Updated November 16, 2018

Jim Boulton

Classic Homes, Inc.
6385 Corporate Drive, Suite 200
Colorado Springs, Colorado 80919

Re: Impact Identification Report
Forest Lakes Residential Development Project
El Paso County, Colorado

Dear Mr. Boulton:

CORE Consultants, Inc. (CORE) presents this memo summarizing an impact identification report of the proposed Forest Lakes Residential Development Project (Project) in El Paso County (County), Colorado. The memo tiers to the requirements set-forth in the Impact Identification Report Checklist created by the County. This report is required as part of a County submittal application for a Planned Unit Development (PUD). The Project is located approximately two miles west of the intersection of Baptist Road and Interstate 25 (I-25) in El Paso County, and is on the U.S. Geological Survey (USGS) Palmer Lake quadrangle, in portions of Sections 27 and 28 in Township 11 South, Range 67 West (USGS 1994; **Attachment I:** *Site Location Map*). The Project would consist of single family residential lots, access roads, recreational trails, and associated facilities (**Attachment II:** *Project Overview Map*).

CORE completed a desktop review and subsequent site reconnaissance of the Project for the following natural resources and potential biological constraints:

- Significant topographic features;
- Potentially jurisdictional water features and floodplains;
- Potential for the occurrence of federally-listed threatened and endangered species (TES) and their associated habitats;
- Federally-designated Critical Habitat for TES;
- Potential for the occurrence of state threatened (ST), state endangered (SE), or state species of concern (SC), and their associated habitats;
- Big game migratory routes and species-specific concentration areas;
- Potential geologic hazards; and
- Potential wildfire hazards.

Publicly-available data sources reviewed via desktop included the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC) System, the USFWS Critical Habitat Portal, species profiles and spatial data from Colorado Parks and Wildlife (CPW), the USFWS National Wetland Inventory (NWI), the USGS National Hydrography Dataset (NHD), Federal Emergency Management

Agency (FEMA) Flood Insurance Rate Map (FIRM) panels, USGS aerial imagery, El Paso County Wildfire Hazard Map, and National Resources Conservation Service (NRCS) county soil surveys data (NRCS 1981; NRCS 1992). A site reconnaissance was conducted on October 13, 25, and 26, 2016 to field-verify results of the desktop reviews.

ENVIRONMENTAL SETTING

The proposed Project is located in the Fountain watershed (8-digit hydrologic unit code [HUC] 11020003). Topography of the Project consists of hills and ridges of the Foothill Shrublands Level IV ecoregion within the Southern Rockies Level III ecoregion (Chapman et al. 2006). Project elevations range between approximately 6,900 feet above mean sea level (amsl) along footslopes and 7,100 feet amsl along shallow ridges; Project elevations trend lower towards the Beaver Creek drainage and associated tributaries traversing the Project. Beaver Creek drains the Project in an easterly direction. North Beaver Creek drains to Beaver Creek in a southeasterly direction and South Beaver Creek and Hell Creek drain to Beaver Creek in a northeasterly direction. Land use in the region is typified by rangeland and wildlife habitat with increasing residential development (Chapman 2006). Typical vegetation includes pinyon-juniper woodlands interspersed with foothill-mountain grasslands. Dominant botanical species include mountain mahogany (*Cercocarpus montanus*), Gambel oak (*Quercus gambelii*), skunkbush (*Rhus trilobata*), fringed sage (*Artemisia frigida*), rabbitbrush (*Chrysothamnus* spp.), blue grama (*Bouteloua gracilis*), western wheatgrass (*Pascopyrum smithii*), and Indian ricegrass (*Oryzopsis hymenoides*).

Wetlands and Waters of the U.S.

The USFWS NWI and USGS NHD datasets were reviewed for the presence of potentially jurisdictional Waters of the U.S. (WOUS) within the Project. Aerial imagery was reviewed to locate water features not included within the NWI and NHD datasets. Aerial imagery indicated well-defined channelization and surface water within Beaver Creek; channelization was apparent in North and South Beaver Creek, but surface water was lacking. Vegetation appeared dense within and adjacent to the three channels. Hell Creek appeared to be weakly channelized within the Project. NWI data depicted 11 wetlands within the Project (**Attachment III:** *Figures*). Types and locations of NWI wetlands included:

- Palustrine scrub-shrub, temporarily flooded wetlands (PSSA) along South Beaver Creek and Beaver Creek;
- Palustrine scrub-shrub, seasonally flooded wetlands (PSSC) along Beaver Creek;
- Palustrine unconsolidated shore, seasonally flooded wetland (diked impounded) (PUSCh) along North Beaver Creek.

FEMA Zone-A Floodplains

A review of FEMA FIRM floodplain maps was conducted to determine the existence, location, and extent of floodplains located within the Project. The FIRM maps depict floodplain areas along rivers and tributaries. The maps record the following data: 100-year floodplains (1% chance of annual flooding) and 500-year floodplains (0.2% annual chance of flooding), the height of the base flood (Base Flood Elevations), and the risk premium zones developed from topographical information across a floodplain. The FEMA generates FIRM floodplain maps for flood insurance purposes.

A review of El Paso County FEMA FIRM panels indicates that portions of the Project vicinity within and adjacent to Beaver Creek, North Beaver Creek, and South Beaver Creek are at risk of inundation by a 100-year flood (**Attachment III**). The remainder of the property is identified as Zone X flood zone, which consists of areas of minimal flood risk "outside the 1-percent and 0.2-percent-annual-chance floodplains" (FEMA 2005). The Project is located within FEMA FIRM panels 08041C0260F and 08041C0270F, El Paso County.

Federal TES

The USFWS IPaC database (USFWS 2017a) was used to determine the likelihood of occurrence of federally listed TES within the Project. The IPaC query listed five species, including one bird, one flowering plant, one mammal, and one fish with the potential to occur within the Project; an additional five species were listed under a conditional effects analysis (**Table 1**). The IPaC query identified USFWS-designated Preble's meadow jumping mouse (*Zapus hudsonius preblei,* or PMJM) Critical Habitat as occurring within and adjacent to the South Beaver Creek and Beaver Creek drainages in the Project (2017b).

Table 1. Federal TES Likelihood of Occurrence within the Project (USFWS 2017a)

COMMON NAME	SCIENTIFIC NAME	STATUS	LIKELIHOOD OF OCCURENCE
Complete Effects Analysis			
Greenback Cutthroat Trout	*Oncorhynchus clarki stomias*	FT	Unlikely. Genetic sampling has confirmed that the only remaining native pure-strain population occurs in a four mile stretch of creek outside of its native range in Bear Creek, a small tributary in the Arkansas River Basin (Metcalf et al. 2012).
Mexican spotted owl	*Strix occidentalis lucida*	FT	Unlikely; requires mixed-conifer stands and narrow canyons (Gutiérrez et al. 1995); designated Critical Habitat >10 miles from Project; lack of habitat connectivity.
Preble's meadow jumping mouse	*Zapus hudsonius preblei*	FT	Very Likely; see discussion below.
Ute ladies'-tresses	*Spiranthes diluvialis*	FT	Possible; see discussion below
Conditional Effects Analysis			
Least tern	*Sternula antillarum* (interior population)	FE	Project is located outside of species' range; Project would not affect water within the S. Platte River watershed; therefore, impacts to this species would not occur.
Pallid sturgeon	*Scaphirynchus albus* (entire population)	FE	Project is located outside of species' range; Project would not affect water within the S. Platte River watershed; therefore, impacts to this species would not occur.
Piping plover	*Charadrius melodus* (except Great Lakes watershed)	FT	Project is located outside of species' range; Project would not affect water within the S. Platte River watershed; therefore, impacts to this species would not occur.

Table 1, cont. Federal TES Likelihood of Occurrence within the Project (USFWS 2017a)

COMMON NAME	SCIENTIFIC NAME	STATUS	LIKELIHOOD OF OCCURENCE
Conditional Effects Analysis			
Whooping crane	*Grus americana*	FE	Project is located outside of species' range; Project would not affect water within the S. Platte River watershed; therefore, impacts to this species would not occur.
Western prairie fringed orchid	*Platanthera praeclara*	FT	Project is located outside of species' range; Project would not affect water within the S. Platte River watershed; therefore, impacts to this species would not occur.

FE=Federally Endangered; FT=Federally Threatened; ST=State Threatened

Preble's Meadow Jumping Mouse

Preble's meadow jumping mouse is a federally-listed TES and is a ST species in Colorado. PMJM occurs along the Front Range of the Rocky Mountains throughout several counties in Wyoming and Colorado. Preferred habitat includes well developed riparian corridors with gentle slopes and adjacent grasslands that allow for movement in and out of the stream channel. Populations have declined due to habitat fragmentation and degradation resulting from urban development in and adjacent to riparian areas (USFWS 2004).

The Beaver Creek drainage within the Project is designated Preble's meadow jumping mouse Critical Habitat by the USFWS. Discussions were initiated with the USFWS in 2001 regarding project design and potential impacts to potentially suitable PMJM habitat within the Project (**Attachment IV:** *Prior USFWS Section 7 Consultation*). These initial consultations and discussions occurred prior to the USFWS' designation of Critical Habitat for the species. At that time, the development area considered for project impacts included the confluence of North Beaver Creek and Beaver Creek, and the stretch of the main channel of Beaver Creek within the project. It was understood that North Beaver Creek crossings would be required for future phases of the project and would be addressed under Section 7 consultation through Section 404 permitting for impacts to WOUS through the U.S. Army Corps of Engineers (USACE). Based on discussions with the USFWS regarding potentially suitable PMJM habitat within the project, ERO Resources. Inc. (ERO) delineated the confluence of North Beaver Creek and Beaver Creek, the main channel of Beaver Creek, and 300 feet from the floodplain as potentially suitable PMJM habitat for the purpose of quantifying impacts resulting from development of the project. As a result, the original project was designed in 2001 to avoid all impacts to potentially suitable PMJM habitat. ERO sent a letter to the USFWS dated February 19, 2001 requesting concurrence for "No Effect" for PMJM since the Project (as proposed at that time) would not impact areas delineated as potentially suitable PMJM habitat. The USFWS concurred that the proposed project as designed at that time would have no effect on PMJM or its associated habitat.

El Paso County Environmental Services Department initiated Section 7 consultation in 2004 regarding the development of an eight-foot natural surface trail within the proposed project, south of Beaver Creek and located within the previously delineated potentially suitable PMJM habitat. The proposed trail location coincided with an existing dirt road within the Project. Since the proposed trail would be developed within

the existing dirt road, the USFWS concurred in a letter dated March 19, 2004 that development of the proposed trail should not result in direct adverse effects to PMJM. Signage was posted at all trail entrances that referenced an HOA covenant intended to prevent impacts to PMJM or its associated habitat (**Attachment V:** *Photographic Log*).

More recently, CORE has obtained concurrence from the USFWS stating that development of the Project is not likely to result in adverse effects to PMJM (**Attachment VI:** *Updated USFWS Concurrence*). Because the previous USFWS concurrence from 2001 (**Attachment IV**) was issued prior to the designation of Critical Habitat, the area along Beaver Creek described as suitable PMJM habitat in that concurrence is the area within 300 feet of the 100-year floodplain. Critical Habitat was designated in 2004, and revised again in 2010, and covers the stretch of Beaver Creek in the Project area. This designation extends beyond the 300-foot buffer of the 100-year floodplain; for Beaver Creek, the Critical Habitat designation is 394 feet from the stream's ordinary high-water mark. The Project has been designed to avoid Critical Habitat, with the exception of soft-surface pedestrian trails that will be co-located with existing dirt roads. Concurrence from USFWS has been obtained that states that there are "No Concerns" regarding these trails, since trails will be "located on pre-existing roads," and the Project will have "administrative controls in place to reduce impact (signage)" from pedestrian traffic (**Attachment VI**).

Ute Ladies'-tresses Orchid

Ute ladies'-tresses orchid (ULTO) is a perennial orchid listed as federally threatened. This forb has ivory flower clusters arranged in a spike growing approximately 8-20 inches tall. ULTO is known to occur in parts of Colorado, Wyoming, Idaho, Montana, Nebraska, Utah, and Washington. The plant typically occurs within features associated with major river floodplains including riparian edges, gravel bars, old oxbows, high flow channels, and moist to wet meadows associated with perennial streams (USFWS 2014). Surveys have indicated that the species may also inhabit groundwater-fed springs or sub-irrigated meadows, seeps, and human-influenced riparian habitats that receive reliable and stable spring inundation (Fertig et al. 2005; NRCS 2009). Soils have a high micronutrient and organic content matter and often display gley features when field sampled (NRCS 2009).

A review of spatial data and aerial imagery indicated that habitat requirements for ULTO are likely to occur within the Project. Spatial data indicate that Beaver Creek is a perennial stream located within a Zone A floodplain (National Hydrography Dataset 2016; FEMA 2016). Interpretation of aerial imagery would indicate that some areas within and adjacent to the floodplain apparently receive regular inundation. The USFWS' Interim Survey Guidelines for ULTO do not require ULTO surveys within Fountain Creek perennial tributaries at sites above 6,500 feet AMSL. Nonetheless, a site reconnaissance would be necessary to accurately assess the potential for the presence of suitable ULTO habitat within the Project.

Migratory Birds

The USFWS IPaC database (USFWS 2017a) was used to determine the potential for occurrence of migratory birds within the Project that are protected under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. §§ 703–712). The IPaC query listed 19 migratory bird species, including 15 potential breeding species (**Table 2.** *Birds of Conservation Concern*). Breeding migratory birds, and the parts, nests, or eggs of such a bird receive statutory protection under the MBTA, and disturbing such species (defined at 16 U.S.C. §§ 703–712) is prohibited.

Table 2. Birds of Conservation Concern (USFWS 2017a)

COMMON NAME	SCIENTIFIC NAME	POTENTIAL BREEDING PERIOD WITHIN THE PROJECT
Black rosy-finch	*Leucosticte atrata*	Does not breed in Colorado
Brewer's sparrow	*Spizella breweri*	May 15 to August 10
Brown-capped rosy-finch	*Leucosticte australis*	Project elevations too low for breeding
Burrowing owl	*Athene cunicularia*	March 15 to August 31
Chestnut-collared longspur	*Calcarius ornatus*	Breeds elsewhere
Golden eagle	*Aquila chrysaetos*	April 1 to August 31
Lesser yellowlegs	*Tringa flavipes*	Breeds elsewhere
Lewis's woodpecker	*Melanerpes lewis*	April 20 to September 30
Long-billed curlew	*Numenius americanus*	April 1 to July 31
Long-eared owl	*Asio otus*	March 1 to July 15
Marbled godwit	*Limosa fedoa*	Breeds elsewhere
Mountain plover	*Charadrius montanus*	Habitat at Project not suitable
Olive-sided flycatcher	*Contopus cooperi*	May 20 to August 31
Pinyon jay	*Gymnorhinus cyanocephalus*	February 15 to July 15
Rufous hummingbird	*Selasphorus rufus*	Does not breed in Colorado; common fall migrant (August to October)
Snowy plover	*Charadrius alexandrinus*	Habitat at Project not suitable
Veery	*Catharus fuscescens*	Breeds elsewhere
Virginia's warbler	*Oreothlypis virginiae*	May 1 to July 31
Willow flycatcher	*Empidonax traillii*	May 20 to August 31

CPW Species Activity Mapping: El Paso County

The CPW Species Activity Mapping (SAM) spatial data were reviewed to determine the likelihood of occurrence for state TES, state species of concern (SC), and other general wildlife, including big game species. The review indicated that there is potential for the occurrence of eight mammals, seven reptiles, and three birds including one SC mammal and one state threatened bird (**Table 3.** *Non-Federal TES Wildlife Potential for Occurrence*).

Table 3. Non-Federal TES Wildlife Potential for Occurrence (CPW 2017)

COMMON NAME	SCIENTIFIC NAME	TYPE OF OCCURENCE (CPW 2017)	STATUS
Mammals			
Abert's squirrel	*Sciurus aberti*	Overall range	N/A
Brazilian free-tailed bat	*Tadarida brasilensis*	Overall range	N/A
Black bear	*Ursus americanus*	Fall concentration area; summer concentration area; black bear-human conflict area	N/A
Black-tailed prairie dog	*Cynomys ludovicianus*	Overall range	SC
Elk	*Cervus canadensis*	Overall range; summer range along western portion of Project	N/A
Mountain lion	*Puma concolor*	Overall range	N/A
Mule deer	*Odocoileus hemionus*	Overall range	N/A
White-tailed deer	*Odocoileus virginianus*	Concentration area	N/A
Birds			
Burrowing owl	*Athene cunicularia*	Overall range	ST
Great blue heron	*Ardea herodias*	Foraging area	N/A
Wild turkey	*Meleagris gallopavo*	Overall range; winter range in northwestern corner of Project	N/A
Reptiles			
Bullsnake	*Pituophis catenifer sayi*	Overall range	N/A
Hernandez's short-horned lizard	*Phrynosoma hernandesi hernandesi*	Overall range	N/A
Milk snake	*Lampropeltis triangulum*	Overall range	N/A
Prairie lizard	*Scleroporus undulatus*	Overall range	N/A
Prairie rattlesnake	*Crotalus viridis*	Overall range	N/A
Six-lined racerunner	*Aspidoscelis sexlineata*	Overall range	N/A
Terrestrial garter snake	*Thamnophis elegans*	Overall range	N/A

ST=State Threatened; SC=State Species of Concern; N/A=No Statutory Designation

General wildlife does not receive statutory protection, and the Project area does not intersect with big game migratory routes. The Project does intersect with seasonal concentration areas and/or ranges of some big game including elk, mule deer, and white-tailed deer. Development of residential property has the potential to attract black bear, since trash would be readily available for forage.

Geologic Hazards Review

Soil survey data and reports were reviewed to determine the potential for the presence of geologic hazards within the Project (NRCS 1992 and NRCS 1981). The NRCS provides information on soils properties that would influence the development of building sites for dwellings with basements, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Quantitative soil ratings are assigned to each major soil group and include 'Not limited', 'Somewhat limited', and 'Very limited'. 'Not limited' indicates that the soil type has properties that are very favorable for the specified type of construction. 'Somewhat limited' indicates that the soil type has properties that are moderately favorable for the specified type of construction. These limitations can generally be overcome through planning and design considerations. 'Very limited' indicates that the soil type has properties that cannot generally be overcome through design and planning considerations (NRCS 2017). County soil survey data indicate that the Project is composed of the Jarre-Tecote complex (8 to 65 percent slopes), Perrypark gravelly sandy loam (3 to 9 percent slopes), and the Peyton-Pring complex (3 to 8 percent slopes; NRCS 1981 and NRCS 1992; **Attachment III**). The review of soils data indicated that Perrypark gravelly sandy loam (3 to 9 percent slopes) and the Peryton-Pring complex (3 to 8 percent slopes) are rated 'Not limited' for the construction of dwellings with or without basements. Jarre-Tecolote complex (8 to 65 percent slopes) is rated 'Very Limited.' This soil complex comprises approximately 43.0% of the Project (**Attachment III**). However, it is anticipated that the Project will conduct appropriate on-site soil sampling prior to submittal of a site development plan to ensure that all planned portions of the Project can support dwellings with basements, if such buildings are planned.

Wildfire Hazards Review

The El Paso County *Wildfire Hazards Based on CVCP Indicators Map* was reviewed to determine the potential wildfire hazard levels within the Project. The County assigns a rating of 'High Hazard' or 'Low Hazard' based on type of vegetation cover. Forested areas are considered 'High Hazard' and grass/shrub areas are considered "Low Hazard'. A review of the map indicated that the Project consists of lands considered 'Low Hazard' and those considered 'High Hazard' for wildfire threat (EPC 2007). 'High Hazard' and 'Low Hazard' ratings are interspersed across the Project since this area represents the transition zone between the foothill-shrublands and the crystalline mid-elevation forests (EPC 2007; Chapman 2006).

SITE RECONNAISSANCE

A site reconnaissance and routine wetland delineation of the Project (CORE 2016) was conducted on October 13, 25, and 26, 2016. The site reconnaissance confirmed the initial desktop findings pertaining to the likelihood of occurrence of biological resources on the Project.

Vegetation

Dominant vegetation is typical of the foothill grasslands and pine-oak woodlands. Native species observed included blue grama, needle-and-thread (*Hesperotipa comata*), yellow Indiangrass, fringed sage, blackbent (*Agrostis gigantea*), and buckwheats (*Polygonum* spp.). Shrubby and tree species observed included peach leaf willow (*Salix amygdaloides*), coyote willow (*Salix exigua*), narrowleaf cottonwood (*Populus angustifolia*), and ponderosa pine (*Pinus ponderosa*). A variety of hydrophytic plants were present in wetlands (CORE 2016). Noxious weed species observed included common mullein (*Verbascum thapsus*), Russian thistle, (*Cirsium arvense)*, and diffuse knapweed (*Centaurea diffusa*). El Paso County requires that noxious weed populations be treated prior to construction on projects requiring ground disturbance (EPC 2014).

Federal TES

The reconnaissance indicated that high quality, suitable PMJM habitat is present within the USFWS' designated Critical Habitat corridor along Beaver Creek and South Beaver Creek within the Project. The Beaver Creek and South Beaver Creek drainages both presented as perennial, unobstructed, low-velocity stream channels, with well-developed riparian corridors with gently sloping banks, with appropriate vegetation constituting high quality PMJM habitat (**Attachment V**). Riparian corridor species observed included willows (*Salix* spp.), gray alder (*Alnus incana*), cottonwood (*Populus deltoides*), and water birch (*Betula occidentalis*). High quality upland shrub canopy habitat consisted of Gambel's oak, skunkbush sumac, and shrubby cinquefoil (*Potentilla fruticosa*). The herbaceous understory of the shrub canopy consisted of densely-distributed, relatively undisturbed native herbaceous species including side-oats grama (*Bouteloua curtipendula*), smooth brome (*Bromis inermis*), fringed sage, blue grama, and western wheatgrass. The North Beaver Creek drainage presented as an intermittent stream channel with gently sloping banks throughout its stretch within the Project. Stretches of the channel presented as stream channels containing wetlands (CORE 2016). Since the Beaver Creek and South Beaver Creek drainages consisted of low velocity, unobstructed stream channels with gently sloping banks and a vegetation distribution suitable for PMJM, CORE determined that the USFWS-designated Critical Habitat corridor along South Beaver Creek and Beaver Creek accurately represents current, high-quality, suitable habitat for PMJM.

CORE evaluated Project impact areas for suitable ULTO habitat. A large, sub-irrigated wetland is located adjacent and west of the confluence of Beaver Creek, North Beaver Creek, and South Beaver Creek (CORE 2016). Portions of the wetland are located within the floodplain associated with Beaver Creek and South Beaver Creek (**Attachment III**). As such, the wetland presents potentially suitable habitat for the ULTO. In addition, the riparian corridors of both Beaver Creek and South Beaver Creek themselves are likely suitable to support the presence of ULTO. However, since ULTO do not typically occur above 6,500 feet amsl in Colorado, it is unlikely that the riparian corridors associated with Beaver would support populations of ULTO.

Migratory Birds

There is a high likelihood for the presence of nesting migratory birds of conservation concern at the Project, including raptors (**Table 2**). Suitable substrates for nesting raptors were present in the form of mature cottonwoods, alders, and water birch widely distributed within the Beaver Creek, South Beaver Creek, and North Beaver Creek drainages. A nesting raptor survey during the breeding season (February 1 through July 15) would confirm the presence or absence of active raptor nests within the Project (CPW 2008). Other birds of conservation concern may utilize trees, shrubs, and ground cover for nesting during the breeding bird season. A ground clearance survey for breeding birds during the breeding season (February 1 through July 15) would confirm the presence or absence of active nesting

birds of conservation concern within the Project (USFWS 2017a). No black-tailed prairie dog colonies (active or historic) were observed at the Project. As such, there is no potential for the occurrence of nesting burrowing owls on the Project.

CPW Species Activity Mapping

The site reconnaissance determined a high likelihood for several wildlife species identified during the desktop review of CPW SAM data (CPW 2017). Mammals likely to occur on the Project include black bear, elk, mountain lion, mule deer, and white-tailed deer. Both elk and mule deer were observed during site visits, and mountain lion and bear are most likely present in the adjacent foothills. The Project provides suitable habitat for all reptile species identified during the desktop review of CPW SAM data. There is the potential for occurrence of other general wildlife including avian and amphibian species; CPW SAM data does not include amphibians other than the boreal toad (*Bufo boreas boreas*; CPW 2017).

Waters of the U.S.

Watercourses and other aquatic features identified in the preliminary desktop analysis were inspected in the field to assess their jurisdictional potential. A site visit and routine wetland delineation were conducted on October 19, 25, and 26, 2016 (CORE 2016). The wetland delineation was performed in accordance with the Rocky Mountains, Valleys, and Coasts Regional Supplement (Version 2.0; USACE 2010) to the 1987 USACE Wetland Delineation Manual (USACE 1987). The site assessment indicated that the intermittent channel of North Beaver Creek and the perennial channels of South Beaver Creek and Beaver Creek drain the Project in an easterly direction; the north and south channels flow into Beaver Creek at the central portion of the Project. South Beaver Creek and Beaver Creek presented as perennial stream channels with a well-developed riparian corridor; North Beaver Creek presented as an intermittent channel that contributed seasonal flows to Beaver Creek. Abutting emergent wetlands are located along the channels in several of the areas surveyed. An extensive, emergent, and partially saturated wetland is situated to the west of the confluence of the three channels, in the central portion of the Project. The routine wetland delineation determined that North Beaver Creek, South Beaver Creek, and Beaver Creek and any abutting wetlands are potentially jurisdictional (CORE 2016). A determination on the regulatory status of the large, emergent wetland complex in the center of the project is being sought from the USACE.

The USACE typically has jurisdiction over navigable or traditionally navigable waters, relatively permanent waters, and wetlands that abut such waters, and determines jurisdiction over other waters based predominantly on their significant nexus to navigable or traditionally navigable waters (i.e. WOUS). A permit under Section 404 of the Clean Water Act is required for the discharge of dredged or fill material into WOUS, and mitigation may be required pending Project impacts.

CULTURAL RESOURCES

If it is determined that the Project will require permitting under Section 404 of the Clean Water Act (CWA), or through another federal nexus, CORE will contract a cultural resources subcontractor to conduct the appropriate cultural resource reviews as indicated through coordination with the USACE.

CONCLUSIONS

Upon completion of a desktop review, site reconnaissance, and routine wetland delineation, CORE finds that some biological constraints are present within the Project. The site reconnaissance indicated that high-quality, suitable PMJM habitat is located within and adjacent to South Beaver Creek and Beaver Creek within the Project. It is CORE's opinion that the USFWS-designated PMJM Critical Habitat and buffer accurately depict the location of high quality habitat within the Project. The established HOA covenant requires that pedestrians remain on established trails and that all pets remain on-leash within designated Critical Habitat (**Attachment V**).

It is possible that potentially suitable habitat for the federally threatened ULTO occurs on site. The USFWS' *Interim Survey Requirements for Ute Ladies'-tresses Orchid* (USFWS 1992) require ULTO surveys of relatively undisturbed jurisdictional wetlands within the 100-year floodplain on sites with elevations below 6,500 amsl. However, since Project elevations are well above 6,500 feet amsl, it is unlikely that Project development would result in impacts to ULTO or its associated habitats.

Nest substrates for birds of conservation of concern, including raptors, was present on the site in the form of mature cottonwoods, alders, water birch, shrubs, and open grasslands. Breeding migratory birds, and the parts, nests, or eggs of such a bird receive statutory protection under the MBTA. Nesting raptor and ground-nesting breeding bird surveys would confirm the presence or absence of nesting birds within the Project.

There is potential for other wildlife, including some big game, to occur within the Project. However, no big game migratory routes traverse the Project. Coordination with CPW would determine the appropriate avoidance measures to take during construction, if any.

The wetland delineation determined that potentially jurisdictional water features are located within the Beaver Creek, North Beaver Creek, and South Beaver Creek drainages on the Project. The jurisdictional nature of a given water feature can be determined only by the USACE. Should the Project impact jurisdictional water features on the Project, permitting pursuant to Section 404 of the CWA would be required.

Given the presence of these biological constraints, CORE provides the following recommendations/guidance:

- Avoid designated Critical Habitat for PMJM during Project design, and minimize impacts to Critical Habitat where design does not allow for avoidance. Should Project design unavoidably impact designated PMJM Critical Habitat, reinitiate informal consultation with the USFWS to determine the appropriate mitigation measures.

- Coordinate with the USFWS to determine if ULTO surveys are recommended for the Project.

- Should construction begin during the breeding bird season (February 1 through July 15), conduct nesting raptor and migratory nesting bird ground clearance surveys to determine the presence or absence of nesting birds within the Project.

- Coordinate with CPW to determine appropriate avoidance measures should they express concerns over the potential presence of other wildlife species within the Project.

- Avoid potentially jurisdictional water features. Should Project design unavoidably impact potentially jurisdictional water features, submit an application to the USACE for a permit pursuant to Section 404 of the CWA.

- Create a noxious weed management plan and treat noxious weeds on the Project prior to construction.

If you have any questions, concerns or require additional information, please feel free to contact us at 303.703.4444, or by email at maynard@corecivil.com.

Sincerely,
CORE Consultants, Inc.

Tina Brazil
Environmental Consultant

Dan Maynard
Senior Ecologist

LIST OF ATTACHMENTS

ATTACHMENT I: *SITE LOCATION MAP*
ATTACHMENT II: *PROJECT OVERVIEW MAP*
ATTACHMENT III: *FIGURES*
ATTACHMENT IV: *PRIOR USFWS SECTION 7 CONSULTATION*
ATTACHMENT V: *PHOTOGRAPHIC LOG*
ATTACHMENT VI: *UPDATED USFWS CONCURRENCE*

REFERENCES

Chapman, S.S., G.E. Griffith, J.M. Omernik, A.B. Price, J. Freeouf, and D.L. Schrupp. 2006. Ecoregions of Colorado (color poster with map, descriptive text, summary tables, and photographs): Reston, Virginia, U.S. Geological Survey (map scale 1:1,950,000).

CORE (CORE Consultants, Inc.). 2016. Wetland Delineation Report – Forest Lakes Residential Development Project.

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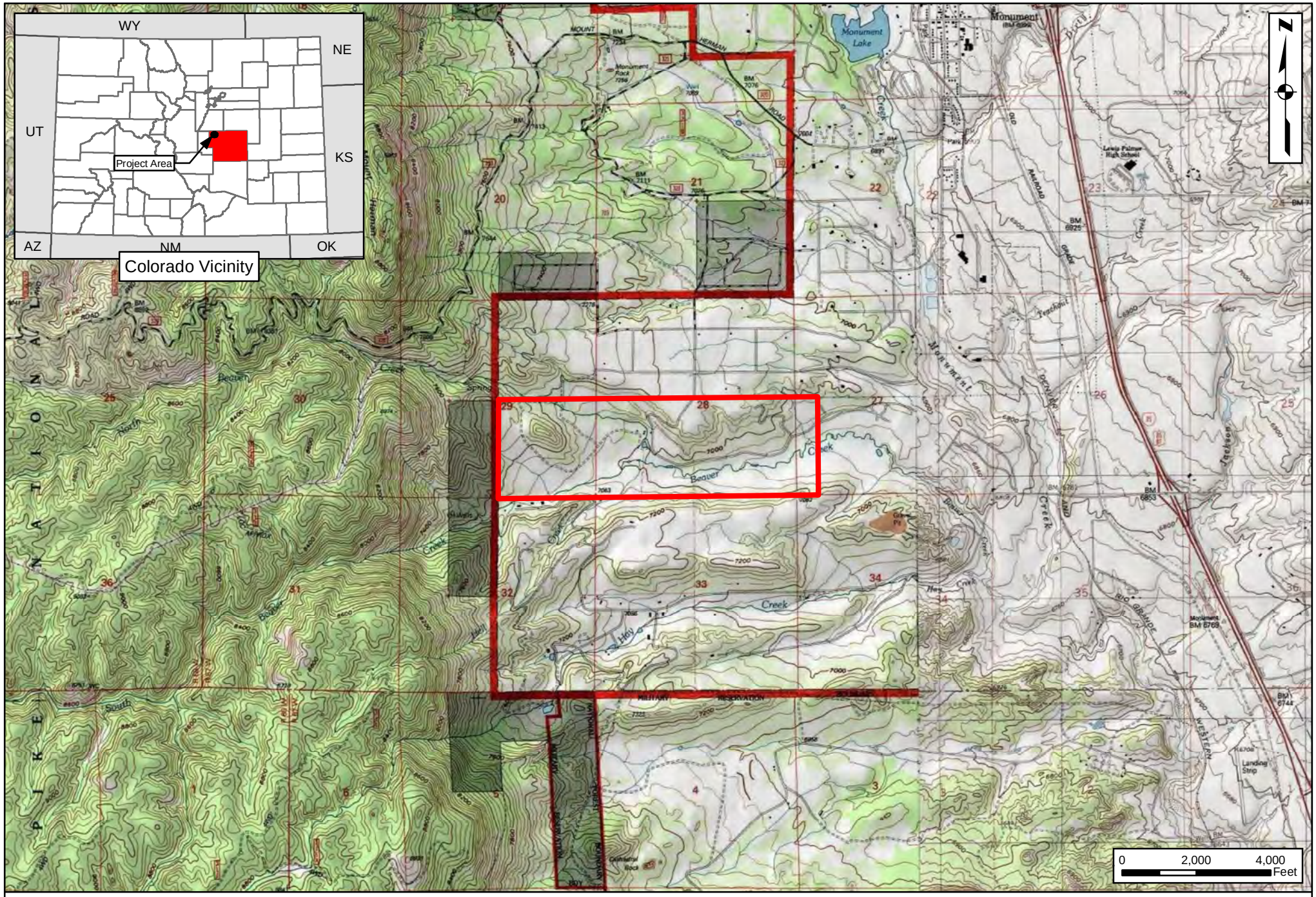
ATTACHMENT I

SITE LOCATION MAP



Study Area

Forest Lakes

Site Location Map

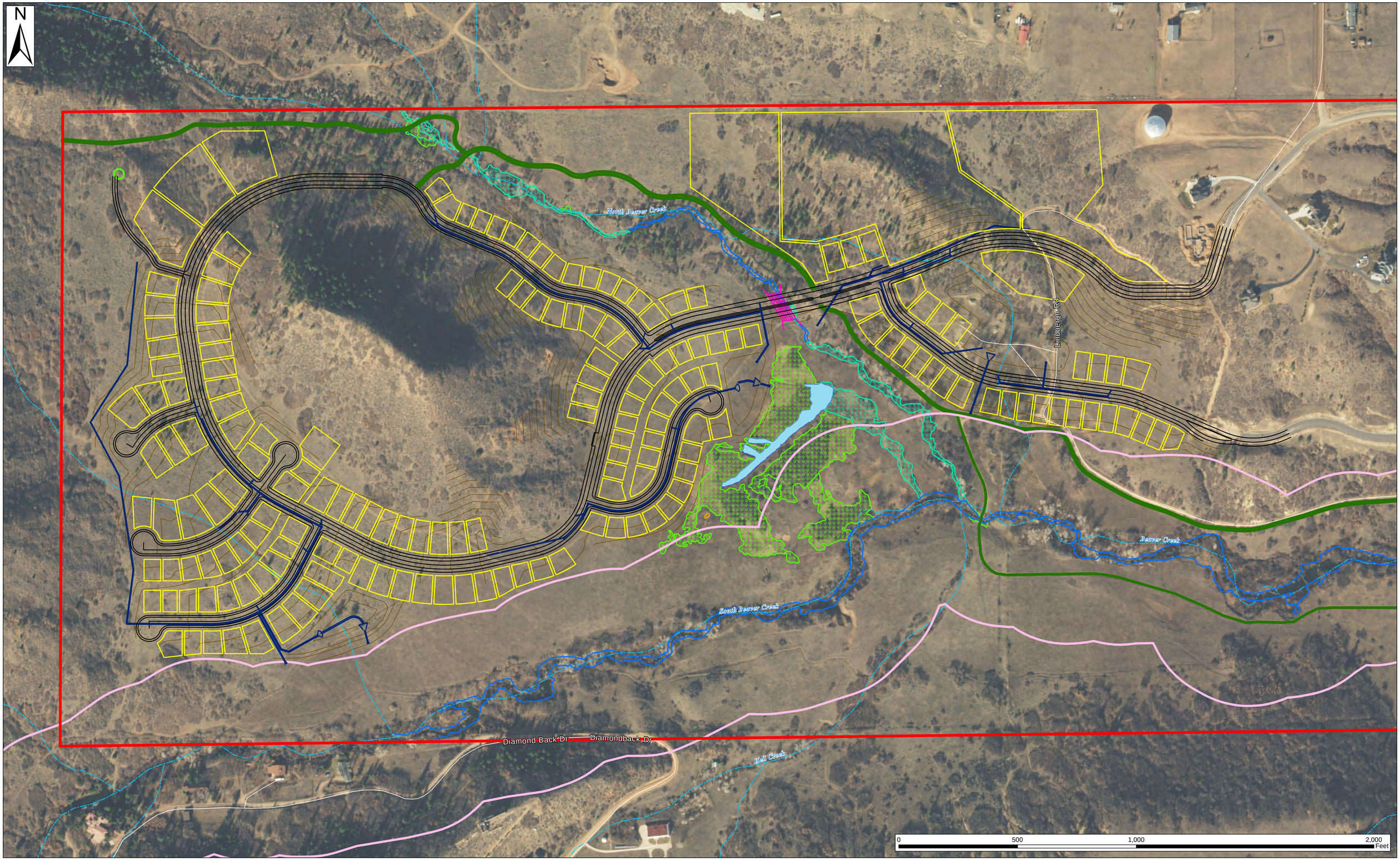
El Paso County, Colorado

Reference:
USGS 7.5 Minute
Topographic Quadrangle
Palmer Lake, CO Quad

Date: 12/21/2016
CORE Project #: 16-038

ATTACHMENT II

PROJECT OVERVIEW MAP



Forest Lake

Project Overview Map

El Paso County, Colorado

- Study Area - ±524 ac
- NHD Watercourse
- Stream Channel Containing Wetlands
- Wetland
- Isolated Wetland
- Ordinary High Watermark
- Beaver Pond
- Proposed Culvert
- Proposed Roads
- Proposed Storm
- Proposed Lot
- Facility
- USFWS Critical Habitat
- Trails

CORE CONSULTANTS

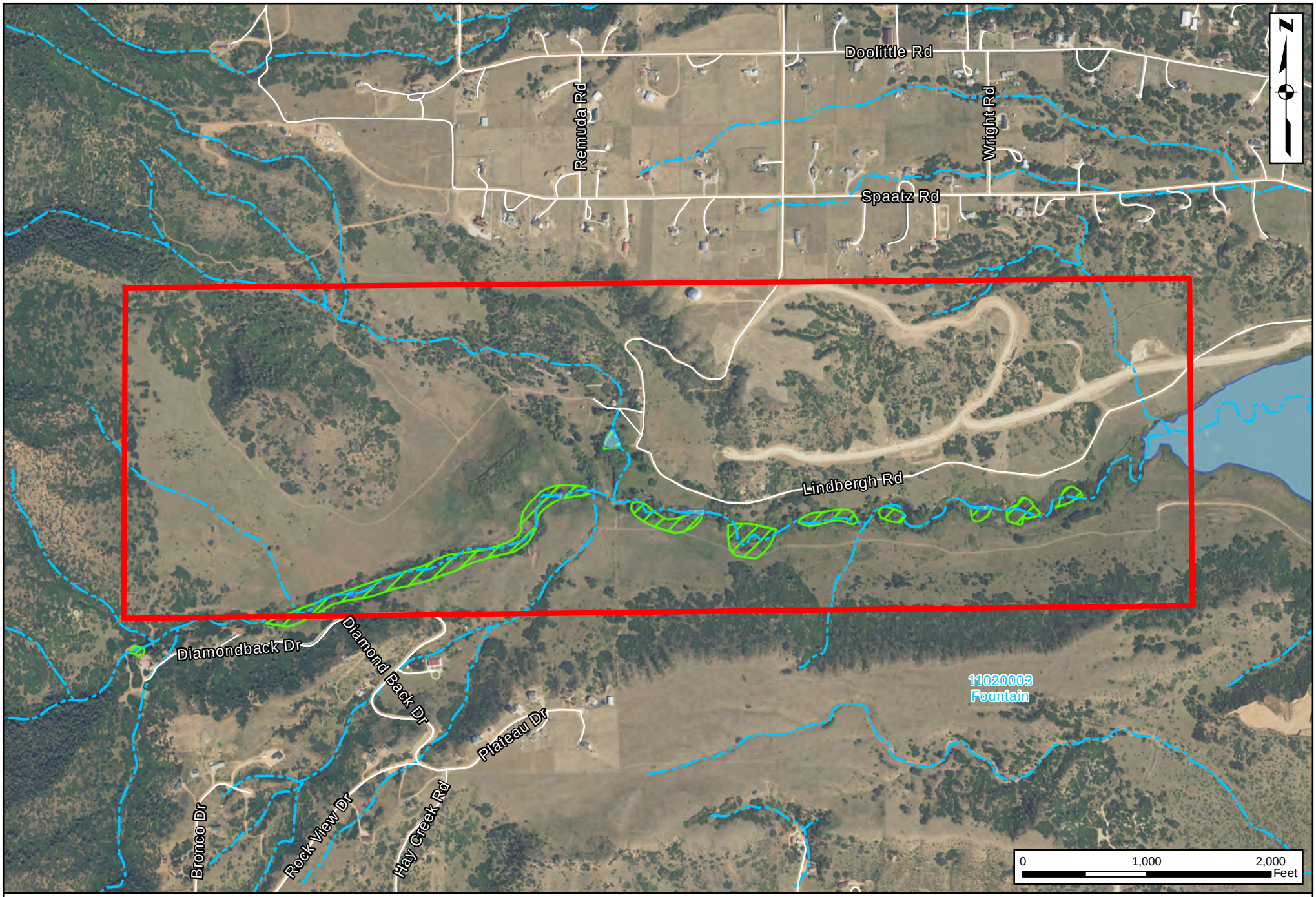
CIVIL ENGINEERING
DEVELOPMENT CONSULTING
NATURAL RESOURCES CONSULTING
LAND SURVEYING

303.703.4444
1950 W. Littleton Blvd., Ste. 109
Littleton, CO 80120

CORE Project #: 16-038 Date: 12/4/2018

ATTACHMENT III

FIGURES:
NATIONAL WETLAND INVENTORY MAP
FEMA FLOOD INSURANCE RATE MAP
COUNTY SOIL SURVEY MAP



Study Area
NHD Watercourse
NHD Waterbody
NWI Wetland

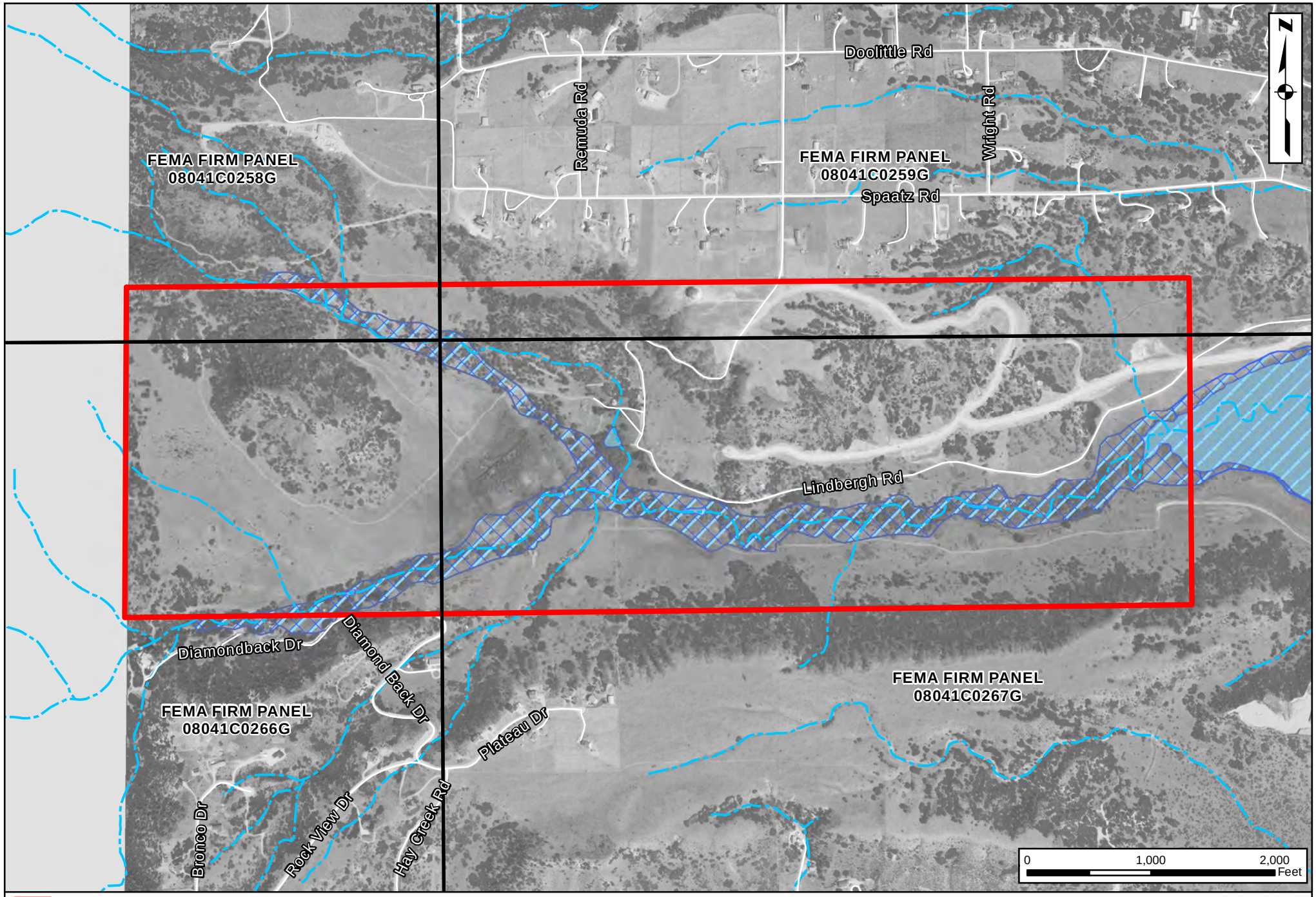
Forest Lakes

National Wetland Inventory Map

El Paso County, Colorado

CORE CONSULTANTS

Date: 12/21/2016
CORE Project #: 16-038



Study Area
NHD Watercourse
NHD Waterbody
FIRM Panel

Flood Zone
Zone AE: 100-year Floodplain
Zone X: Outside 100- & 500-year Floodplain
Zone D: Undetermined

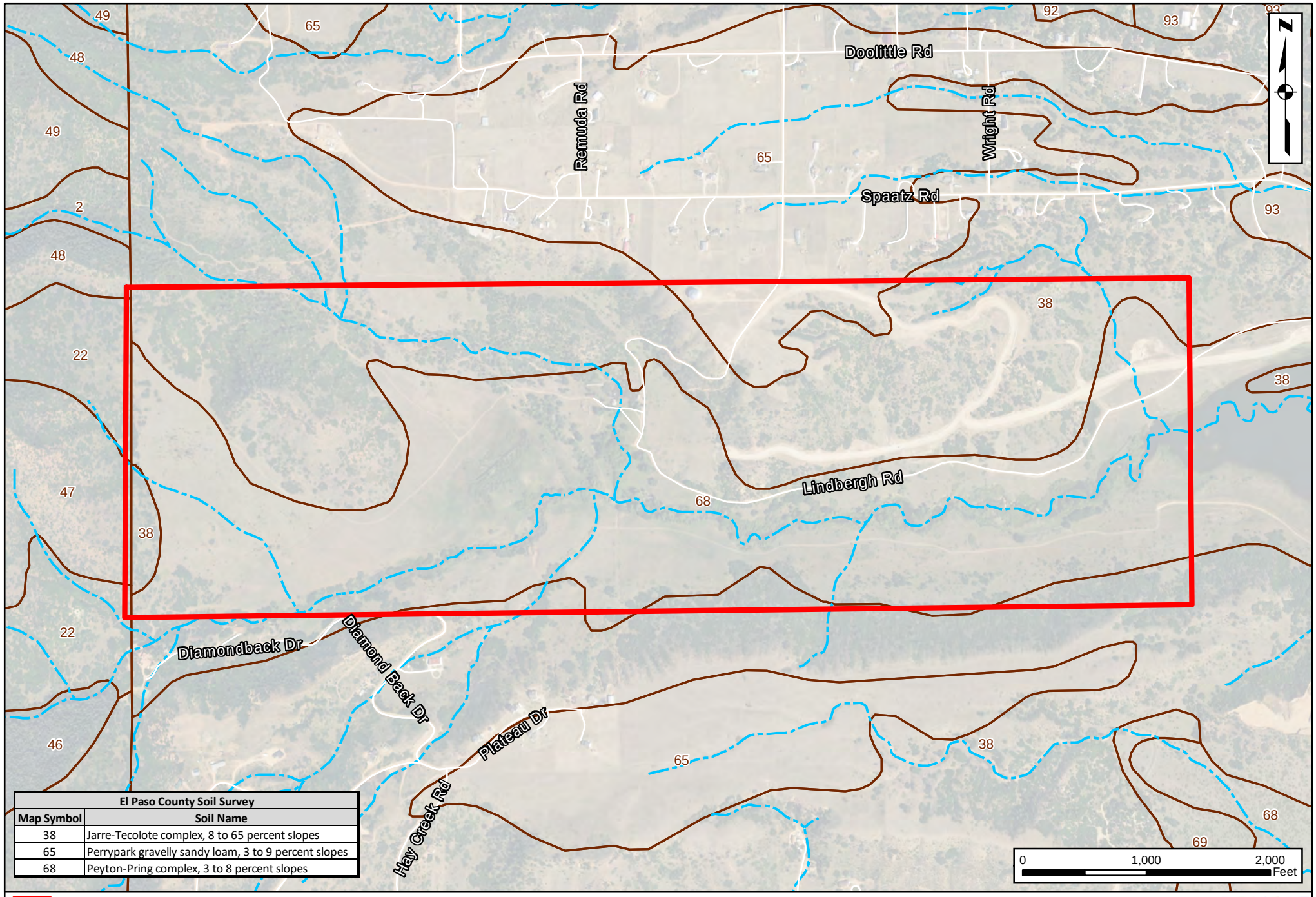
Forest Lakes

FEMA Flood Insurance Rate Map

El Paso County, Colorado

CORE CONSULTANTS

Date: 12/23/2016
CORE Project #: 16-038



El Paso County Soil Survey	
Map Symbol	Soil Name
38	Jarre-Tecolote complex, 8 to 65 percent slopes
65	Perrypark gravelly sandy loam, 3 to 9 percent slopes
68	Peyton-Pring complex, 3 to 8 percent slopes

Study Area

NHD Watercourse

Soil

Forest Lakes

County Soil Survey Map

El Paso County, Colorado

CORE CONSULTANTS

Date: 12/23/2016

CORE Project #: 16-038

ATTACHMENT IV

PRIOR USFWS SECTION 7 CONSULTATION

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Other
MS 65412 Lkwd

MAR 19 2004

Mike Bonar
El Paso County Environmental Services Department
2002 Creek Crossing
Colorado Springs, Colorado 80906

Dear Mr. Bonar:

We are responding to your letter of December 15, 2003 and email of March 15, 2004 requesting clearance under the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), regarding the proposed **8-foot natural surface trail in the proposed Forest Lakes Development area** in El Paso County, Colorado.

Based on the information provided, including the photographs of the existing dirt road, and your assertion that the new non-motorized natural surface trail will be constructed within the existing dirt road, the Service agrees that a population of Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), is not likely to be present within the subject area of the existing road. Thus, the Service concludes that the proposed project on this site should not have direct adverse affects to Preble's. Since Preble's populations exist downstream from the site, actions on the site that result in significant modifications of Preble's habitat downstream (for example, through alteration of existing flow regimes, or sedimentation) may be subject to provisions of the ESA.

Please note that this clearance is valid for one year from the date of this letter. Should additional information on listed or proposed species become available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension.

If we can be of further assistance, please contact Barbara Spagnuolo of my staff at (303) 275-2370.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

cc: FWS/CFO B. Spagnuolo

Reference: BJS\ElPaso\BvrCrktrail.wpd

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

RECEIVED APR 09 2001

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Survey
Mail Stop 65412

APR 05 2001

Steve Dougherty
ERO Resources
1842 Clarkson Street
Denver, CO 80218

Dear Mr. Dougherty :

This responds to your April 4, 2001, e-mail to Peter Plage of my staff. In it you requested that our letter to you of March 26, 2001, regarding the Forest Lakes Development be reissued and modified to include a reference to the Forest Lakes Potential PMJM Habitat Mapping. We regret that our original letter was insufficiently specific to suit your needs. Below is the original letter, as modified:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed letter regarding the Preble's meadow jumping mouse, *Zapus hudsonius preblei,* (Preble's) of February 19, 2001. This letter regards the **Forest Lakes Development,** including two properties in El Paso County, Colorado. One project along Beaver Creek; the other project is along Jackson Creek.

The Service agrees that for both of these sites the proposed development, more than 300 feet outside of the 100-year floodplain adjacent to areas of Preble's habitat as defined by the Forest Lakes Potential PMJM Habitat Mapping, will not directly impact Preble's or its habitat. Since Preble's populations exist along streams at both sites, actions on the site that result in significant modification of Preble's habitat downstream (for example, through alteration of existing flow regimes, or sedimentation) may be subject to provisions of the ESA. We are particularly interested in how stormwater runoff will be addressed at these two sites.

In addition, in a previous site visit at the Beaver Creek site we noted that extensive mowing of weeds and native vegetation had taken place within Preble's habitat.. We were told that this was being done to control knapweed. We recommend that in order to avoid "take" of Preble's as defined under section 9 of the ESA, a means of controlling state-listed noxious weeds on the site be pursued that does not entail active season mowing of Preble's habitat.

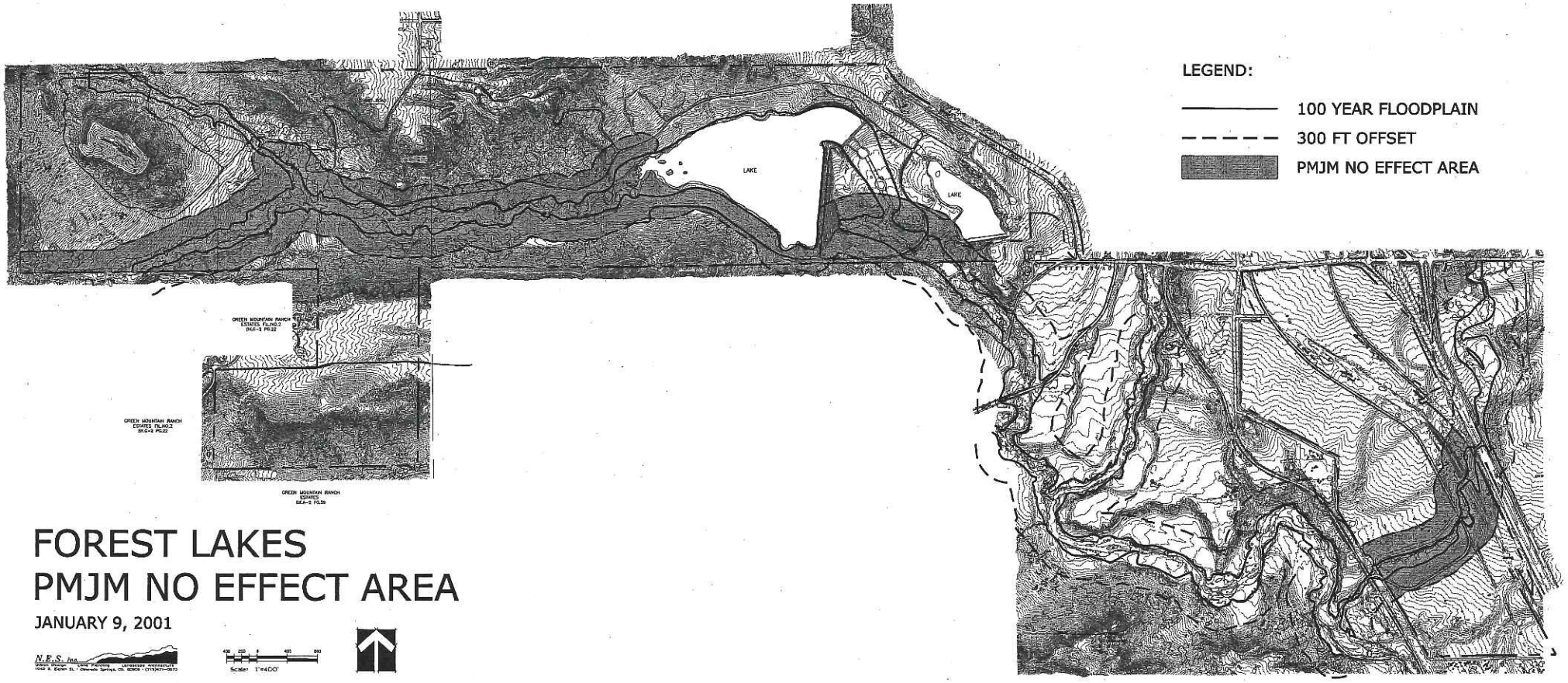
If the Service can be of further assistance, please contact Peter Plage of my staff at (303) 275-2370.

Sincerely,

LeRoy W. Carlson
Colorado Field Supervisor

cc: Plage

Reference:Peter/PMJM/2001.36a



FOREST LAKES
PMJM NO EFFECT AREA

JANUARY 9, 2001

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Survey
Mail Stop 65412

MAR 2 6 2001

Steve Dougherty
ERO Resources
1842 Clarkson Street
Denver, CO 80218

RECEIVED
MAR 2 9 2001

Dear Mr. Dougherty :

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed letter regarding the Preble's meadow jumping mouse, *Zapus hudsonius preblei*, (Preble's) of February 19, 2001. This letter regards the **Forest Lakes Development**, including two properties in El Paso County, Colorado. One project along Beaver Creek; the other project is along Jackson Creek.

The Service agrees that the proposed development, more than 300 feet outside of the 100-year floodplain, at each of these sites will not directly impact Preble's or its habitat. Since Preble's populations exist along streams at both sites, actions on the site that result in significant modification of Preble's habitat downstream (for example, through alteration of existing flow regimes, or sedimentation) may be subject to provisions of the ESA. We are particularly interested in how stormwater runoff will be addressed at these two sites.

In addition, in a previous site visit at the Beaver Creek site we noted that extensive mowing of weeds and native vegetation had taken place within Preble's habitat. We were told that this was being done to control knapweed. We recommend that in order to avoid "take" of Preble's as defined under section 9 of the ESA, a means of controlling state-listed noxious weeds on the site be pursued that does not entail active season mowing of Preble's habitat.

If the Service can be of further assistance, please contact Peter Plage of my staff at (303) 275-2370.

Sincerely,

LeRoy W. Carlson
Colorado Field Supervisor

cc: U.S. Army COE, Pueblo, CO
Plage

Reference:Peter/PMJM/2001.36

ERO Resources Corp.
1842 Clarkson Street
Denver, CO 80218
(303) 830-1188
Fax: 830-1199

Denver • Boise

www.eroresources.com
ero@eroresources.com

February 19, 2001

Mr. LeRoy Carlson
State Supervisor
U.S. Fish and Wildlife Service
Colorado Field Office
P.O. Box 25486 DFC
Denver, Colorado 80225-0207

RE: Request for Verification of No Effect Determination for the Proposed Forest Lakes Development

Dear Mr. Carlson:

On behalf of Forest Lakes LLC, of which The Schuck Corporation is a member, I am requesting verification of a no-effect determination for a potential development scenario on portions of two properties north of the U.S. Air Force Academy in El Paso County. One property is for a proposed residential development that borders Beaver Creek. The second property involves development of a proposed tech center that borders Jackson Creek. The federally threatened Preble's meadow jumping mouse (PMJM) is known to inhabit both drainages.

Peter Plage of your office is familiar with the proposed development and has reviewed both project sites. We have met three times with Peter Plage and twice with Kathleen Linder to discuss the proposed projects. Previous discussions involved proposed project configurations that included development within 300 feet of the 100-year flood plain of Beaver Creek and Jackson Creek, and the need for a Section 7 consultation and habitat conservation plan pursuant to the procedures of the Endangered Species Act.

Following these discussions with the Service, El Paso County, Division of Wildlife, and Corps, Forest Lakes LLC has explored ways to reduce potential impacts to PMJM habitat and develop a feasible design for development of the properties. The project design team has reviewed numerous alternatives and is in the process of evaluating the feasibility of a plan that would limit development of the property to areas beyond 300 feet from the 100-year flood plain of Beaver Creek (residential property) and Jackson Creek (southwest tech center property).

On January 25, 2001, we met with Peter and Kathleen to specifically address the potential for developing a "no-effect" alternative. Based on those discussions, we are exploring a development proposal for the residential property bordering Bristlecone Lake, Piñon Lake, and Beaver Creek exclusive of the north tributary of Beaver Creek and the area between the north tributary and 300 feet from the 100-year flood plain boundary of Beaver Creek. This proposal also includes the nearby southwest tech center property, which borders Jackson Creek (map attached).

Pursuit of this "no effect" alternative layout is independent of and will not limit the formulation of alternatives for future proposed development of the area between Beaver

Creek and the north tributary. That area is being evaluated separately and is not a part of this request for verification of no effect. While every effort will be made to develop a feasible low-effect alternative, the north tributary will need to be crossed twice to meet access and circulation requirements for emergency vehicles. At our January 25, 2001 meeting with Peter and Kathleen, we discussed the two road crossings of the tributary and the likelihood of addressing Endangered Species Act compliance through the Corps' permitting process for the crossings. Once a feasible approach has been developed for this area, we would like to meet with your staff and the Corps to discuss how to most effectively proceed in addressing its development.

Attached is a fact sheet that summarizes the configuration of the proposed projects. I would appreciate written concurrence with the no-effect determination. Please feel free to contact me with any questions.

Sincerely,

Steve Dougherty

Enclosure
cc w/encl: Peter Plage, FWS
Beverly Huffman, The Schuck Corporation (for Forest Lakes LLC)
Deborah Freeman, Trout and Raley
Timothy Seibert, NES, Inc.

FACT SHEET
FOREST LAKES DEVELOPMENT NO EFFECT ALTERNATIVE

FEBRUARY 19, 2001

Proposed Project: The Forest Lakes project involves the development of two properties. The residential property covers about 890 acres and includes Beaver Creek, Bristlecone Lake, and Piñon Lake. The residential property will include residential units and the associated infrastructure to support the development. The southwest tech center property covers about 240 acres and includes Jackson Creek. The southwest tech center property will support office and light industrial development and the associated infrastructure to support the development.

The no effect alternative does not include the north tributary flood plain and the portion of the residential property between the north tributary of Beaver Creek and 300 feet from the 100-year flood plain boundary of Beaver Creek. Development of this area or in the vicinity of this area will not proceed past the line north of the north tributary indicated on the attached map without appropriate coordination with the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.

Preble's Meadow Jumping Mouse Habitat: Preble's meadow jumping mouse (PMJM) was captured within the residential property along Beaver Creek upstream of Bristlecone Lake in 1997 and below Bristlecone Lake in 2000. PMJM was captured on Jackson Creek upstream of the southwest tech center property in 1997. Potential habitat for PMJM was mapped for the two properties following FWS guidelines (map attached). Areas of potential PMJM habitat along Jackson Creek and Beaver Creek were mapped as the 100-year flood plain plus an additional 300 feet from the 100-year flood plain boundary.

Two areas were not mapped as potential PMJM habitat, both of which occur on the residential property: 1) the upper portion of the north tributary of Beaver Creek; and 2) the north shoreline of Bristlecone Lake.

Previous discussions with Peter Plage regarding the north tributary of Beaver Creek resulted in Forest Lakes LLC reconfiguring the proposed development bordering the tributary, and agreeing to maintain a 50-foot setback on each side of this narrow intermittent tributary. The narrow upper portion of the tributary rarely supports flows, is dominated by a mix of upland and riparian species, and is at 7,200 to 7,400 feet in elevation, near the upper 7,600-foot elevational limit for PMJM along the Front Range (Photo 1). The confluence area has springs and seeps, and is included in the 300-foot setback from Beaver Creek. The north tributary is not included in the no effect alternative, but will be addressed in the future as previously discussed.

The north shoreline of Bristlecone Lake is steep and bordered by dry grasslands that do not include wetlands or riparian vegetation (Photo 2). The south shoreline is less steep and supports a narrow band of wetland and riparian vegetation along most of the shoreline. Therefore, the 300-foot setback from the reservoir high water line for potential PMJM habitat was established along the southern shoreline of Bristlecone Reservoir to maintain a continuous corridor of potential PMJM habitat through the residential property. The potential PMJM habitat mapping extends to the dam and Beaver Creek below the dam, although it is likely that portions of the dam and shoreline are not habitat for PMJM. About 215 acres of potential PMJM habitat within the residential property and 40 acres of potential PMJM habitat within the southwest tech center property will be conserved and avoided in developing the properties.

No-Effect Determination: The proposed development of the residential property and the southwest tech center property will occur outside the area mapped as potential PMJM habitat (map attached). Restricting development to areas outside an area 300 feet from the 100-year flood plain boundary is consistent with previous "no-effect determinations" by the U.S. Fish and Wildlife Service (FWS).

Related Issues: Forest Lakes LLC owns two additional properties in the area and has previously discussed development of those properties with FWS. The future plans for development of the two additional properties is unknown at this time. This no-effect determination is limited to the portions of residential property previously discussed and the southwest tech center property (map attached).

Previous discussions with FWS also included increasing the storage capacity of Bristlecone Lake. This no-effect determination does not include any project undertaken to expand the storage capacity of Bristlecone Lake.

Photo 1: Upper north tributary.

Photo 2: North shore of Bristlecone Lake in midground.

FOREST LAKES
PMJM NO EFFECT AREA

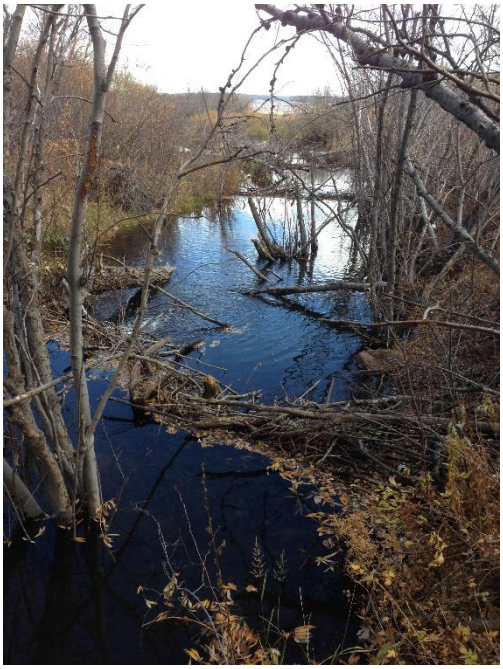
JANUARY 9, 2001

N.E.S. Inc.
Urban Design · Land Planning · Landscape Architecture
1040 S. Eighth St. · Colorado Springs, CO. 80906 · (719)471-0073

400 200 0 400 800
Scale: 1"=400'

ATTACHMENT V

PHOTOGRAPHIC LOG



Beaver Creek Drainage facing east, east of confluence

Beaver Creek Drainage facing northeast, east of confluence

North of South Beaver Creek facing northeast, high quality uplands adjacent to channel

South Beaver Creek beaver pond facing northeast

South Beaver Creek beaver pond looking west

South Beaver Creek; well-developed riparian corridor visible

Wetland complex west of South Beaver Creek, North Beaver Creek, and Beaver Creek confluence; facing southeast

ATTACHMENT VI

UPDATED USFWS CONCURRENCE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Colorado Ecological Services

IN REPLY REFER TO:
FWS/R6/ES CO

Front Range:
Post Office Box 25486
Mail Stop 65412
Denver, Colorado 80225-0486

Western Slope:
445 W. Gunnison Avenue
Suite 240
Grand Junction, Colorado 81501-5711

TAILS: 06E24000-2018-TA-0956

July 10, 2018

Dan Maynard
CORE Consultants
1950 West Littleton Boulevard, Suite 109
Littleton, Colorado 80120

Dear Mr. Maynard:

Thank you for your April 30, 2018, report requesting the U.S. Fish and Wildlife Service's (Service) review of the proposed Forest Lakes residential development near Monument, El Paso County, Colorado. The project occurs adjacent to habitat for the threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*) along Beaver Creek, North Beaver Creek, and South Beaver Creek.

Based on the information you provided and the Service's understanding of the project, local conditions, and current information, we agree with your determination that "take" of the Preble's meadow jumping mouse, which is protected under the Endangered Species Act (Act) as amended (16 USC 1531 et seq.), from the project is not reasonably certain to occur because all proposed development will be located more than 300 feet from the 100-year floodplain. Section 9 of the Act prohibits any action that would likely result in "take" of a listed species (take is defined by the Act as to harass, harm, pursue, hunt, shoot, wound kill, trap, capture, or collect or attempt to engage in any such conduct of listed species). Should changes to the proposed project occur or if new information indicates that the project may result in the take of a listed species, you may want to contact the Service.

We appreciate the opportunity to review your request for technical assistance. Should you have any questions, please contact Alison Michael at 303 236-4758 or alison_michael@fws.gov.

Sincerely,

Ann Timberman 07/10/2018

for Drue L. DeBerry
Colorado and Nebraska Field Offices Supervisor

Michael, Alison <alison_michael@fws.gov>

RE: [EXTERNAL] RE: Forest Lakes

1 message

Dan Maynard <maynard@corecivil.com> Tue, Jul 17, 2018 at 4:23 PM
To: Alison Michael <alison_michael@fws.gov>

Hi Alison,

Sorry this took so long to put together. Attached is a map showing the trail system at Forest Lakes. The trails in green have already been constructed along existing disturbances (dirt roads), while the trails in orange have yet to be built, also along existing dirt roads. The roads range from moderately-used to high use and are well-established. Vegetation is stunted or absent on these existing disturbances, which have been used to drive around the site regularly for many years. In addition, the trail system will be restricted to human foot traffic and leashed pets only. The existing trail system is already set up this way, and there are signs warning pedestrians to stay on trails and that the habitat surrounding them is sensitive (see photo). Since the proposed trails will only affect areas that are previously disturbed, it is highly unlikely that the construction of trails would adversely impact Preble's.

I included a few photos of the roads in the project that will be converted to trails, for reference. The first photo is of the main trail, the second of a secondary trail, and the third photo shows both trails on the north and south sides of Beaver Creek. The last photo is of a sign only the existing trail system.

I hope this brief write-up will be sufficient, but please let me know if you need anything else. Thanks Alison!

Dan Maynard

Senior Ecologist

O 303.730.5979

M 971.237.3906

CORE CONSULTANTS
1950 W Littleton Blvd Suite 109
Littleton CO 80120
303.703.4444
CoreCivil.com

2018-TA-0956

U.S. FISH AND WILDLIFE SERVICE
☒ NO CONCERNS
☐ CONCUR NOT LIKELY TO ADVERSELY AFFECT
☐ NO COMMENT
Ann Timberman 7/18/2018 for:
Drue DeBerry DATE
Colorado and Nebraska Field Supervisor

· trails located on pre-existing roads
· administrative controls in place to reduce impact (signage).

From: Alison Michael <alison_michael@fws.gov>
Sent: Thursday, July 12, 2018 2:40 PM
To: Dan Maynard <maynard@corecivil.com>
Subject: Re: [EXTERNAL] RE: Forest Lakes

Hi Dan,

Dan Maynard

From: Michael, Alison <alison_michael@fws.gov>
Sent: Thursday, November 15, 2018 12:48 PM
To: Dan Maynard
Subject: Re: [EXTERNAL] RE: Forest Lakes
Attachments: image001.png

Good Afternoon Dan,

According to your request letter, you do not expect adverse effects to the Preble's mouse from the proposed development because all of the development will be located outside of designated Critical Habitat and more than 300 feet from a 100-year floodplain. Although the language in our letter refers only to the "more than 300 feet from the 100-year floodplain" distance, we agreed with your finding based on the project description, which also refers to avoiding impacts within designated Critical Habitat. I apologize for not using that full description in my response.

Please let me know if you have any more questions.

Thanks,
Alison

On Mon, Nov 12, 2018 at 4:32 PM Dan Maynard <maynard@corecivil.com> wrote:

> Hi Alison,
>
> I have a request for a minor edit to the letter you provided for the Forest Lakes residential project in El Paso County (attached). In the letter, there is a line which reads "…all proposed development will be located more than 300 feet from the 100-year floodplain." We've run into a bit of confusion during county permitting because the project has been designed to avoid Critical Habitat – which in this case is 394 feet.
>
> Would it be possible to reword this line in the letter to clarify that PMJM habitat is considered to be either within 300 feet of the 100-year floodplain or Critical Habitat, whichever is greater? Or am I misinterpreting things?
>
> Thanks Alison!
>
> Dan Maynard
>
> *Senior Ecologist*
>
> O 303.730.5979