

Date: March 1, 2021

Subject: Rebuttal to DNR/CPW position statement to City Planner, Dec. 17, 2020.

Dear Frank McGee, DNR/CPW, Area Wildlife Manager,

We would like to point out that the statements you made to the Colorado Springs City Planner, Katelynn Wintz, on December 17, 2020 are misleading and inconsistent with the following:

1. Colorado Bighorn Sheep Management Plan 2009–2019 (Colorado Mgmt Plan)
<https://cpw.state.co.us/Documents/WildlifeSpecies/Mammals/ColoradoBighornSheepManagementPlan2009-2019.pdf>
2. Bighorn Sheep Management Plan, Data Analysis Unit RBS-14, Rampart Herd Game Management Unit S34 April 2014 (Rampart Herd Mgmt Plan)
<https://cpw.state.co.us/documents/hunting/biggame/dau/bighornsheep/rbs-14dauplanfinal.pdf>
3. Photographic evidence provided by KKTV
<https://www.pinterest.it/pin/396598310910483032/>
4. Bighorn Sheep, Mountain Shadows Testimony, 2021-01-07 (Bighorn Testimony)
(attached)
5. Letter from Allan Hahn, District Ranger, USDA, Forest Service to Julie Stiver, Wildlife Biologist, CPW, January 9, 2014.
Included in the Rampart Herd Mgmt Plan.

Furthermore, and according to the CORA documents from interactions between DNR/CPW and the City of Colorado Springs, there is no evidence that DNR/CPW is complying with **Directives** in the Executive Order D 2019 011, Conserving Colorado's Big Game Winter Range and Migration Corridors, signed by Governor Polis on August 21, 2019 which states:

II. Directives,

B. **DNR shall** identify policy, regulatory, and legislative opportunities to **ensure the ongoing conservation of seasonal big game habitat and migration corridors.** DNR shall compile a report of such opportunities for the Governor by July 1, 2020 that includes: 2. **Opportunities to work with private landowners, local governments,** public landholders, and tribes through existing or other voluntary, non-regulatory programs **to sustain migration corridors;**

“C. **DNR shall work with CPW** to **incorporate information concerning big game migration corridors into relevant public education** and outreach efforts **and shall meet with stakeholders to discuss big game migration corridors to implement this Executive Order.”**

“Stakeholders” in this case include the City of Colorado Springs, Planning Department, the owner of 2424 Garden of the Gods Rd., TOPS (Trails and Open Space), the Parks Department, City Council, the Planning Commission, the Mayor of Colorado Springs and most importantly the citizens of Mountain Shadows and surrounding communities.

Currently, over 5,900 people from all 50 States including Washington, D.C., 7 foreign countries, and 849 cities around the world have signed a Petition, 1,363 people emailed the City Planner, hundreds of comments are on social media (Facebook and NextDoor), and over 279 people have called into the Planning meetings expressing their concerns that the owner purchased the property with the current Master Plan and Zoning restrictions and **the Master Plan and Zoning should remain unchanged.** The people feel the property is already fully built out in a manner that accommodates the bighorn sheep. According to the Colorado Mgmt Plan, “Human disturbance: **Wild sheep have habituated to human activity in many areas where the activity is somewhat predictable temporally and spatially...**”. The current zoning and land use meet this criteria.

None of the documents obtained through CORA regarding interactions between DNR/CPW and the other stakeholders demonstrate compliance with Directive B, “Opportunities to work with private landowners, local governments ... to sustain migration corridors to implement this Executive Order.” Nor is there any indication of compliance with Directive C, “incorporate information concerning big game migration corridors into relevant public education and shall meet with stakeholders to discuss big game migration corridors to implement this Executive Order.” In this case, migration corridors include their main habitat and their extended habitat. Some specific items that should have been disclosed include: 1) Education of the birthing area in their Main Habitat, 2) Education of the impact humans and dogs will have when they create social trails from the proposed TOPS Open Space trail-head to the birthing area, 3) Education of the management of potential **poachers**.

For DNR/CPW to ignore the impacts of a Master Plan amendment and Zone change that allows high-density multi-family housing on the 2424 Garden of the Gods Rd. property places compliance with the Executive Order in question, it also conflicts with compliance to City Code, “ZC 7.5.603.B, 1. **The action will not be detrimental to the public interest, health, safety, convenience or general welfare.**” (Safety will be discussed later.) The magnitude of the comments from the public demonstrate that **rezoning is detrimental to the public interest, safety, and general welfare.**”

Specifically, your statements; “Through all the work that CPW has done with the Rampart Range Bighorn Sheep herd **there have been no observations of the sheep being on or using the proposed project area.** The Rampart Range Bighorn sheep’s main habitat lies uphill on the old mining scar and in and around the precariously steep walls of Queen’s Canyon and any of the other steep hillsides and rock faces of the Rampart Range.”

1. According to the Rampart Herd Mgmt Plan, this Game Management Unit (GMU) S34 is comprised of 93,000 acres. Given a limited CPW budget, it is understandable that CPW is unable to monitor all 93,000 acres. Therefore, it is possible that CPW has never observed bighorn sheep on or using the proposed project area.
2. However, that statement conflicts with the Rampart Herd Mgmt Plan Historic distribution description; “Historically, the herd used habitat north of the Queens Canyon Quarry and far north as west of the United States Air Force Academy (USAF). **This included areas around**

Ormes Peak, Blodgett Peak, **Mountain Shadows**, and Stanley Canyon. Sheep also used the canyons to the southwest of the Queens Canyon Quarry including Waldo and Williams Canyons.”. The subject property at 2424 Garden of the Gods Rd. **is in Mountain Shadows** and in the Mountain Shadows Master Plan.

3. The **Rampart Herd Mgmt Plan**, Delineation and use of available habitat, states; “**The artificial habitats** (habitats created by man) **include** the re-vegetated Queens Canyon Quarry and landscape plantings in Glen Eyrie and **neighboring subdivisions.**” The only neighboring subdivision in the area is Mountain Shadows where the 2424 Garden of the Gods Rd. property is located.

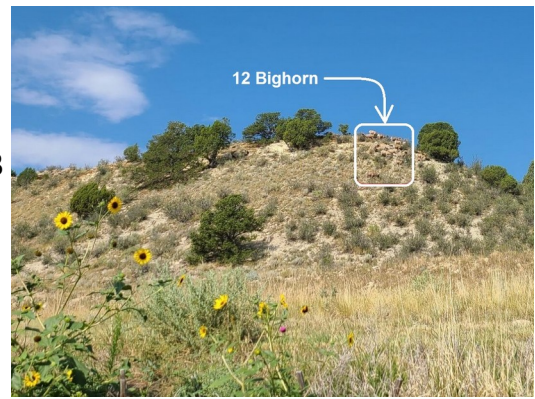


The above photo was provided by Mountain Shadows resident, Phyllis Gius.

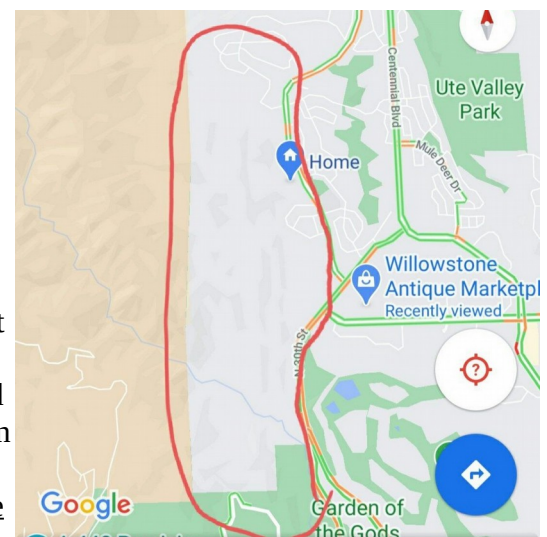


The above 2 photos are provided by KKTV. The 3 photos are of bighorn sheep that are on the opposite side of the 2424 Garden of the Gods Rd. development site. These locations are along Flying W. Ranch Rd. As seen in the map on the following page, the location is on the right side between the red line following Flying W. Ranch Rd. and the blue line that is on the right side of the park. **The green line with arrows shows that these locations are 2,900 feet beyond the location claimed by DNR/CPW.**

4. It may be correct that “The Rampart Range Bighorn sheep’s **main habitat...**” is in the area specified by CPW, however, their **extended habitat includes the entire 125 acres of the 2424 GOG Rd. property and beyond.** The Bighorn Testimony document, contains 3 photos, supplied by KKTV and Phyllis Gius, as shown above, that were taken at different instances, of bighorn 1) being on the property adjacent to and midway on Flying W. Ranch Rd., 2) on Flying W. Ranch Rd. midway between N. 30th St. & Alpine Meadows Ln. and 3) in the park area between Flying W. Ranch Rd. and the homes on Holister Ct. Additionally, one neighbor saw about 15 in the Chipeta Elementary School parking lot that is adjacent to Ramsgate Ter. which is in the upper right corner of the map with the blue line.



Based on the Bighorn Testimony document, maps with the most accurate representations of the bighorn sheep extend habitat in the 2424 Garden of the Gods Rd. area were provided by, Amy Pedregon, map with blue and green lines (**Note there are 12 bighorn on the 2424 GOG Rd. property** in the top right photo as annotated in the map to the right) and Angela May, map bottom right. Both of these maps are consistent with defining the extended habitat as being on the 2424 GOG Rd. property. The Bighorn Testimony document contains many more photos and testimonial descriptions of bighorn on the 2424 Garden of the Gods Rd. property. Their migration corridor, main habitat, and extend habitats CLEARLY exceed what DNR/CPW currently claims.

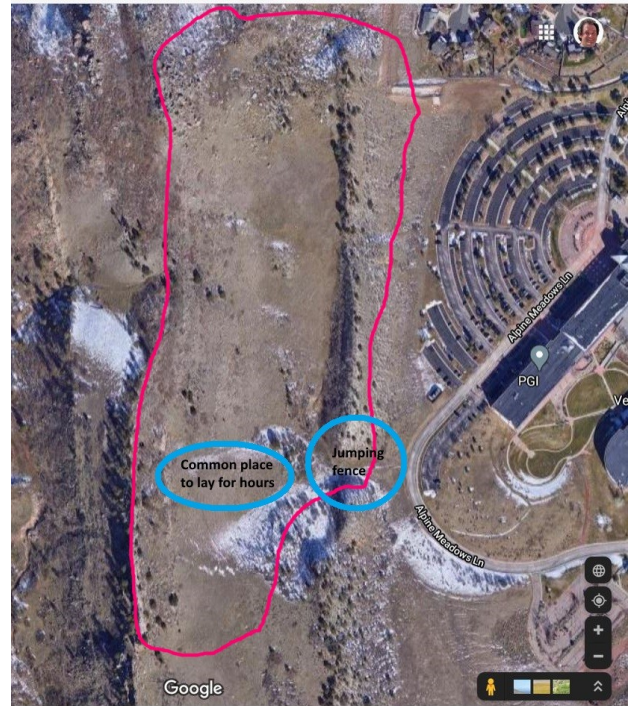


NOTE: One skilled in the art of wildlife management should understand the difference between “main habitat”, “extended habitat”, “migration corridor”, and “translocations”. Main habitat is the preferred location where they spend the majority of their time either during the summer or the winter. Extended habitat are areas that are extremely important to their well being.

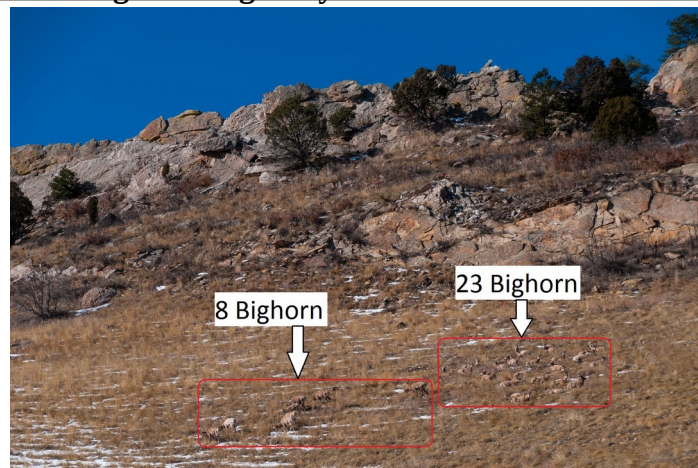
The extended habitat is where they frequently scout for alternative sources of food, safe escape routes in the case of a natural disaster or pursuit from a predator, and verification that the extended habitat is safe and free from predators. Migration corridor is the path they usually take between winter and summer habitats. Translocations are human assisted transports to 1) areas of declining population usually a result of disease, 2) areas to increase trophy stock, and 3) new areas to promote their expansion.

5. Additionally, the following CPW statement is also inconsistent with the Bighorn Testimony document; as stated in the DNR/CPW communication to the City Planner on December 17, 2020, “Included with this proposed project is a 55.43 acre open space that will be west of any new development that takes place. **This open space will also sit between the development and any possible sheep use or movement.** This open space will buffer any impact into areas where the sheep may pass through to get to more suitable habitat.”. This statement is misleading and implies that there is some magic that prevents the bighorn sheep from easily traversing over and into their current extended habitat on the 2424 GoG Rd. property.

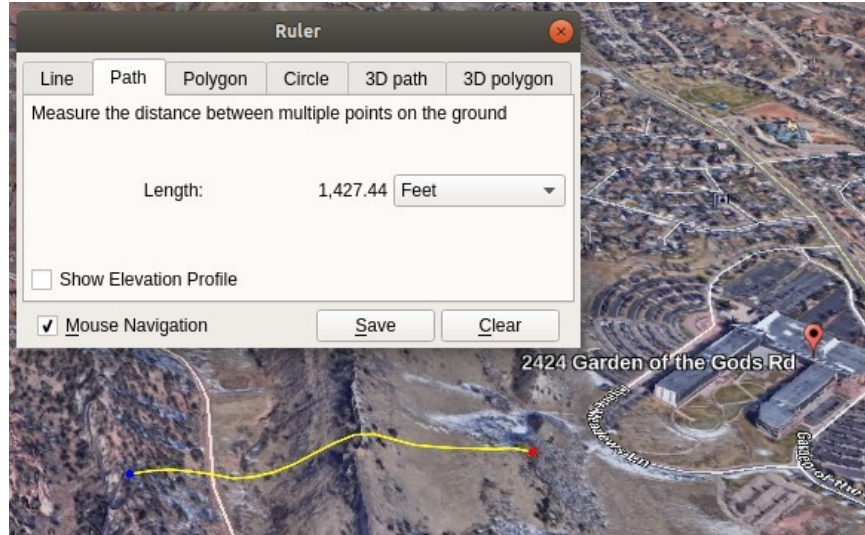
The Bighorn Testimony document, shows an aerial map of the area between the two hogbacks. The label “Common place to lay for hours” is in the blue oval. And, the label “Jumping fence” is in the blue circle. The picture below shows a bighorn jumping the fence at the marked location and heading to the proposed development area.



The photo below shows the bighorn lying down and grazing in the area shown in the blue oval on the map above. The proposed high-density housing will be in the bottom right of the map. The estimated 1,100 to 1,300 people and their dogs in this proposed development area will invade this proposed Open Space area. Colorado Mgmt Plan, Page 50 warns that **human disturbance and walking with dogs may be more detrimental than predators.**



6. **BIRTHING AREA:** The Colorado Mgmt Plan also states: “Holl and Bleich (1983) recognized that **bighorn sheep moved in response to the presence of sheep researchers:** At distances >645 m, bighorn were not concerned with their presence; **however, at 440 m (1,443 ft) sheep fled the area.**” Not only will these bighorn sheep be threatened at the 2424 GOG Rd. property, **the birthing area will be threatened.** Sheep researchers are trained experts, they almost always work solo or small teams, and exercise cautious when performing their research. The untrained laymen, residents and their dogs, living in this proposed high-density housing area will not observe these same practices. Besides threatening bighorn at 1,443 feet, the birthing area will be especially vulnerable since it is within the same general range. The following image is of the known birthing area.



7. **Existing harassment by hikers and tourists:** From the Rampart Herd Mgmt Plan: “The eastern boundary of RBS-14 is within the Colorado Springs city limits and **sheep from the herd are often found in local attractions** on the west side of the city (i.e., Garden of the Gods park or Glen Eyrie), which creates a watchable wildlife opportunity for residents and visitors. However, **since the sheep are easily accessible, CPW personnel occasionally respond to reports of harassment by hikers and tourists.**” When a trail-head is put on the proposed Open Space, this situation will be exacerbated and is certain to jeopardize this critical habit.
8. **Recreational impacts:** From the Rampart Herd Mgmt Plan; **Increased recreational use of the Queens Canyon Quarry is a large concern for the Rampart sheep herd. Many people trespass through private property** at the lower ends of the Quarry to access public land at the top of the Quarry. **Many of the individuals have dogs off-leash and CPW personnel have witnessed dogs pursuing lambs. Private land owners are working with city and county officials to control these activities but the problem persists.** When a trail-head is put on the proposed Open Space, this situation will be exacerbated and is certain to jeopardize this critical habit.
9. **Source herd for translocations:** From the Rampart Herd Mgmt Plan; The Rampart herd has been a primary source for translocations throughout the state for multiple reasons. First, this herd is one of the most productive in the state so it has recovered well following removals. Second, **the herd is easily accessible** due to its proximity to Colorado Springs. Third, animals from Rampart typically do well following translocation. Therefore, we recommend a long term objective of managing this herd as a source for translocations.

10. **POACHING OPPORTUNITY:** Poaching is not specifically discussed in the Rampart Herd Mgmt Plan. However, DNR/CPW should take potential poaching very seriously based on the following comments from hunters.

Comment 2. Close the December hunt. It was far too easy. It did not do justice to the species.

Comment 16. Nice trophy rams, would like to see it stay as and archery only, trophy unit. **Hunting on the quarry scar is not the greatest challenge.**

The proposed Open Space and trail-head will provide easy access for poachers.

11. **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service:** In the Rampart Herd Mgmt Plan, Allan D. Hahn, District Ranger, USDA, Forest Service, Pikes Peak Ranger District addressed a letter to Julie Stiver, Wildlife Biologist, CPW. "These are species for which **population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or in habitat capability that would reduce a species existing distribution.** Forest Service directives emphasizes working cooperatively with state agencies for the management and conservation of populations and/or the habitat of sensitive species. **A larger, more dispersed herd would be a more resilient population that would be less susceptible to disease, human disturbance, and interactions with domestic animals.**" The bighorn sheep have lived in the sparsely populated Mountain Shadows area, including the 2424 Garden of the Gods Rd. property for over 35 years. Introducing high-density residential housing on their extended habitat will be a major concern for this important Rampart Range herd.

The word **POACHER** occurs, collectively, one time in both the Colorado Mgmt Plan and the Rampart Herd Mgmt Plan documents. The only mention of "poacher" is in the Colorado Mgmt Plan, Chapter 10, "Predation", section Background & Literature Review.

"Although there are many management concerns for wild sheep in the state, disease and **habitat loss** often rise to the top in terms of regional priorities. Biologists may reasonably assume that **if sufficient amounts of quality bighorn habitat exist within a given area and disease risks are minimized, sheep should flourish.** Healthy bighorn populations in **quality habitat** are also less likely to incur additive mortality from other potential limiting factors such as severe winters, drought, **poaching**, or predation."

When the bighorn no longer have access to their extended habitat, their herd could easily be jeopardized.

A resident who lived in the Peregrine subdivision for 12 years before moving to Mountain Shadows constantly heard neighbors talking about the poachers coming into the area between the north side of Peregrine and the south side of the Air Force Academy. They would bag a big rack deer, load it into the back of their pickup, and taking off. The neighbors feared that **a stray bullet could kill someone** in the neighborhood. It's only a matter of time that out-of-state poachers will discover this easy to bag trophy location at 2424 GOG Rd. on the proposed Open Space trail-head. Why pay \$2,300.51 for a nonresident Rocky Mountain Bighorn Sheep hunting license, more for a guide, wait for years to be selected to hunt, or wait for prime season once selected, and be constrained to 1 bighorn per 5 year bag limit when you can bag one anytime for free. There are plenty of YouTube videos on how to mount

your poached, prized, bighorn trophy without proving to a taxidermist that you had a valid license for your easy kill.

Poaching Management: Does DNR/CPW turn over poaching management to the City of Colorado Springs? Will the City and TOPS need to invest in expensive surveillance equipment in an attempt to catch or deter poachers? Will the poachers simply outsmart the surveillance equipment by disabling the equipment or wearing hoodies and sunglasses so not to be identified? Will the poachers use low-velocity ammunition with a muffled report (the sound the gun makes) so people can not hear unless they are close by? Will the City and TOPS need to provide guards?

SAFETY: How will the City of Colorado Springs and DNR/CPW guarantee that a stray bullet from a poachers rifle will not strike and kill someone in the Mountain Shadows community, a tourist that is visiting Garden of the Gods, a tourist that is visiting Flying W. Ranch, people on the Navigator property, or a hiker that is legally or illegal in this area?

<https://aimingexpert.com/the-ballistics-of-30-06-rounds-to-1000-yards/>

As a hunting round it may be unsurpassed. At 1,000 yards, a round is traveling at 1200 fps. More than enough to be lethal.

The following map shows a 1,000 foot radius in the general location of where a poacher may discharge a firearm.



Birthing Area Management: How will the City and TOPS ensure hikers do not create social trails that lead to the birthing areas? How will the birthing areas be protected. Signs and fences do not keep people out. This is an important, established, herd of bighorn that is used to populate declining areas and trophy areas. The Governor recognized that the bighorn are important to our economy through hunting and tourism.

Alternative Location for Breeding Stock Plan: Once this Rampart Herd is on the decline, what is the management plan for a new location?

We believe that it is in the best interest of the City of Colorado Springs to preserve this important tract of land for our tourist and to ensure the stability of the Rampart Range bighorn sheep population that rely on this area as part of their safe habitat.

Conclusion:

Note: This document contains 6 different photos with a total of 47 bighorn sheep that are on the 2424 Garden of the Gods Rd. property. There are 3 maps provided 2 residents and an employee that worked at the 2424 Garden of the Gods Rd. facility. All 3 maps and photos demonstrate that the bighorn sheep utilize the entire 125 acres of the property as part of their extended habitat. This very important extended habitat is where they frequently scout for alternative sources of food, safe escape routes in the case of a natural disaster or pursuit from a predator, and verification that the extended habitat is safe and free from predators. There are many more photos and written testimony in the Bighorn Testimony document.

Based on the overwhelming evidence provided in this “Rebuttal” we believe DNR/CPW should reconsider their claim that the proposed development at 2424 Garden of the Gods Rd. will not be harmful to the bighorn sheep or their habitat which includes their 1) main habitat, 2) their extended habitat, and 3) their migration corridors.

The sparsely populated Mountain Shadows community enjoys living in probably Colorado’s largest unfenced nature center. The community and the wildlife (bighorn, bear, bobcat, coyotes, mountain lions, wild turkey, snakes, birds of prey, squirrels, deer, skunks, and more) have lived together for over 40 years. Please help protect the Rampart Range bighorn herd and their habitats. And, continue to provide the opportunity for the 6 million tourists from all over the world the opportunity to come here, with the hopes of seeing a bighorn sheep at Garden of the Gods. This herd is also the feeder stock to other areas in the State for bighorn trophy hunting. All of these people contribute to our State and local economy. Governor Polis recognized that it is important to protect the iconic Colorado wildlife and their habitat when he signed his Executive Order.

We are requesting your position statement to our Rebuttal by Friday March 12, 2021.

Please protect our Bighorn,
Bill Wysong, President, Mountain Shadows Community Association
Representative for 1,950 homeowners in the Mountain Shadows Community
Representative for over 6,000 people that signed a Petition asking to protect the bighorn at this location.
Compiled by John McLain with contributions from the community

Attachment:

1. Bighorn Sheep - Mountain Shadows Testimony.pdf

TO:

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CC:

DNR/CPW

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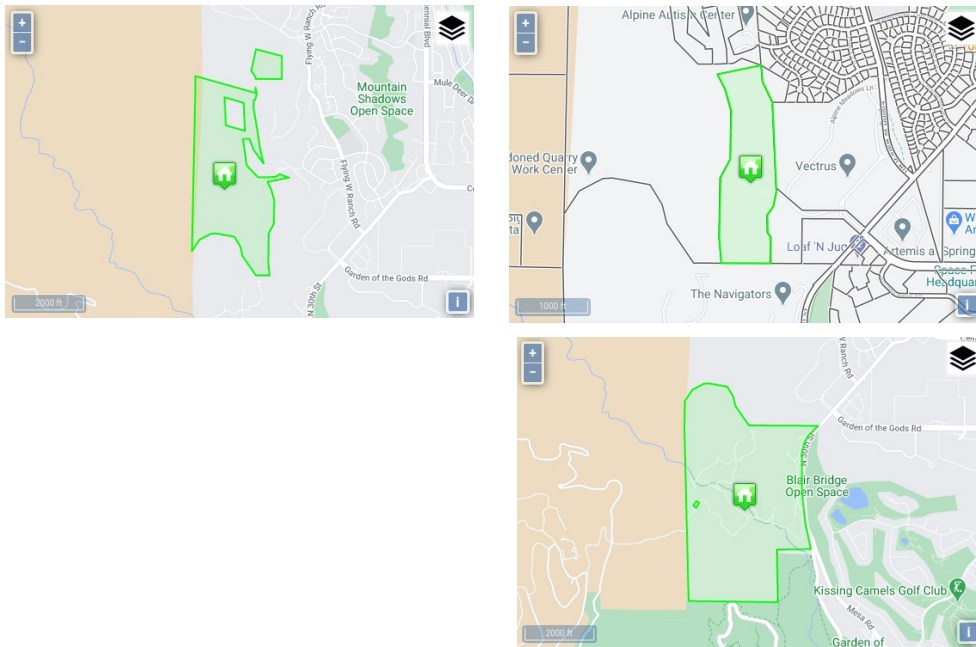
Appendix A

Alternative Proposal for the OPEN SPACE:

As of 1/19/2021, TOPS created an “Application for Funding” to acquire the 55 acres of Open Space to the west of the 2424 Garden of the Gods Office building. TOPS believes the proposal is appropriate since; “The property is an integral component for future connection to the national forest to the west and provides opportunities for completing the proposed Chamberlain Trail, as well as internal trail opportunities. There is also potential for working with the owner to provide trail-head parking on their developed property.”

Since the negative impacts to the bighorn sheep have already been discussed with respect to trail-head parking, people, dogs, and potential poachers, we will move directly into the alternatives.

With all due respect, **this proposed Open Space is probably not a good financial investment since the proposed Open Space has been landlocked** by private owners (Navigators and Flying W. Ranch) for many years and those private owners are unlikely to provide access. As seen in the maps below, the map on the top right represents the proposed Open Space. The map on the left shows the property to the west of the proposed Open Space which is owned by Flying W. Ranch. And, the map below the proposed Open Space map shows the Navigator property to the south and west.



A more practical alternative to gain access to the National Forest, and could easily be achieved quicker, is to route the trail on the existing Foothills Trail that goes north on Flying W. Ranch Rd. to Centennial Blvd. At this point or before, there are several options to connect to the Blodgett Open Space area that backs directly up to the National Forest.

Additionally, we would like to point out a possible option for the TOPS Open Space acquisition proposal at 2424 Garden of the Gods Rd. It may be beneficial to the City, the developer, and the community buy using GOCO (Great Outdoors Colorado Program).

<https://www.goco.org/goco-constitutional-amendment>

Colorado Constitution Article 27

§ 1. Great Outdoors Colorado Program
(SUMMARY)

(1) The people of the State of Colorado intend that the net proceeds of every state-supervised lottery game ... shall be guaranteed and permanently dedicated to the preservation, **protection, enhancement and management of the state's wildlife, park, river, trail and open space heritage ... the Great Outdoors Colorado Program** is to preserve, protect, enhance and manage the state's wildlife, park, river, trail and open space heritage.

...

(III) Provide appropriate programs for maintaining Colorado's diverse wildlife heritage;

(IV) **Protect crucial wildlife habitats through the acquisition of lands**, leases or easements and restore critical areas;

...

(c) **A program to identify, acquire and manage unique open space and natural areas of statewide significance** through grants to the Colorado Divisions of Parks and Outdoor Recreation and Wildlife, or municipalities, counties, or other political subdivisions of the State, or non-profit land conservation organizations, and which will encourage cooperative investments by other public or private entities for these purposes...

Applicable Colorado Springs City Code

Zone:

“ZC 7.5.603.B, 1. **The action will not be detrimental to the public interest, health, safety, convenience or general welfare.**”

The magnitude of the comments from the public concerning the bighorn sheep demonstrate that **rezoning is detrimental to the public interest, safety, and general welfare.**”

Master Plan:

MP 7.5.408.B. Land Use Relationships:

1. The master plan promotes a development pattern characterizing a mix of **mutually supportive and integrated residential and nonresidential land uses** with a network of interconnected streets and good pedestrian and bicycle connections.

The west side of Colorado Springs is a unique environment that abuts to the foothills of Colorado and transitions into the Great Outdoors. The proposed Open Space land is zoned “A PIP1 HS” and is home to the Rampart Range bighorn sheep. The land to the south and west are also zoned “A HS” and “R A HS”. Allowing a rezone to PUD HS is a radical shift that allows the development of high-density multi-family housing on the bighorn sheep extended habitat and immediately adjacent to their main habitat is not mutually supportive nor does it integrate. As advised in the Colorado Mgmt Plan, the Rampart Herd Mgmt Plan, and the Letter from Allan Hahn, District Ranger, USDA, Forest Service , **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service, human disturbance and walking with dogs may be more detrimental than predators, at 440 m (1,443 ft) sheep fled the area.**

3. **The land use pattern is compatible with existing and proposed adjacent land uses** and protects residential neighborhoods from **excessive noise and traffic infiltration.**

The adjacent land uses are agricultural with an important herd of Rampart Range bighorn sheep. A radical shift to PUD HS that allows high-density multi-family residential housing will create excessive noise from the residences and the “foot” traffic infiltration through the bighorn sheep extended habitat and their main habitat will be incompatible. As advised in the Colorado Mgmt Plan, the Rampart Herd Mgmt Plan, and the Letter from Allan Hahn, District Ranger, USDA, Forest Service , **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service, human disturbance and walking with dogs may be more detrimental than predators, at 440 m (1,443 ft) sheep fled the area.**

6. **Land uses are buffered**, where needed, by open space and/or **transitions in land use intensity.**

The land uses are NOT buffered. There will be a radical shift from agricultural that contains a very important herd of bighorn sheep, to PUD which contains high-density multi-family housing. As advised in the Colorado Mgmt Plan, the Rampart Herd

Mgmt Plan, and the Letter from Allan Hahn, District Ranger, USDA, Forest Service , **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service, human disturbance and walking with dogs may be more detrimental than predators, at 440 m (1,443 ft) sheep fled the area.**

E. Environment:

2. The land use master plan **minimizes noise impacts on** existing and proposed **adjacent areas.**

The adjacent area is zoned agricultural and contains an important herd of bighorn sheep. The noise impacts from the estimated 1,100 to 1,300 people that will occupy this proposed development will have a detrimental impact on the bighorn sheep and their habitat.

Concept Plan:

7.5.501 (E): CONCEPT PLANS:

1. Will the proposed development have a **detrimental effect upon the general health, welfare and safety or convenience of persons** (bighorn sheep) residing or working in the neighborhood of the proposed development?

The west side of Colorado Springs is a unique environment that abuts to the foothills of Colorado and transitions into the Great Outdoors. This is a transition area from “the big city” to “the great outdoors”. The iconic wildlife, that is important to our economy, in this area need to be protected. YES, this proposed development will be detrimental upon the health, welfare, and safety of the bighorn sheep. As advised in the Colorado Mgmt Plan, the Rampart Herd Mgmt Plan, and the Letter from Allan Hahn, District Ranger, USDA, Forest Service , **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service, human disturbance and walking with dogs may be more detrimental than predators, at 440 m (1,443 ft) sheep fled the area.**

7. Does the concept plan show how any **potentially detrimental use** to use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? **Does the development provide a gradual transition** between uses of differing intensities?

The potentially detrimental impact from high-density multi-family residential housing on the bighorn sheep does not have a viable or practical mitigation plan. Nor does the development provide a gradual transition between uses. It is a radical departure from agricultural to PUD that allows high-density multi-family residential housing with an estimated 1,100 to 1,300 people. As advised in the Colorado Mgmt Plan, the Rampart Herd Mgmt Plan, and the Letter from Allan Hahn, District Ranger, USDA, Forest Service , **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service, human disturbance and walking with dogs may be more detrimental than predators, at 440 m (1,443 ft) sheep fled the area.**

PUD:

7.3.605: PUD:

F. Does the development pattern proposed within the PUD concept plan **provide an appropriate transition or buffering between uses of differing intensities** both on site and off site?

There is absolutely NO buffering between uses. The differing intensities from agricultural to PUD with high-density multi-family residential housing is an immediate and abrupt change. The property with its current zoning is already developed at capacity. As advised in the Colorado Mgmt Plan, the Rampart Herd Mgmt Plan, and the Letter from Allan Hahn, District Ranger, USDA, Forest Service , **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service, human disturbance and walking with dogs may be more detrimental than predators, at 440 m (1,443 ft) sheep fled the area.**

I. Does the PUD concept plan **provide adequate mitigation for any potentially detrimental use** to use relationships (e.g., commercial use adjacent to single-family homes)?

There is no practical, viable, or adequate mitigation plan to prevent detrimental impacts on the Rampart Range bighorn sheep. As advised in the Colorado Mgmt Plan, the Rampart Herd Mgmt Plan, and the Letter from Allan Hahn, District Ranger, USDA, Forest Service , **Rocky Mountain bighorn sheep are classified as a Sensitive species by Region 2 of the Forest Service, human disturbance and walking with dogs may be more detrimental than predators, at 440 m (1,443 ft) sheep fled the area.**

Thank you for taking the time to review our Rebuttal.