

# Fw: Royal Pines Apartments and Habitat Conservation Plan

1 message

Holly Lawrence <hnorvelle@yahoo.com>  
Reply-To: Holly Lawrence <hnorvelle@yahoo.com>  
To: Eddie Lawrence <eddielawrence68@gmail.com>

Mon, Jan 8, 2024 at 4:52 PM

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "anovy1@aol.com" <anovy1@aol.com>  
**To:** "mail2srv@aol.com" <mail2srv@aol.com>, "Haley, Britt I" <britt.haley@coloradosprings.gov>, "Hubble, Logan K" <Logan.Hubble@coloradosprings.gov>  
**Cc:** "Holly Norvelle" <hnorvelle@yahoo.com>, "Jacque Rindgen-DeCecco" <jrindgendececco@gmail.com>  
**Sent:** Mon, Jan 8, 2024 at 3:33 PM  
**Subject:** Re: Royal Pines Apartments and Habitat Conservation Plan

Logan,

After doing further research about this property, even though "as our records indicate that there is no habitat present on this property. This development is receiving funding from a federal agency and must comply with federal regulations.

In December 2023 someone authorized the habitat area to be bulldozed and cleared of any vegetation and cave like areas for any wildlife to seek refuge in. This is a potential violation of the transfer agreement from the Federal government. Who authorized this clearing of vegetation and for what purpose? During this process, endangered and threatened species may have been harmed.

According to IPaC - a project planning tool that streamlines the USFWS environmental review process

"Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all listed species since there is a potential of a habitat, the area needs to be further evaluated. Transferring the habitat to the city does not negate this procedural step.

"Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, **funded**, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly."

Enclosed is the link to the endangered or threatened species report generated by the Federal Wildlife Database. There is a strong possibility an endangered or threatened species may dwell or seed itself in that area. I also attached the downloaded report.

<https://ipac.ecosphere.fws.gov/location/6UFQRTM4S5AHVGGQGX5DOY5T6A/resources>

Thank You,  
Anna Novy  
719-278-4331

On Thursday, January 4, 2024, 10:54:27 AM MST, Hubble, Logan K <[logan.hubble@coloradosprings.gov](mailto:logan.hubble@coloradosprings.gov)> wrote:

Sandra,

We do not have a wildlife impact study, as our records indicate that there is no habitat present on this property. The Parks revised maintenance plan, as stated by USFWS is not yet complete, and we in the Planning Department have no jurisdiction over that plan. I've attached the drainage report here. Planning is not recommending an approval or denial of this application, but rather forwarding it to the City Planning Commission with the following statements of compliance:

After evaluation of the Market at Pine Creek Concept Plan amendment, the application meets the review criteria.

After evaluation of the Royal Pine Apartments Development Plan, the application meets the review criteria.

Thank you,

**Logan Hubble**

Planner II

30 S Nevada Ave. Suite 701

Colorado Springs, CO 80903

(719) 385-5099

[Logan.Hubble@ColoradoSprings.gov](mailto:Logan.Hubble@ColoradoSprings.gov)



---

**From:** mail2srv@aol.com <[mail2srv@aol.com](mailto:mail2srv@aol.com)>  
**Sent:** Wednesday, January 3, 2024 10:46 AM

**To:** Hubble, Logan K <Logan.Hubble@coloradosprings.gov>; Haley, Britt I <Britt.Haley@coloradosprings.gov>  
**Cc:** Holly Norvelle <honorvelle@yahoo.com>; Anna <anovy1@aol.com>; Jacque Rindgen-DeCecco <jrindgendececco@gmail.com>  
**Subject:** Royal Pines Apartments and Habitat Conservation Plan

**CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!**

Hello Logan,

I am forwarding correspondence from Kristen Salamack, USWFS Field Liaison who was responsible for overseeing the Habitat Conservation Plan for the the Briargate Mitigation area adjoining the proposed Royal Pines Apartments before La Plata transferred ownership to the City of Colorado Springs. Note the parcel was still under USWFS management when the parcel was "rezoned" to high-density residential.

Please forward to me the wildlife impact study, Parks and Recreation's revised maintenance plan, and drainage study for the proposed Royal Pines Apartments. I would also appreciate your recommendations to the Planning Commission for this project.

In addition, please include Ms. Salamack's email along with mine in the project comment records.

Thank you,

Sandra Vicksta

719-306-3908

----- Forwarded Message -----

**From:** mail2srv@aol.com <mail2srv@aol.com>

**To:** PineCreek VillageNeighbors <pinecreekvillageneighbors@gmail.com>; Teresa C. <tccrewsrn@gmail.com>

**Sent:** Tuesday, August 1, 2023 at 12:16:44 AM EDT

**Subject:** Fw: [EXTERNAL] Fw: [URL Verdict: Unknown][Non-DoD Source] Preble's Meadow Jumping Mouse in Pine Creek Village

**Kristen Salamack's (FWS) response to my questions about wildlife habitat:**

----- Forwarded Message -----

**From:** Salamack, Kristin A <kristin\_salamack@fws.gov>

**To:** mail2srv@aol.com <mail2srv@aol.com>

**Cc:** Holly Norvelle <honorvelle@yahoo.com>; Lunz, Kate S <kathleen\_lunz@fws.gov>; Hill, Laurel A <laurel\_hill@fws.gov>

**Sent:** Thursday, July 13, 2023 at 12:51:17 PM MDT

**Subject:** RE: [EXTERNAL] Fw: [URL Verdict: Unknown][Non-DoD Source] Preble's Meadow Jumping Mouse in Pine Creek Village

Thank you for your questions regarding the Pine Creek site. I've provided responses below in blue.

I appreciate the quick response regarding the Pinecreek on-sight mitigation property. I have a couple of questions:

- What do you mean by the HCP (Habitat Conservation Plan) is wrapping up? Does wrapped up mean: "Who cares? It's not a refuge anymore."
  - La Plata Investments secured a 30-year permit term for the HCP, which means that they were provided incidental take coverage for impacts to the Preble's mouse resulting from construction of the Briargate Development between 2003-2033. The HCP memorializes La Plata's commitments to minimize and mitigate impacts to the Preble's mouse. La Plata's mitigation commitments included the establishment of Pine Creek as an on-site mitigation property. In 2020, through conversations with La Plata and their biological consultants, we determined that they had met and completed all terms of the HCP including all mitigation commitments. La Plata will be donating this parcel and second mitigation property (Kettle Creek) to the City of Colorado Springs Trails, Open Space and Parks (TOPS) program to manage for the conservation of Preble's mouse in perpetuity.
- How can I get a copy of the HCP?
  - I have attached a copy of the 2003 HCP. Please note that this HCP was developed in compliance with regulations and guidance that have since been updated, and as such, it combines the HCP with an Environmental Assessment (EA) which addresses the National Environmental Policy Act (NEPA) requirements (present practice is to separate these documents).
- Apparently, decisions are being made now and no wildlife entity is being consulted. Even though the refuge is being transferred to the City of Colorado Springs Parks, Recreation, and Cultural Services in a few months, shouldn't USFWS be involved until that transfer actually takes place?
  - We are closely coordinating with La Plata Investments and TOPS to facilitate the transfer of the property and to ensure the property will continue to be managed in perpetuity for the Preble's mouse.
  - Project proponents are required to consult with the USFWS if there is a chance that there could be impacts to listed species. I don't believe we have received a request for consultation yet on this particular project occurring adjacent to the Pine Creek mitigation parcel; however, project proponents typically wait to initiate consultation once they have a better idea of the design of a development and potential construction timing. Looking at the information that has been provided to our office by concerned citizens, it seems likely that the development in question is in the early planning stages and it may be premature to consult with our office until they are further along in the design process.

- What are the terms of the transfer? Are there specific maintenance conditions the City of Colorado Springs must follow? Can you provide a copy of those requirements?
  - We are in the process of finalizing the terms and conditions and findings and recommendations of the permit transfer to the City, so I am unable to provide a copy of those at this time. I can tell you, in summary, that the City will be required to do the following:
    - Work with the USFWS to develop a revised management plan to ensure no additional take from maintenance and management of the mitigation properties will occur due to new ownership.
    - Continued monitoring and maintenance of noxious weeds to maintain five percent or less of total aerial cover at the property.
    - Continued maintenance of signage and fencing to ensure there is no inappropriate trespassing onto the property.
    - Continued writing and submission of annual reports to the USFWS.

Thank you for your concern and questions and please let me know if I can help answer anything further.

**Kristin Salamack** (she/her/hers)

**CDOT/USFWS Liaison**

Colorado Ecological Services Field Office

134 Union Blvd, Lakewood, CO 80228

Office: 303/236-4748 || Mobile: 518/441-2827



**COLORADO**  
Department of Transportation  
Division of Transportation Development

---

Fro