



May 9, 2019

Michael Taylor
Vision Development, Inc
540 Elkton Drive # 202
Colorado Springs, CO 80907

RE: Jackson Creek North Filing No.2 - Wildlife Impacts

Dear Mr. Taylor:

In conjunction with the submittal of a Site Plan and Preliminary/Final Plat of Jackson Creek North Filing No.2 to the Town of Monument, Vision Development, Inc. (the "Applicant") has requested that Ecosystem Services, LLC ("Ecos") provide a narrative description of wildlife habitat restrictions that have been imposed upon property located near the project site pursuant to the Clean Water Act ("CWA") and the Endangered Species Act ("ESA"), and the implications and impacts of those restrictions on the proposed project. You have provided us with a depiction of the proposed project site, which is attached hereto as **Exhibit A**.

The project site and the surrounding area is contained within the boundaries of the Regency Park development. During 2014 the Army Corp of Engineers (the "USACE") issued a revised CWA 404 Permit (the "404 Permit") affecting portions of the real property contained within Regency Park (404 Permit No.: SPA-1998-30063-SCO). In conjunction with its issuance of the 404 Permit, the USACE obtained a Biological Opinion (the "BO") from the U.S. Fish and Wildlife Service ("USFWS") regarding potential impacts to the Preble's meadow jumping mouse ("PMJM") and its designated critical habitat from the planned development of Regency Park (BO reference: TAILS: 06E24000-2014-F-0119). As a result, development activities, other than enhancement of PMJM habitat located therein, are prohibited in those portions of Regency Park described in the Notice of Restriction and modified in part by the Amendment to Notice of Restriction recorded within the real property records of El Paso County at Reception No. 202015919 and 215071460, respectively, (as amended, the "Restricted Area" referenced herein as the 'Restricted PMJM Conservation Area').

The proposed project site lies outside and to the north and east of the Restricted PMJM Conservation Area that is depicted by a line within **Exhibit A**, and development within the project site is, accordingly, not prohibited under the 404 Permit. Furthermore, the project site is not regulated under the CWA or ESA. We understand that during the construction period the discharge of stormwater from the project site will be controlled pursuant to a stormwater management and pollution prevention plan and associated best management practices (collectively, the "SWPPP") that will be subject to review and monitoring by the Town of Monument and/or El Paso County. We hereby point out to the Applicant that in addition to the underlying objective of preventing the discharge of silt and sediment into the waters of the U.S., in this case the SWPPP will serve the dual purpose of preventing such discharge into the Restricted PMJM Conservation Area, and we urge the Applicant and its consultants to consider that dual purpose when designing the SWPPP.

We also understand that a drainage plan that will comply with the drainage criteria established by the governing jurisdiction(s) to direct post-construction (non-sediment) stormwater flows will be implemented as

part of the project development. Neither the restrictions imposed by the 404 Permit nor the conditions recited within the USFWS BO impose any express limitations on the amount of post-construction stormwater that may enter the Restricted PMJM Conservation Area. However, given the integral relationship of stormwater and water table sources of sustaining hydrology (i.e., surface and groundwater) within the Restricted PMJM Conservation Area to the growth and survival of the PMJM habitat contained therein, additions to that surface and groundwater can be beneficial. Therefore, Ecos recommends that the drainage plan be coordinated with the ongoing mitigation planning and design.

Ecos prepared the revised application that gave rise to the issuance of the 2014 404 Permit, including the design of the PMJM habitat enhancement activities and conservation measures adopted therein. Ecos consults with the Applicant and its affiliate Jackson Creek Land Company, LLC on an on-going basis regarding compliance with the 404 Permit in conjunction with their development activities. At the request of the Applicant or the reviewing agencies we would be pleased to provide additional information regarding the interaction of the proposed project with the regulatory framework that currently affects Regency Park.

If you need additional information or have questions regarding this letter, please do not hesitate to contact our office.

Sincerely,

Ecosystem Services, LLC

A handwritten signature in black ink that reads "Grant E. Gurnée". The signature is written in a cursive style with a large initial 'G' and a distinct 'E'.

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

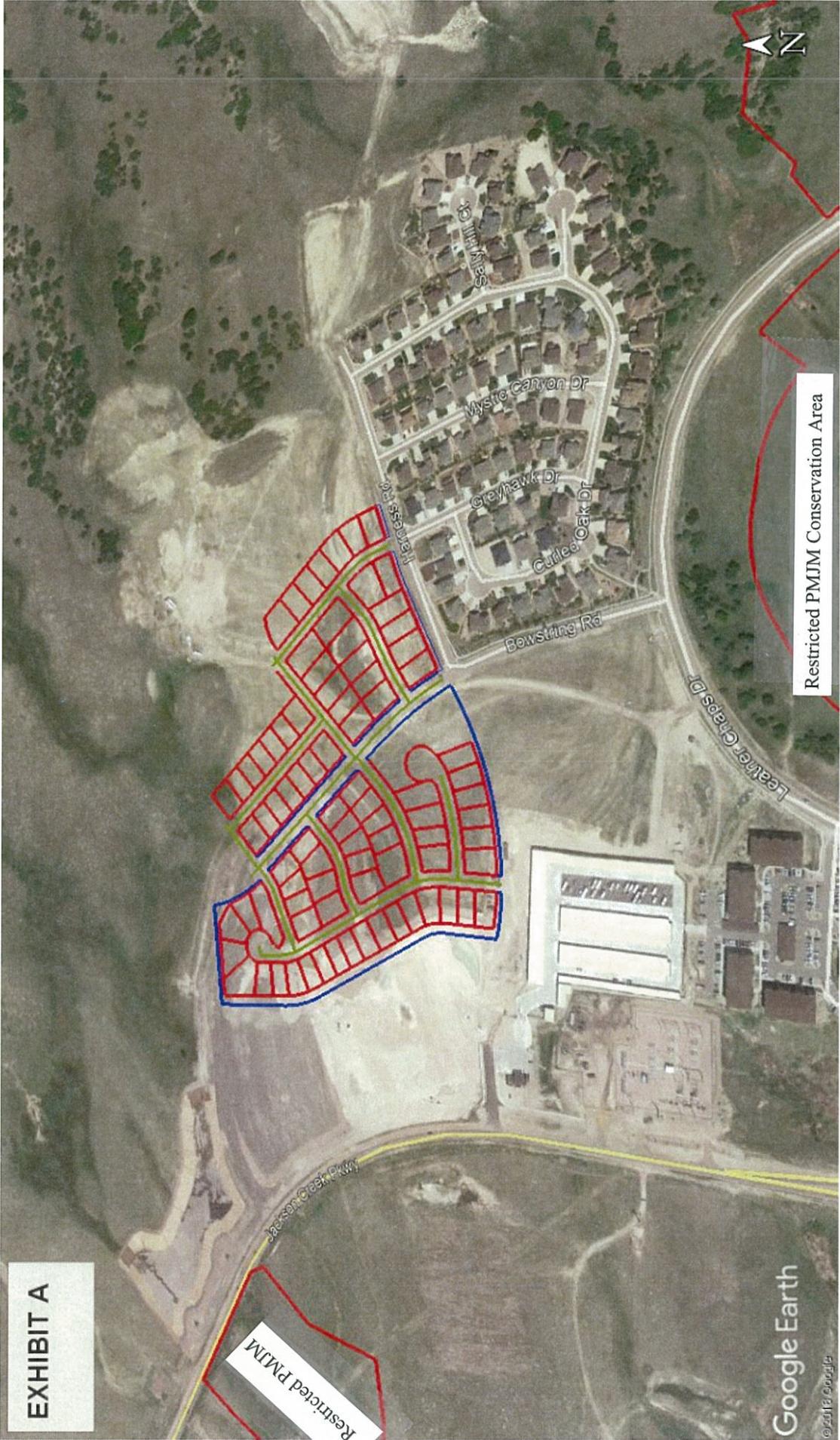


EXHIBIT A

Restricted PMJM

Restricted PMJM Conservation Area

Google Earth

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