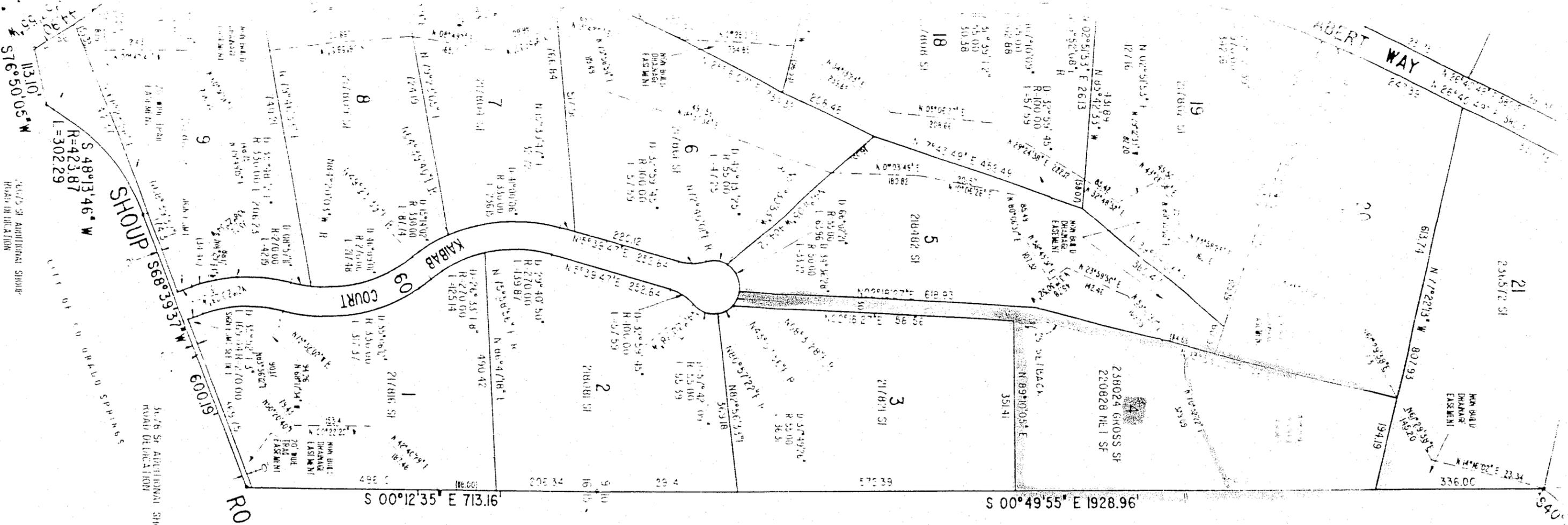


NON STUDIED "A" ZONE
 BLACK SQUIRREL CREEK
 CREEK TOP 6898
 BANC 6926
 BASEMENT TOS 6919.4
 FLOOD MAP - 08041C0295F

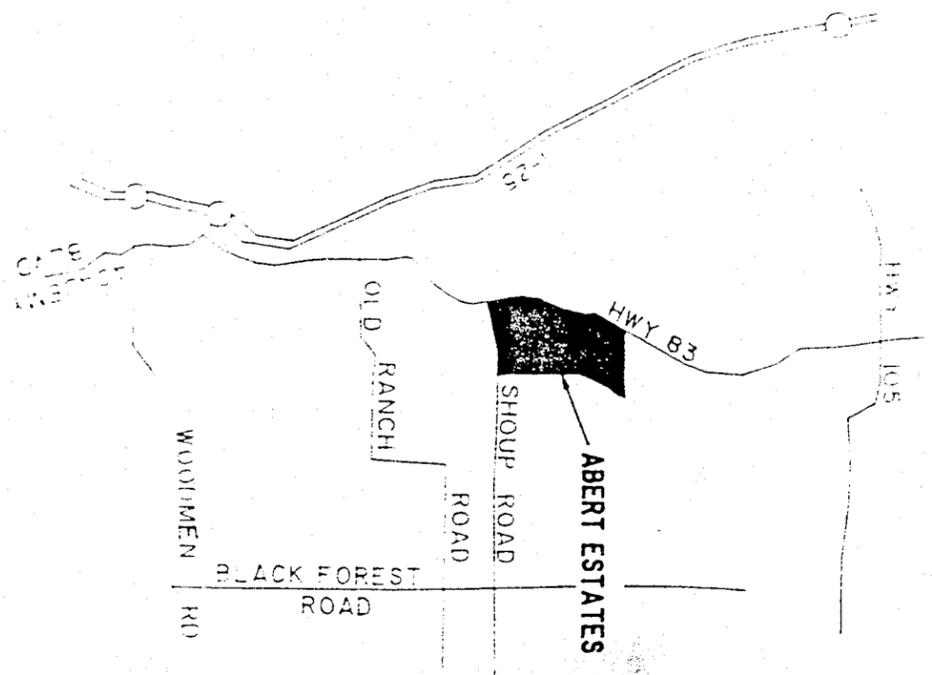


NORTH - SITE PLAN
 SCALE: 1" = 40'-0"

SITE DATA:
 ADDRESS: 12715 KANAB CRT.
 LEGAL DESCRIPTION: LOT 4, ABERT ESTATES,
 COUNTY OF EL PASO, STATE OF COLORADO, 80908
 OWNER: TOM LEFEVER
 ZONING:
 LOT SIZE: 238024 ± SQ. FT. (5.33 AC)
 STRUCTURE AREA: 1500 SQ. FT. (RESIDENCE)
 % OF LOT COVERAGE: 1.5%
 HEIGHT OF STRUCTURE: 15'-0"



FOUND 1/2" PIPE

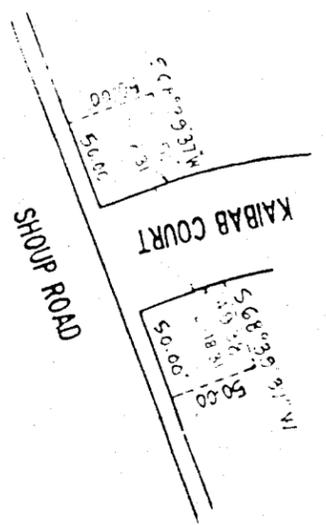


VICINITY MAP

SECTION CORNER
FOUNDED 4x10 CONGLOMERATE STONE



DETAIL
SIGN EASEMENTS
NO SCALE



STATE OF CALIF.
COUNTY OF SAN
DIEGO
ON 11/11/2011
DATE

DEDICATION

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11. CHICKAREE
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- PARK FEES
- SCHOOL FEES



**Colorado Engineering
& Geotechnical Group, Inc.**

MONUMENT OFFICE
19375 Beacon Lite Road
PO Box 1298
Monument, CO 80132
Phone: (719) 488-2145
Fax: (719) 488-2895

WOODLAND PARK OFFICE
321 West Henrietta
PO Box 5816
Woodland Park, CO 80866
Phone: (719) 687-6077
Fax: (719) 687-6151

APRIL 1, 2002
JOB NUMBER: 01164

PAUL R. BRYANT, P.E.
CIVIL ENGINEER

ERIK D. MITCHELL, P.E.
CIVIL ENGINEER

JONATHAN S. WHITACRE
GEOLOGIST

LUKE A. MCMAHAN
GEOLOGIST

TOM LEFEVER
P.O. Box 550
WIGGINS, COLORADO 80954

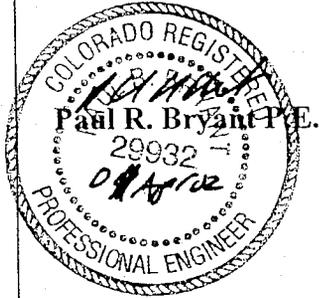
RE: SOIL TEST FOR 12715 KAIBAB COURT, ABERT ESTATES SD, EL PASO COUNTY,
COLORADO

Dear Tom,

Attached are the results of the soil test performed for you.

Please contact us if you have any questions concerning this report or if we can help
you in any other matter.

Sincerely,



Paul R. Bryant P.E.

- SOIL TESTING & ANALYSIS
- PERCOLATION REPORTS
- FOUNDATION DESIGN
- SEPTIC DESIGN
- STRUCTURAL DESIGN
- STRUCTURAL CODE PLAN CHECK
- RESIDENTIAL DESIGN
- HOME INSPECTIONS
- PROFESSIONAL CONSULTATION
- EXPERT TESTIMONY
- GEO-HAZARD SURVEYS
- DRAINAGE REPORTS

SERVING:

- DOUGLAS COUNTY
- EL PASO COUNTY
- FREMONT COUNTY
- HIGHLAND COUNTY
- JEFFERSON COUNTY
- SUMMIT COUNTY

INTRODUCTION:

This report summarizes the results of data obtained during a geotechnical investigation of 12715 Kaibab Court, Abert Estates Subdivision, El Paso County, Colorado. Investigation occurred March 8, 2002 and was performed in undisturbed soil. The purpose of the investigation was to reveal the engineering properties pursuant to the construction of a single-family residence and a detached steel building. The site is currently vacant. Other aspects relating to the construction are presented.

FINDINGS:

The soil encountered in test-hole 1 (home) consisted of brown, fine to coarse-grained sand to silty sand (Unified Soil Classification System symbols *SM-SP* and *SP-SM*) from the surface to a depth of 12 feet, then gray, fine to medium-grained clayey silt (Unified Soil Classification System symbol *ML*) to silty clay from 12 feet to the bottom of the boring. Density was low to moderate-high. Moisture content was low to high. Potential for foundation movement is low to moderate.

The soil encountered in test-hole 2 (home) consisted of brown, fine to medium-grained silty sand (Unified Soil Classification System symbol *SM*) to sandy silt from the surface to a depth of 5 feet, tan, fine to coarse-grained silty sand (Unified Soil Classification System symbol *SM*) from 5 feet to 10 feet, then gray, fine to medium-grained clayey silt (Unified Soil Classification System symbol *ML*) to silty clay from 10 feet to the bottom of the boring. Density was low to moderate-high. Moisture content was moderate to high. Potential for foundation movement is low to moderate.

The soil encountered in test-hole 3 (steel building) consisted of brown to tan, fine to coarse-grained silty sand (Unified Soil Classification System symbol *SM*) from the surface to a depth of 4 feet, tan to red (oxidized), fine to coarse-grained silty sandstone from 4 feet to 7 feet, then gray, fine to medium-grained sandy claystone (Unified Soil Classification System symbol *CH*) from 7 feet to the bottom of the boring. Density was low-moderate to high. Moisture content was low to moderate-high. Potential for foundation movement is low to moderate.

Attached are boring logs of the field conditions encountered and a summary of laboratory testing results. It should be noted that the soil descriptions shown on the boring logs are based on the geologist's classification of the samples in the field at the depths indicated, and that certain soil properties such as cohesion and plasticity can change markedly with increasing or decreasing moisture conditions. Actual subsurface soil conditions may vary between samples and location tested.

Groundwater was not encountered in the test boring at the time of this investigation. The presence of shallow bedrock beneath surficial soils is favorable for the formation of "perched" groundwater. The depth and occurrence of groundwater can vary over time depending on hydrologic conditions such as precipitation, surface drainage, irrigation, and other conditions not apparent at the time of this report.

RECOMMENDATIONS:

Home: Due to the presence of silt/clay, foundation components may not penetrate deeper than 6 feet below existing grade.

Maximum allowable bearing strength of the soil shall not be taken as greater than 1,000 pounds per square foot for elements resting on undisturbed soil. Equivalent fluid pressure of the soil in the active state may be taken at 45 pounds per cubic foot.

The preferred foundation design will consist of a reinforced concrete stem wall resting on a concrete footer of a size determined by the foundation engineer.

If penetration is to be deeper than 6 feet, the foundation shall rest on over-excavated and replaced materials.

Maximum allowable bearing strength of the soil shall not be taken as greater than 2,000 pounds per square foot for elements resting on compacted structural fill. Equivalent fluid pressure of the soil in the active state may be taken at 50 pounds per cubic foot.

The foundation shall rest on over-excavated and replaced materials. The depth of the over-excavation shall extend at least four feet below and four feet beyond the exterior of the foundation. The replaced material shall be equivalent to Class V Road Base and may not include the original clay and/or otherwise unsuitable material from the excavation. Compaction of the structural material shall be to be at least 95% Modified Proctor Density and shall be tested by the Engineer in 12 inch lifts. *In areas of expansive and/or otherwise unsuitable soils, the risk of movement for foundation components resting on over-excavated and replaced materials is minimized, but not negated.*

Steel Building: Maximum allowable bearing strength of the soil shall not be taken as greater than 1,500 pounds per square foot for elements resting on undisturbed soil. Equivalent fluid pressure of the soil in the active state may be taken at 45 pounds per cubic foot.

The preferred foundation design will consist of a reinforced concrete stem wall resting on a concrete footer of a size determined by the foundation engineer

Depth of foundation elements shall be determined by the foundation engineer, but should be at least as deep as the minimum depth required by the governing building authority. Concrete slabs shall be free floating and isolated from load-bearing elements. Partition walls, utility and HVAC connections shall be capable of a minimum of 1-1/2 inches of movement of the foundation and slab. Owners shall be made aware of the contents of this report and the fact that water accumulation around foundation elements is the primary cause of foundation distress.

FIELD INVESTIGATION PROCEDURE:

Exploratory borings were advanced using a four-inch nominal diameter, truck-mounted continuous-flight auger. The approximate boring locations are indicated on the attached site diagram and were established in the field by pacing and measuring angles from identifiable site references. The builder designated the location for exploration. At depths determined by the supervising geologist,

samples were obtained by means of a two-inch diameter split-spoon sampler, advanced by a 140-pound drop-hammer falling a distance of 30 inches, in general compliance with ASTM D-1586. The number of hammer blows required to advance the sampler provides an indication of the in-situ relative density of the soil, and in combination with the laboratory analysis of the soil, provides data required for derivation of the engineering properties sought by this exploration.

EXISTING SITE CONDITIONS AND WEATHER:

The general topography around the site of this investigation is a 2-4 percent slope to the southwest (home) and a 9-14 percent slope to the west (steel building). Vegetation consists of native grasses, weeds, and conifers. Weather was cool and cloudy.

FOUNDATION DESIGN:

This report is not a foundation design. The foundation design engineer will determine the exact configuration of foundation elements, to include footer (if any) width and thickness, wall thickness and height, pad and pier sizes and reinforcement schedules. However, the foundation should be designed for a ten-foot free span.

This report does not address general hillside stability, landslide potential, or other hazards from off the general building site. Several areas of the Colorado Front Range have known geologic hazards associated with them. We recommend that readers of this report further educate themselves as to the existence of geologic hazards on or around their specific property of interest. The Colorado Geologic Survey {www.dnr.state.co.us/geosurvey or 303-866-2611} is a good source for publications (maps, reports, etc.) dealing with specific geologic issues and/or issues related to specific geographic areas.

SUBSURFACE DRAINAGE:

Foundation drain requirements shall be determined at the open-hole observation; however, drains around any below-grade useable space, including crawl spaces, should be anticipated. See the attached detail sheet.

SURFACE DRAINAGE:

The excavation shall be protected from surface runoff and excess precipitation during construction. After backfilling, the soil around the foundation shall be graded away from the structure at a slope of six inches over ten feet. Gutters and downspouts shall be installed to carry water across the area disturbed by construction. Areas that settle shall be backfilled to prevent ponding of water. No vegetation requiring irrigation shall be installed within five feet of the foundation. Water from uphill shall be diverted around the structure.

BACKFILL:

Any soil disturbed adjacent to bearing foundation components shall be re-compacted to a minimum of 85% Modified Proctor Density. Soil supporting concrete slabs shall be compacted to 95% Modified Proctor Density. Mechanical compaction methods shall be utilized; water-flooding techniques are prohibited.

CONCRETE:

All concrete shall be Type II, Sulfate Resistive, with 28-day strength requirements determined by the foundation design engineer.

EXTERIOR AND INTERIOR CONCRETE SLABS:

Interior concrete slabs shall be isolated from the foundation, utility lines and non-bearing partition walls. Exterior slabs may be doweled to the foundation to prevent settlement. Slabs shall have control joints at approximately ten feet on center each way to lessen the possibility of random cracking. Excess moisture in the soil and improper compaction under slabs will increase the possibility of slab heave, settlement and cracking.

RADON:

There is not believed to be any *unusual* hazard from naturally occurring sources of radioactivity at the site. However, most counties in Colorado have average radon levels (measured in homes) above the U.S. EPA recommended "action level" of 4 picoCuries per liter of air (pCi/l). For instance, Teller County averages 31.94 pCi/l, Park County averages 8.28 pCi/l, El Paso County averages 4.73 pCi/l, and Douglas County averages 7.53 pCi/l. Results of a 1987-1988 EPA-supported radon study for Colorado indicate that the granitic rocks, in particular, generally have elevated levels of uranium. These rocks have the potential of producing higher than average radon gas levels in homes. Providing increased ventilation of basements and crawl spaces and sealing of joints can mitigate build-ups of radon gas. This mitigation is best implemented during the design and construction phases of residences. The Colorado Geologic Survey {www.dnr.state.co.us/geosurvey} and the U.S. EPA {www.epa.gov/iaq/radon} are both good sources for additional information regarding radon.

OPEN-HOLE OBSERVATION:

It is necessary to assume the soil in the surrounding area will be similar to that which was observed in this initial investigation. However, variations across the test borings and site can and do occur. *Therefore, it is required that a qualified soil engineer inspect the completed foundation excavation prior to the placement of any foundation component to determine whether any significant variation from this report exists and whether the foundation design will require modification. Please contact this office a minimum of 24 hours in advance to schedule a representative to observe the completed excavation. The open-hole observation is not included as part of the soil report and is subject to an inspection fee.* Failure to obtain this required inspection prior to placement of foundation elements renders this report and its recommendations null and void.

CONCLUSIONS:

This report is valid only for the use of Tom Lefever for the type of construction listed above. Use by any other is prohibited, as is the use for other types of construction without the express, written permission of this office. Property owners and builders are reminded that water accumulation around foundation elements is a primary cause of structural distress in homes. **Foundation movement under any condition can be minimized by maintaining a stable moisture content of the soil supporting the foundation.** Surface drainage is paramount to minimizing the potential for water to penetrate backfill to the level of the foundation. If water penetrates through to the soil

supporting the foundation, movement is likely. Any movement that does occur should be less than 1".

LIMITATIONS:

This report and its recommendations do not apply to any other site other than the one described herein and are predicated on the assumption that the actual soil conditions do not deviate in any significant way from those described in this report. In the event that any variations or undesirable conditions are detected during the construction phase or if the proposed construction varies from that planned as of this report date, the owner shall immediately notify Colorado Engineering and Geotechnical Group, Inc., so that supplemental recommendations can be provided, if needed.

BORING LOGS

OWNER/BUILDER: TOM LEFEVER

JOB NUMBER: 01164

JOB ADDRESS: 12715 KAIBAB COURT, ABERT ESTATES

TEST BORING: 1

DATE: 3/8/02

SOIL DESCRIPTION	DEPTH (FT)	SAMPLE	MOISTURE	BLOW COUNT/FT	SOIL TYPE
0 - 12' SILTY SAND TO SAND GRAIN: FINE-COARSE DENSITY: LOW MOISTURE: LOW-MODERATE CLAY: LOW COHESION: LOW PLASTICITY: LOW COLOR: BROWN	0 - 4		2.3	6	SM SP
12' - 20' CLAYEY SILT TO SILTY CLAY GRAIN: FINE-MEDIUM DENSITY: MODERATE-HIGH MOISTURE: MODERATE-HIGH CLAY: MODERATE-HIGH COHESION: MODERATE-HIGH PLASTICITY: MODERATE-HIGH COLOR: GREY	4 - 16		6.9	14	SP SM
	16 - 18		16.0		GRAB ML

TEST BORING: 2

DATE: 3/8/02

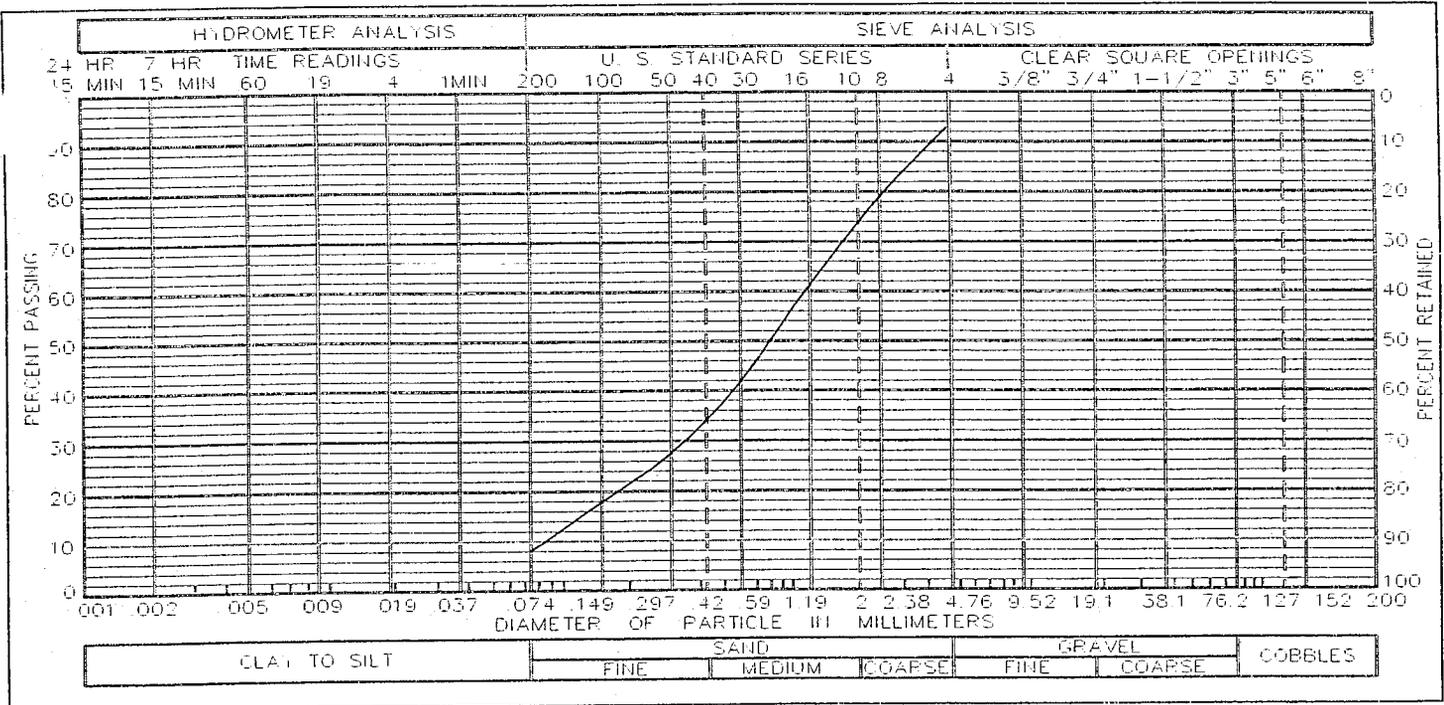
SOIL DESCRIPTION	DEPTH (FT)	SAMPLE	MOISTURE	BLOW COUNT/FT	SOIL TYPE
0 - 5' SILTY SAND TO SANDY SILT GRAIN: FINE-MEDIUM DENSITY: LOW MOISTURE: LOW-MODERATE CLAY: LOW COHESION: LOW-MODERATE PLASTICITY: LOW-MODERATE COLOR: BROWN	0 - 4		6.5		GRAB SM
5' - 10' SILTY SAND GRAIN: FINE-COARSE DENSITY: LOW-MODERATE MOISTURE: LOW CLAY: LOW COHESION: LOW PLASTICITY: LOW COLOR: TAN	4 - 10		5.9		GRAB SM
10' - 15' CLAYEY SILT TO SILTY CLAY GRAIN: FINE-MEDIUM DENSITY: MODERATE-HIGH MOISTURE: MODERATE-HIGH CLAY: MODERATE-HIGH COHESION: MODERATE-HIGH PLASTICITY: MODERATE-HIGH COLOR: GREY	10 - 16		18.5		GRAB ML

COLORADO ENGINEERING & GEOTECHNICAL

19375 Beacon Lite Road
Monument, CO 80132
719-488-2145

GROUP INC.

COLORADO ENGINEERING AND GEOTECHNICAL GROUP, INC.
GRADATION TEST RESULTS



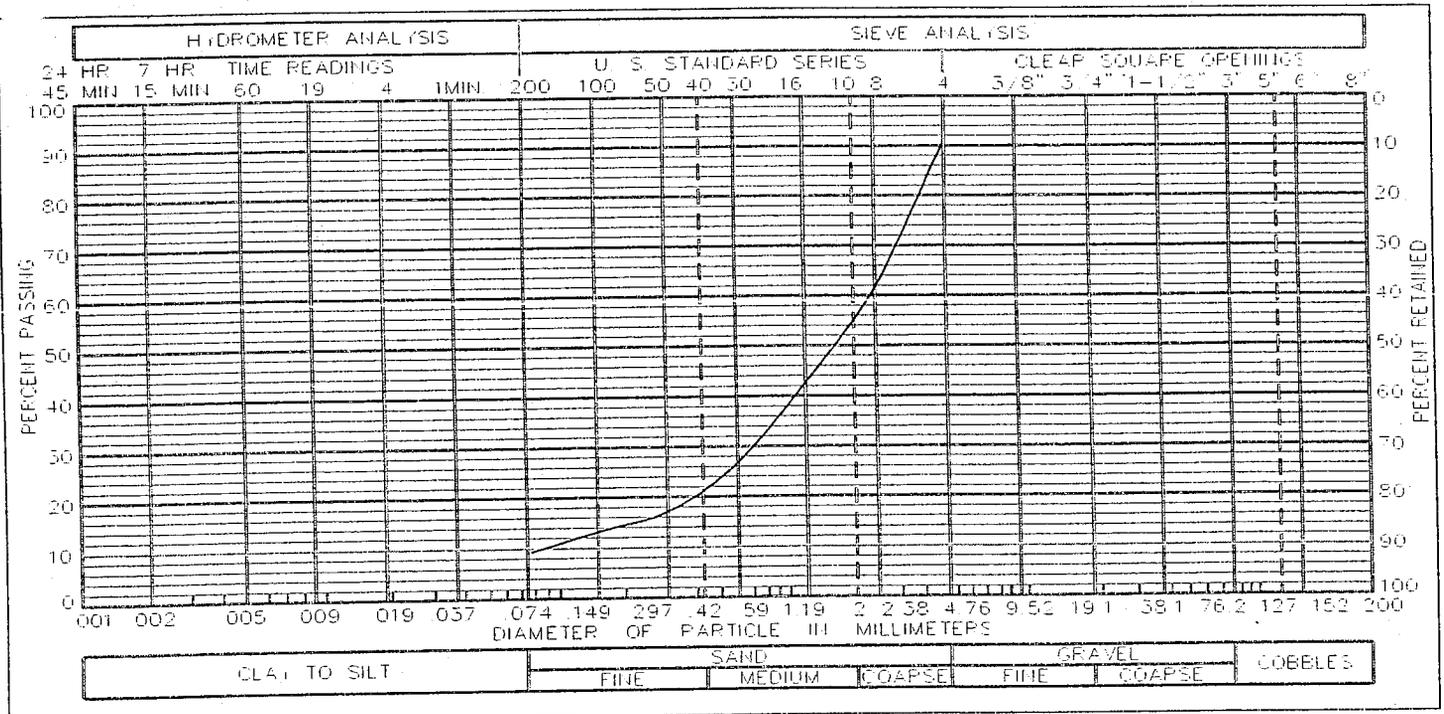
CLASSIFICATION SM-SP NOTES: 2.3 % Moisture Content

GRAVEL 6.6 %

SAND 85.8 %

FINES 7.6 %

SAMPLE# 21 HOLE# 1 DEPTH 4 Job Number: 01164



CLASSIFICATION SP-SM NOTES: 6.9 % Moisture Content

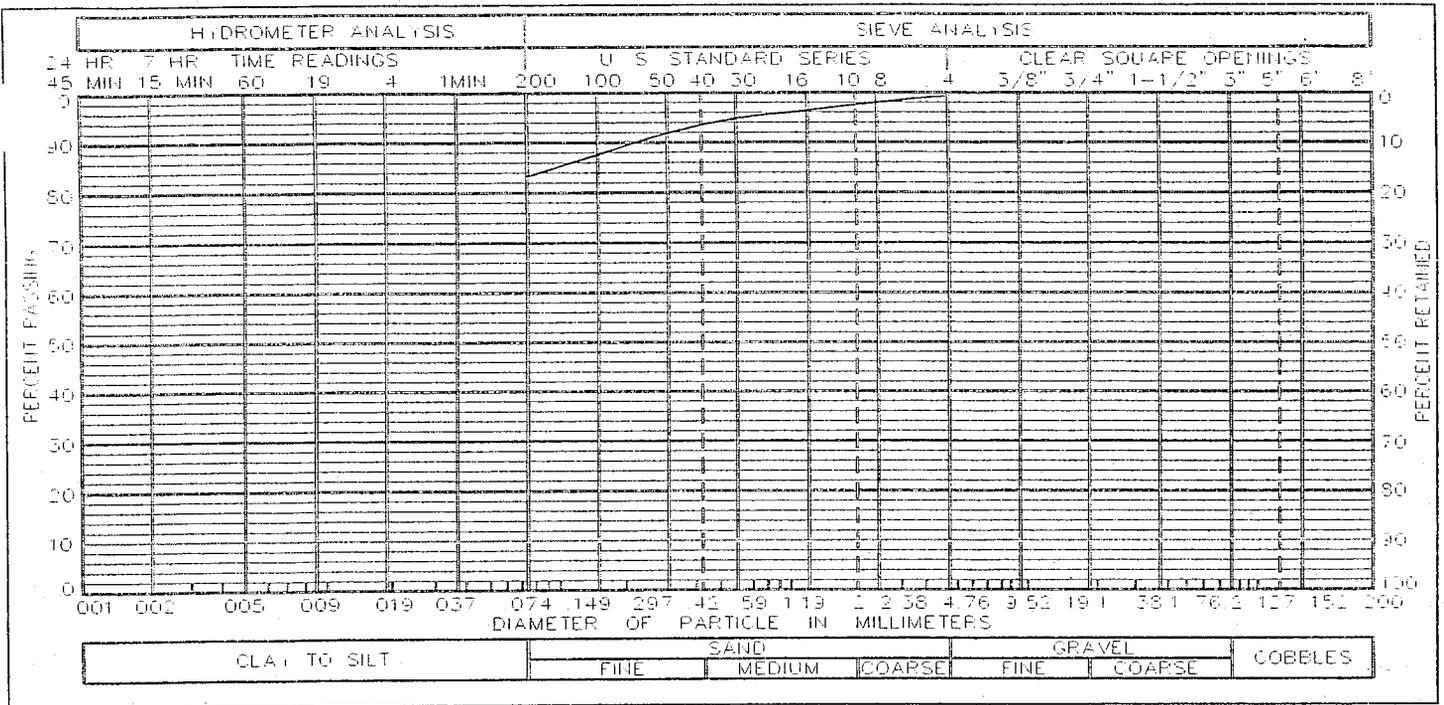
GRAVEL 9.3 %

SAND 82.1 %

FINES 8.6 %

SAMPLE# 12 HOLE# 1 DEPTH 10 Job Number: 01164

COLORADO ENGINEERING AND GEOTECHNICAL GROUP, INC.
GRADATION TEST RESULTS

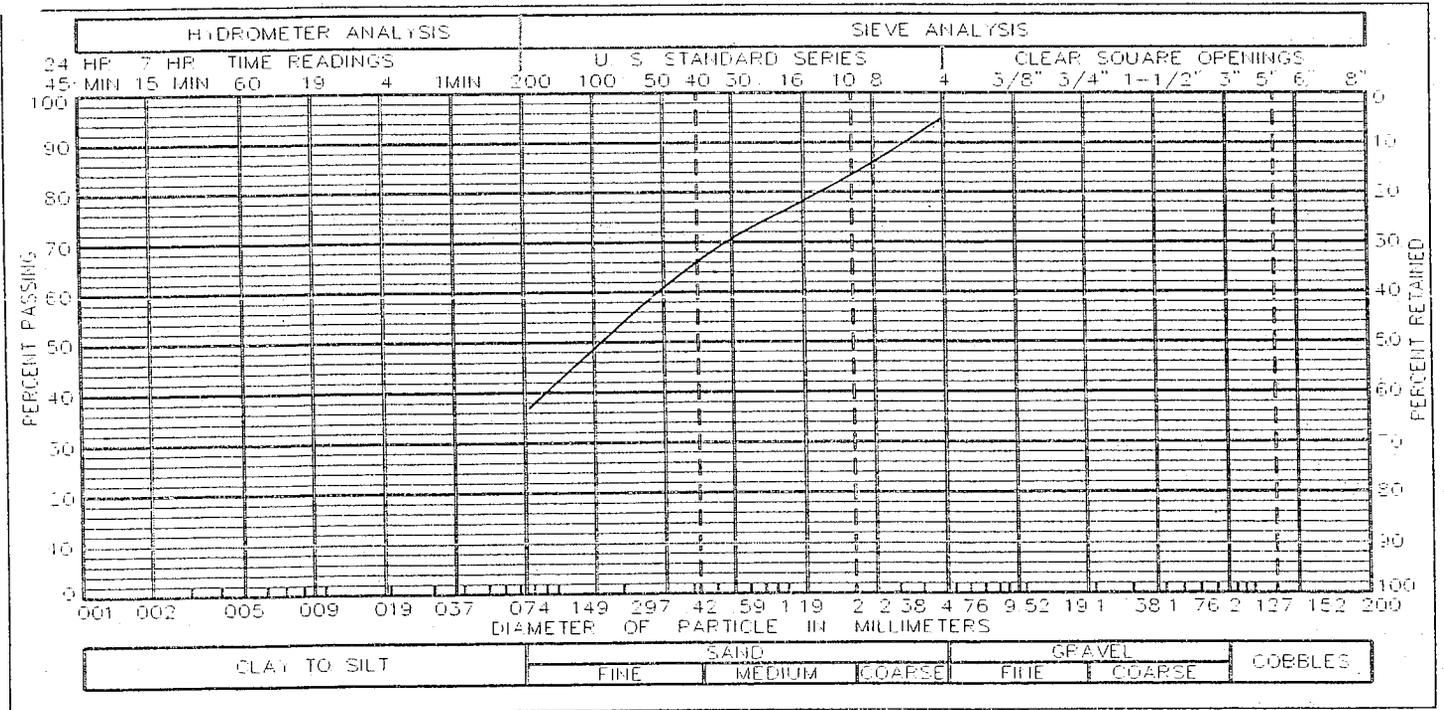


CLASSIFICATION	ML
GRAVEL	0.0 %
SAND	16.2 %
FINES	83.8 %
SAMPLE#	51 HOLE# 1 DEPTH 15

NOTES: 16.0 % Moisture Content

Atterberg Limits: PL = 31.3%, LL = 39.3%, PI = 8.0

Job Number: 01164

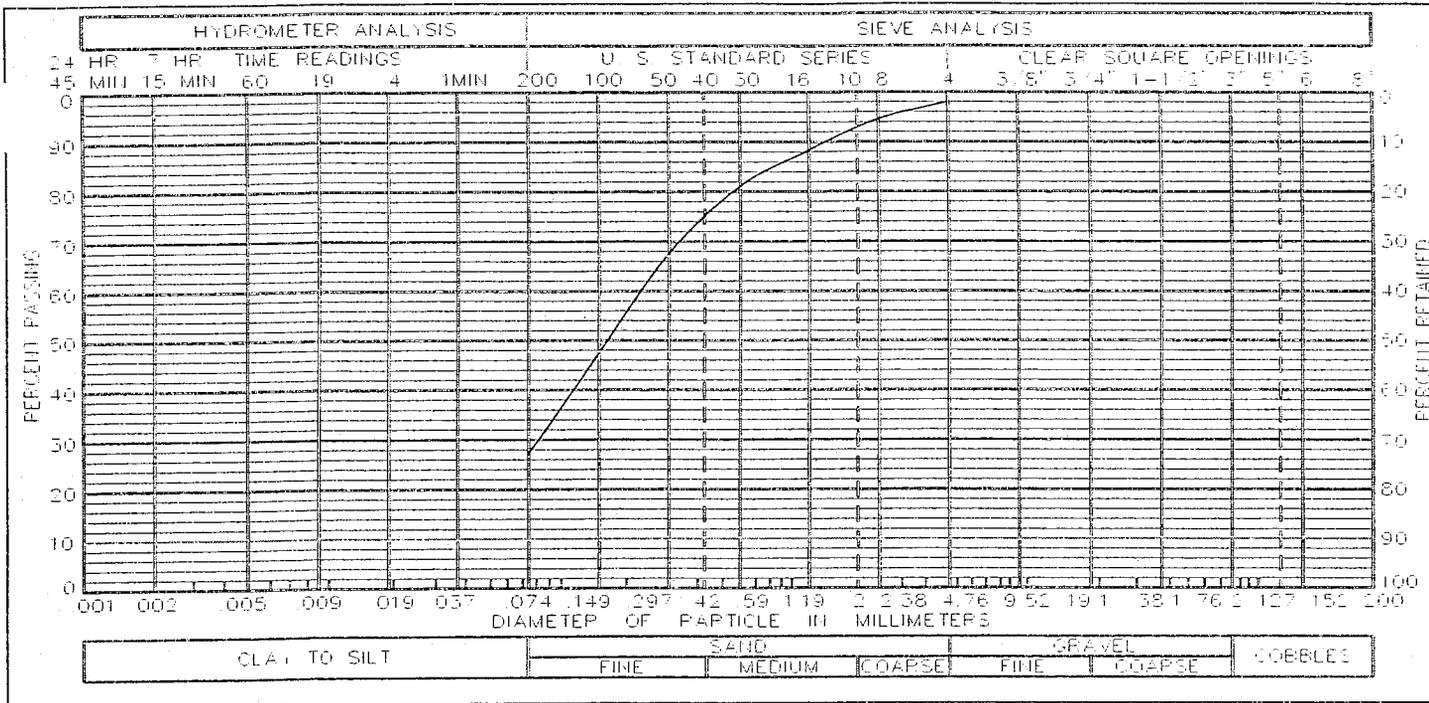


CLASSIFICATION	SM
GRAVEL	4.9 %
SAND	58.5 %
FINES	36.5 %
SAMPLE#	50 HOLE# 2 DEPTH 4

NOTES: 6.5 % Moisture Content

Job Number: 01164

COLORADO ENGINEERING AND GEOTECHNICAL GROUP, INC.
GRADATION TEST RESULTS



CLASSIFICATION SM

GRAVEL 1.4 %

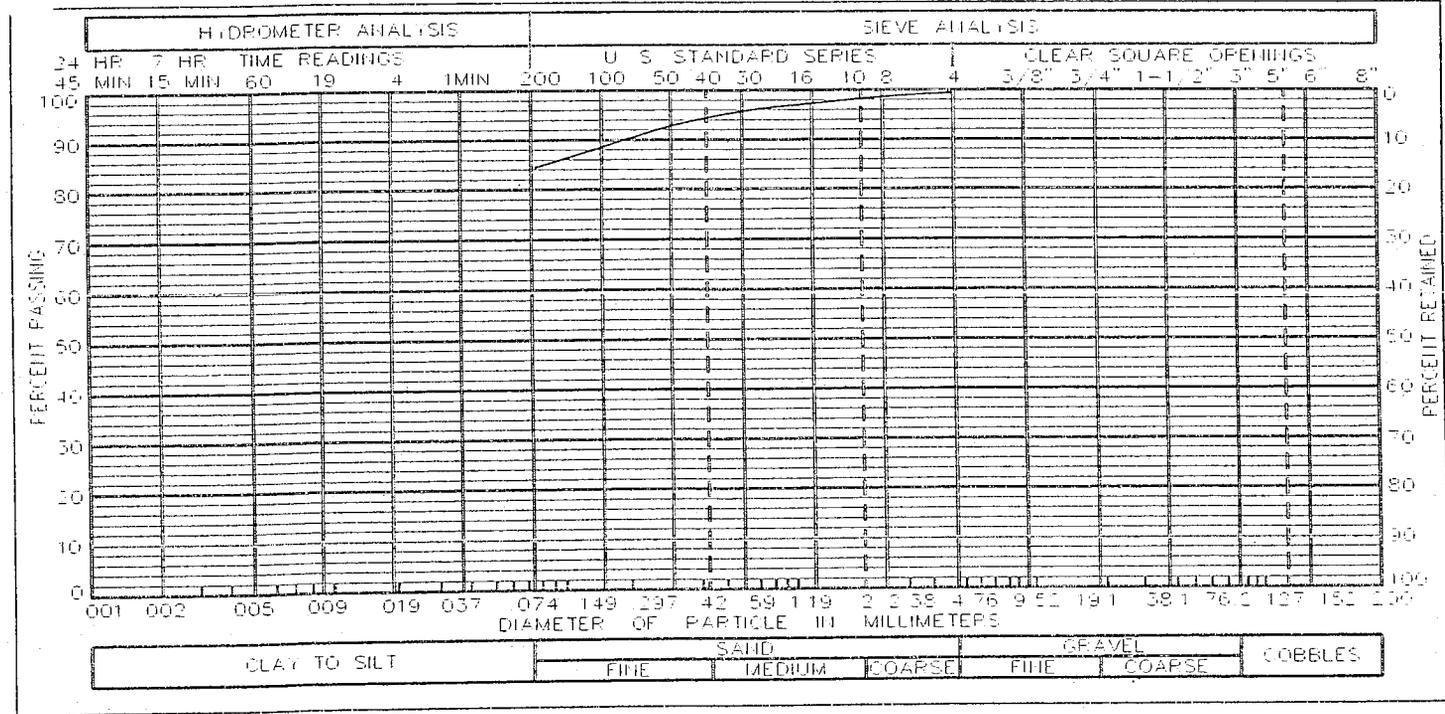
SAND 71.8 %

FINES 26.8 %

SAMPLE# 23 HOLE# 2 DEPTH 10

NOTES: 5.9 % Moisture Content

Job Number: 01164



CLASSIFICATION ML

GRAVEL 0.4 %

SAND 15.1 %

FINES 84.5 %

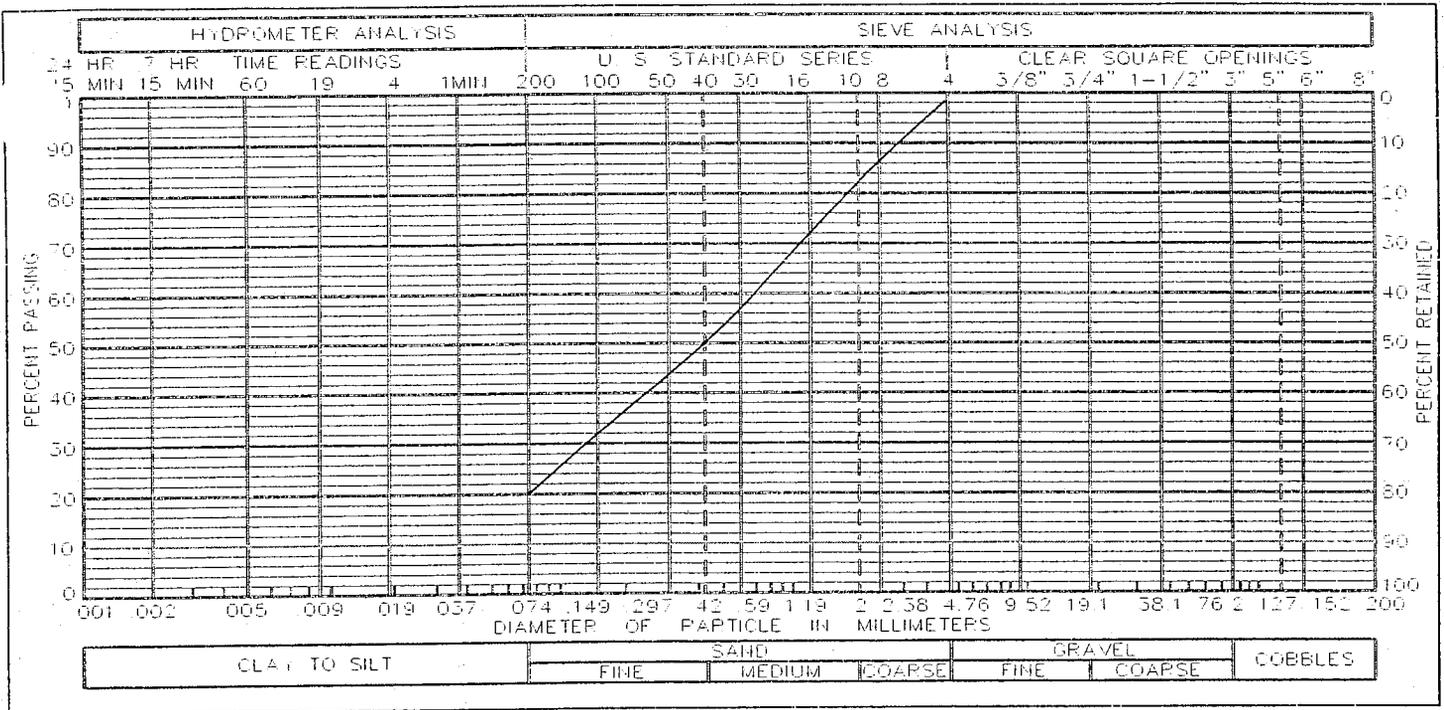
SAMPLE# 54 HOLE# 2 DEPTH 15

NOTES: 18.5 % Moisture Content

Atterberg Limits: PL = 27.6%, LL = 44.4%, PI = 16.8

Job Number: 01164

COLORADO ENGINEERING AND GEOTECHNICAL GROUP, INC.
GRADATION TEST RESULTS



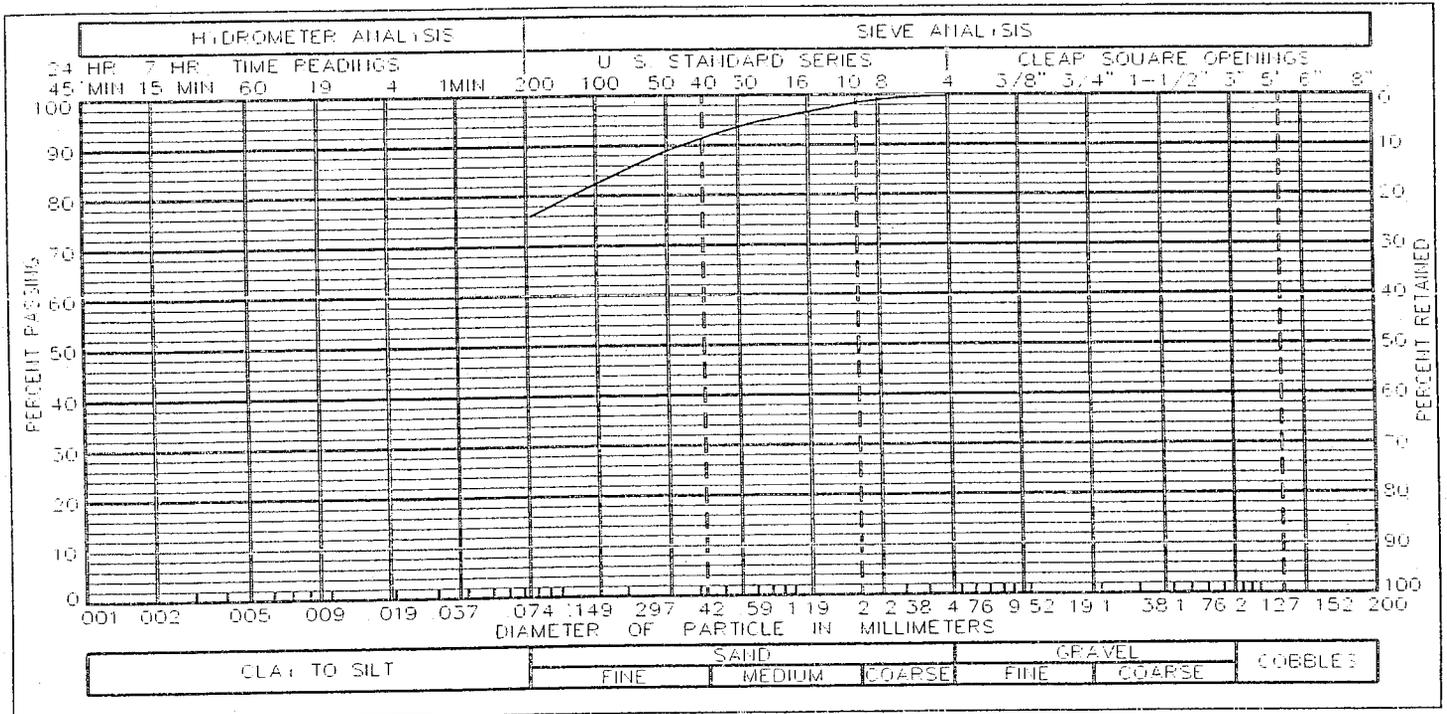
CLASSIFICATION SM NOTES: 4.3 % Moisture Content

GRAVEL 1.0 %

SAND 79.3 %

FINES 19.7 %

SAMPLE# 11 HOLE# 3 DEPTH 4 Job Number: 01164



CLASSIFICATION CH NOTES: 14.7 % Moisture Content

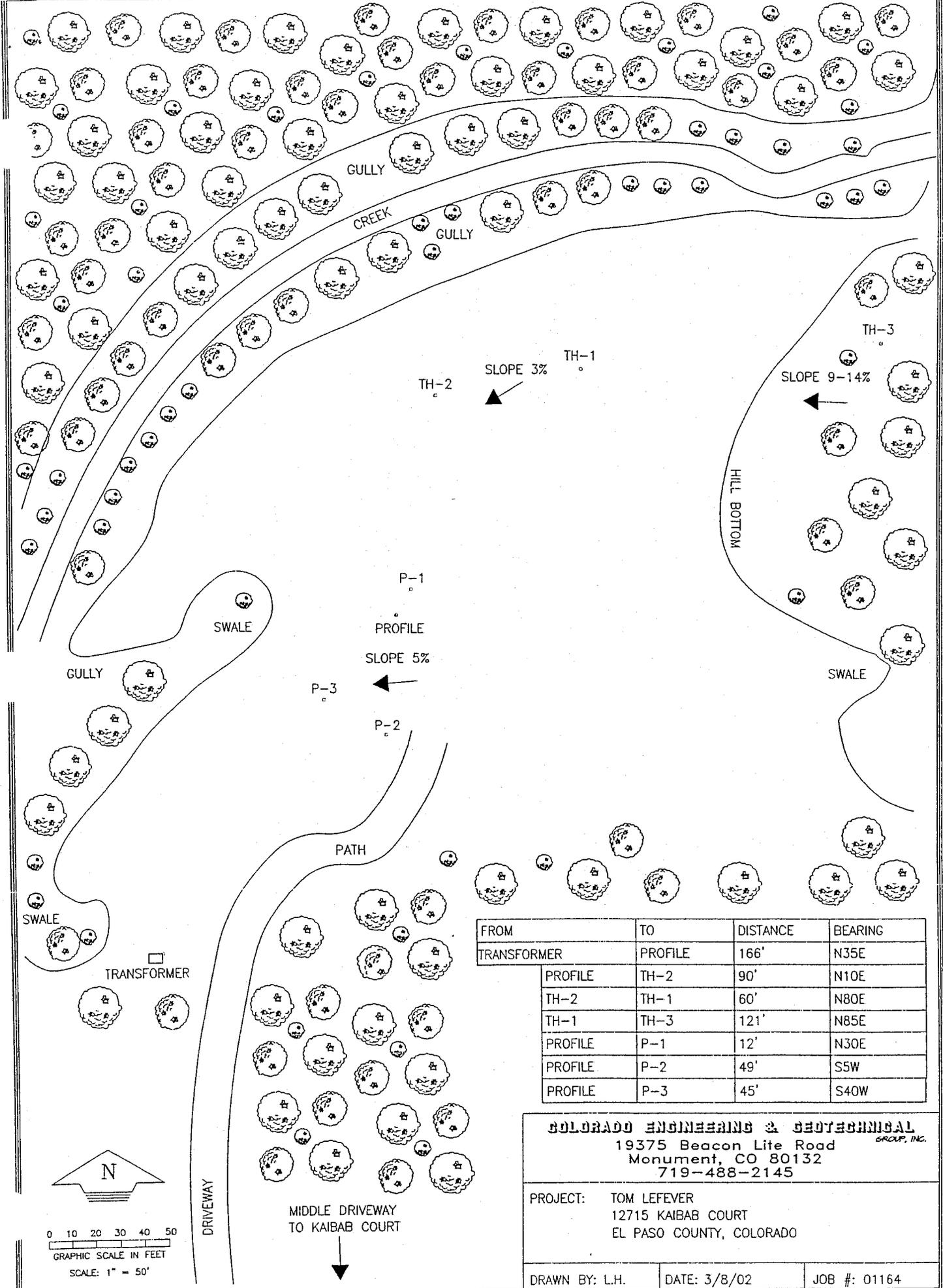
GRAVEL 0.0 %

SAND 24.0 %

FINES 76.0 %

SAMPLE# 25 HOLE# 3 DEPTH 10 Atterberg Limits. PL = 21.9%, LL = 58.3%, PI = 36.4

Job Number: 01164

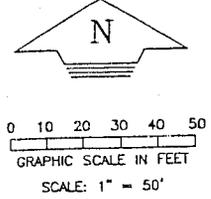


FROM	TO	DISTANCE	BEARING
TRANSFORMER	PROFILE	166'	N35E
PROFILE	TH-2	90'	N10E
TH-2	TH-1	60'	N80E
TH-1	TH-3	121'	N85E
PROFILE	P-1	12'	N30E
PROFILE	P-2	49'	S5W
PROFILE	P-3	45'	S40W

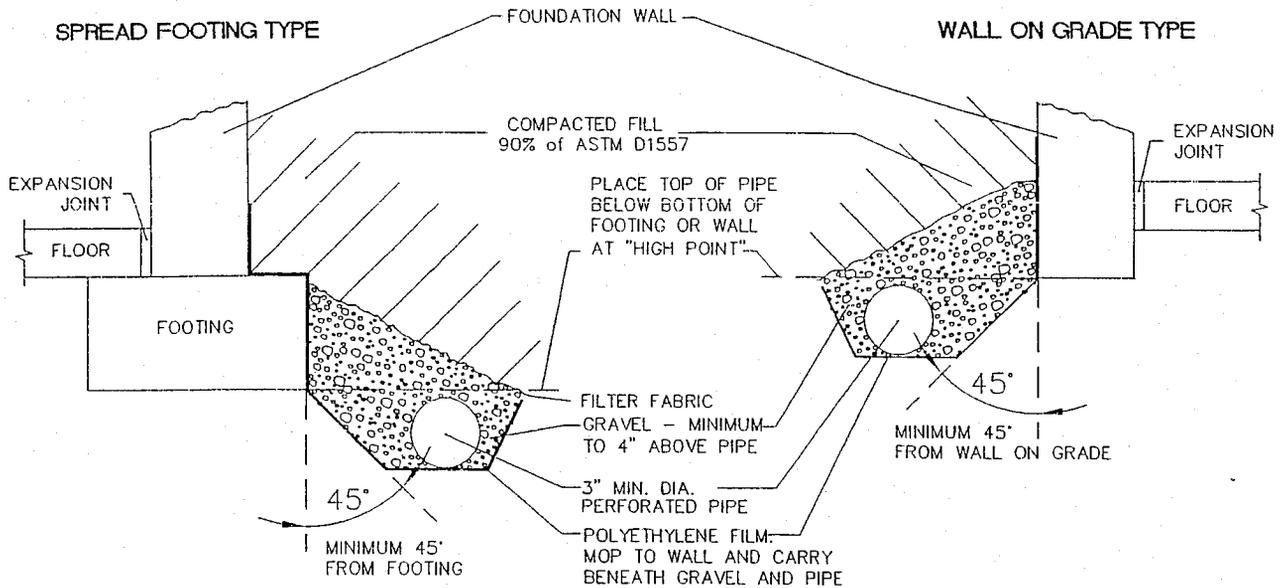
COLORADO ENGINEERING & GEOTECHNICAL GROUP, INC.
 19375 Beacon Lite Road
 Monument, CO 80132
 719-488-2145

PROJECT: TOM LEFEVER
 12715 KAIBAB COURT
 EL PASO COUNTY, COLORADO

DRAWN BY: L.H. DATE: 3/8/02 JOB #: 01164



EXTERIOR DRAIN DETAIL



1. Gravel size shall not be less than 1/2" in diameter and not greater than 1 1/2" in diameter.
2. Diameter of perforated pipe varies with amount of seepage expected, three inch diameter is most common.
3. Pipe shall be laid at a minimum grade of 1" in 10'.
4. Outfall to be unobstructed, gravity outfall if possible. Use sump and pump only if gravity outfall does not exist. Discharge portion of pipe shall be non perforated past area to be drained. Owner is responsible to maintain daylighting of drain.
5. Exterior earth backfill material should be compacted to at least 30% maximum modified proctor density in the upper three feet of fill.
6. Filter fabric shall be mirafi 140 s or equivalent.
7. Drain pipe shall be laid below area serviced or protected as shown in the detail above.
8. Mop polyethylene film to wall and carry beneath gravel and pipe
9. The polyethylene film shall be continued to the edge of the excavation.
10. Contact this office for density testing prior to placing any fill materials.


Colorado Engineering
& Geotechnical Group, Inc.

19375 Beacon Lite Road
 Monument, CO 80132
 719-488-2145

Montane Grass Mix

Typical of Ponderosa Pine
and Douglas Fir habitats
between 6,000' and 8,500'



Western Native Seed

P.O. Box 188 Coaldale, CO 81222
719-942-3935 Fax: 719-942-3605
westernnativeseed.com
westernnativeseed.com

	Species	Common Name	% Pure	% Viable	Test Date
15.00%	Agropyron smithii	Western Wheatgrass	97.36	97.00	4/02
15.00%	Agropyron trachycaulum	Slender Wheatgrass	96.13	86.00	2/02
10.00%	Bouteloua gracilis	Blue Grama	96.31	94.00	11/01
20.00%	Bromus anomalus	Nodding Brome	97.40	87.00	8/02
14.00%	Festuca arizonica	Arizona Fescue	96.21	87.00	4/02
3.00%	Festuca idahoensis	Idaho Fescue	98.44	89.00	12/01
10.00%	Oryzopsis hymenoides	Indian Rice Grass	99.43	96.00	8/02
7.00%	Poa canbyi	Canby's Bluegrass	92.01	97.00	3/02
3.00%	Sitanion hystrix	Bottlebrush Squirreltail	92.45	90.00	8/02
1.00%	Sporobolus cryptandrus	Sand Dropseed	99.79	90.00	3/02
2.00%	Stipa comata	Needle & Thread	97.12	91.00	10/01

0.7

Lbs

Noxious Weeds

None Found

% Inert

3.16

% Weed

0.10

Packed for 2002

Southern Rockies Wildflowers

Suitable for most areas
between 6,000 - 8,500'



Western Native Seed

Coaldale, CO 81222
35 Fax: 719-942-3605

www.westernnativeseed.com

Species	Common Name	
0.25%	Anaphalis margaritacea	Pearly Everlasting
0.50%	Aquilegia coerulea	Blue Columbine
4.00%	Argemone polyanthemus	Fricky Poppy
1.50%	Aster laevis	Smooth Aster
3.00%	Erigeron speciosus	Aspen Daisy
12.00%	Gaillardia aristata	Perennial Blanketflower
2.00%	Geranium viscosissimum	Sticky Geranium
8.00%	Helenium hoopesii	Orange Mountain Daisy
0.50%	Ipomopsis aggregata	Scarlet Gilla
10.00%	Linum lewisii	Blue Flax
2.00%	Lupinus argenteus	Silver Lupine
2.00%	Machaeranthera bigelovii	Bigelow's Aster
10.00%	Oxytropis lambertii	Showy Locoweed
6.00%	Penstemon glaber	Sawsepal Penstemon
0.25%	Penstemon griffinii	Griffin's Penstemon
10.00%	Penstemon strictus	Rocky Mountain Penstemon
8.00%	Penstemon virgatus	Wand Penstemon
10.00%	Rudbeckia hirta	Black Eyed Susan
2.00%	Thermopsis divaricarpa	Foothills Golden Banner
8.00%	Viguiera multiflora	Showy Goldeneye

0.3

lbs

Noxious Weeds

None Found

% Inert

4.51

% Weed

0.05

Packed 2002