

# Responses to Comments

- **EPC Environmental Services:**
  - Documentation from the U.S. Fish and Wildlife Service (USFWS) regarding the Mexican Spotted Owl shall be provided to the Planning and Community Development Department prior to project commencement. The applicant is hereby on notice that the USFWS has regulatory jurisdiction over threatened and endangered species and migratory birds. 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 Endangered Species Act, the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.  
**Documentation from USFWS was provided to Nancy directly.**
  - The Natural Features and Wildlife Habitat Assessment makes recommendations related to the timing of vegetation removal and completion of nest surveys. These recommendations should be followed in order to avoid potential violations of the Migratory Bird Treaty Act.  
**Noted.**
- **County Attorney - Water:**
  - County Attorney will review water once comments from 5/15/23 have been resolved.  
**See updated letter from Colorado Springs Utilities**
- **EPC Stormwater Review:**
  - Review 2: EPC DPW Stormwater comments have been resolved on the following documents: Drainage Report & Final Plat. EPC DPW Stormwater has no further comments.  
**Noted.**
- **County Attorney – Development Review:**
  - No further edits to Access Maintenance Agreement. Please make sure all blanks in document are filled in before it's signed and recorded.  
**Noted.**
  - If SIA is no longer needed, I recommend it be removed from the file to avoid confusion.  
**Noted.**
- **Drainage Report:**
  - Staff recommends culverts be used due to the high flow rate, erosion of gravel driveway, and possible inundation of driveway from flows overtopping water crossing.  
**Culvert has been added.**
  - Please provide calculations for the low-water crossing to determine the ponding depth and width of the crossing. Provide calculations for the minor and major storms.  
**??**
- **Colorado Division of Water Resources:**

- Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II)], C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.  
**Noted.**
- **County Attorney – Water:**
  - Based on the water demand of 3.05 acre-feet/year for the development and CSU’s availability of water sources, the County Attorney’s Office recommends a finding of sufficiency as to water quantity and dependability for Guntzelman Porcelain Pines.  
**Noted.**
  - Should the information relied upon be found to be incorrect or should the below requirement not be met, the County Attorney’s Office reserves the right to amend or withdraw its recommendations.  
**Noted.**
  - Applicant and all future owners of lots within this filing shall be advised of and comply with the conditions, rules, regulations, and specifications set by CSU.  
**Noted.**
- **Colorado Geological Survey**
  - With this referral, CGS reviewed the revised Soil and Geology Study (RMG, December 15, 2023), Final Drainage Report (SMH Consultants, January 2024), Technical Memorandum (SMH Consultants, December 11, 2023), and other documents. RMG has designated drainage flow paths as No Build Zones (p. 10, FIG-3, and FIG-4). Based on SMH’s memo, we now understand that this project has been reduced from 6 lots to 3 lots. Additionally, drainage basins OS-2 and OS-3 (as referenced from our previous comments) are now identified as OS-6 and OS-7, respectively, and with the reduction in lots, only the offsite drainage basin OS-6 includes potential hyperconcentrated flood and debris flow hazards. CGS previously recommended, “These flows should be bulked with sediment, and the resultant onsite flow should have mitigation designed for it.” According to SMH’s memo, a bulking factor of 1.67 was used for OS-6, resulting in a bulked flow of 82.97 cfs. SMH states, “The existing drainage channel has the available capacity to handle the bulked flows from basin OS-6” and “There are no anticipated detrimental impacts to the proposed development from the higher bulked flows.” Therefore, CGS has no further concerns regarding the proposed subdivision. It should be pointed out that wildfire will increase the likelihood of debris flows at this location and these calculations will require further analysis following a wildfire.  
**Noted.**