

Date: June 30, 2026
To: Joe Letke, Planning and Community Development Department
From: Nancy Prieve, Environmental Division, Community Resources Department
Subject: Ben Lomand Mountain Village Preliminary Plan SP265

The El Paso County Environmental Division has completed its review of the Ben Lomand Mountain Village Preliminary Plan SP265. Our review consisted of the following items: wetlands, federally listed threatened or endangered species, general wildlife resources, migratory birds and noxious weeds.

1. General agency comments from the U.S. Army Corps of Engineers (USACE) or a completed USACE permit shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in intermittent, perennial, or wetland aquatic resources. Documentation from the Colorado Water Quality Control Division (WQCD) shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in state waters which are defined as "Any and all surface and subsurface waters which are contained in or flow in or through the state" (besides certain exclusions) C.R.S 25-8-103 (19). The applicant is hereby on notice that the USACE and WQCD have regulatory jurisdiction over wetlands and other aquatic resources. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act and Colorado House Bill 24-1379/Regulation 87.
2. Be advised that migratory birds and the nests and eggs of these species are protected under the Migratory Bird Treaty Act (MBTA). The applicant is hereby on notice that the U.S. Fish and Wildlife Service has regulatory jurisdiction over migratory bird species. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to the MBTA.
3. The project may interfere with wildlife habitat. Information regarding wildlife protection measures such as fencing requirements, garbage containment, and protection/buffer zones shall be provided as appropriate. Information can be obtained from Colorado Parks and Wildlife.

The applicant must obtain the necessary approvals from all federal, state and county agencies as a part of their planning process.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7845.