



United States Department of the Interior



FISH AND WILDLIFE SERVICE
134 Union Blvd
Lakewood, Colorado 80228

In Reply Refer to:
FWS/IR05/IR07

TAILS: 06E24000-2022-TA-0342

December 21, 2021

Kari Parsons
Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910

Subject: Comments on the Forest Lakes Filing No. 7 near Monument, Colorado

Dear Kari Parsons:

The U.S. Fish and Wildlife Service (Service) received your email of December 8, 2021, requesting comment from the Service on the Forest Lakes Filing No. 7 (project). Included with your email was the *Erosion Control and Stormwater Management Plan for Forest Lakes Filing No. 7* (SWMP) by Innovative Design which specified Best Management Practices for reducing erosion and sedimentation during the Filing No. 7 project segment.

The Forest Lakes project occurs adjacent to habitat for the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's mouse), listed as threatened under the Endangered Species Act (ESA), as amended (16 U.S.C. 1531 *et seq.*), along Beaver Creek, North Beaver Creek, and South Beaver Creek. Riparian and upland vegetation along Beaver Creek is designated as critical habitat for the Preble's mouse.

On July 10, 2018, the Service issued a letter determining that take of the Preble's mouse was not reasonably certain to occur because of the Forest Lakes development. Section 9 of the ESA prohibits any action that would likely result in "take" of a listed species (take is defined by the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct of listed species). Although we do not challenge the project's SWMP or rescind our July 10, 2018 letter, we wish to express additional thoughts about stormwater management for the greater Forest Lakes development and beyond.

Precipitation run-off from the Forest Lakes roofs, roads, sidewalks, driveways, and parking lots is of great concern. Even with full-spectrum detention basins, stormwater flows off the impermeable surfaces are still likely to impact streambank and floodplain habitats, and damage designated critical habitat for the Preble's mouse, especially off-site (downstream). Although full-spectrum detention would be expected to mitigate increases in peak flow rates and runoff

INTERIOR REGION 5 MISSOURI BASIN

KANSAS, MONTANA*, NEBRASKA, NORTH DAKOTA,
SOUTH DAKOTA

*PARTIAL

INTERIOR REGION 7 UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

volumes for the full range of runoff events, it probably will not eliminate the need for channel stabilization downstream. Downstream channel stabilization may be necessary to prevent off-site impacts to the creeks and Preble's mouse critical habitat. Drainage improvements should be completed before development is completed. Stabilization work may require accessing the creeks and habitat with heavy machinery. If so, a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and further ESA section 7 consultation with the Service may be necessary.

Critical habitat and the Preble's mouse population are likely to be adversely affected if effective stormwater controls and downstream channel stabilization are not implemented. The degraded condition of the Preble's mouse habitat along some downstream reaches offers an opportunity. Habitat restoration efforts along these stream reaches designed to elevate the ecological function of the riparian habitat would serve to mitigate impacts from the proposed development.

The Service is concerned by the rapid development in the Monument Creek watershed, an area which supports the southern-most Preble's mouse population. The combined activities in the Town of Monument, City of Colorado Springs, and El Paso County continue to have detrimental direct, indirect, and cumulative impact on the species' habitat. We request that El Paso County ensure the drainage management system designed for the Forest Lakes development account for downstream riparian and stream impacts, even if they extend beyond the immediate property boundary. We believe evaluating downstream drainageways is critical to meeting broader watershed and habitat objectives to maintain watershed health and conserve habitat for the Preble's mouse. We further suggest that the project should incorporate downstream channel stabilization and riparian restoration work before the project is completed.

Should changes to the proposed project occur or if new information indicates that the project may result in the take of a listed species, please contact the Service.

We appreciate your efforts to ensure conservation of threatened and endangered species. Please reference TAILS project code 06E24000-2022-TA-0342 when contacting our office about this letter. If we can be of any additional assistance, please contact George L. San Miguel of the Colorado Field Office by telephone at (303) 236-4752 or by email to george_sanmiguel@fws.gov.

Sincerely,

Liisa Niva
Eastern Colorado Supervisor
Colorado Ecological Services Office