



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

April 26, 2021

Regulatory Division

SUBJECT: Nationwide Permit (NWP-29) Verification – JeniShay Farms Development
(Action No. SPA-2021-00067)

Phillip Shay Miles
15630 Fox Creek Lane
Colorado Springs, Colorado 80908

Mr. Miles:

This letter responds to your March 22, 2021, pre-construction notification for the proposed JeniShay Farms Development located at approximately latitude 39.06144 N, longitude -104.69245 W, in El Paso County, Colorado. We have assigned Action No. SPA-2021-00067 to this project. Please reference this number in all future correspondence concerning the project.

The work, as described in your application, will involve the discharge of 10 cubic yards of dredged/fill material into approximately 0.08 acre of palustrine emergent (PEM) wetlands associated with the construction of a 20 ft. wide road, as part of new residential development. The road is located on an earthen embankment and will consist of three culverts, which will convey flows within the unnamed tributary of East Cherry Creek. Utilities will be installed on the side slopes of the embankment just outside the edge of the asphalt pavement. A riprap energy dissipation pad will be installed at the downstream end of the pipes. Road grading, including embankments, will result in 0.084 acre of permanent loss of wetland and 0.129 acre of temporary waters of the U.S. including wetland impacts.

Based on the information provided, we have determined the project is authorized by NWP 29, Residential Developments. A summary of this permit and the Colorado Regional Conditions are available on our website at www.spa.usace.army.mil/reg/nwp. For specific information regarding compliance with state water quality certification (WQC) requirements, please refer to our website at www.spa.usace.army.mil/reg/wqc. The permittee must ensure that the work complies with the terms and conditions of the permit, including Colorado Regional Conditions, WQC by Colorado Statute. In addition, special condition 1 shall be complied with as follows:

Special Condition1: The permittee must ensure that the work complies with stipulated conservation measures agreed upon with the U.S. Fish and Wildlife Service's concurrence letter reference TAILS: 2021-I-0407 dated 21-April-2021.

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions (GCs) 18 and 20. Based on the information provided, we have determined that this project will not affect any federally listed threatened or endangered species or potentially affect any historic properties listed, or eligible for listing, in the National Register of Historic Places. However, please note that the permittee is responsible for meeting the requirements of GC 18 on endangered species and GC 20 on historic properties.

This verification is only valid for the project as described in your submittal. Appropriate erosion and sediment controls should be implemented to ensure that construction materials and/or activities do not enter any wetlands or other waterbodies beyond the scope of the authorization. If there are any changes in the project purpose, location, or design, you should contact our office for a reevaluation of Department of the Army permit requirements.

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 or local 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, in order to undertake the proposed work.

This permit verification is valid until March 18, 2022 (33 CFR 330.6), unless the nationwide permit is modified, suspended, revoked, or reissued prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the nationwide permit, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permits' expiration, modification, or revocation.

In accordance with GC 30, the permittee must sign and return the enclosed Certification of Compliance form within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later. 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 nationwide permit.

If you have any questions, please contact me at (719) 600-8641 or by e-mail at Joseph.A.Martinez@usace.army.mil. At your convenience, please complete a Customer Service Survey on-line available at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

A handwritten signature in black ink, appearing to be 'TM' with a stylized flourish.

Tony Martinez, R.E.M.
Regulatory Program Manager
Southern Colorado Regulatory Branch

Enclosure(s)

**Certification of Compliance
with Department of the Army Nationwide Permit**

Action Number: SPA-2021-00067, Terra Ridge Development

Name of Permittee: Tierra Ridge Development, C/O, Shay Miles

Nationwide 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:

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

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

Please enclose photographs showing the completed project (if available).

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



Shay Miles <shay@milestoneeng.org>

Action No. SPA-2021-00067 Subdivision Name Change

Shay Miles <shay@milestoneeng.org>
To: spa-rd-co@usace.army.mil

Fri, Jun 10, 2022 at 9:02 AM

To whom it may concern,

I was issued a Nationwide Permit Verification on April 26, 2021. Since that time I have changed the name of the subdivision from JeniShay Farms to Terra Ridge North. There are no other changes to the subdivision at this time.

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Regards,

Shay Miles, P.E.
719.352.8886
shay@milestoneeng.org