

November 14, 2019

Daniel Brown
Polo Brown Company

RE: Willow Springs Ranch Endangered Species Compliance

Dear Dan:

As requested, I am writing to summarize the results of our discussions so far with the U.S. Fish and Wildlife Service (USFWS) regarding the development of the Willow Springs Ranch property in Monument, Colorado.

The project will include impacts to Monument Creek and associated wetlands along the creek. As part of the Clean Water Act (CWA) Section 404 permitting process, consultation is required under Section 7 of the Endangered Species Act (ESA), to address impacts on threatened and endangered species and their habitat. Monument Creek and Teachout Creek contain habitat and known capture locations for Preble's meadow jumping mouse (Preble's), which is federally listed as threatened under the ESA. Adverse effects on a federally listed species or its habitat require consultation with the Service under Section 7 of the ESA when there is a federal nexus such as issuance of a federal permit, use of federal funds, or if the project takes place on federal lands.

In 2008, a previous property owner proposed a residential development at the site similar in scope to the current proposal. The previous property owner and their consultant prepared a "Biological Review Report" documenting Preble's habitat conditions at the property and proposing mitigation measures to avoid and minimize impacts and to improve habitat. The report included a site-specific delineation of Preble's habitat developed with input from Adam Misztal of the U.S. Fish and Wildlife Service (USFWS). The report identified 0.124 acres of permanent impacts and 9.52 acres of temporary impacts to site-specific mapped habitat; however, the impacted areas were identified as being either non-habitat or of such poor-quality habitat that they were not likely to be used by Preble's. Based on the 2008 report, the USFWS concurred that the project would not result in take of Preble's. The previously proposed development was never constructed and Monument Creek and Teachout Creek within the property were designated as critical habitat for Preble's in 2010.

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On September 6, 2019, George San Miguel of the USFWS and Tony Martinez of the U.S. Army Corps of Engineers (Corps) met with us for a site tour and discussion of permitting and compliance issues for the proposed Willow Springs development. Based on discussions during the site visit, it was determined that because of changed circumstances since 2008, consultation under Section 7 of the ESA and preparation of a biological assessment (BA) would be required for the project. The federal action triggering the Section 7 consultation is preparation of a Pre-Construction Notification and request for Nationwide Permit Verification under Section 404 of the CWA. The Corps is the lead agency on the project.

ERO is preparing the BA under the assumption that the developed area will be the same as originally proposed in 2008, except for construction of a new, larger bridge across Monument Creek and potential changes to the locations of proposed outfalls and detention ponds. Based on discussions with Mr. San Miguel during the site visit of September 6, the proposed development, using the proposed setbacks identified in 2008 would be acceptable, if adequate mitigation to protect Preble's was also included.

Sincerely,

A handwritten signature in black ink that reads "Steve Butler". The signature is written in a cursive style with a large, looped initial "S".

Steve Butler
Senior Biologist