

May 18, 2020

Ms. Nina Ruiz
Planner II
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

**RE: NORTH BAY AT LAKE WOODMOOR (PUDSP 16-004)
PMJM CLEARANCE INFORMATION**

Dear Ms. Ruiz,

I write to provide the information requested regarding Preble's Meadow Jumping Mouse (PMJM) habitat clearance. Attached is the PMJM Clearance Letter prepared by Ecosystem Services, LLC (ECOS) and the Nationwide Permit verification letter from the US Army Corps of Engineers (USACE), both of which determine that the project will not impact PMJM or any other federally threatened or endangered species.

A summary of the main findings is:

- There are no threatened or endangered species on the site.
- The USACE Nationwide Permit determined that the project will not impact federally threatened or endangered species.
- The closest PMJM Critical Habitat mapped by US Fish & Wildlife Service is 0.7 miles to the south.
- The closest PMJM potentially Occupied Range mapped by Colorado Parks & Wildlife is 0.33 miles to the south.
- The lake and the developed areas around the lake disrupt any potential riparian corridor connection between the site and the habitat areas.
- The highest quality wildlife habitats will be preserved in open spaces.

If you have any questions please contact me at 719.471.0073 or abarlow@nescolorado.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Barlow". The signature is fluid and cursive, written in a professional style.

**Andrea Barlow, AICP
Principal, N.E.S. Inc.**

**PMJM CLEARANCE LETTER**

DATE: August 30, 2016

TO: Morgan Hester, La Plata

FROM: Grant Gurneé, PWS, Ecosystem Services, LLC

RE: PMJM Habitat Assessment for the North Bay at Woodmoor Lake development in El Paso County, Colorado

Ecosystem Services, LLC (Ecos or ecos) was retained by Morgan Hester of Woodmoor Lake Development, Inc. to perform a natural resource assessment for the North Bay at Lake Woodmoor project (Project), a proposed development at the north end of Woodmoor Lake in El Paso County. The purpose of the assessment was to identify and document the natural resources, ecological characteristics and existing conditions of the Project site (Site); identify potential ecological impacts associated with Site development; and provide current regulatory guidance related to potential development-related impacts to natural resources. A portion of the overall assessment focused on the determination of the presence/absence of federal and state-listed, threatened and endangered species.

This memo has been prepared to provide a summary of our findings regarding the specific presence/absence of Preble's meadow jumping mouse (PMJM), a federally listed species per the Endangered Species Act, and their habitat. Please refer to the complete Natural Features and Wetland Report prepared by ecos for the Project for further information.

The Site is located approximately 0.7-mile northeast of Monument in El Paso County, Colorado. It is situated east of I-25, south of Deer Creek Road, west of Autumn Way, and it abuts the northern end of Woodmoor Lake. The Site is bounded on the north by Deer Creek Road, on the south by Deer Creek Road, and on the west by the Waterfront Townhomes. The Site is specifically located within Section 11, Township 11 South, Range 67 West in El Paso County, Colorado.

Critical Habitat Mapping

Critical habitat is specific areas identified by the USFWS as being essential to the conservation of PMJM (USFWS, 2016). In determining which areas to designate as critical habitat, the USFWS must use the best scientific and commercial data available and consider physical and biological features (primary, constituent elements) that are essential to conservation of the species, and that may require special management consideration and protection.

The closest PMJM Critical Habitat mapped by the U.S. Fish and Wildlife Service (USFWS) is 0.7 mile south of the Site (USFWS, 2016). This is part of Critical Habitat Unit 11 (established in 2010) includes the portions of Dirty Woman Creek south of 2nd Street/Highway 105. Woodmoor Lake and a developed area along Lake Woodmoor Drive are between the Site and the Critical Habitat. Most of the area around Woodmoor Lake is residential development or mowed grass, therefore native riparian vegetation and shrub vegetation are sparse and discontinuous. As such, the project area is excluded from the USFWS Critical Habitat for the PMJM.

Colorado Parks & Wildlife (CPW) Occupied Range

CPW has designated PMJM "occupied range" in Colorado (CPW, 2005) based on known occurrences of PMJM (i.e., trapping data) and historic riparian vegetation mapping (i.e., potential habitat that was not necessarily trapped or verified). It should be noted that the CPW "mapped riparian vegetation" data upon which a significant portion of this

“occupied range” designation is based was not necessarily verified in the field. As such it should only be used for planning purposes and must be field verified.

CPW has designated PMJM “occupied” range habitat south of the Site along Dirty Woman Creek that generally corresponds with the USFWS mapped Critical Habitat. Additionally, the CPW occupied range extends upstream (north and west) from Dirty Woman Creek along multiple drainages, most of which currently lack riparian vegetation due to development impacts that have occurred. This area of “occupied range” designation appears to be based on a PMJM capture within the Critical Habitat along Dirty Woman Creek. The closet CPW designated “occupied range” is 0.33 mile south of the southern Site boundary, along the south shore of Woodmoor Lake. This mapping appears to be based on the historic condition of two drainages that have mostly been impacted by development such that the riparian habitat is now absent; therefore, there is no existing riparian corridor connecting Dirty Woman Creek to Woodmoor Lake to allow PMJM to disperse this far north. Therefore, ecos is confident that the CPW occupied range designation is inaccurate in this area.

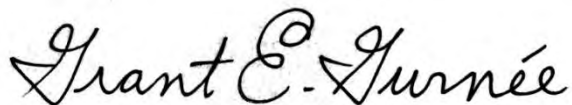
Summary and Conclusions

No federal or state-listed threatened or endangered species or their habitat were found to be present during ecos’ onsite assessment. No mapped USFWS Critical Habitat or designated CPW occupied range for PMJM are present within the Site. The Site is physically separated from Critical Habitat along Dirty Woman Creek by existing development, and there are no viable riparian travel corridors to the Site from documented, occupied habitat. Ecos onsite assessment indicates that the majority of the Site is comprised of disturbed and managed landscape. Although natural wetland habitat exists along the north shore of Lake Woodmoor, there are no viable travel corridors to this onsite wetland habitat from documented Critical Habitat or documented, occupied habitat. Therefore, PMJM are unlikely to occur on the Site.

The Site is not located within any officially designated occupied or Critical Habitat for federally-designated threatened or endangered species. Therefore, there will be no impacts to federally designated threatened or endangered species and no need to initiate consultation with the USFWS under the ESA.

If there are any questions concerning this memo, please contact Grant Gurnée at Ecosystem Services, LLC.

Ecosystem Services, LLC



Grant E. Gurnée, P.W.S.
Owner - Restoration Ecologist

References:

CPW, 2005. “Preble’s Meadow Jumping Mouse - Colorado Occupied Range 2005.” Published by Colorado Division of Wildlife on October 12, 2005.

USFWS, 2016d. US Fish and Wildlife Service Mountain Prairie Region Endangered Species, <http://www.fws.gov/mountain-prairie/species/mammals/preble/>. Website last accessed May 2, 2016.



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
200 SOUTH SANTA FE AVENUE, SUITE 301
PUEBLO, COLORADO 81003-4270

June 9, 2017

Regulatory Division

SUBJECT: Nationwide Permit (NWP) Verification – Action No. SPA-2017-00130, Lake Woodmoor Residential Development, El Paso County, Colorado.

Cody Humphrey
Woodmoor Lake Development Inc.
1755 Telstar Drive, Suite 211
Colorado Springs, CO 80920

Mr. Humphrey:

This letter in response to your pre-construction notification; request for a determination of permit requirements for the proposed Lake Woodmoor Residential Development located at approximately latitude 39.1049 N, longitude -104.8561 W, in El Paso County, Colorado. The work as described in your submittal will consist of development of a new residential planned community. Area 1. Wetland Impact – NE Detention Basin = 0.04 AC and Area 2. Wetland Impact – Wetland Complex Adjacent to Woodmoor Lake = 0.04 within Dirty Woman Creek. We have assigned Action No. SPA-2017-00130 to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, we have determined that NWP 29 Residential Developments authorize the project. A summary of this permit and the Colorado Regional Conditions are available on our website at: <http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/NWP/>. Please refer to our website at <http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Water-Quality-Certification/> for specific information regarding compliance with state water quality certification (WQC) requirements. The permittee must ensure that the work complies with the terms and conditions of the permit, including Colorado Regional Conditions and WQC.

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions 18 and 20. Based on the information provided, we have determined that this project will not affect any federally listed threatened or endangered species or any historic properties listed, or eligible for listing, in the National Register of Historic Places. However, please note that the permittee is responsible for meeting the requirements of general condition 18 on endangered species and general condition 20 on historic properties.

This verification is only valid for the project as described in your submittal. Appropriate erosion and sediment controls should be implemented to ensure that construction materials and/or activities do not enter any wetlands or other waterbodies beyond the scope of the authorization. If there are any changes in the project purpose, location, or design, you should contact our office for a reevaluation of Department of the Army permit requirements.

This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state or local laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, in order to undertake the proposed work.

This permit verification is valid until March 18, 2022 (33 CFR 330.6), unless the nationwide permit is modified, suspended, revoked or reissued prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the nationwide permit, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permits expiration, modification, or revocation.

Within 30 days of project completion, the permittee must fill out the enclosed Certification of Compliance form and return it to our office. The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the nationwide permit.

If you have any questions, please contact Tony Martinez at (719) 543-8102 or by e-mail at Joseph.A.Martinez@usace.army.mil. At your convenience, please complete a Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

Van Truan
Chief, Southern Colorado
Regulatory Office

Enclosure

**Certification of Compliance
Department of the Army Nationwide Permit**

Action Number: SPA-2017-00130

Name of Permittee: Woodmoor Lake Development Inc.

Nationwide Permit: NWP 29 for Residential Developments.

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Tony Martinez R.EM.
Albuquerque District, U.S. Army Corps of Engineers
200 South Santa Fe Avenue, Suite 301
Pueblo, Colorado 81003-4270

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please enclose photographs showing the completed project (if available).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started _____

Date Work Completed _____

Signature of Permittee

Date