



March 3, 2026

Kara Hellige
Section Chief
Southern Colorado Branch
U.S. Army Corps of Engineers
PO Box 538
1970 E 3rd Ave, #109
Durango, CO 81301

**RE: Waterbury Filings 1 and 2 Nationwide Permit 29 Extension Request
(USACE Action No: SPA-2005-00801)**

Dear MS. Hellige:

Acting as their Agent, Ecosystem Services, LLC (ECOS) is herein notifying the U.S. Army Corps of Engineers (USACE) that the 4-Way Ranch project (Project) was acquired by ACM ALF VIII JV SUB II LLC (managed by Westside Development Partners, Inc.) from 4 Way Ranch Joint Venture, LLC (Applicant) due to market factors and; requesting an extension of the Nationwide Permit 29 (NWP 29) Verification (Verification) issued by your office on July 14, 2022 for the Waterbury Filings 1 and 2 Residential Development project (Project) under Action Number SPA-2005-00801. A copy of the NWP Verification, set to expire on March 14, 2026, is attached for your convenience.

The Applicant has expended considerable resources planning, designing, gaining approvals from El Paso County, and acquiring wetland credits in reliance on the Verification and is ready to commence with construction of the Project as outlined in the Preconstruction Notification (PCN) approved by your office. The Applicant remains prepared to adhere to all of the conditions of PCN including all Special Conditions.

The last remaining Special Condition that had to be met prior to construction was the "purchase 0.230 emergent wetland credits from the Maria Lake Mitigation Bank in Huerfano County, Colorado... and "providing evidence of this purchase to your office prior to initiation of construction activities in waters of the U.S. authorized by the verification". We are aware that the Maria Lake Mitigation Bank sold out all of their credits and went through a recertification/addition of credits process with the USACE. The Applicant has been waiting in line for the additional credits and now that the USACE has approved them, the Applicant has purchased 0.230 credits as promised in the PCN. A copy of a fully executed Purchase Agreement dated February 11, 2026 is provided as evidence of the purchase in compliance with Special Condition 1 of the Verification. This credit purchase should show up in your USACE mitigation bank ledgers very soon.

Project activities have commenced and are under contract to commence in reliance on an NWP, including the purchase of mitigation credits. Therefore, on behalf of the Applicant, we are herein requesting an extension of the NWP 29 Verification so that the Applicant can proceed with the Project as originally proposed.

Thank you very much for your attention to this matter. We look forward to your response.

Exhibit "B"

BILL OF SALE

Contract # 2026-01

USACE PROJECT #: SPA-2005-0081

In consideration of \$80,500, receipt of which is hereby acknowledged, M. L. Wetlands, Inc (Bank Sponsor) does hereby bargain, sell, and transfer to ACM ALF VIII JV SUB II LLC (Permitee), 0.23 wetland credits in the Maria Lake Mitigation Bank near Walsenburg, Huerfano County, Colorado, approved by the Army Corps of Engineers.

Bank Sponsor represents and warrants that it has good title to the credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Bank Sponsor covenants and agrees with the buyer to warrant and defend the sale of the credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: 2-11, 2026

M. L. Wetlands, Inc.

By:  _____

Title: President

**PURCHASE AGREEMENT FOR SALE OF MITIGATION CREDITS
USACE PROJECT #: TBD**

This Agreement is entered into this day of Feb 11, 2026, by and between M. L. Wetlands, Inc (Bank Sponsor) and ACM ALF VIII JV SUB II LLC. (Permittee), jointly referred to as the "Parties," as follows:

RECITALS

A. The Bank Sponsor has developed the Maria Lake Mitigation Bank (Bank) located near Walsenburg, Huerfano County, Colorado;

B. The Bank was approved by the Army Corps of Engineers (USACE) on October 19, 2018 and is currently in good standing;

C. The Bank has received approval from USACE to offer wetland credits for sale as compensation for the loss of water of the U.S. ("Wetland Credits") through the Maria Lake Mitigation Bank Instrument (MBI);

D. Permittee is seeking to implement the project described on Exhibit "A" attached hereto (Project), which would unavoidably and adversely impact wetlands, and seeks to compensate for the loss of waters of the U.S. by purchasing Mitigation Credits from Bank;

E. Permittee is expecting to secure approval by the USACE to purchase from the Bank 0.23 wetland credits. upon confirmation by the Bank Sponsor of credit availability/adequate balance of credits remaining for sale; and

F. Permittee desires to purchase from Bank Sponsor and Bank Sponsor desires to sell to Permittee 0.23 wetland credits.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Bank Sponsor hereby sells to Permittee and Permittee hereby purchases from Bank Sponsor 0.23 Wetland Credits for the purchase price of U.S. \$80,500 (Purchase Price). The Bank Sponsor will then deliver to Permittee an executed Bill of Sale in the manner and form as attached hereto and marked Exhibit "B". The purchase price for said credits shall be paid by check or, at the option of Bank Sponsor, wire transfer of funds according to written instructions by Bank Sponsor to Permittee.

2. The sale and transfer herein are not intended as a sale or transfer to Permittee of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

3. Permittee shall have no obligation whatsoever by reason of the purchase of the Mitigation Credits, to support, pay for, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the credits sold, or the Bank. Pursuant to the MBI and any amendments thereto, Bank Sponsor shall monitor and make reports to the appropriate agency or agencies on the status of any Mitigation Credits sold to Permittee. Bank Sponsor shall be fully and completely responsible for satisfying any and all conditions placed on the Bank or the Mitigation Credits by USACE.

4. The Mitigation Credits sold and transferred to Permittee shall be non-transferable and non-assignable, and shall not be used as compensatory mitigation for any other Project or purpose, except as set forth herein.

5 Upon purchase of the credits specified in paragraph D above, the Bank shall submit to the parties listed in the Notices section of the MBI, copies of the: a) Agreement for Sale of Mitigation Credits; b) Bill of Sale; c) Payment Receipt; and d) an updated ledger. The updated inventory / ledger must detail: i) Permittee; ii) Project Name; iii) Status (sale complete/sale not complete); iv) Credit Sale Date; v) Army Corps File Number; vi) Total Number of Credits Authorized to Sell; vii) Total Number of Credits Sold to Date (inclusive); and viii) Balance of all Credits Available. The inventory / ledger should include all sales data from bank opening/establishment to the present.

6. Permittee must send full payment of the Purchase Price within 30 days of the date of this Agreement. After the 30-day period, this Agreement will be considered null and void.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

BANK SPONSOR:

M. L. WETLANDS, INC

By: Donald E. Sueke Date: Feb 11, 2026

Title: President

PERMITEE:

ACM ALF VIII JV SUB II LLC

By: Andrew R. Klein Date: Feb 11, 2026

Title: Andrew R. Klein
Authorized Signatory

Exhibit "A"

DESCRIPTION OF PROJECT TO BE MITIGATED

Project Description: Waterbury Planned Unit Development: The Project entails the development of the 61.9-acre Site as a single-family, planned-unit development, residential community. Tracts include residential homes, landscape easements, drainage tracts, stormwater facilities, open space tracts, streets, streetscape plantings, detention ponds, utilities, fences, parks and recreational facilities, trails, mailbox clusters, and other uses.

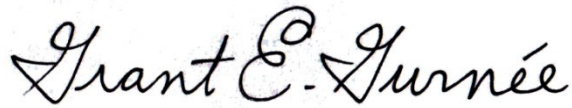
Army Corps File Number: SPA-2005-0081

Respectfully submitted,

Ecosystem Services, LLC



Jon Dauzvardis, P.W.S.
Owner - Restoration Ecologist



Grant E. Gurnée, P.W.S.
Owner - Restoration Ecologist

Cc:

Jason Pock, Westside Investment Partners, Inc

Attachments:

Copy of Nationwide Permit Verification (SPA-2005-00801)

Copy of the Purchase Agreement for the Sale of Mitigation Credits from Maria Lake Mitigation Bank



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT
SOUTHERN COLORADO REGULATORY BRANCH
201 WEST 8TH STREET, SUITE 350
PUEBLO, COLORADO 81003

July 14, 2022

Regulatory Division

SUBJECT: Nationwide Permit Verification (SPA-2005-00801)

4 Way Ranch JV, LLC
c/o Peter Martz
1271 Kelly Johnson Blvd., Suite 100
Colorado Springs, Colorado 80920
pmartzlrg@comcast.net

Dear Mr. Martz:

The U.S. Army Corps of Engineers (Corps), Albuquerque District, is responding to your pre-construction notification (PCN) submitted to us for verification of authorization under Nationwide Permit (NWP) 29 for the Waterbury Filings No. 1 & 2 Residential Development. The project site is located between Eastonville Road and State Highway 24, centered at approximately latitude 38.971834°, longitude -104.569206°, El Paso County, Colorado.

Based on the information provided in your PCN dated February 23, 2022, we have determined that the project involves the discharge of dredged or fill material into waters of the United States, subject to Section 404 of the Clean Water Act. The specific activities that require Corps authorization are the permanent placement of fill material in 0.225 acre of palustrine emergent wetlands to construct one road crossing (0.219 acre) and one stormwater pond outfall apron (0.006 acre). The project would also include the temporary placement of dredged and fill material into 0.103 acre of palustrine emergent wetlands for three separate utility crossings. Specific measures will be implemented to fully restore all temporary impacts to aquatic resources and all work will be conducted as described in the PCN.

The Corps has determined that activities associated with the project are authorized by 2021 NWP 29 – Residential Developments. A summary of this NWP and the 2021 Colorado Regional Conditions are available on our website at www.spa.usace.army.mil/reg/nwp. Failure to comply with all terms and conditions of this NWP may result in the suspension or revocation of this authorization. As required by General Condition 30, you shall sign the enclosed Compliance Certification (Enclosure 1) and return it to this office within 30 days after completion of the authorized work. For specific information regarding compliance with water quality certification (WQC) requirements, please refer to our website at www.spa.usace.army.mil/reg/wqc. In addition, the work must comply with the following **special condition(s)**:

- 1. To compensate for the loss of 0.225 acre of palustrine emergent wetlands, you shall purchase 0.230 emergent wetland credits from the Maria Lake Mitigation Bank in Huerfano County, Colorado. Evidence of this purchase shall be provided to this office via email at: spa-rd-co@usace.army.mil, prior to initiation of construction activities in waters of the U.S. authorized by this verification.**

2. You shall restore all temporary impacts to 0.103 acre of wetlands to their original contours and conditions within 14 days following completion of construction activities. You shall conduct all restoration of temporary impact areas in accordance with the February 23, 2022, PCN, prepared by Ecosystem Services, LLC, which is hereby incorporated by reference.

a. Within 30 days following completion of restoration activities, you shall submit a report to spa-rd-co@usace.army.mil describing the restoration activities including color photographs of the restored areas. The compass angles and positions of all photographs shall be similar to pre-construction photographs.

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with General Conditions 18 and 20. Based on the information provided, we have determined that the projects are not likely to adversely affect federally listed species or their critical habitat. Additionally, no historic properties will be affected by the projects. However, these determinations may be invalidated if the project is not completed as authorized or you did not provide accurate information in your PCN.

This permit verification is valid until March 14, 2026, unless the NWPs are modified, suspended, reissued, or revoked prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the NWP, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on an NWP will remain authorized provided the activity is completed within 12 months of the date of the NWP's expiration, modification, or revocation.

This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state, local, or tribal laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, to undertake the proposed work.

The landowner must allow Corps representatives 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 the permit.

We would appreciate your feedback on this permit action including your interaction with our staff or suggestions for improving our program. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at www.spa.usace.army.mil/reg.

Please refer to identification number SPA-2005-00801 in any correspondence concerning this project. If you have any questions, please contact me by email at kyle.d.zibung@usace.army.mil, or telephone at (651) 290-5877.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Zibung". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Kyle Zibung
Project Manager
Southern Colorado Branch

Enclosure

cc:

Mr. Grant Gurnee, Ecosystem Services, LLC (grant@ecologicalbenefits.com)

COMPLIANCE CERTIFICATION

Action Number: SPA-2005-00801

Name of Permittee: 4 Way Ranch JV, LLC c/o Peter Martz

Permit: NWP 29 – Residential Developments

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Albuquerque District
201 West 8th Street, Suite 350
Pueblo, Colorado 81003

or via email to: spa-rd-co@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started _____

Date Work Completed _____

Signature of Permittee

Date

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By: Donald E. Sueke Date: Feb 11, 2026

Title: President

PERMITEE:

ACM ALF VIII JV SUB II LLC

By: Andrew R. Klein Date: Feb 11, 2026

Title: Andrew R. Klein
Authorized Signatory

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Army Corps File Number: SPA-2005-0081
