



August 2, 2021

Mr. Jeff Rice
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Section 404 Permit Update
Sterling Ranch Phase 2
El Paso County, Colorado

Dear Mr. Rice:

On behalf of Sterling Ranch Metropolitan District No. 1 (“Proponent”), Bristlecone Ecology, LLC (“B.E.”) has prepared this permitting memo for the proposed Sterling Ranch residential project, Phase 2 (“Project”) located in unincorporated El Paso County, Colorado. This memo describes the current status of the Project’s Section 404 Clean Water Act (CWA) permit and wetland impact mitigation design.

The Project was issued a Section 404 permit on February 29th, 2016 for work including two bridge crossings of Sand Creek (Sterling Ranch Road and Briargate Parkway), minor in-channel stream improvements, and development of lots west of Sand Creek that would affect a minor tributary and its associated wetlands. The permit authorized a total of 4.71 acres of wetland loss; the work authorized was to be completed by March 1st, 2021.

In late January 2021, B.E., anticipating the expiration of the 404 permit, submitted a permit extension request to the U.S. Army Corps of Engineers (USACE). The USACE received the request more than 30 days prior to the expiration of the permit as required. However, because two minor permit violations were noted by the USACE, the permit could not be extended until all violations were appropriately remedied. Importantly, the USACE has confirmed that because a request for a permit extension was received more than 30 days prior to expiration, the permit has not expired. B.E. and USACE have been in discussions regarding the permit violations and developing a path forward under the existing 404 permit with the following conditions:

1. The two locations where temporary wetland impacts occurred that were not included in the original 404 permit must be restored to pre-construction conditions. These locations, which included a temporary road crossing and a buried utility line crossing, are shown in **Attachment**

August 2, 2021

- A: Sterling Ranch Wetland Impact Map.** Restoring these areas to pre-construction conditions will satisfy the requirements of the
2. A mitigation plan will be required in order to ensure that the loss of wetlands at the site can be adequately offset. Prior mitigation plans addressed the loss of wetlands based upon the original 404 permit authorization for 4.71 acres of wetland impacts. Since the permit was issued, the Sand Creek channel design, which was not included in the original permit, has added additional impacts to wetlands within Sand Creek. Development of a compensatory mitigation plan to identify adequate mitigation for this loss, as well as for the original 4.71 acres of loss, will be a condition of permit reissuance.
 3. The final condition of permit reissuance is a permit modification to capture the additional wetland impacts that were not included in the original permit. This will include the Sand Creek channel improvements as well as the temporary road crossing and buried utility line crossing that were not included in the original 404 permit.

The expectation is that as long as these added conditions are followed, the existing 404 permit will be extended for an additional five-year period from the original date of expiry, with a new expiry date of March 1st, 2026.

Finally, B.E. wishes to provide clarification regarding the development of Phase 2 of Sterling Ranch, which includes Filing No. 3 (**Attachment B: Sterling Ranch Phase 2 Exhibit**). As shown on the attached exhibit, Filing No. 3 does not affect wetlands in Sand Creek or in the minor tributary to the west. Future filings will affect these wetlands and will therefore require an authorized, compliant Section 404 permit, which will be reissued as discussed above once all conditions are able to be met. In the interim, Filing No. 3 as depicted in **Attachment B** may proceed to construction without a Section 404 permit.

If you should have any questions or require additional information, please feel free to contact me directly at 971.237.3906, or at dmaynard@bristleconeecology.com.

Sincerely,

Bristlecone Ecology, LLC



Daniel Maynard
Owner/Ecologist



ATTACHMENTS

ATTACHMENT A: Sterling Ranch Wetland Impact Map

ATTACHMENT B: Sterling Ranch Phase 2 Exhibit

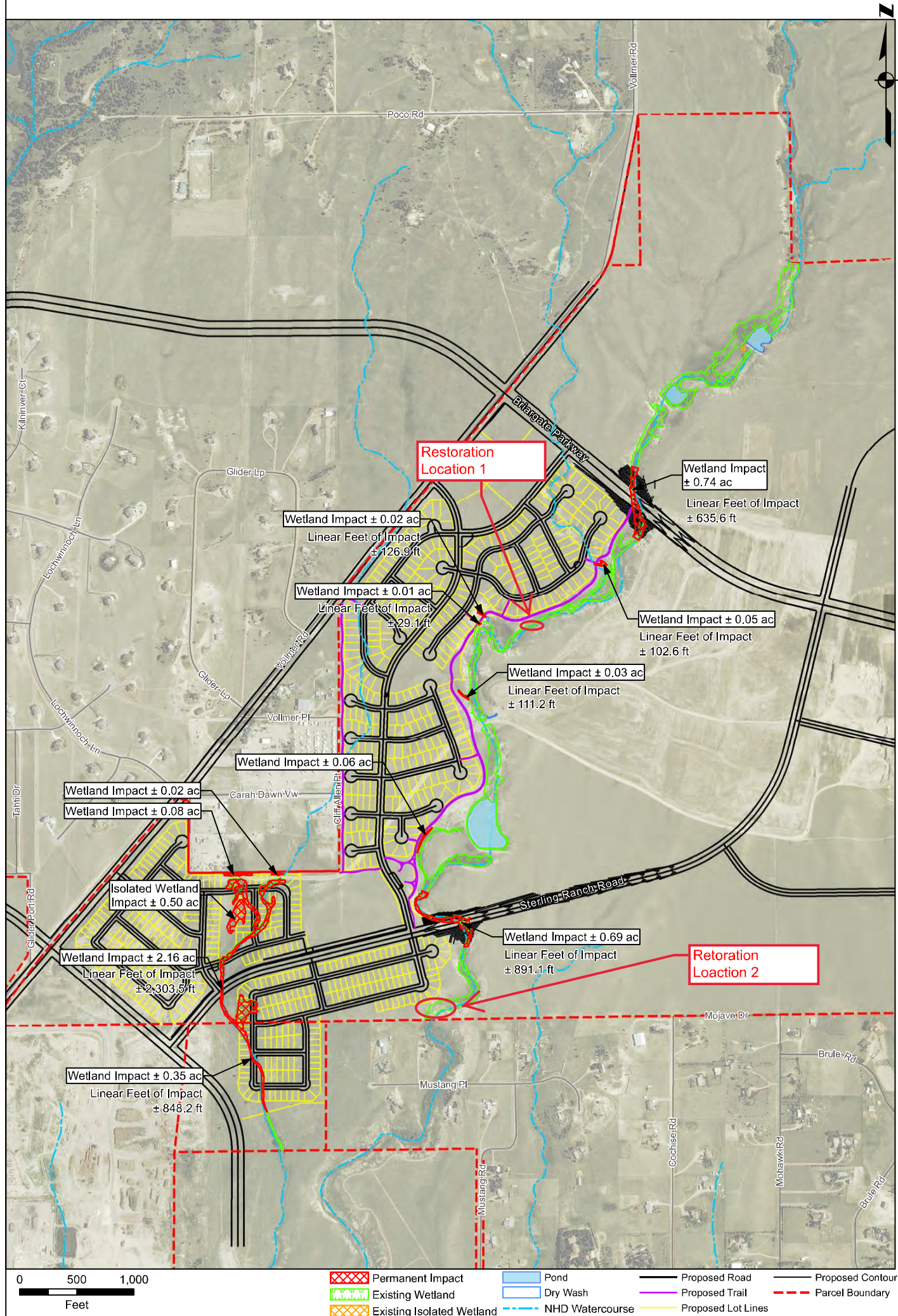


Nesting Migratory Bird Clearance
Winsome Filing Nos. 1, 2, and 3
El Paso County, Colorado

August 2, 2021

ATTACHMENT A

STERLING RANCH WETLAND IMPACT MAP





Nesting Migratory Bird Clearance
Winsome Filing Nos. 1, 2, and 3
El Paso County, Colorado

August 2, 2021

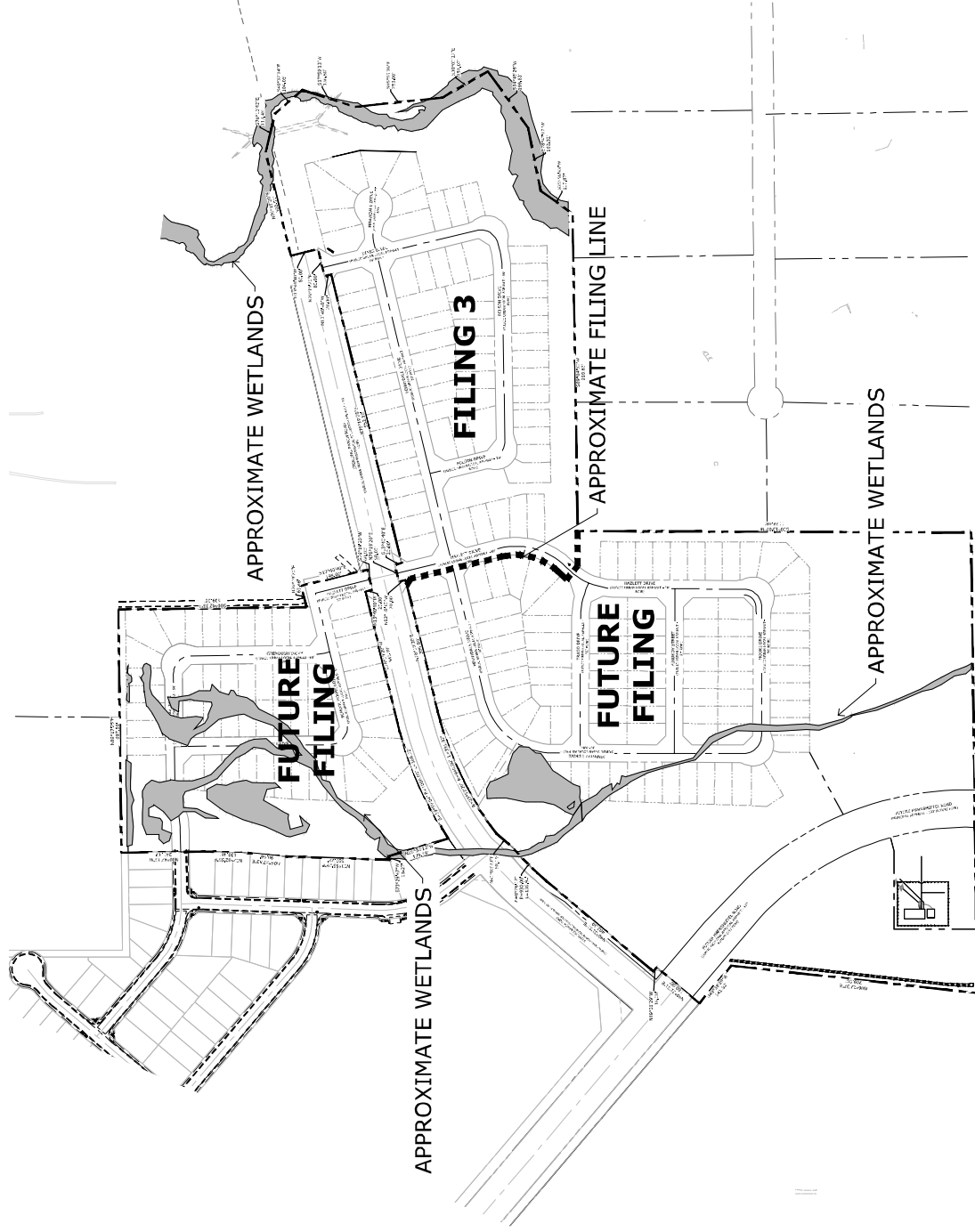
ATTACHMENT B

STERLING RANCH PHASE 2 EXHIBIT

STERLING RANCH PHASE TWO

EXHIBIT

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 13 SOUTH, RANGE 65 WEST, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, AND THE NORTH-EAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, ALL IN TOWNSHIP 13 SOUTH, RANGE 65 WEST, ALL OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



NIES, Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0067
www.nieslandscapes.com
© 2012. All Rights Reserved.

STERLING
RANCH
PHASE 2

El Paso County,
Colorado
DATE: 04/24/2012
PROJECT NO: 12-001
DRAWING NO: 12-001-01

EXHIBIT

SITE EXHIBIT

1
1 OF 1