



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

Andrea Barlow

From: Dan Maynard <maynard@corecivil.com>
Sent: Thursday, November 15, 2018 3:37 PM
To: Andrea Barlow
Subject: FW: [EXTERNAL] RE: Forest Lakes
Attachments: image001.png

Andrea,

Alison Michael with US fish and Wildlife provided the clarification below re: her prior letter of concurrence for the Forest Lakes project. Her letter referred avoiding impacts to Preble's by avoiding development within 300 feet of the 100-year floodplain, whereas Critical Habitat on the project is 394 feet from the ordinary high-water mark of Beaver Creek. Since the project has been designed to avoid Critical Habitat (the greater distance), she agreed that the concurrence was in fact based on the greater distance. Please let me know if this clarification will suffice. Thanks

Dan Maynard
Senior Ecologist
O 303.730.5979
M 971.237.3906



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

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,



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



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,



April 30, 2018

Ms. Alison Deans Michael
U.S. Fish and Wildlife Service
Colorado Ecological Services Field Office
Denver Federal Center P.O. Box 25486
Denver, Colorado 80225-0486

**RE: Preble's Meadow Jumping Mouse Request for Technical Assistance
Forest Lakes Residential Development
El Paso County, Colorado**

Ms. Michael,

At the request of Classic Communities, Inc. (Classic), CORE Consultants, Inc. (CORE) has prepared this request for technical assistance regarding potential disturbance to the Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*, or PMJM) or its habitat for the Forest Lakes Residential Development Project ("Project"). Classic has requested a letter or study documenting Endangered Species Act (ESA) compliance for the Project at the behest of El Paso County (County). Specifically, the County, as a reviewing body for this Project, has requested concurrence from the U.S. Fish and Wildlife Service (USFWS) regarding the project's potential to adversely affect PMJM and its habitat along the main channels of Beaver Creek, North Beaver Creek, and South Beaver Creek. The location is two miles west of the intersection of Baptist Road and Interstate 25 (I-25), in the vicinity of the confluence of North Beaver Creek and South Beaver Creek (**Attachment I: Site Location Map**). The USFWS (2004) recommends that all sites within 300 feet of a 100-year floodplain should be surveyed for PMJM. CORE performed a PMJM habitat assessment and determined that the portions of the site within 300 feet of the 100-year floodplain provided suitable habitat to support the species.

Discussions were initiated with the USFWS in 2001 regarding project design and potential impacts to potentially suitable PMJM habitat within the Project. 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 via Section 7 consultation through Section 404 permitting with the U.S. Army Corps of Engineers (USACE) for impacts to WOUS resulting from the stream crossings. At that time, 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 (**Attachment II: USFWS Concurrence Letter**).



Specific PMJM habitat requirements, such as a well-developed riparian corridor with dense herbaceous vegetation, and a perennial or near-perennial water source were present in Beaver Creek and South Beaver Creek during the habitat assessment. As a result, CORE has determined that these stretches within the Project area and adjacent uplands within 300 feet of the 100-year floodplain do provide suitable habitat for PMJM. Furthermore, the USFWS has designated Critical Habitat for PMJM along this stretch of Beaver Creek and South Beaver Creek (**Attachment III: Preble's Meadow Jumping Mouse Habitat Map**). Because Critical Habitat has been designated, avoiding adverse effects to PMJM will require a project design that stays more than 300 feet from the 100-year floodplain, or stays out of designated Critical Habitat, whichever is greater.

In 2016, in anticipation of a Section 404 Permit application for the Forest Lakes residential development, just west of the intersection of Baptist Road and Interstate 25 (I-25), CORE performed a PMJM habitat assessment and seeks USFWS concurrence on the findings. CORE concludes that suitable habitat for PMJM exists, but because all proposed development will be located outside of designated Critical Habitat and more than 300 feet from a 100-year floodplain, adverse effects to PMJM will not result from Project development. As mentioned previously, the concurrence from the USFWS, dated April 5, 2001, is included here (**Attachment II**). Although this concurrence is now expired, CORE believes that the decision regarding the presence of PMJM in Beaver Creek may still apply, and hereby requests technical assistance from the USFWS regarding PMJM habitat suitability at the Project, and concurrence with CORE's finding that the Project as designed is unlikely to adversely affect PMJM.

If you should have any questions about this matter or require additional information, please feel free to contact our office directly at 303.703.4444.

Sincerely,

CORE Consultants, Inc.

Daniel Maynard

Senior Ecologist

LIST OF ATTACHMENTS

- I. SITE LOCATION MAP
- II. USFWS CONCURRENCE LETTER
- III. PREBLE'S MEADOW JUMPING MOUSE HABITAT MAP



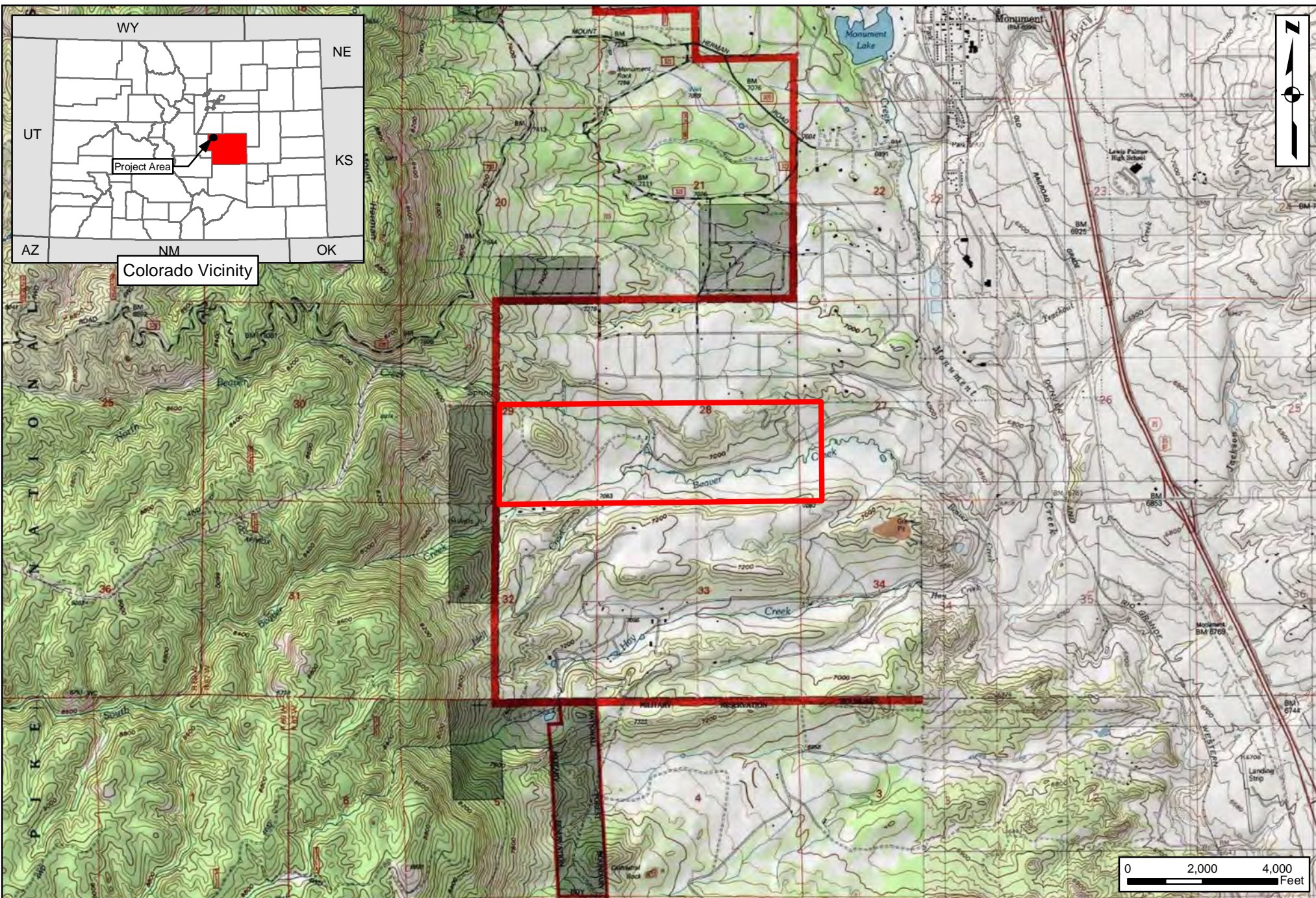
REFERENCES

- Colorado Parks and Wildlife (CPW). (2011). Colorado Parks and Wildlife GIS Data. [Online]. Available at <https://www.arcgis.com/home/item.html?id=4735c9de8ac948e2a28fd715e1d92faa>
- U.S. Fish and Wildlife Service (USFWS). (2017). Environmental Conservation Online System (ECOS) – Critical Habitat Portal. [Online.] Available at <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed March 2018.
- _____. 2004. Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*) Survey Guidelines. [Online]. Available at <http://www.fws.gov/mountainprairie/species/mammals/preble/CONSULTANTS/pmjm2004guidelines.pdf>.



ATTACHMENT I:

SITE LOCATION MAP



Study Area

Forest Lakes Site Location Map El Paso County, Colorado

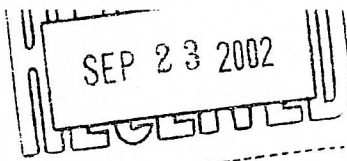
Reference:
USGS 7.5 Minute
Topographic Quadrangle
Palmer Lake, CO Quad

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



ATTACHMENT II:

USFWS CONCURRENCE LETTER



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

SEP 19 2002

Steve Dougherty
ERO Resources
1842 Clarkson Street
Denver, CO 80218

Dear 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 your e-mail regarding the Preble's meadow jumping mouse, *Zapus hudsonius preblei*, (Preble's) forwarded to Peter Plage of my staff on August 13, 2002. This regards Forest Lakes, including two parcels in El Paso County, Colorado. You specifically asked whether the recently proposed designation of critical habitat for the Preble's would affect the statements made in the Service's April 5, 2002, letter regarding the project sites.

Regardless of any proposed or final designation of critical habitat on the site, our position that "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" remains valid.

This is a site-specific determination of the extent of Preble's habitat on the project sites. While critical habitat mapping may encompass limited additional areas, presence of primary constituent elements within that mapped area is necessary to qualify as critical habitat. Our determination essentially provided an outward limit for these specific sites beyond which upland areas are not thought to support those primary constituent elements describing habitat.

Three cautions must be stated:

1. Limits of critical habitat set in the proposed or final rule guide Federal agencies as to their responsibilities under section 7 of the ESA. Proposed actions within designated critical habitat boundaries are likely to result in a "may adversely affect" determination by any Federal agency considering permitting or funding in critical habitat. However, it seems unlikely that any Federal nexus would exist only in this zone between the floodplain plus 300 feet and the proposed critical habitat limit.
2. Primary constituent elements of critical habitat also include "dynamic geomorphological and hydrological processes... that create stream channels, floodplains, and floodplain benches, and promote patterns of vegetation favorable to the Preble's." As our April 5, 2001, letter cautioned, actions outside of the floodplain plus 300 feet may result in secondary impacts to the Preble's and its habitat.

3. Conclusions should not be inferred for other sites based on the above discussion regarding these two sites.

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

Sincerely,

A handwritten signature in black ink, appearing to read "LeRoy W. Carlson". The signature is fluid and cursive, with the first name "LeRoy" being more prominent.

LeRoy W. Carlson
Colorado Field Supervisor

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

Reference: Peter/PMJM/2002.35



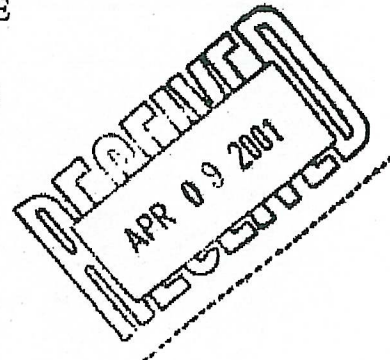
United States Department of the Interior

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

cc: Plage

Reference: Peter/PMJM/2001.36a



LEGEND:

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

FOREST LAKES
PMJM NO EFFECT AREA

JANUARY 9, 2001





United States Department of the Interior

FISH AND WILDLIFE SERVICE

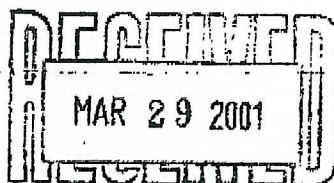
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:

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

MAR 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

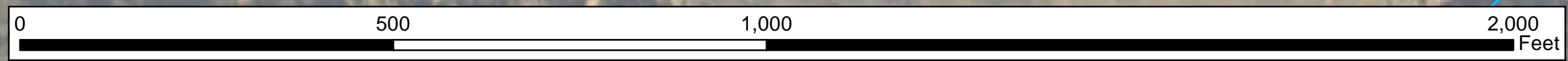
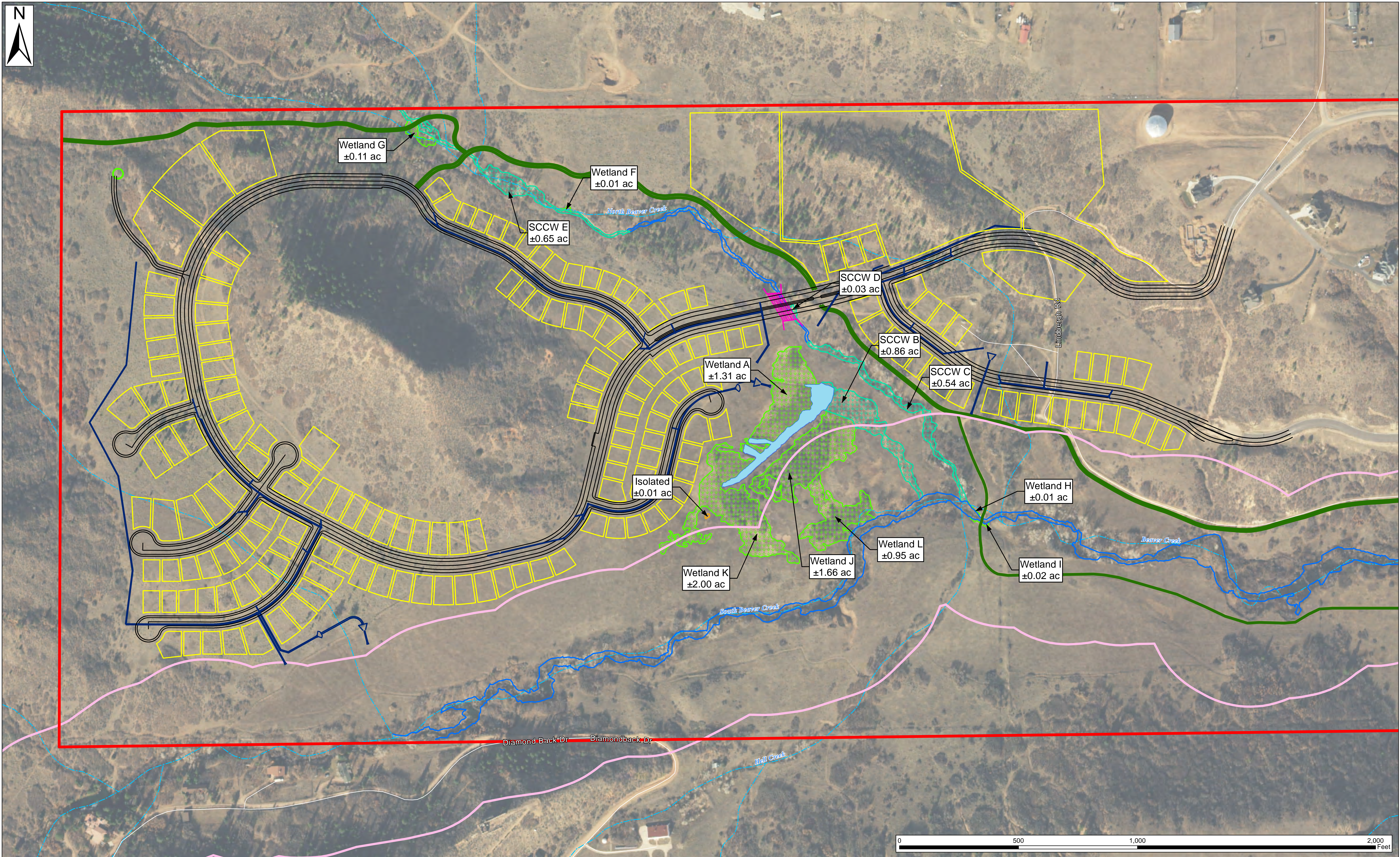
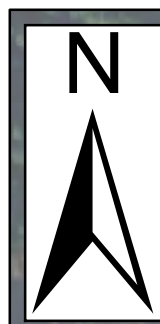
cc: U.S. Army COE, Pueblo, CO
Plage

Reference: Peter/PMJM/2001.36



ATTACHMENT III:

PREBLE'S MEADOW JUMPING MOUSE HABITAT MAP



Forest Lake
Preble's Meadow Jumping Mouse Habitat Map
El Paso County, Colorado

- | | | | |
|------------------------------------|-------------------------|------------------|------------------------|
| Study Area - ±524 ac | Wetland | Proposed Culvert | Proposed Lot |
| NHD Watercourse | Isolated Wetland | Proposed Roads | Facility |
| Stream Channel Containing Wetlands | Ordinary High Watermark | Proposed Storm | USFWS Critical Habitat |
| | Beaver Pond | 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: 11/16/2018