



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE Colorado Ecological Services

IN REPLY REFER TO:  
FWS/R6/ES CO

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Denver, Colorado 80225-0486

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445 W. Gunnison Avenue  
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Grand Junction, Colorado 81501-5711

TAILS: 06E24000-2018-TA-0956

July 10, 2018

Dan Maynard  
CORE Consultants  
1950 West Littleton Boulevard, Suite 109  
Littleton, Colorado 80120

Dear Mr. Maynard:

Thank you for your April 30, 2018, report requesting the U.S. Fish and Wildlife Service's (Service) review of the proposed Forest Lakes residential development near Monument, El Paso County, Colorado. The project occurs adjacent to habitat for the threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*) along Beaver Creek, North Beaver Creek, and South Beaver Creek.

Based on the information you provided and the Service's understanding of the project, local conditions, and current information, we agree with your determination that "take" of the Preble's meadow jumping mouse, which is protected under the Endangered Species Act (Act) as amended (16 USC 1531 et seq.), from the project is not reasonably certain to occur because all proposed development will be located more than 300 feet from the 100-year floodplain. Section 9 of the Act prohibits any action that would likely result in "take" of a listed species (take is defined by the Act as to harass, harm, pursue, hunt, shoot, wound kill, trap, capture, or collect or attempt to engage in any such conduct of listed species). Should changes to the proposed project occur or if new information indicates that the project may result in the take of a listed species, you may want to contact the Service.

We appreciate the opportunity to review your request for technical assistance. Should you have any questions, please contact Alison Michael at 303 236-4758 or [alison\\_michael@fws.gov](mailto:alison_michael@fws.gov).

Sincerely,

*Ann Timberman*

07/10/2018

for Drue L. DeBerry  
Colorado and Nebraska Field Offices Supervisor



Michael, Alison <alison\_michael@fws.gov>

**RE: [EXTERNAL] RE: Forest Lakes**

1 message

**Dan Maynard** <maynard@corecivil.com>  
To: Alison Michael <alison\_michael@fws.gov>

Tue, Jul 17, 2018 at 4:23 PM

Hi Alison,

Sorry this took so long to put together. Attached is a map showing the trail system at Forest Lakes. The trails in green have already been constructed along existing disturbances (dirt roads), while the trails in orange have yet to be built, also along existing dirt roads. The roads range from moderately-used to high use and are well-established. Vegetation is stunted or absent on these existing disturbances, which have been used to drive around the site regularly for many years. In addition, the trail system will be restricted to human foot traffic and leashed pets only. The existing trail system is already set up this way, and there are signs warning pedestrians to stay on trails and that the habitat surrounding them is sensitive (see photo). Since the proposed trails will only affect areas that are previously disturbed, it is highly unlikely that the construction of trails would adversely impact Preble's.

I included a few photos of the roads in the project that will be converted to trails, for reference. The first photo is of the main trail, the second of a secondary trail, and the third photo shows both trails on the north and south sides of Beaver Creek. The last photo is of a sign only the existing trail system.

I hope this brief write-up will be sufficient, but please let me know if you need anything else. Thanks Alison!

Dan Maynard  
Senior Ecologist  
O 303.730.5979  
M 971.237.3906



1950 W Littleton Blvd Suite 109  
Littleton CO 80120  
303.703.4444  
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**From:** Alison Michael <alison\_michael@fws.gov>  
**Sent:** Thursday, July 12, 2018 2:40 PM  
**To:** Dan Maynard <maynard@corecivil.com>  
**Subject:** Re: [EXTERNAL] RE: Forest Lakes

2018-TA-0956

| U.S. FISH AND WILDLIFE SERVICE                                 |                |
|--|----------------|
| <input checked="" type="checkbox"/> NO CONCERNS                |                |
| <input type="checkbox"/> CONCUR NOT LIKELY TO ADVERSELY AFFECT |                |
| <input type="checkbox"/> NO COMMENT                            |                |
| <i>Ann Timberman</i>   | 7/18/2018 for: |
| <b>Drue DeBerry</b>  | <b>DATE</b>    |
| <b>Colorado and Nebraska Field Supervisor</b>                  |                |

• trails located on pre-existing roads  
• administrative controls in place to reduce impact (signage).

Hi Dan,

## Dan Maynard

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**From:** Michael, Alison <alison\_michael@fws.gov>  
**Sent:** Thursday, November 15, 2018 12:48 PM  
**To:** Dan Maynard  
**Subject:** Re: [EXTERNAL] RE: Forest Lakes  
**Attachments:** image001.png

Good Afternoon Dan,

According to your request letter, you do not expect adverse effects to the Preble's mouse from the proposed development because all of the development will be located outside of designated Critical Habitat and more than 300 feet from a 100-year floodplain. Although the language in our letter refers only to the "more than 300 feet from the 100-year floodplain" distance, we agreed with your finding based on the project description, which also refers to avoiding impacts within designated Critical Habitat. I apologize for not using that full description in my response.

Please let me know if you have any more questions.

Thanks,  
Alison

On Mon, Nov 12, 2018 at 4:32 PM Dan Maynard <[maynard@corecivil.com](mailto:maynard@corecivil.com)> wrote:

Hi Alison,

I have a request for a minor edit to the letter you provided for the Forest Lakes residential project in El Paso County (attached). In the letter, there is a line which reads "...all proposed development will be located more than 300 feet from the 100-year floodplain." We've run into a bit of confusion during county permitting because the project has been designed to avoid Critical Habitat – which in this case is 394 feet.

Would it be possible to reword this line in the letter to clarify that PMJM habitat is considered to be either within 300 feet of the 100-year floodplain or Critical Habitat, whichever is greater? Or am I misinterpreting things?

Thanks Alison!

Dan Maynard

*Senior Ecologist*

○ 303.730.5979