



# 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](mailto:alison_michael@fws.gov).

Sincerely,

*Ann Timberman*

07/10/2018

for Drue L. DeBerry  
Colorado and Nebraska Field Offices Supervisor



Michael, Alison &lt;alison\_michael@fws.gov&gt;

**RE: [EXTERNAL] RE: Forest Lakes**

1 message

Dan Maynard &lt;maynard@corecivil.com&gt;

Tue, Jul 17, 2018 at 4:23 PM

To: Alison Michael &lt;alison\_michael@fws.gov&gt;

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



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

**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

2018-TA-0956

U.S. FISH AND WILDLIFE SERVICE	
<input checked="" type="checkbox"/> NO CONCERNS	
<input type="checkbox"/> CONCUR NOT LIKELY TO ADVERSELY AFFECT	
<input type="checkbox"/> 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).

Hi Dan,

## Dan Maynard

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**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](mailto: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*

○ 303.730.5979



# 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



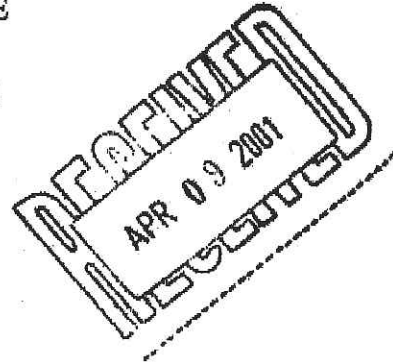
## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
Colorado Field Office  
755 Parfet Street, Suite 361  
Lakewood, Colorado 80215

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,

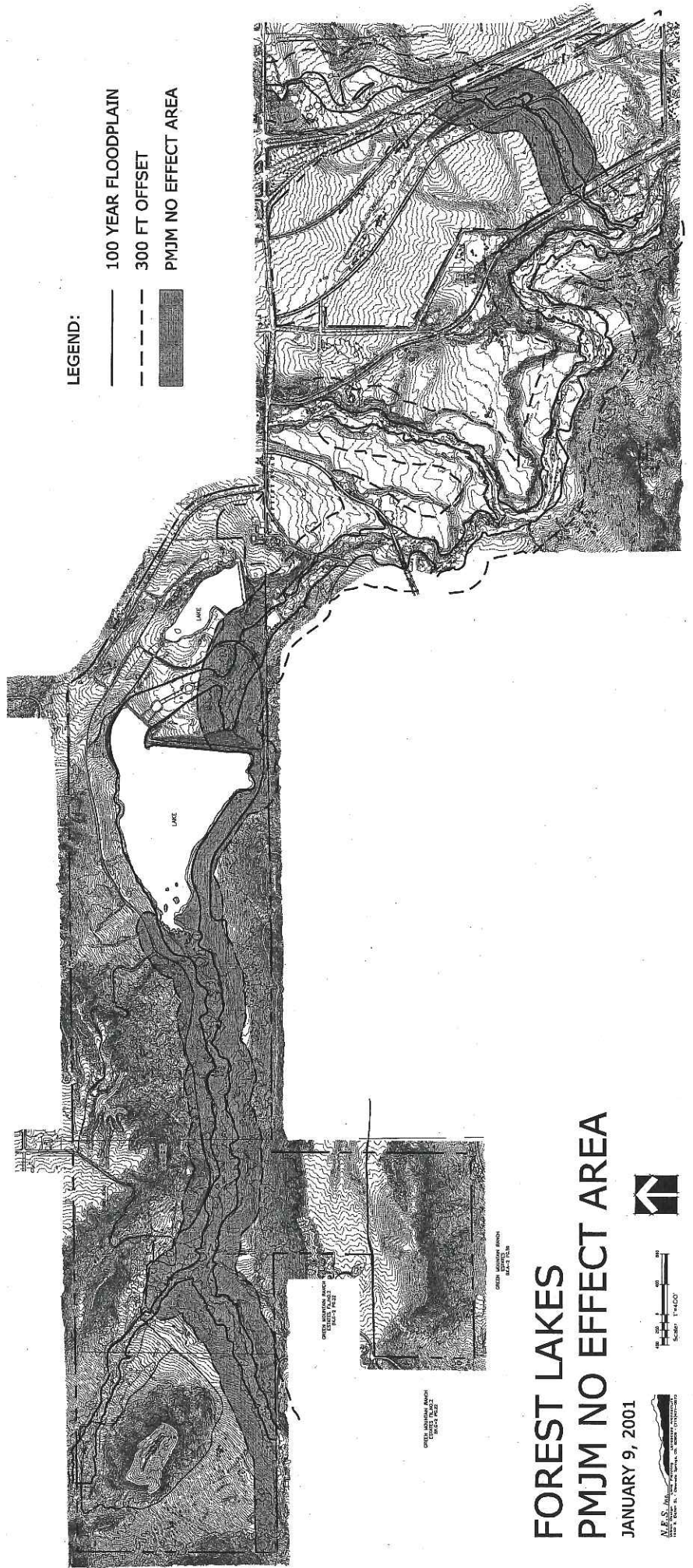
  
LeRoy W. Carlson  
Colorado Field Supervisor

Page 2

cc: Plage

Reference: Peter/PMJM/2001.36a









## United States Department of the Interior

## FISH AND WILDLIFE SERVICE

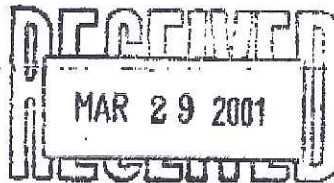
Ecological Services  
Colorado Field Office  
755 Parfet Street, Suite 361  
Lakewood, Colorado 80215

## IN REPLY REFER TO:

ES/CO: T&E/PMJM/Survey  
Mail Stop 65412

MAR 26 2001

Steve Dougherty  
ERO Resources  
1842 Clarkson Street  
Denver, CO 80218



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



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

February 19, 2001

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.

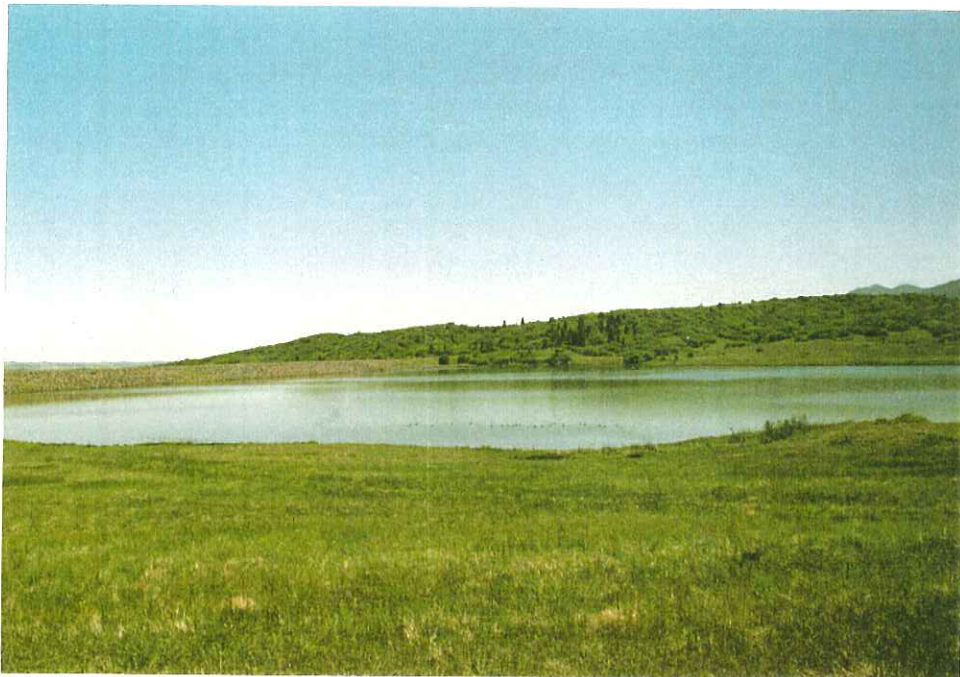
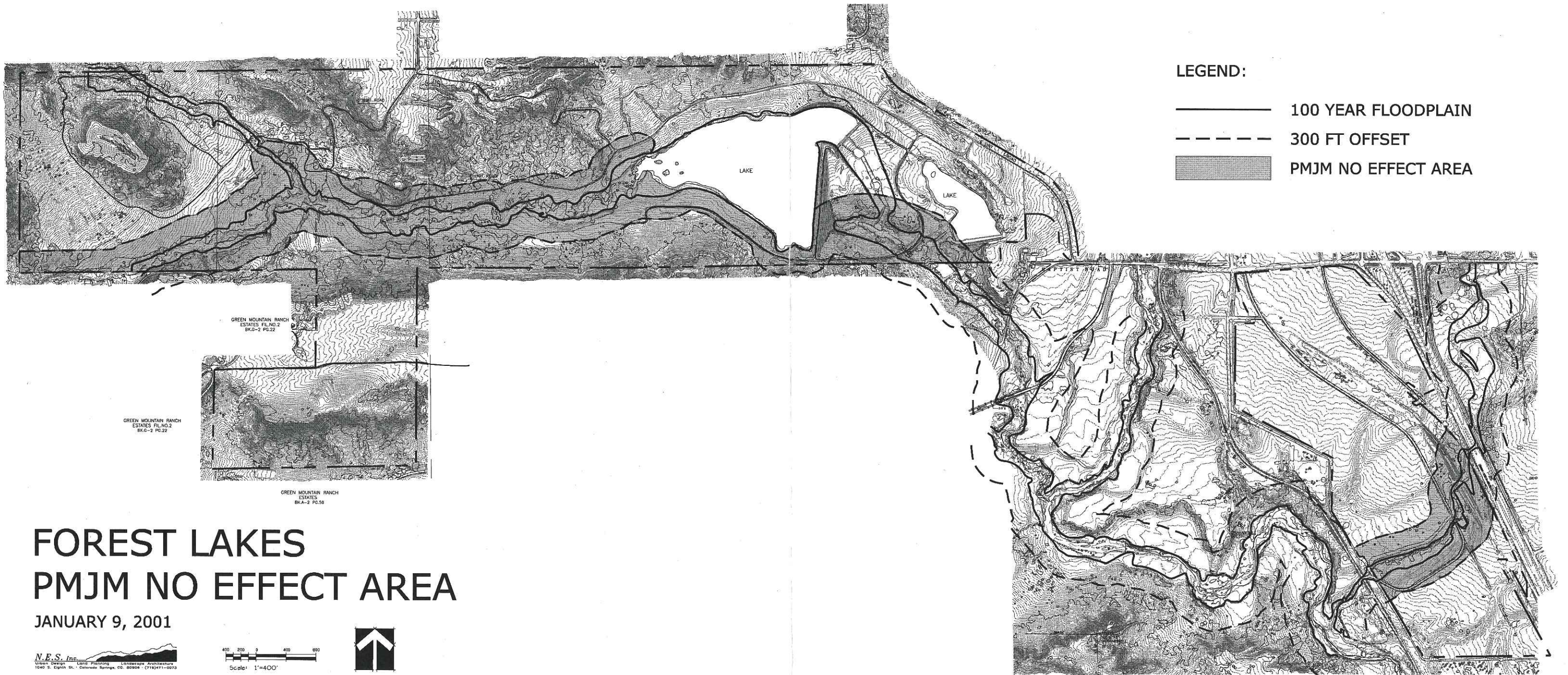


Photo 2: North shore of Bristlecone Lake in midground.





LEGEND:

- 100 YEAR FLOODPLAIN
- - - - 300 FT OFFSET
- PMJM NO EFFECT AREA

# FOREST LAKES PMJM NO EFFECT AREA

JANUARY 9, 2001

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

Scale: 1"=400'

