



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
SOUTHERN COLORADO REGULATORY OFFICE
200 S. SANTA FE AVENUE, SUITE 301
PUEBLO, COLORADO 81003

September 7, 2017

Regulatory Division

SUBJECT: Action No. SPA-2005-00757; Modification to the Lorson Ranch Permit in El Paso County, Colorado

Elizabeth Klein
Kiowa Engineering
1604 South 21st Street
Colorado Springs, CO 80904

Ms. Klein:

The U.S. Army Corps of Engineers (Corps) is in receipt of your letter dated August 3, 2017, requesting a modification to the Department of the Army permit for the discharge of dredged and fill material into waters of the United States associated with Lorson Ranch. This includes the bridge construction and stream configurations and updating delineation for upland swale in the Lorson ranch development, Fountain, El Paso County, Colorado.

We have reviewed and hereby approve your request. Action Number SPA-2005-00757 is modified as follows: This includes approval of the Special Condition 1 - Lorson Blvd. & Fontaine Blvd. bridge design and stream configuration, Special Condition 2 – no action required; and Upper Reach Item #2 Stabilization – No permit required.

Replace the project description on page one of your permit with: Insert the approved designs into the Permit as an attachment to the Special Condition 1.

The expiration date of your is still September 30, 2021.

This modification is effective immediately. All other terms and conditions of the original permit remain in full force and effect.

If you have any questions concerning this letter, please contact me at (719) 543-6915 or by e-mail at Van.A.Truan@usace.army.mil.

Sincerely,

Van Truan
Chief, Southern Colorado
Regulatory Branch

Lorson LLC

212 N. Wahsatch Avenue, Suite 301
Colorado Springs, CO 80903
Phone: 719-635-3200
Fax: 719-635-3244

February 2, 2011

Van Truan
Army Corps of Engineers
200 S. Santa Fe Ave., Suite 301
Pueblo, CO 81003

RE: Lorson Ranch Permit No. 2005 00757

Dear Mr. Truan:

Thank you again for meeting with Rich Schindler and me last week to clarify certain details regarding our permit for the East Tributary of Jimmy Camp Creek. Please accept this correspondence as our request to extend this permit beyond the September 2011 expiration date. We desire to extend our permit for an additional 10 years as a result of the declining housing market and the overall economy.

Thanks for your assistance. Should you have questions, please call me at (719) 635-3200.

Best Regards,

Jeff Mark

DEPARTMENT OF THE ARMY PERMIT

Permittee Lorson LLC nominee for Lorson Conservation Investment 1, LLLP

Permit No. 2005 00757

Issuing Office Albuquerque District Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The work includes modifying the lower 3,110 linear feet of stream with bank protection while preserving the stream alignment (stream preservation reach), and reconfiguring the upper 5,825 linear feet of the stream (reconfiguration reach). Specifically:

In the lower stream preservation reach, about 3,110 linear feet will be treated on one or both banks by regrading the overbank to 3H:1V and treating with concrete or synthetic matting with seeded topsoil beneath the mat. About 350 linear feet will be treated with stone toe protection with soil coir lifts. One or two grade control structures may be built to provide protection from future channel incision.

In the upper reconfiguration reach, a breached stock pond dam will be removed. About 4,025 linear feet of the upper channel will be reconstructed with a bottom width of about 40 feet, side slopes no steeper than 6H:1V, and a natural channel bottom. The new channel side slopes will be protected with a mat material that will provide stability while allowing establishment of vegetation. Eleven boulder grade control structures will be built.

The upper 1,800 linear feet of the channel is actually an upland swale and is not a water of the U.S. However, it's channel design is included in the permit for clarity.

* Two road crossings will be built in the upper reach for Lorson Boulevard and Fontaine Boulevard. These structures will be two or three concrete arch, natural bottom spans. A temporary construction crossing may be built in the upper stream portion.

* The project will be constructed in accordance with the attached drawings, entitled, "Lorson Ranch channel modification in East Tributary of Jimmy Camp Creek near Fountain, El Paso County, Colorado, Application by: Lorson LLC, Application No. 2005 00757," sheets 1 through 16, dated May 17, 2006.

Project Location: In the East Tributary of Jimmy Camp Creek and adjacent wetlands in the east portion of the Lorson Ranch development located east of the intersection of Fontaine Boulevard and Marksheffel Road near Fountain, El Paso County, Colorado, Sections 13, 14 and 23, Township 15S, Range 65W (38° 44.1' N Latitude, 104° 37.9' W Longitude).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2009. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

After a detailed and careful review of all of the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the Corps of Engineers, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.

1. Final bridge designs for Fontaine Boulevard and Lorson Boulevard will be submitted to the Corps of Engineers for review and approval 60 days prior to start of each bridge construction. Project construction of each structure may begin upon the Corps of Engineers' issuance of a start-of-work authorization.
2. The bank armoring for the stream preservation (lower) reach will be ungrouted stone toe with coir fabric lifts or similar materials. A final design for the stream preservation reach, including vegetation species list, will be submitted to the Corps of Engineers for review and

approval 60 days prior to start of bank armoring construction. Project construction may begin upon the Corps of Engineers' issuance of a start-of-work authorization.

3. The bank armoring for the reconfiguration (upper) reach will be armorflex, geogrid, or similar materials. The bank armoring will be covered with at least 6 inches of topsoil and seeded with grasses. The boulder grade control structures will be ungrouted. A final design for the reconfigured channel reach, including vegetation species list, will be submitted to the Corps of Engineers for review and approval 60 days prior to start of channel construction. Project construction may begin upon the Corps of Engineers' issuance of a start-of-work authorization.

4. Sloping boulder grade control structures will be ungrouted and designed to allow passage of small fish. For the stream preservation (lower) reach, the location of grade control structures and their design will be submitted to the Corps of Engineers for review and approval 60 days prior to the start of grade control structure construction.

* 5. Erosion control measures will be implemented to prevent upland erosion into the East Tributary of Jimmy Camp Creek. All upland areas disturbed by the permittee or their (sub)contractors located within 200 feet of the stream will be treated with erosion control measures including placing topsoil, seeding, and mulching within 21 calendar days after final grading or final earth disturbance or in accordance with the erosion control plan required by El Paso County. An erosion control plan or a summary of the County's approved plan will be provided to the Corps of Engineers within 60 days of permit issuance.

6. Noxious weeds will be controlled in all project-disturbed areas within 200 feet of the stream during the 5-year maintenance period. A plan for such control will be provided to the Corps of Engineers within 60 days of permit issuance, for review and approval.

7. A detailed mitigation plan will be provided to the Corps of Engineers within 60 days of permit issuance, for review and approval prior to start of project construction. Project construction may begin upon the Corps of Engineers' issuance of a start-of-work authorization. The plan will provide for the mitigation of the loss of 4.56 acres of wetland shrubs and the loss of riparian trees. The mitigation work will begin in the spring following winter construction (or in the fall following summer construction) and be completed within 6 months of project construction. The plan will include, but is not limited to, the following items:

- A typical cross section showing the area to be planted with shrubs and trees,
- Planting densities and number and species of trees,
- Methods and times of year for planting. (If willow stakes are used, they must be planted with no more than 6 inches of the stake exposed above the ground.) And,
- A plan for short and long term management and maintenance of the mitigation sites, including supplemental tree watering if needed,

replacement of failed plantings before the end of the 5-year monitoring period, and other contingency needs.

8. The mitigation efforts must be maintained for at least 5 years including 5 growing seasons or until the Corps of Engineers has determined that the mitigation efforts have been successful. Tree plantings will be deemed successful when 80% of the planted trees are alive at the end of the 5-year period. Willow shrub plantings will be deemed successful when 50% of the planted shrubs are alive at the end of the 5-year period.

9. An annual monitoring report of mitigation activities is required and will be sent to the Corps of Engineers by October 31 of each year. The monitoring report will include as a minimum:

- A drawing or sketch showing photographic monitoring points,
- Before and after photographs from fixed photographic location(s),
- A brief discussion of the overall success, any bare or problem areas, and a plan to remedy any problem areas.

10. A letter of intent from the local governing authority will be provided as financial assurances for construction, and for contingency and monitoring of the mitigation for the 5-year monitoring period. The assurances of the mitigation effort will be provided sufficient to hire an independent contractor to complete the proposed mitigation should the permittee default. The financial assurance for construction of the mitigation project will in an amount equal to 115 percent of the estimated cost of construction. The financial assurance for contingency and monitoring of the mitigation for the 5-year monitoring period will be in an amount equal to 25% of the construction costs and will be to assure the success of the mitigation. The letter of intent will be submitted to the Corps of Engineers, for approval, within 90 days of permit issuance.

11. Any changes to the project must be approved by the Corps of Engineers through a permit modification prior to the changes being implemented.

Further information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.


- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



 (PERMITTEE)



 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



Van A. Truan
Chief, Southern Colorado Regulatory Office
(for the DISTRICT ENGINEER)

22 September 2006

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFERREE)

(DATE)