



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

October 26, 2022

Regulatory Division

SUBJECT: Nationwide Permit (NWP) Verification – Retreat at Timber Ridge – Filing 2
(Action No. SPA-2017-00219)

Classic Communities
Loren Moreland
2138 Flying Horse Club Drive
Colorado Springs, CO 80921
lorenm@classichomes.com

Dear Mr. Moreland:

I am writing in response to your pre-construction notification (PCN), dated March 30, 2022, for the Retreat at Timber Ridge – Filing 2 Development (Project). The project site is located southeast of the intersection of Vollmer Road and Arroya Lane in Sand Creek at approximately 38.979°, -104.663°, in El Paso County, Colorado.

Based on the information provided, 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 include the development of single-family residential lots, trails, permanent access roads, and associated stormwater facilities. The Project will be constructed as described in the referenced PCN and will impact approximately 0.276 acre of aquatic resources, including stream bed and riparian wetlands, as shown in Table 1 below and the enclosed Impacts Map.

Table 1. Wetland and stream impacts associated with the Retreat at Timber Ridge – Filing 2.

Resource Type	Permanent Impacts	Temporary Impacts
Wetlands	0.074	0.104
Streams	0.092	0.005

The Corps has determined that activities associated with the project are authorized by NWP 29 – Residential Developments. A summary of this NWP and the 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 must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work. In addition, the work must comply with the following **special conditions**:

1. The permittee shall electronically submit a final mitigation and monitoring plan (MMP) to SPA-RD-CO@usace.army.mil. The MMP must be approved in writing by the Corps prior to initiation of construction activities authorized by this permit. The MMP shall be presented in the format and include all information identified in the [*Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division*](#), with the following exception:
 - a. To ensure a high level of confidence that the compensatory mitigation will be provided and maintained, the “Private Stormwater Facility and Wetland Maintenance Agreement and Easement” between El Paso County, Timber Ridge Development Group LLC, and The Retreat Metropolitan District, executed on June 20, 2022, is hereby incorporated into the permit conditions. This agreement constitutes a formal, documented commitment from a government agency or public authority in lieu of financial assurances.

The purpose of this requirement is to ensure the replacement of functions and services of the aquatic environment that would be lost through the activities authorized by this permit.

2. To ensure success of the wetland mitigation required in Special Condition 1, the permittee shall monitor the compensatory mitigation area for a minimum of 5 years or until the performance standards described in the approved final MMP are met, whichever is greater. This period shall commence upon completion of the construction of the required compensatory mitigation. The permittee shall demonstrate continued success of the compensatory mitigation, without human intervention, for three consecutive years after the final performance standards have been met. If the compensatory mitigation is not meeting the required performance standards at any time, this office may determine that the compensatory mitigation is not in compliance and require remedial action, including the identification of alternative compensatory mitigation.
 - a. In accordance with the MMP, the permittee shall electronically submit annual monitoring reports to SPA-RD-CO@usace.army.mil in the format identified in the [*Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division*](#) by December 31st of each year following completion of construction of the required compensatory mitigation. The first monitoring report shall be submitted after the first growing season following completion of construction. The

permittee shall monitor the compensatory mitigation areas for at least five consecutive growing seasons after construction, and/or until the Corps determines in writing that the approved performance standards and success criteria have been met.

- b. The permittee's responsibility to complete the required compensatory mitigation will not be considered fulfilled until the permittee has demonstrated mitigation success and received written verification from the Corps.
3. The permittee shall commence the construction of any compensatory mitigation required in Special Condition 1 prior to, or concurrent with, initiation of construction activities authorized by this permit. All construction of the required compensatory mitigation shall be completed within one year following initiation of construction of the compensatory mitigation. In addition, the permittee shall notify the Corps by sending an email to SPA-RD-CO@usace.army.mil at least 10 calendar days prior to the scheduled mitigation construction begin date and within 10 calendar days following completion of the required compensatory mitigation.

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 this project will have no effect on federally listed species or their critical habitat. Additionally, no historic properties will be affected by the project. 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 NWP is 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-2017-00219 in any correspondence concerning this project. If you have any questions, please contact me by email at Joshua.G.Carpenter@usace.army.mil, or telephone at (719) 543-9459 X 2.

Sincerely,

Joshua G. Carpenter

Enclosures

cc: Natalie Graves, CORE Consultants, Inc., ngraves@liveyourcore.com

COMPLIANCE CERTIFICATION

Action Number: SPA-2017-00219

Name of Permittee: Classic Communities

Permit: NWP 29 – Residential Developments

Upon completion of the activities authorized by this permit and any mitigation required by the permit, sign and send this certification to SPA-RD-CO@usace.army.mil.

Please note the activities authorized by this permit are subject to a compliance inspection by a U.S. Army Corps of Engineers representative. Failure to comply with the terms and conditions of this permit, may result in permit suspension, modification, or revocation.

Please enclose photographs showing the completed project.

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