

Jamie Hull 3405 Hay Creek LLC 3405 Hay Creek Road Colorado Springs, CO 80921

RE: Wetland Delineation Technical Memorandum Hay Creek Ranch El Paso County, Colorado

Mr. Hull:

On March 19, 2024, the U.S. Army Corps of Engineers (USACE) issued a Nationwide Permit Verification (Action No. SPA-2001-00552) for the 3045 Hay Creek project (hereinafter referred to as Hay Creek Ranch or "Project"). The Project is located along Hay Creek, an intermittent stream, at 3405 Hay Creek Road, Colorado Springs, in El Paso County, Colorado (**Figure 1: 1**). The project was approved to discharge dredged or fill material into Waters of the United States (WOTUS) for the expansion of an existing stream crossing, centered at latitude 39.048095, longitude -104.891800, from a 14-foot wide to 24-foot wide unpaved dirt road to improve vehicular safety when accessing the southern part of the property.

The Project also has received clearance from the U.S. Fish and Wildlife Service (USFWS) regarding the potential presence of Preble's meadow jumping mouse (*Zapus hudsonius preblei*) on the site. The USFWS has determined that the new crossing would have only minor effects on Preble's meadow jumping mouse in a letter dated December 4, 2024.

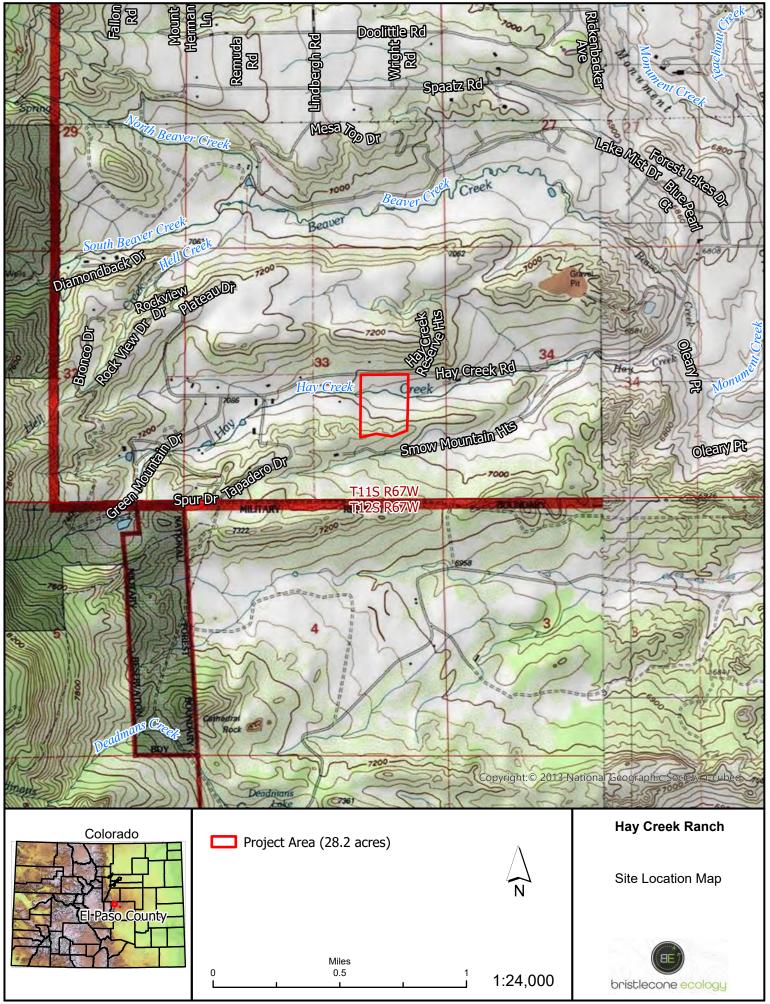
This memo describes the results of a wetland delineation of Hay Creek completed on January 2, 2025. Watercourses and other aquatic features identified in the desktop analysis were inspected in the field to assess their presence/absence and jurisdictional potential. The wetland delineation was performed in accordance with the Western Mountains, Valleys, and Coasts Regional Supplement (Version 2.0) (USACE 2010) to the 1987 USACE Wetland Delineation Manual (USACE 1987).

BACKGROUND INFORMATION REVIEW

National Wetland Inventory (NWI) maps (USFWS 2024), flood hazard maps from the Federal Emergency Management Agency (FEMA 2024), and county soil survey maps were utilized to document background information on the Project Area prior to the on-site delineation. A discussion of each evaluation process follows.

National Hydrography Dataset and National Wetlands Inventory Review

The U.S. Geographical Survey's National Hydrography Dataset (NHD) and USFWS' NWI data were reviewed for the possible presence of wetlands and streams, respectively, within the Project Area. The NHD and NWI datasets depict the probable locations of aquatic resources based on aerial photograph interpretation. NHD and NWI maps may not accurately depict the extent or existence of wetland and river systems in a specific area, nor do maps consistently and accurately identify wetland type. As such, the maps were utilized for preliminary analysis only. Aquatic features that were depicted in these datasets can be seen in **Attachment A**: *Background Information Review*, and included the following aquatic feature:



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• A wetland identified in the NWI dataset as Palustrine, Scrub-Shrub, Broad Leaved Deciduous, Seasonally Flooded (PSS1C), running from the western center of the site to the eastern boundary of the site. This feature is also shown in the NHD as a stream/river crossing the site from the western boundary to the eastern boundary. These features correspond to the location of Hay Creek.

County Soil Survey Map Review

Soil survey data from the National Resource Conservation Service's (NRCS) Soil Survey Geographic Database (SSURGO) indicated that the site is composed of the Jarre-Tecolote complex (8 to 65 percent slopes, 28.3% of Project Area) and Peyton-Pring complex (3 to 8 percent slopes, 71.7% of Project Area) **(Attachment A)**. Both soil types are rated as non-hydric in El Paso County; however, the minor Pleasant component of the Peyton-Pring complex is rated as hydric in El Paso County (NRCS 2024). Wetlands often form in areas where the Pleasant soil series is found.

FEMA Floodplain Map Review

A review of FEMA floodplain hazard maps (FEMA 2024) was conducted to determine the existence, location, and extent of floodplains located within the Project Area. The floodplain hazard maps depict floodplain areas along rivers and tributaries. The maps record the following data: 100-year floodplains (1% chance of annual flooding); 500-year floodplains (0.2% annual chance of flooding); the height of the base flood (Base Flood Elevations); and the risk premium zones developed from topographical information across a floodplain. FEMA generates floodplain maps for flood insurance purposes.

A review of the National FEMA flood hazard layer (2024) indicated that the area along Hay Creek is in a Zone A floodplain and is thus in an area of 1% annual chance of flooding (**Attachment A**; FEMA 2024). The remainder of the site is in Zone X, i.e., outside of the 100-year floodplain (**Attachment A**).

FIELD DELINEATION

The determination of a wetland depends on the presence or absence of three parameters: 1) hydrophytic vegetation, 2) hydric soils, and 3) wetland hydrology during the wettest season. Vegetation, soils, and hydrology were analyzed to determine the presence of wetlands, watercourses, and other aquatic features. The boundaries of any identified wetlands, watercourses, or other aquatic features were delineated using a handheld Trimble mapping unit with sub-meter accuracy (see **Attachment B:** *Wetland Location Map*). Results of the field assessment and descriptions of the observed features are detailed in **Attachment C:** *Wetland Determination Data Forms*. Wetland indicator status for vegetation was based on the National Wetland Plant List (Lichvar et al. 2020). Photographs were taken depicting field conditions at the time of the site visit (**Attachment D:** Photographic Log).

WETLAND 1

Location

Wetland 1 (0.04 acres delineated) is located within the Hay Creek intermittent stream, south of Hay Creek Road (**Attachment B**). Hay Creek flows into the site from the west and extends through the eastern edge of the site; it connects directly to Monument Creek downstream of the site. The wetlands associated with



the intermittent stream are delineated as Wetland 1. The area delineated corresponds to the road crossing planned for the site; wetland extents continue both upstream and downstream, but these portions of Hay Creek will not be disturbed and were thus not delineated.

Classification

Under the Cowardin Classification System for Wetlands and Deepwater Habitats (Cowardin, et al., 1979), Wetland A is in the Palustrine System, with Scrub-Shrub Wetland Class.

Vegetation

Wetland A is a shrub-scrub wetland within the confines of an intermittent, C Class stream, Hay Creek. The wetland is dominated by sandbar willows (*Salix exigua*), panicled bulrushes (*Scirpus microcarpus*), and clustered field sedges (*Carex praegracilis*; **Attachment C**). Other vegetation present in the wetland includes prairie rose (*Rosa arkansana*), fowl mannagrass (*Glyceria striata*), fringed willowherb (*Epilobium ciliatum*), and Kentucky bluegrass (*Poa pratensis*; **Attachment C**). The vegetation community just outside of the wetland transitioned to being dominated by speckled alder (*Alnus incana*), Kentucky bluegrass, and abundant smooth brome (*Bromus inermis*), an upland grass (**Attachment C**).

Hydrology

Wetland 1 is primarily fed by precipitation and surface flows from Hay Creek. Flows are highly precipitation dependent. Indicators of wetland hydrology, including Drift Deposits (B3), Oxidized Rhizospheres on Living Roots (C3), Drainage Patterns (B10), and FAC-Neutral Test (D5), were clear within the extent of the wetland, and tapered off just outside of the wetland area (**Attachment C**).

Wetland 1 is entirely within the confines of Hay Creek, which conveys flows to and from the wetland and throughout the rest of the site.

Soils

Soils sampled at SP1 within Wetland 1 exhibited hydric soil indicator Sandy Redox (S5) (Attachment C). Paired upland sample point SP2 did not exhibit any indicators of hydric soils. The soil at SP2 was partially frozen between 2-4" from the surface, but was easily penetrated with an auger, exposing unfrozen soil below and allowing for soil analysis. There was a single pocket of redox present in the SP2 soil pit, but not enough for the soil to pass any hydric soil indicators.

CONCLUSION

In summary, one wetland, referred to as either Wetland 1 or Hay Creek, is present in the Project Area. This wetland will be impacted by construction of an improved road crossing of the creek, which has been permitted under Action No. SPA-2001-00552 pursuant to the Clean Water Act. Following the announcement of the U.S. Supreme Court's ruling on May 25th, 2023 (SCOTUS 2023) and the USACE's subsequent guidance in September 2023, jurisdictional wetlands include wetlands that abut or maintain "a continuous surface connection" to WOTUS. Impacts to WOTUS should be avoided and minimized to the extent possible. A permit under Section 404 of the CWA is required for the discharge of dredged or fill material into WOTUS and mitigation may be required.



Wetland 1 abuts (or is co-located with) Hay Creek, which maintains continuous surface flows to Monument Creek downstream, and is thus likely a jurisdictional wetland. The USACE concurred with this assessment and permitted the Project under a Nationwide Permit 14. The existing stream crossing over Hay Creek and its associated wetlands is 14 feet wide, while the proposed crossing will be 24 feet wide, resulting in approximately 0.001 acre of permanent loss of palustrine scrub-shrub wetlands, and the discharge of approximately 18.5 cubic yards of fill within an intermittent stream, as described in the permit issued for the Project.

Should you have any questions regarding the information or recommendations provided in this report, please contact Bristlecone Ecology at dmaynard@bristleconeecology.com.

Sincerely, Bristlecone Ecology, LLC

Tom Mayund

Daniel Maynard Owner/Ecologist



References

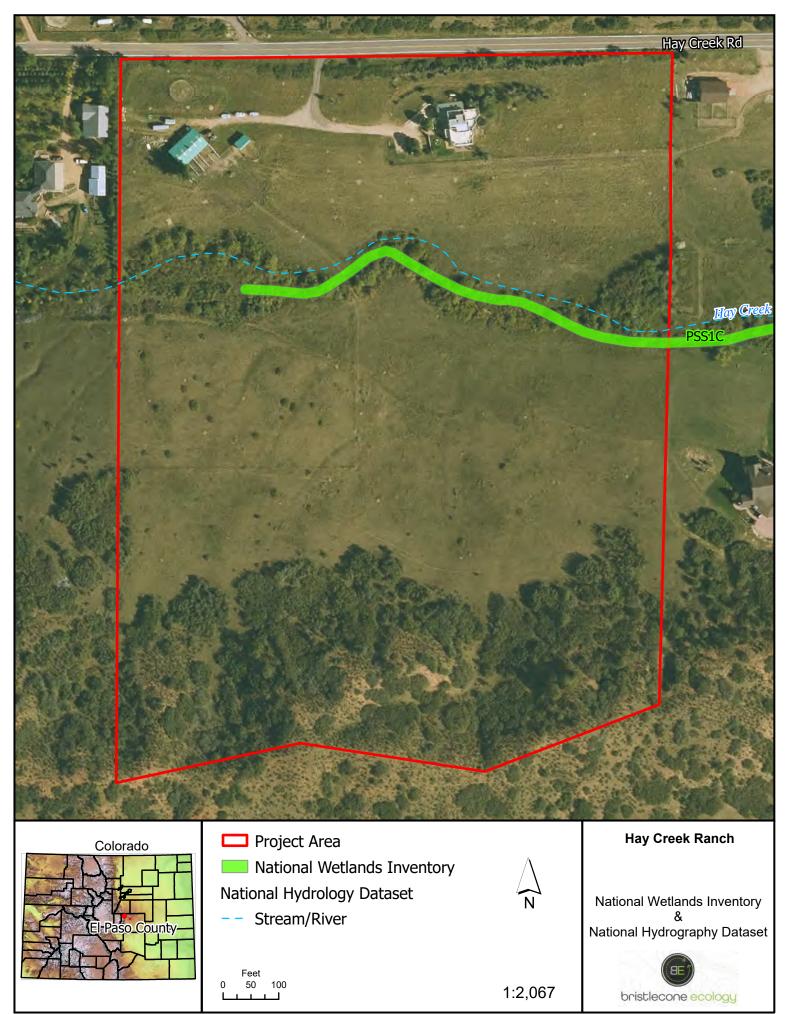
- Cowardin, Lewis M., Virginia Carter, Francis C. Goulet, and Edward T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States.
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- USACE. 1987. Wetlands Delineation Manual.
- USFWS (U.S. Fish and Wildlife Service). 2024. National Wetlands Inventory Online Wetlands Mapper. Accessed January 2025. https://www.fws.gov/wetlands/data/mapper.html
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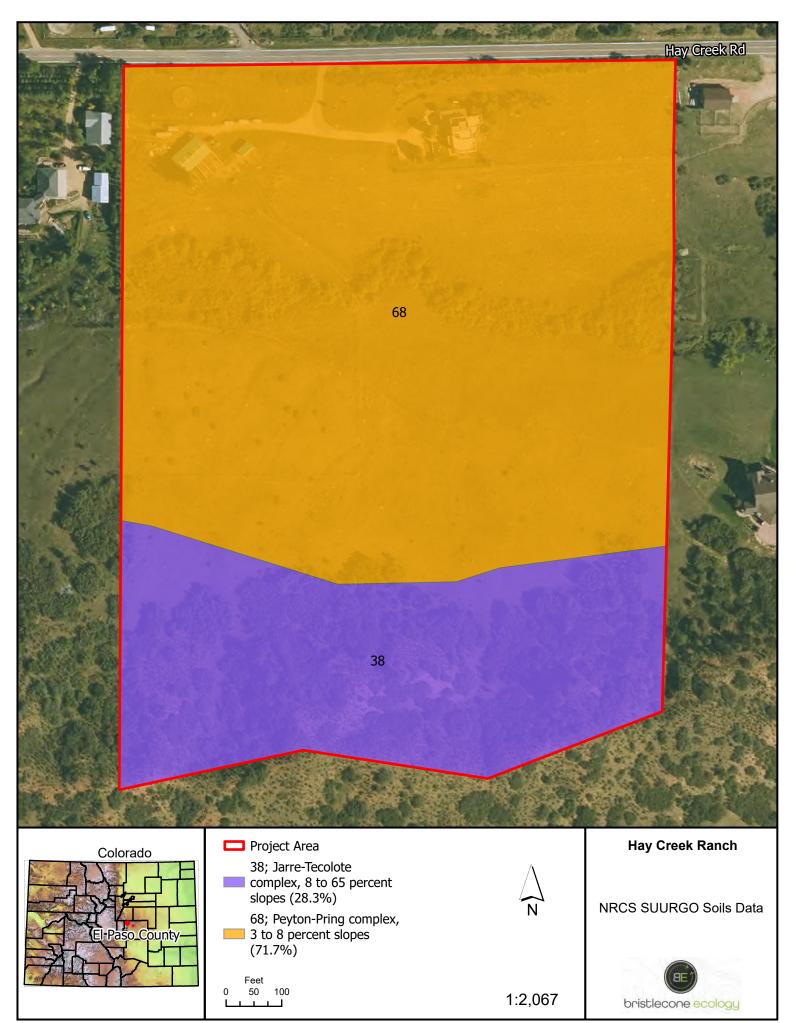
January 16, 2025

ATTACHMENT A:

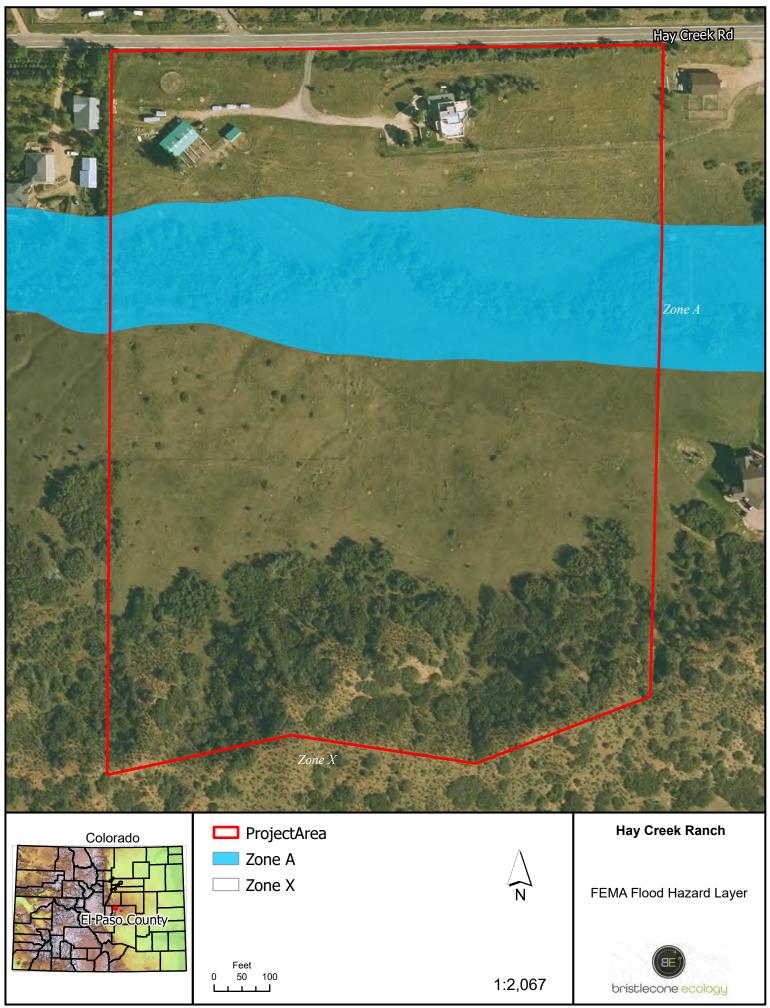
BACKGROUND INFORMATION REVIEW



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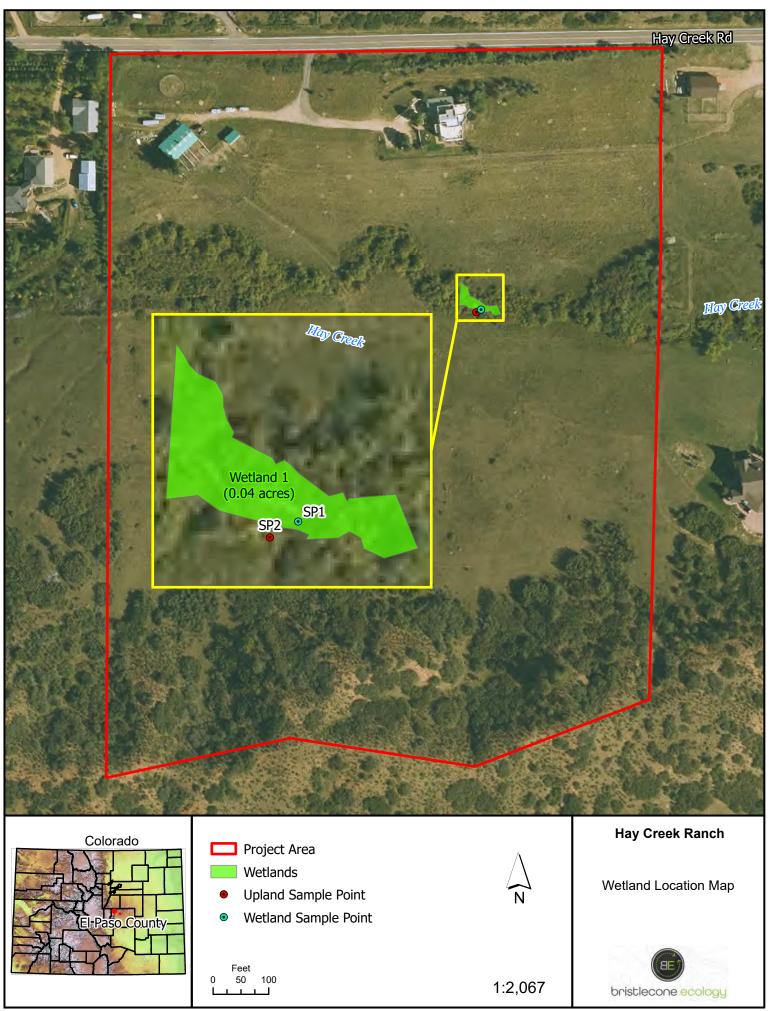
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January 16, 2025

ATTACHMENT B:

WETLAND LOCATION MAP



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January 16, 2025

ATTACHMENT C: WETLAND DETERMINATION DATA FORMS

Bristlecone Ecology, LLC | Denver, CO 80211 | 971.237.3906

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lydric Soil Present? Yes	No	Is the Sampled within a Wetlan		VNo
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	V	veatern mo	untains, Valleys, and Coast Region
Project/Site: Hay Greek	City/C	ounty: El	Paso Co. Sampling Date: 1/2/25
pplicant/Owner: Janie Hull			State: <u>CO</u> Sampling Point: <u>SP2</u>
	Sectio	n, Township, F	Range:
andform (hillslope, terrace, etc.):	Local	relief (concave	e, convex, none): CONVEX Slope (%): 8%
Subregion (LRR): LRAE	t: 39.01	17948	Long: 104-890932 Datum: \$ 65
Soil Map Unit Name: Petton - Pring Con	mplex		NWI classification:
re climatic / hydrologic conditions on the site typical for this time	e of year? Y	es No	(If no, explain in Remarks.)
are Vegetation, Soil, or Hydrology signific			e "Normal Circumstances" present? Yes No
ve Vegetation, Soil, or Hydrology natura			needed, explain any answers in Remarks.)
SUMMARY OF FINDINGS – Attach site map show			locations transacts important features etc
	Vilig Sain	ping point	
Hydrophytic Vegetation Present? Yes No Hydric Soil Present? Yes No	1	Is the Sampl	
Wetland Hydrology Present? Yes No	V	within a Wet	and? Yes No V
Remarks: Nery dose to wetland	nd b.		••••••••••••••••••••••••••••••••••••••
_ / _ / _ /	a pe	ounerai	Y C
Dry and warm for the	UNS_	time	· of year
'EGETAΤION – Use scientific names of plants.			
		inant Indicato cies? Status	
1			- Number of Dominant Species (A)
2			Total Number of Dominant
3			_ Species Across All Strata: (B)
4			Percent of Dominant Species
Sapling/Shrub Stratum (Plot size: 15x 15)	= Tot	tal Cover	That Are OBL, FACW, or FAC:6 (A/B)
1. HINVS INCANA	lo ~	FACU	/ Prevalence Index worksheet:
2. Salix exigua 2	25 ~	FACI	
3. Rosa arkansana	\$3	FAC	$ \begin{array}{c} \hline \\ \hline $
4			$= FAC \text{ species} \qquad 30 \qquad x_3 = 90$
5	20 -		FACU species $6x4=24$
Herb Stratum (Plot size: 5×5)	20 = To	tal Cover	UPL species $63 \times 5 = 3/5$
1 (na Diatensis	5	FAC	Column Totals: <u>741</u> (A) <u>573</u> (B)
	\$160	V UPL	Prevalence Index = $B/A = 3.64$
3. Grsium anvense	5	FAC	Hydrophytic Vegetation Indicators:
4. <u>Potentilla</u> sp. 5. Juncus balticus	$\frac{2}{2}$ —	- FACI	
5. JUNCUS Dalfieus 6. Bouteloma curtipendula	$\frac{1}{2}$ —		
	0		3 - Prevalence Index is ≤3.0 ¹
8			 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
9			5 - Wetland Non-Vascular Plants ¹
10			Problematic Hydrophytic Vegetation ¹ (Explain)
11			¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Woody Vine Stratum (Plot size: <u>36 × 30 '</u>)	<u>[[] = Tot</u>	al Cover	be present, unless disturbed of problematic.
WOODY VIDE STRILLIN (PLOT SIZE: "1/ ///)			
1			
1			 Hydrophytic Vegetation
2	0 = Tot	al Cover	

1

SOIL

o	Point:	DO
Sampling	Point:	1 <

Profile Description: (Describe to	the depth	needed to docur	ment the i	ndicator	or confirm	the absence	of indicators.)
Depth <u>Matrix</u> (inches) Color (moist)			x Features				
	<u>%</u> 99 <u></u>	Color (moist)		Type'	Loc ²	Texture	Remarks
A & WILD WARD		5 YR 4/6	_ (<u> </u>	M	Laam	- /
0-18 10 9K 2/2 -	100 -					SL	(Banse
18-24 10 YIL 312	100_	<u> </u>				Sand	Gravelly
·			-				1
						,	and the second sec
		1				. 2	
¹ Type: C=Concentration, D=Depleti Hydric Soil Indicators: (Applicable	le to all LR	Rs unless other	S=Covered	or Coate	d Sand Gr	and the second	ation: PL=Pore Lining, M=Matrix. rs for Problematic Hydric Soils ³ :
Histosol (A1)	1	Sandy Redox (S				1	
Histic Epipedon (A2)	T	Stripped Matrix					n Muck (A10) Parent Material (TF2)
Black Histic (A3)	T	Loamy Mucky M) (except	MLRA 1)		Shallow Dark Surface (TF12)
Hydrogen Sulfide (A4)	+	Loamy Gleyed I	Matrix (F2)				er (Explain in Remarks)
Depleted Below Dark Surface (/	A11)	Depleted Matrix				V	
Left Thick Dark Surface (A12) Sandy Mucky Mineral (S1)	+	Redox Dark Su					rs of hydrophytic vegetation and
Sandy Gleyed Matrix (S4)	+	Depleted Dark S Redox Depress		()			nd hydrology must be present, s disturbed or problematic.
Restrictive Layer (if present):	. +	Tready Depress				unes	s disturbed of problematic.
	m						-
Depth (inches):						Hydric Soil	Present? Yes No
Remarks: Frozen Laye	r a	+ 1.4"	.0.00	- 11.		1. 101	exposing soften Fredox concentration
Conten laye	1 9	1 47	1 201	19	pene	trated	exposing soften
Joil Delow."	Vespit	e one	9 9	ingle	Doc	ket o	+ redox concentration
hydric s	oil .	Boot o	reser	Y	1		
HYDROLOGY		1					
Wetland Hydrology Indicators:					CP-1 IF-1	the second s	
	en mudanada ad					-	
Primary Indicators (minimum of one	required; ch						dary Indicators (2 or more required)
Surface Water (A1)	required; ch	👱 Water-Stai	ned Leave		cept		ater-Stained Leaves (B9) (MLRA 1, 2,
Surface Water (A1) High Water Table (A2)	required; ch	Water-Stai	ned Leave I, 2, 4A, a		cept	<u> </u>	ater-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
Surface Water (A1) High Water Table (A2) Saturation (A3)	required; ch	Water-Stain MLRA 1	ned Leave I, 2, 4A, a (B11)	nd 4B)	cept		ater-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) ainage Patterns (B10)
Surface Water (A1) High Water Table (A2) Saturation (A3) Water Marks (B1)	<u>required; c</u> ł	Water-Stai	ned Leave I, 2, 4A, a (B11) vertebrates	nd 4B) (B13)	cept		ater-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) rainage Patterns (B10) y-Season Water Table (C2)
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January 16, 2025

ATTACHMENT D:

PHOTOGRAPHIC LOG



January 16, 2025



Photo 1: Overview facing south of the vegetation surrounding the existing Hay Creek crossing. The surrounding shrub-scrub wetland (Wetland 1) is dominated by sandbar willow, panicled bulrush, and clustered field sedge.



January 16, 2025



Photo 2: View facing east of the existing Hay Creek crossing. Wetland 1 is visible along the stream crossing, with sandbar willow and panicled bulrush the dominant plants present. SP2 was taken near the edge of the willow stand.

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January 16, 2025



Photo 3: Closeup view facing southeast of the existing Hay Creek crossing – no more than a footbridge as shown in the photo. Sample Point 1 was taken just off the edge of the footbridge.

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