



September 6, 2023

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

RE: Request for Approved Jurisdictional Determination
Sterling Ranch Filing No. 4
El Paso County, Colorado

To Whom It May Concern:

On behalf of SR Land, LLC (“Applicant”), Bristlecone Ecology, LLC (B.E. or “Agent”) has prepared this request for an approved jurisdictional determination (AJD) for the proposed Sterling Ranch Filing No. 4 residential development (“Project”) located in El Paso County, Colorado. The Project will involve construction of single- and multi-family housing units on approximately 77.6 acres north of East Woodman Rd and east of Vollmer Rd. The property is located in a portion of Sections 33, Township 12 South, Range 65 West, and portions of Section 4 and Section 5, Township 12 South, Range 65 West (**Attachment A: Site Location Map**). The site can be found on the U.S. Geological Survey’s (USGS) Falcon NW 7.5-minute quadrangle (USGS 2020). Elevations range between approximately 6,990 and 7,020 feet above mean sea level (AMSL). Part of the property is bisected from the north to south by a swale containing wetlands that were delineated in 2015 by others. Sand Creek, which also contains wetlands, runs from north to south just east of the edge of the Project area. The swale previously drained to Sand Creek offsite to the south, but that connection has been severed by the Aspen Meadows development. Sand Creek drains to Fountain Creek, and eventually to the Arkansas River. The entire Project is located in the Middle Fountain Creek watershed, 10-digit hydrologic unit code (HUC) 1102000303.

Contact information for both Applicant and Agent is provided below:

Applicant

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Agent

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The topography of the Project consists of flat to rolling foothills grasslands approximately two miles from the pine-oak woodlands of the Black Forest to the north. The Project is located in the East Fork Sand Creek-Sand Creek watershed, 12-digit hydrologic unit code (HUC) 110200030302, which covers



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approximately 62 square miles. According to the El Paso County Assessor, the parcel where the Project is located is No. 5300000764.

Because the prior wetland delineation is more than five years old – and much of the site has been altered by development – B.E. performed a new formal wetland delineation which is summarized here (and attached in full as **Attachment B: Wetland Delineation Report**) in order to document the aquatic resources on the site. The wetlands identified on the site do not have continuous surface connection to any downstream Waters of the U.S. (WOTUS) and are believed not to be jurisdictional under the Clean Water Act (CWA) following the announcement of the U.S. Supreme Court’s ruling on May 25th, 2023 (SCOTUS 2023). Furthermore, the Aspen Meadows development directly south of the site, through which the swale in question formerly ran continuously to Sand Creek, has received an AJD from the U.S. Army Corps of Engineers (USACE), stating that wetlands on that site are not jurisdictional based on a significant nexus evaluation (**Attachment C: Approved Jurisdictional Determination for the Aspen Meadows Development – Action No. SPA-2019-225**) Since wetlands on the Project site were hydrologically connected to Sand Creek via the wetlands on the Aspen Meadows site which no longer exists, B.E. requests an official determination of the regulatory status of the wetlands on the property (**Attachment D: Request for Approved Jurisdictional Determination**).

SITE CONDITIONS AND PROJECT DESCRIPTION

The Project area is located in the Foothills Grasslands Level IV ecoregion of Colorado. Topography of the Project consists mainly of a mix of flat to rolling foothills grasslands with occasional scattered shrubs. The Foothills Grasslands ecoregion is composed of a mixture of tall and mid-grasses and isolated pine woodlands (Chapman et al. 2006). Dominant species include little bluestem (*Schizachyrium scoparium*), big bluestem (*Andropogon gerardii*), switchgrass (*Panicum virgatum*), and yellow Indiangrass (*Sorghastrum nutans*) (Chapman et al. 2006).

A prior wetland assessment found one contiguous wetland located in a swale in the center of the Project area. The recent wetland assessment confirmed the existence of this swale, however the wetlands no longer exist as one contiguous wetland, but rather six separate and adjacent but hydrologically connected wetlands (W1 through W6, see maps in **Attachment B**). The swale and wetlands therein have been divided into six separate features by overlot grading and road crossings. The newly delineated six wetlands remain connected by culverts under the road crossings that transport surface flows down the swale southward as far as W6.

Vegetation typical of the ecoregion predominates within the swale and upland areas of the site. The wetland areas have low to medium plant diversity, with high dominance of Nebraska sedge (*Carex nebrascensis*) and Baltic rush (*Juncus balticus*). Bluestem willows (*Salix irrorata*) are found in some wetland areas, but most areas are dominated by only herbaceous species. Wetter conditions in the swale support the formation of hydric soils and growth of hydrophytic vegetation. The swale is surrounded by upland field areas, dominated by smooth brome (*Bromus inermis*), little bluestem,



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switchgrass, and cushion buckwheat (*Eriogonum ovalifolium*). Ongoing development of the greater Sterling Ranch project has impacted much of the vegetation in the Project area, including some of the wetlands.

The Project site contains no Colorado Natural Heritage Conservation Areas (CAs) or Potential Conservation Areas (PCAs) according to the CNHP (2022). According to the USFWS' Information for Planning and Conservation (IPaC; 2022), the site does not contain Wildlife Refuges or Hatcheries, and there is no habitat present to support listed species. The area has been used historically as rangeland, but residential and commercial development surrounds the site and is still increasing rapidly.

The average rainfall for the site in the last 10 years was 15.39 inches per year, according to the National Weather Service (NOAA 2022). The average annual snowfall for the site in the last 10 years was 37.67 inches (NOAA 2022). Also, according to the National Weather Service, the region has been in a drought ranging from 'moderate' to 'severe' over the last 10 years (NOAA 2022).

The Project will involve the construction of a single- and multi-family housing development and its associated infrastructure such as roadways, stormwater facilities, utilities, and other infrastructure (**Attachment E: Project Plans**). Construction of the development will affect the wetlands within the Project area; as currently designed, the Project would entirely fill the wetlands on the site. It is suspected that construction will not affect any WOTUS, as the wetlands on the site do not have a hydrologic connection to downstream WOTUS as a result of prior, offsite construction. Because the Project has the potential to affect aquatic resources that may be non-jurisdictional, B.E. has performed a delineation of aquatic resources and prepared this AJD request requesting the USACE's review of the information provided to determine whether a Section 404 permit would be required.

AQUATIC RESOURCES

B.E. conducted a formal wetland assessment for the Project to update the original wetland assessment performed in 2015. Results of the wetland assessment indicated that the swale that previously supported one contiguous wetland now supports six separate and adjacent wetlands, connected by culverts under road crossings that divide up the swale. B.E. surveyed the site to confirm the information from the prior survey and collected additional information for an AJD request. Throughout the remaining reach, the swale lacked a defined streambed or stream banks, ordinary high water mark (OHWM), or surface connection to any downstream WOTUS. The furthest Project area, these wetlands are presumed to be non-jurisdictional, possessing no significant nexus to Sand Creek to the south or other jurisdictional aquatic sites. A 'significant nexus' is defined as having a more than speculative or insubstantial effect on the chemical, physical, or biological integrity of a TNW.

In total, B.E. identified six jurisdictional wetlands associated with the swale, none of which are presumed to be jurisdictional. Paired upland sample points were taken for each aquatic feature and the site to confirm wetland boundaries, with the exception of W4/SP7, where the boundaries of the



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wetland were clearly defined by grading (**Attachment B**). These areas were confirmed to be uplands through vegetation, soils, and hydrology sampling (**Attachment B**). Sample points were identified as wetland (WET) or upland (UP) on the wetland map provided in **Attachment B**. If no aquatic resource was present, the point was identified as an upland sample point.

More information is included below.

INFORMATION FOR JURISDICTIONAL DETERMINATION

Further information about the aquatic resources on the site is provided in **Table 1** and below to aid in the determination of jurisdiction for each feature. A summary map of the locations of aquatic resources on the site can be found in the appendices of **Attachment B**; please also see the accompanying AJD request form in **Attachment D**.

Table 1: Information for Jurisdictional Determinations

Name	Latitude, Longitude	Size	Flow Frequency	Flows To	Proximity	More Info Needed?
W1	38.958072°, -104.680425°	2.56 acres	Less than 3 months/year	N/a	3,960 feet N of Sand Creek	Yes
W2	38.958552°, -104.680526°	0.23 acre	Less than 3 months/year	N/a	5,170 feet N of Sand Creek	Yes
W3	38.958522°, -104.679099°	0.07 acre	Less than 3 months/year	N/a	5,065 feet N of Sand Creek	Yes
W4	38.954917°, -104.680609°	0.04 acres	Less than 3 months/year	N/a	3,558 feet N of Sand Creek	Yes
W5	38.955201°, -104.680899°	0.17 acre	Less than 3 months/year	N/a	3,468 feet N of Sand Creek	Yes
W6	38.954525°, -104.680233°	0.31 acre	Less than 3 months/year	N/a	2,960 feet N of Sand Creek	Yes



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W1

W1 is a palustrine wetland located in the swale where the unnamed tributary to Sand Creek is shown in the NWI data. It flows south towards the southern wetlands (W4-W6) through a culvert under the planned Sterling Ranch Road, which crosses through the Project area. Water that flows through W1 historically made its way to Sand Creek through what is now the Aspen Meadows development to the south, but presently it does not flow further than W6, the southernmost wetland found in the Project area. It does not have continuous surface flows to Sand Creek to the west, nor any tributary or downstream WOTUS. There is no defined bank, bed, or OHWM – only herbaceous wetlands in a 10-to-15-foot wide swale. W1 is adjacent to other wetlands in the Project area and remains connected by culverts under road crossings that run through the Project area. W1 at its southern end is located within a natural gas pipeline easement owned by Magellan Pipeline Company, L.P. Housing construction, grading, and a massive, graded basin south of W6 prevent this wetland from being connected to downstream WOTUS.

There is no FEMA floodplain present; the nearest floodplain lies east along Sand Creek, which runs just outside the eastern edge of the Project area. Baltic rush, a facultative wetland (FACW) plant, and Nebraska sedge, an obligate (OBL) plant, make up much of W1 throughout its reach (Lichvar et. al., 2016). Beaked sedge (*Carex utriculata*) (OBL) also becomes dominant at the southern tip of the wetland. There are no trees or shrubs found in W1. The wetland is likely seasonally flooded, with moderate hydrology. Wetland 1 provides scarce habitat for birds and possibly amphibians (though none were observed using the wetland on either site visit); it is likely too small to be a resource to mammals. There is no habitat for federally listed species; in particular, the site is within the Colorado Springs Block Clearance Zone for the federally threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*). There is no associated riparian corridor, and the wetland is entirely herbaceous and surrounded by typical foothills grasslands. W1 is the highest quality wetland of the six. There is no direct channelization from W1 to a downstream WOTUS, since the natural swale pathway has been filled for more than 1,400 feet upgradient from Sand Creek. Based on the information observed about this feature, it does not possess a direct hydrologic connection to downstream WOTUS through surface flows and therefore is not a jurisdictional wetland.

W2

W2 is a palustrine wetland northwest of W1 and west of W3, separated from W1 by a road crossing that has been present since before the original delineation in 2015. It remains hydrologically connected to W1 by a culvert under the roadway. W2 likely formed as a result of runoff from a boat and RV storage site located north of the Project. There is no defined bank, bed, or OHWM. It does not have continuous surface flows to Sand Creek to the west, nor any tributary or downstream WOTUS. W2 is a low-quality wetland, with some sparse cattails (*Typha sp.*) mixed with gravel, trash, and surface runoff from the nearby boat and RV facility.



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There is no FEMA floodplain present; the nearest floodplain lies east along Sand Creek, which runs along the eastern edge of the Project area. Water entering W2 flows directly into W1 via culvert, and in most seasons dries up before leaving W1 and entering the wetlands further south. Based on the information observed about this feature, it does not possess a direct hydrologic connection to downstream WOTUS and therefore is not a jurisdictional wetland.

W3

W3 is a palustrine wetland northeast of W1 and east of W2, separated from W1 by the same road crossing as described for W2. It remains hydrologically connected to W1 (but not W2) by a culvert under the roadway. Like W2, W3 likely formed as a result of runoff from the boat and RV storage site located north of the project. There is no defined bank, bed, or OHWM. It does not have continuous surface flows to Sand Creek to the west, nor any tributary or downstream WOTUS. W3 is a low-quality wetland, with some sparse cattails mixed with gravel, trash, and surface runoff from the nearby boat and RV facility.

There is no FEMA floodplain present; the nearest floodplain lies east along Sand Creek, which runs along the eastern edge of the Project area. As in W2, water entering W3 flows directly into W1 via culvert, and in most seasons dries up before leaving W1 and entering the wetlands further south. Based on the information observed about this feature, it does not possess a direct hydrologic connection to downstream WOTUS and therefore is not a jurisdictional wetland.

W4

W4 is a palustrine wetland south of W5 and north of W6, disconnected from W5 except by topography (both lie in the former swale), and connected to W6 by a culvert under a construction road crossing between the two wetlands. Water that flows southward from W4 to W6 does not go any farther than W6 as a result of grading, housing construction, and a large, graded detention basin located south of W6. There is no defined bank, bed, or OHWM. It does not have continuous surface flows to Sand Creek to the west, nor any tributary or downstream WOTUS. W4 is dominated by Baltic rush, Nebraska sedge, and Canada thistle (*Cirsium arvense*) and is otherwise not vegetatively diverse. The wetland is surrounded by grading on all sides, which has reduced the wetland to only about 1,600 square feet in area. Grading in this area was performed under a prior permit for Sterling Ranch, Action No. SPA-2015-428. Soils within the wetland show various indicators of hydric soils, including evidence of redox. W4 does not show a defined streambed, banks, or OHWM throughout its reach, and does not have any surface flow to downstream WOTUS, but rather any water that leaves W4 is directed only to W6 through the culvert to the south.

There is no FEMA floodplain present; the nearest floodplain lies east along Sand Creek, which runs along the eastern edge of the Project area. Based on the information observed about this feature, it does not possess a direct hydrologic connection to downstream WOTUS and therefore is not a jurisdictional wetland.



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W5

W5 is a palustrine wetland south of W1, separated from W1 by the planned Sterling Ranch Road. A culvert under the graded embankment for the road connects W5 to W1, and water flows from W1 through the culvert to W5. W5 is located in the swale that previously supported one contiguous wetland, however, it has become separated from the now adjacent other wetlands in the Project area by grading. Water that flows from W5 reaches W4 directly to the south during higher-volume events via the low-lying topography within the swale, though much of the swale between the two wetlands is now graded. W5 is dominated by Baltic rush and Nebraska sedge, with several other herbaceous species and shrubs also present in the wetland and nearby (see **Attachment B**). The wetland is surrounded by grading. W5 is located within a natural gas pipeline easement owned by Magellan Pipeline Company, L.P. Soil within the wetland show various indicators of hydric soils, including evidence of redox. W5 does not show a defined streambed, banks, or OHWM throughout its reach, and does not have any surface flow to downstream WOTUS, but rather any water that leaves W5 is directed only to W4 and then W6 to the south.

There is no FEMA floodplain present; the nearest floodplain lies east along Sand Creek, which runs along the eastern edge of the Project area. Based on the information observed about this feature, it does not possess a direct hydrologic connection to downstream WOTUS and therefore is not a jurisdictional wetland.

W6

W6 is a palustrine wetland south of W4, separated by a construction road crossing. W6 remains connected to the W4 by a culvert under the road crossing between them. Water from the other five wetlands in the swale eventually flows to W6 in some seasons, but does not flow beyond W6 due to road grading, overlot grading, and the large graded basin located south of W6. W6 is dominated by Baltic rush and Nebraska sedge, as well as the FACW shrub bluestem willow (*Salix irrorata*) (Lichvar et. al., 2016). W6 does not show a defined streambed, banks, or OHWM throughout its reach, and does not have any surface flow to downstream WOTUS. Any water that flows through the wetland swale end up in W6. A pipe carries flows underground from here to the big, graded basin. Historically, a palustrine shrub-scrub wetland continued offsite to the south along the narrow swale and into the site that is now the Aspen Meadows housing development. That swale no longer exists and flows from W1 through W6 no longer have a pathway to reach Sand Creek as they did prior to the development of the Aspen Meadows project.

There is no FEMA floodplain; the floodplain lies to the east along the Sand Creek, which runs along the eastern edge of the Project area. Surface water from W6 can no longer flow to any nearby streams or aquatic resources, including Sand Creek to the west or south. Flows are now deposited into the graded basin. Based on the information observed about this feature, it does not possess a direct hydrologic connection to downstream WOTUS and therefore is not a jurisdictional wetland.



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Significant Nexus Evaluation

'Significant nexus' is based on Justice Anthony Kennedy's concurring opinion in the *Rapanos v. United States* Supreme Court ruling in 2006 (SCOTUS 2006). 'Significant nexus' is defined as having a more than speculative or insubstantial effect on the chemical, physical, and/or biological integrity of a TNW. Although the wetlands on the site are hydrologically disconnected from Sand Creek, they may contribute important wetland functions physically, chemically, or biologically to downstream TNWs, (i.e., they may form a significant nexus with WOTUS). To determine this, an analysis of the three functions follows. Wetlands on the site are considered collectively for this analysis. The significant nexus test may be obsolete as of the time of this writing, based on the recent Supreme Court decision in *Sackett v. Environmental Protection Agency* (SCOTUS 2023). However, given the regulatory uncertainty surrounding the implementation of that decision, the test has been performed here to provide additional data to support a non-jurisdictional determination.

Physical Functions

The six wetlands in the Project area are hydrologically connected to one another, however, grading and the construction of a large detention basin has severed connection from W6, the southernmost wetland, to any downstream WOTUS. There is also no flood plain within the Project area, and thus it would take a catastrophic storm for flows to reach downstream WOTUS. The average annual rainfall for the site for the last 10 years (since 2011) was 15.39 inches, according to the National Weather Service (NOAA 2022). The average annual snowfall for the site in the last 10 years was 37.67 inches (NOAA 2022). Also, according to the National Weather Service, the region has been in a drought ranging from 'moderate' to 'severe' over the last 10 years (NOAA 2022). In a normal year or even 5-year model, there is no physical hydrologic function conveyed from W1-W6 to Sand Creek to the west, or any other downstream WOTUS. W1-W6 do not provide floodwater storage, flood flow alteration, or flow maintenance simply because they do not normally flow. There is no evidence of sediment trapping or sediment accumulation in the wetlands, and they do not provide a source of recreation. W1-W6 do not have the capacity to carry pollutants or floodwaters to TNWs, and therefore does not possess a significant physical nexus.

Chemical Functions

The reduction of pollutant transport to TNWs is one chemical function of a wetland possessing a significant nexus. The six wetlands may absorb some pollutants, however there is no surface connection from the wetlands to any other aquatic features downstream of the Project area. The pollutants and nutrients that are present in the Project area would not reach downstream WOTUS because of the lack of physical connection to such waters, thus there is no nexus for pollutant absorption beyond the wetland itself. It also lacks the ability to export organic carbon, another key function of wetlands with significant nexus. The test for this function involves the ability to transfer nutrients and organic carbon that would support downstream food webs. Since nutrients and carbon



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from the six wetlands do not have baseflows to provide transport, the wetland cannot contribute significant function to food webs downstream. In short, the wetland complex does not have the potential to affect the water quality (either positively or negatively) through chemical means in downstream WOTUS or TNWs.

Biological Functions

Biological functions can be thought of as the effects of a wetland on other adjacent or nearby wetlands, and the ability to affect aquatic life support, either in the wetland itself or in adjacent or nearby wetlands. The six wetlands are not particularly diverse, comprised mainly of the few herbaceous wetland and upland species mentioned above. The wetlands are mainly dominated by only two species: Baltic rush (FACW) and Nebraska sedge (OBL). The wetlands are not consistently wet enough to support amphibians, and they do not provide fish habitat. Some migratory birds may nest near the wetlands, but none were observed during the wetland assessment. There are no adjacent wetlands or aquatic features to the six wetlands that could be affected by its functioning. W1-W6 are thus biologically isolated from other aquatic resources in the area.

CONCLUSIONS

B.E., acting as Agent for the Applicant, hereby formally requests an Approved Jurisdictional Determination for the Sterling Ranch Filing No. 4 residential project. Based on the wetland delineation and other data collection and reviews, B.E. has determined that aquatic resources on the site have no direct surface flow to downstream WOTUS or TNWs and possess no significant nexus to downstream WOTUS or TNWs, and therefore suspects the wetlands to be non-jurisdictional.

If you should have any questions or require additional information, please feel free to contact us directly at dmaynard@bristleconeecology.com.

Sincerely,

Bristlecone Ecology, LLC

Daniel Maynard
Owner/Ecologist



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REFERENCES

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Accessed May 19, 2023.

USGS (U.S. Geological Survey). 1986a. Geologic map of the Falcon NW, CO quadrangle. Scale =
1:24,000.



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ATTACHMENTS

- Attachment A: Site Location Map
- Attachment B: Wetland Delineation Report
- Attachment C: Approved Jurisdictional Determination for the Aspen Meadows Development –
Action No. SPA-2019-225
- Attachment D: Request for Approved Jurisdictional Determination
- Attachment E: Project Plans
- Attachment F: Photographic Log
- Attachment G: Historic Aerial Photos

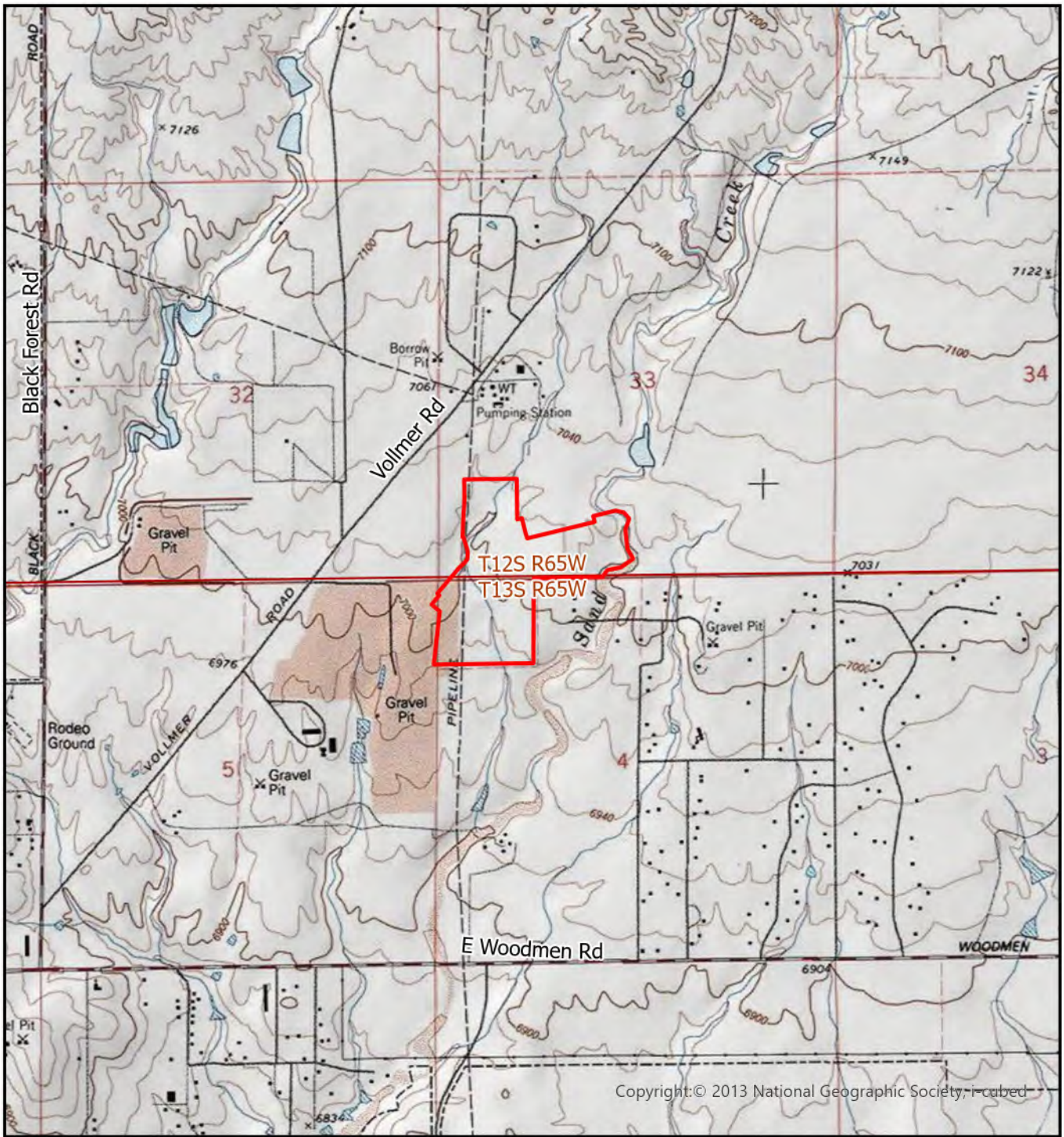


Attachments
Sterling Ranch Filing No. 4
El Paso County, Colorado

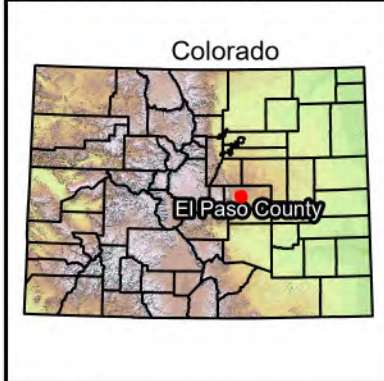
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ATTACHMENT A

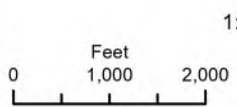
SITE LOCATION MAP



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Project Area (77.6 acres)



1:24,000



Sterling Ranch Filling No. 4

Site Location





Attachments
Sterling Ranch Filing No. 4
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ATTACHMENT B

WETLAND DELINEATION REPORT



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ATTACHMENT C

*APPROVED JURISDICTIONAL DETERMINATION FOR THE ASPEN MEADOWS DEVELOPMENT – ACTION. No. SPA-2019-
225*

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 16, 2019

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Aspen Meadows Development Isolated Wetlands, SPA-2019-00225

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Colorado** County/parish/borough: **El Paso County** City: **Colorado Springs**
Center coordinates of site (lat/long in degree decimal format): Lat. **38.9496750669867°**, Long. **-104.679357647242°**
Universal Transverse Mercator: **13 527784.67 4311240.87**

Name of nearest waterbody: **Sand Creek**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **John Martin Reservoir**

Name of watershed or Hydrologic Unit Code (HUC): **Fountain, 11020003**

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form:

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: **16-Aug-19**

Field Determination. Date(s): **15-Aug-19**

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: **1,430** linear feet, wide, and/or acres.

Wetlands: **430** acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **The wetland assessment and delineation includes two segments of an ephemeral, unnamed tributary located 324' on the west of Sand Creek south of the Marksheffel Road. The area is approximately 1,430 linear feet north of Marksheffel Road and approximately 430 linear feet south of Marksheffel Road. The tributary is identified as an erosional feature with two (2) man-made stock ponds with no 100-year flood connection, no OHWM, and no banks. The feature transitions into a stock pond berm and ends 250' upward short of connecting to the 100-year flood.**

Joseph A. Martinez 10-OCT-2019

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: TNW is approximately 164-miles downstream of the nearest RPW- Sand Creek.

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”:

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 52.4 square miles

Drainage area: 1 square miles

Average annual rainfall: 13-14 inches

Average annual snowfall: 37.7 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **30 (or more)** river miles from TNW.

Project waters are **1 (or less)** river miles from RPW.

Project waters are **30 (or more)** aerial (straight) miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵: **This ephemeral unnamed tributary high flows are fully captured by two stock ponds within the feature and do not reach the RPW referred as Sand Creek. TNW is 167-miles away and is connected to the 100-year flood plain.**

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: **Sand Creek-Fountain Creek-Arkansas River-John Martin Reservoir.**

(b) General Tributary Characteristics (check all that apply):

- Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain: **Agricultural Stock ponds with Vehicle Crossing on Crests**

Tributary properties with respect to top of bank (estimate):

Average width: **10** feet
Average depth: **8** feet
Average side slopes: **4:1 (or greater).**

Primary tributary substrate composition (check all that apply):

- | | | |
|--|---|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input checked="" type="checkbox"/> Vegetation. Type/% cover: 70 | |
| <input checked="" type="checkbox"/> Other. Explain: Diverse | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Stable depression contours with no banks, no OHWM, no bed, and no erosion present, surface waters detained only in stockpods.**

Presence of run/riffle/pool complexes. Explain: **None present**

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): **30 %**

(c) Flow:

Tributary provides for: **Ephemeral flow**

Estimate average number of flow events in review area/year: **2-5**

Describe flow regime: **mixture of Stormwater flows and seepage run-off from local area**

Other information on duration and volume: **Undetermined**

Surface flow is: **Overland sheetflow.** Characteristics: **Predominant sheetflows down a 30 percent slope drainage with a 1-inch depth flow, 1 foot width full-year with 1-2 high flow events estimated at 1 to 2 cubic feet per second.**

Subsurface flow: **Unknown.** Explain findings: **No data available.**

Dye (or other) test performed:

Tributary has (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **All waters presently detained in the stockponds are fully contained, saturate, evaporate and do not leave the property.**

Identify specific pollutants, if known: **No known pollutants at present, but if present, they would be detained in the ponds.**

(iv) **Biological Characteristics. Channel supports (check all that apply):**

Riparian corridor. Characteristics (type, average width):

Wetland fringe. Characteristics: **four distinct communities within land surface depression contours with standing waters supporting 0.801-acre of isolated wetlands where cattails are observed.**

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.801** acres

Wetland type. Explain: **dominated by Cattails**

Wetland quality. Explain: **Classified as Blakeland-Fluvaquentic Haplaquolls dominated by cattails Curly Dock, Narrowleaf Willow and eastern Cottonwood.**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: **No flows were observed during 15-Aug-2019 site visit.**

Surface flow is: **Not present**

Characteristics: **only water was in the lower depressions within the stock ponds.**

Subsurface flow: **Unknown**. Explain findings: **No digging was done during site visit.**

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain: **Agricultural Stock Ponds within land depression features.**

(d) Proximity (Relationship) to TNW

Project wetlands are **30 (or more)** river miles from TNW.

Project waters are **30 (or more)** aerial (straight) miles from TNW.

Flow is from: **No Flow**.

Estimate approximate location of wetland as within the **500-year or greater** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **No water at time of visit.**

Identify specific pollutants, if known: **Unkown**

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain: **70 percent cover with a variety of hydrophytic vegetation with upland vegetation.**

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **1**
Approximately **.801** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
N	0.801		

Summarize overall biological, chemical and physical functions being performed: **Overall biological, chemical and physical functions are very limited since the wetlands are isolated and all high flows are detained in the agricultural stock ponds where no flows make it out of the stockponds never reaching Sand Creek.**

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: linear feet, wide, Or acres.
 - Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 - Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet wide.

Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet, wide.

Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

Demonstrate that impoundment was created from "waters of the U.S.," or

Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

which are or could be used by interstate or foreign travelers for recreational or other purposes.

from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

which are or could be used for industrial purposes by industries in interstate commerce.

Interstate isolated waters. Explain: **Marginal isolated wetlands exist because of man-made agricultural stock ponds.**

Other factors. Explain: **man-made berms detain high flows during precipitation events**

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: **0.00** linear feet, **0.00** wide.

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.**

property has a contoured depression which has isolated patches of marginal wetlands consisting predominantly of cattails within and along the two man-made agricultural ponds located on the site.



Attachments
Sterling Ranch Filing No. 4
El Paso County, Colorado

September 6, 2023

ATTACHMENT D

REQUEST FOR APPROVED JURISDICTIONAL DETERMINATION

REQUEST FOR JURISDICTIONAL DETERMINATION

This request sheet should be used when a jurisdictional determination (JD) is required from the U.S. Army Corps of Engineers, Albuquerque District. It is intended to help both the requestor and the Corps in determining which type of JD, if any, is appropriate. Use of the sheet is optional; however the information and consent is needed to complete a JD. If you are applying for a Department of the Army permit, you do not need to request a JD. A jurisdictional determination is not required to process a permit application. At the time an application is submitted, the Corps will assume the aquatic resources on the parcel/within the review area are waters of the United States for the purpose of making a permit decision. With no JD requested, the permit application may be processed more quickly. The permittee retains the ability to request a JD any time during or after the permit application review process.

I am requesting the U.S. Army Corps of Engineers, Albuquerque District, complete a jurisdictional determination for the parcel/ review area located at:

Street Address: <u>Vollmer Road & Dines Blvd</u> City: <u>Unincorporated</u> County: <u>El Paso County</u>	
State: <u>CO</u> Zip: <u>80908</u> Section: <u>33</u> Township: <u>12S</u> Range: <u>65W</u>	
Latitude (decimal degrees): <u>38.953922°</u> Longitude (decimal degrees): <u>-104.679967°</u>	
The approximate size of the review area for the JD is <u>77.6</u> acres. (Please attach location map)	
Choose one: <input type="checkbox"/> I currently own this property. <input type="checkbox"/> I plan to purchase this property. <input checked="" type="checkbox"/> I am an agent/consultant acting on behalf of the requestor. <input type="checkbox"/> Other:	Choose one: <input checked="" type="checkbox"/> I am requesting an Approved JD. <input type="checkbox"/> I am requesting a Preliminary JD. <input type="checkbox"/> I am unclear as to which JD I would like to request and require additional information to inform my decision.
Reason for request: (check all that apply)	
<input type="checkbox"/> I intend to construct/develop a project or perform activities on this parcel/review area which would be designed to avoid all aquatic resources. <input checked="" type="checkbox"/> I intend to construct/develop a project or perform activities on this parcel/review area which would be designed to avoid all jurisdictional aquatic resources under Corps authority. <input type="checkbox"/> I intend to construct/develop a project or perform activities on this parcel/review area which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process. <input type="checkbox"/> I intend to construct/develop a project or perform activities on this parcel/review area which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process. <input type="checkbox"/> I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district's list of navigable waters under Section 10 of the Rivers and Harbors Act of 1899. <input checked="" type="checkbox"/> A JD is required in order to obtain my local/state authorization. <input checked="" type="checkbox"/> I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel/review. <input type="checkbox"/> I believe that the parcel/review area may be comprised entirely of dry land. Other:	
Attached Information:	
<input checked="" type="checkbox"/> Maps depicting the general location and aquatic resources within the review area consistent with Map and Drawing Standards for the South Pacific Division Regulatory Program http://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/Article/651327/updated-map-and-drawing-standards/) <input checked="" type="checkbox"/> Aquatic Resources Delineation Report consistent with current wetland and ordinary high water mark delineation manual/supplements available at: http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/	
By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.	
Digitally signed by Daniel Maynard CN: Daniel Maynard, O: Bristlecone Ecology, OU: Bristlecone Ecology, email: dmaynard@bristleconeecology.com Reason: I am approving this document with my legally binding signature Date: 2023.06.02 15:46:50-0600 File PDF Editor Version: 12.1.2	
*Signature: Daniel Maynard	Date: <u>6/2/23</u>
Name: <u>Daniel Maynard</u>	Company name: <u>Bristlecone Ecology, LLC</u>
Address: <u>2023 W Scott Pl</u>	
<u>Denver, CO 80211</u>	
Telephone: <u>971-237-3906</u>	Email: <u>dmaynard@bristleconeecology.com</u>

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.



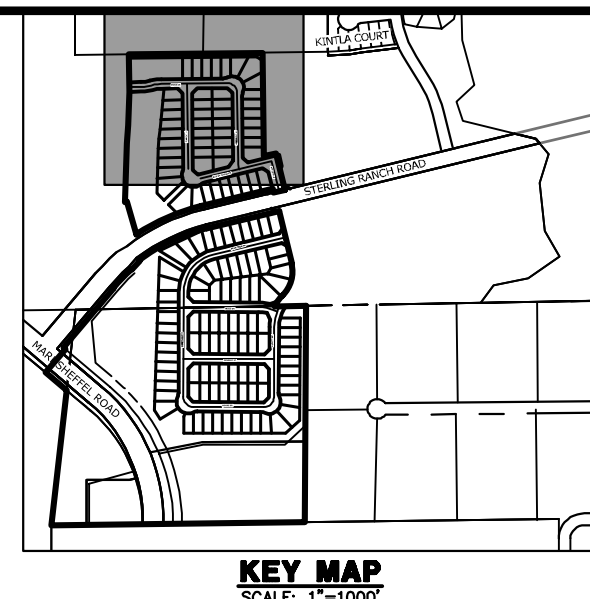
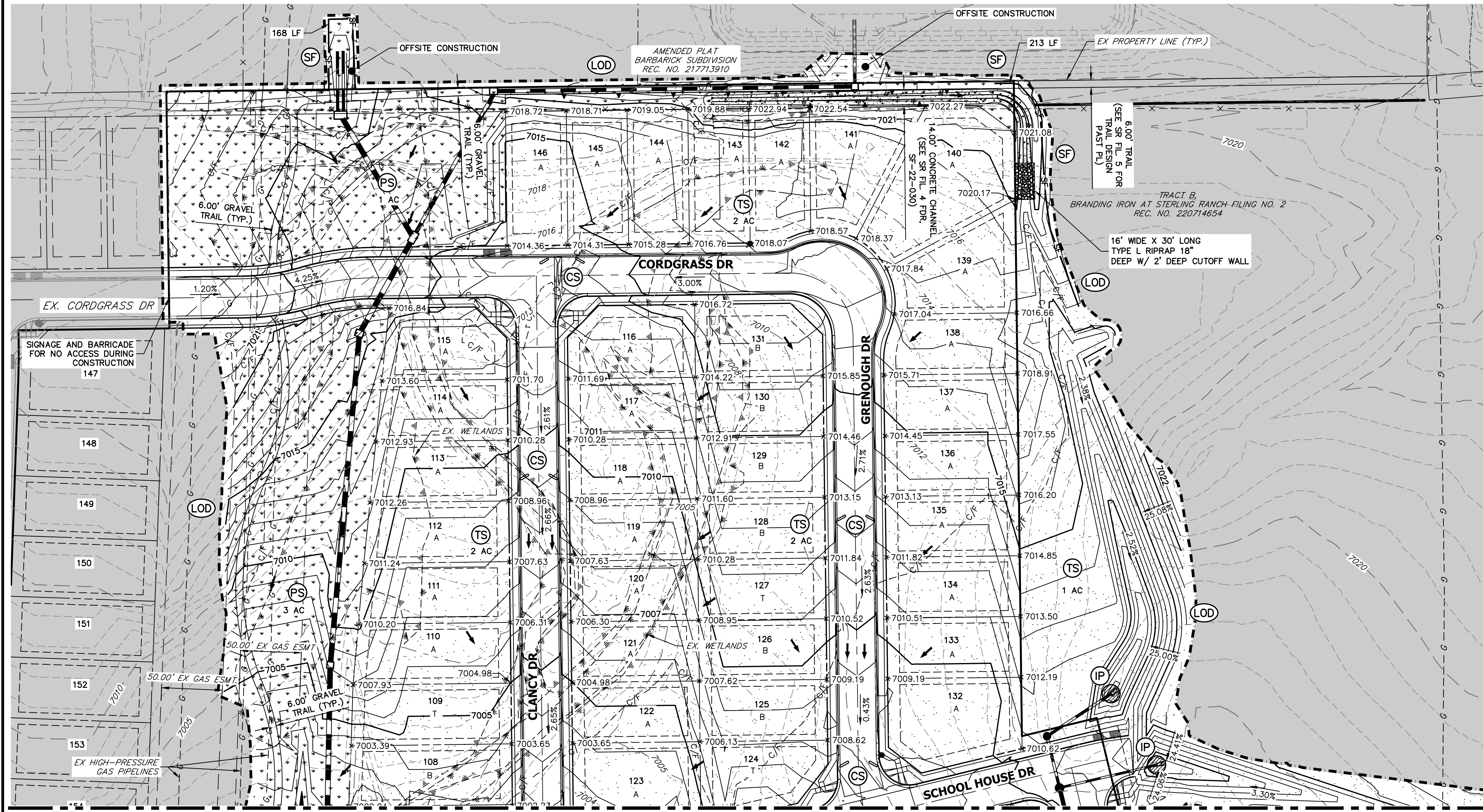
Attachments
Sterling Ranch Filing No. 4
El Paso County, Colorado

September 6, 2023

ATTACHMENT E

PROJECT PLANS

X:\2510000.a\11\Drawings\Sheet Dwg\GESC\Initial.dwg, 1/30/2023 2:45:01 PM, DWG to PDF (JR).pc3



LEGEND

KEY	SYMBOL
CURB SOCK (INITIAL/ INTERIM)	CS
CONCRETE WASHOUT AREA (INITIAL)	CWA
DIVERSION DITCH AND DIKE, TEMPORARY (INTERIM/ FINAL)	DD
INLET PROTECTION (INITIAL/ INTERIM)	IP
OUTLET PROTECTION (INITIAL/ INTERIM)	OP
LIMITS OF CONSTRUCTION/DISTURBANCE	LOD
PERMANENT SEEDING (FINAL)	PS
FLOW ARROW	→
SEDIMENT CONTROL LOG (INITIAL/ INTERIM)	SCL
CUT/FILL MARK	C/F
SILT FENCE (INITIAL)	SF
STABILIZED STAGING AREA (INITIAL)	SSA
TEMPORARY SEEDING (FINAL)	TS
VEHICLE TRACKING CONTROL (INITIAL)	VTC
EXISTING WETLANDS	Wetland Symbol

EARTHWORK NOTES

PARCEL A & B:
 AREA OF CUT = 72,857 CY
 AREA OF FILL = 58,213 CY
 NET VOLUME = 14,644 CY

MARKSHEFFEL RD:
 AREA OF CUT = 2,390 CY
 AREA OF FILL = 3,412 CY
 NET VOLUME = 1,022 CY

ADDITIONAL NOTES

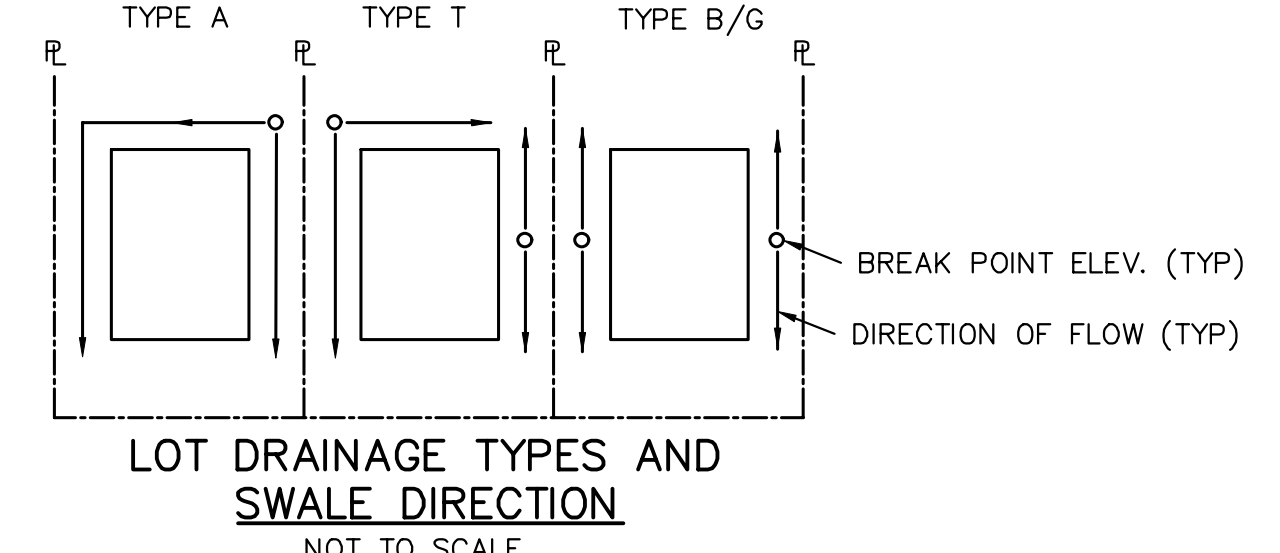
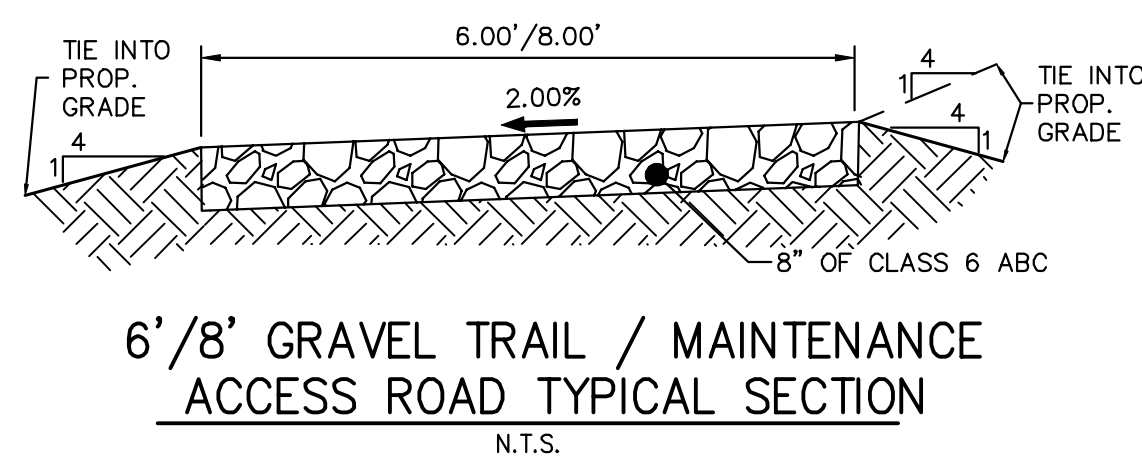
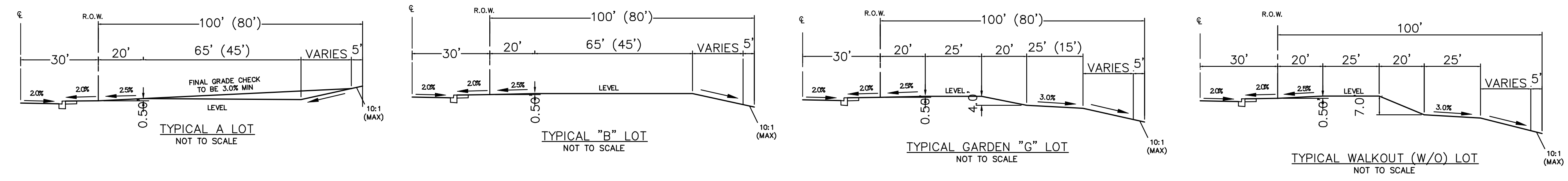
STAGING AREA TO BE DETERMINED BY CONTRACTOR IN THE FIELD. THE LOCATIONS SHALL BE DELINEATED ON THIS PLAN BY THE CONTRACTOR.

THE EROSION CONTROL DELINEATED ON THIS PLAN SHALL BE REGULARLY UPDATED BY THE CONTRACTOR.

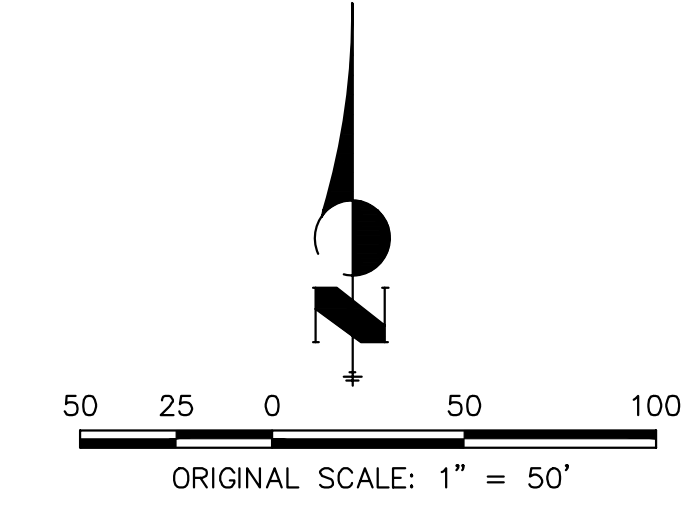
EXISTING VEGETATION: AN AERIAL SURVEY WAS USED TO DETERMINE A 50% COVER OF NATIVE GRASSES.

QUANTITIES:

Item	Unit of Measure	Quantity
Vehicle Tracking Control (VTC)	EA	4
Concrete Washout Area (CWA)	EA	3
Inlet/Outlet Protection (IP)(OP)	EA	24
Silt Fence (SF)	LF	6915
Temporary Stock Pile (SP)	EA	1
Temporary Seeding (TS)	AC	22
Permanent Seeding (PS)	AC	8
Straw Wattle/Rock Sock	LF	789
Diversion Ditch (DD)	LF	215
Stabilized Staging Area (SSA)	AC	7.5



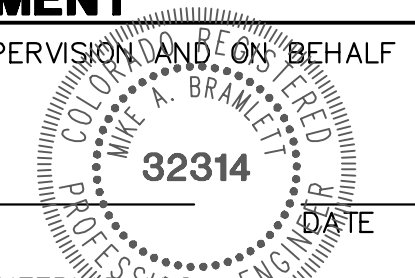
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ENGINEER'S STATEMENT

PREPARED UNDER MY DIRECT SUPERVISION AND ON BEHALF OF JR ENGINEERING

MIKE A. BRAMLETT, P.E.
 COLORADO P.E. 32314
 FOR AND ON BEHALF OF JR ENGINEERING



PREPARED FOR
SR LAND, LLC
 20 BOULDER CRESCENT
 SUITE 201
 COLORADO SPRINGS, CO 80903
 JAMES F. MORLEY
 (719) 471-1742

J.R. ENGINEERING
 A Westman Company
 Central 303-740-9888 • Colorado Springs 719-583-2583
 Fort Collins 970-491-9888 • www.jrengineering.com

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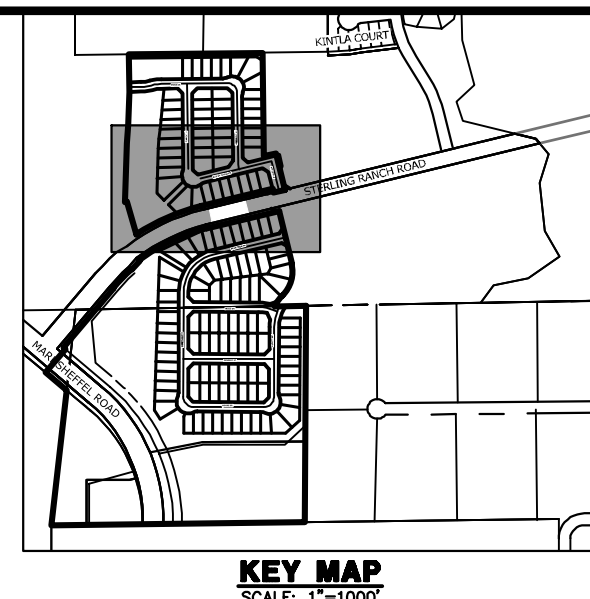
STERLING RANCH FILING 4

GRADING & EROSION CONTROL PLAN

SHEET 2 OF 10

JOB NO. 25188.11

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LEGEND

KEY	SYMBOL
CURB SOCK (INITIAL/ INTERIM)	CS
CONCRETE WASHOUT AREA (INITIAL)	CWA
DIVERSION DITCH AND DIKE, TEMPORARY (INTERIM/ FINAL)	DD
INLET PROTECTION (INITIAL/ INTERIM)	IP
OUTLET PROTECTION (INITIAL/ INTERIM)	OP
LIMITS OF CONSTRUCTION/DISTURBANCE	LOD
PERMANENT SEEDING (FINAL)	PS
FLOW ARROW	→
SEDIMENT CONTROL LOG (INITIAL/ INTERIM)	SCL
CUT/FILL MARK	C/F
SILT FENCE (INITIAL)	SF
STABILIZED STAGING AREA (INITIAL)	SSA
TEMPORARY SEEDING (FINAL)	TS
VEHICLE TRACKING CONTROL (INITIAL)	VTC
EXISTING WETLANDS	W

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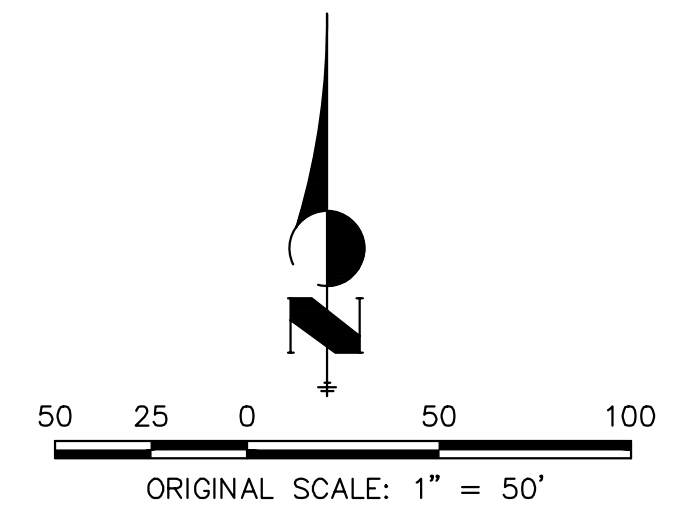
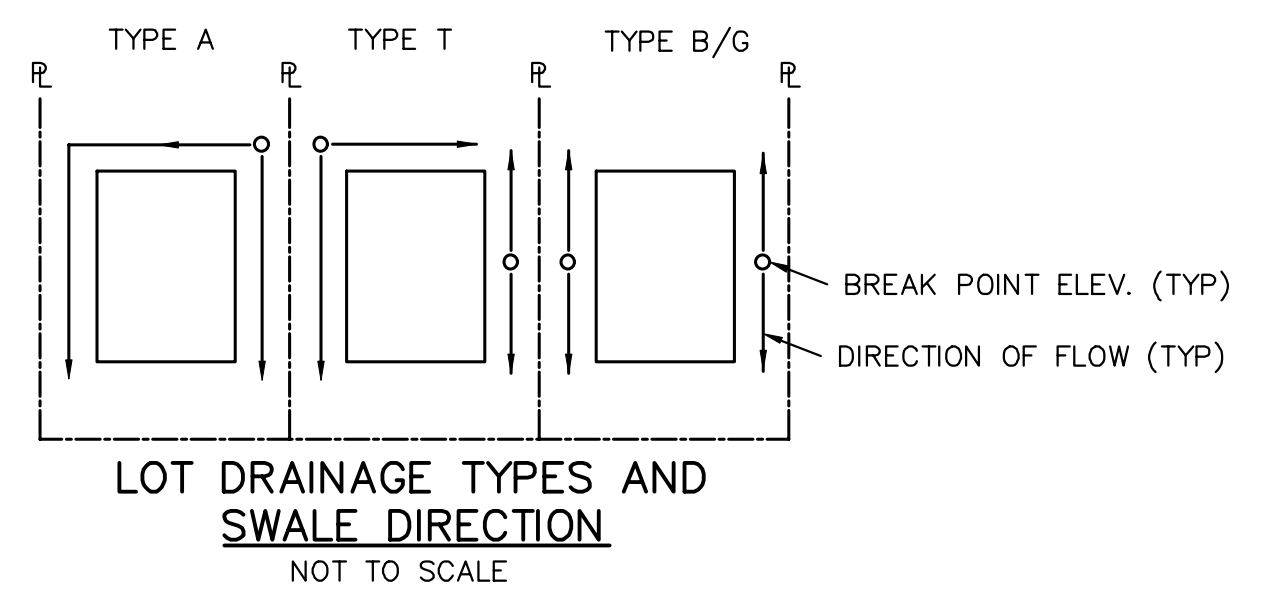
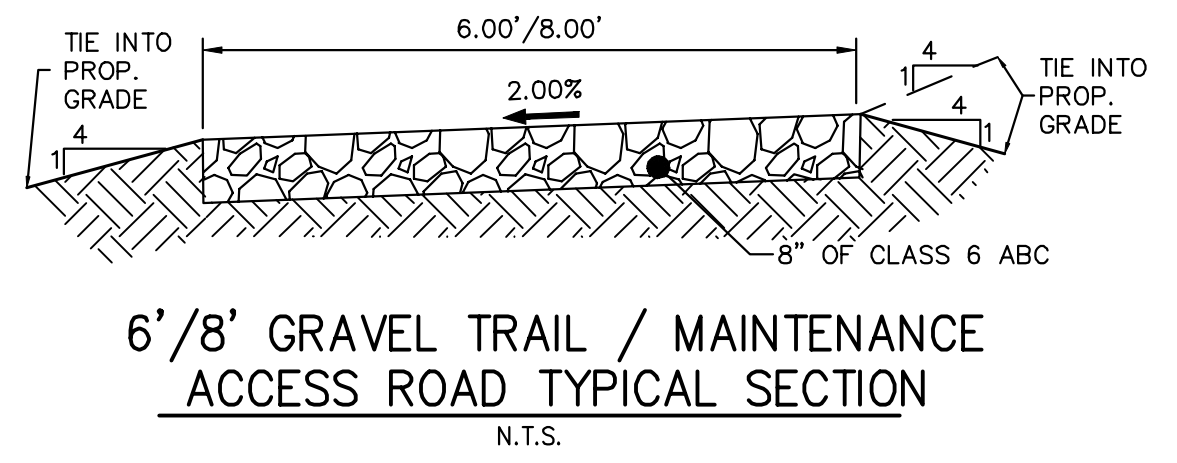
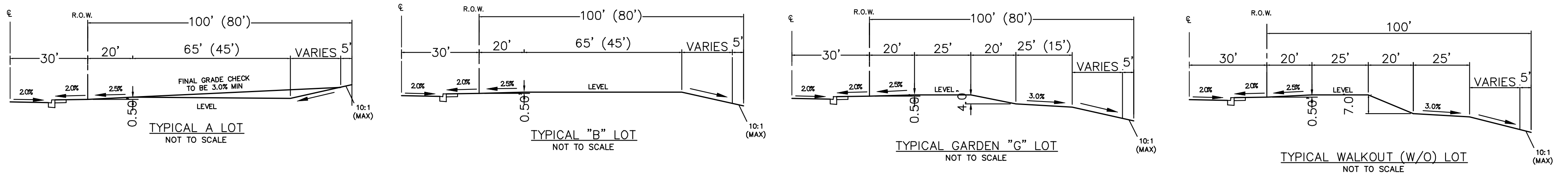
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BY	DATE	No.	REVISION

SEE SHEET 2

SEE SHEET 4



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EARTHWORK NOTES

PARCEL A & B:
 AREA OF CUT = 72,857 CY
 AREA OF FILL = 58,213 CY
 NET VOLUME = 14,644 CY
 MARKSHEFFEL RD:
 AREA OF CUT = 2,390 CY
 AREA OF FILL = 3412 CY
 NET VOLUME = 1,022 CY

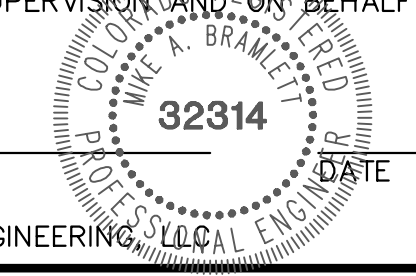
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 EXISTING VEGETATION: AN AERIAL SURVEY WAS USED TO DETERMINE A 50% COVER OF NATIVE GRASSES.

ENGINEER'S STATEMENT

PREPARED UNDER MY DIRECT SUPERVISION AND ON BEHALF OF JR ENGINEERING

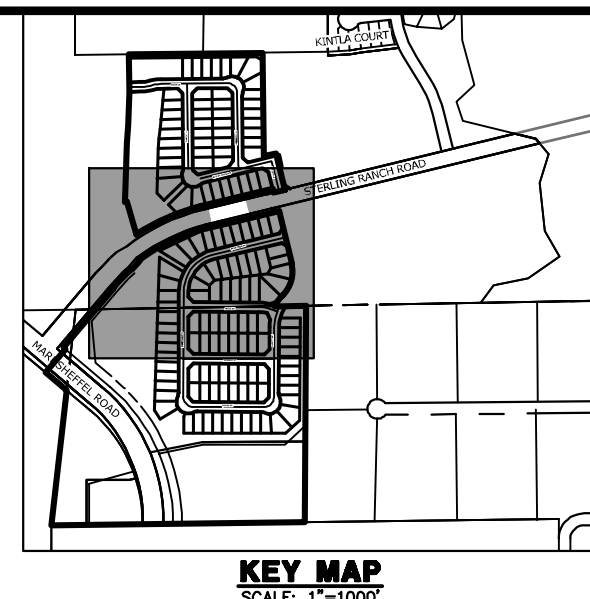
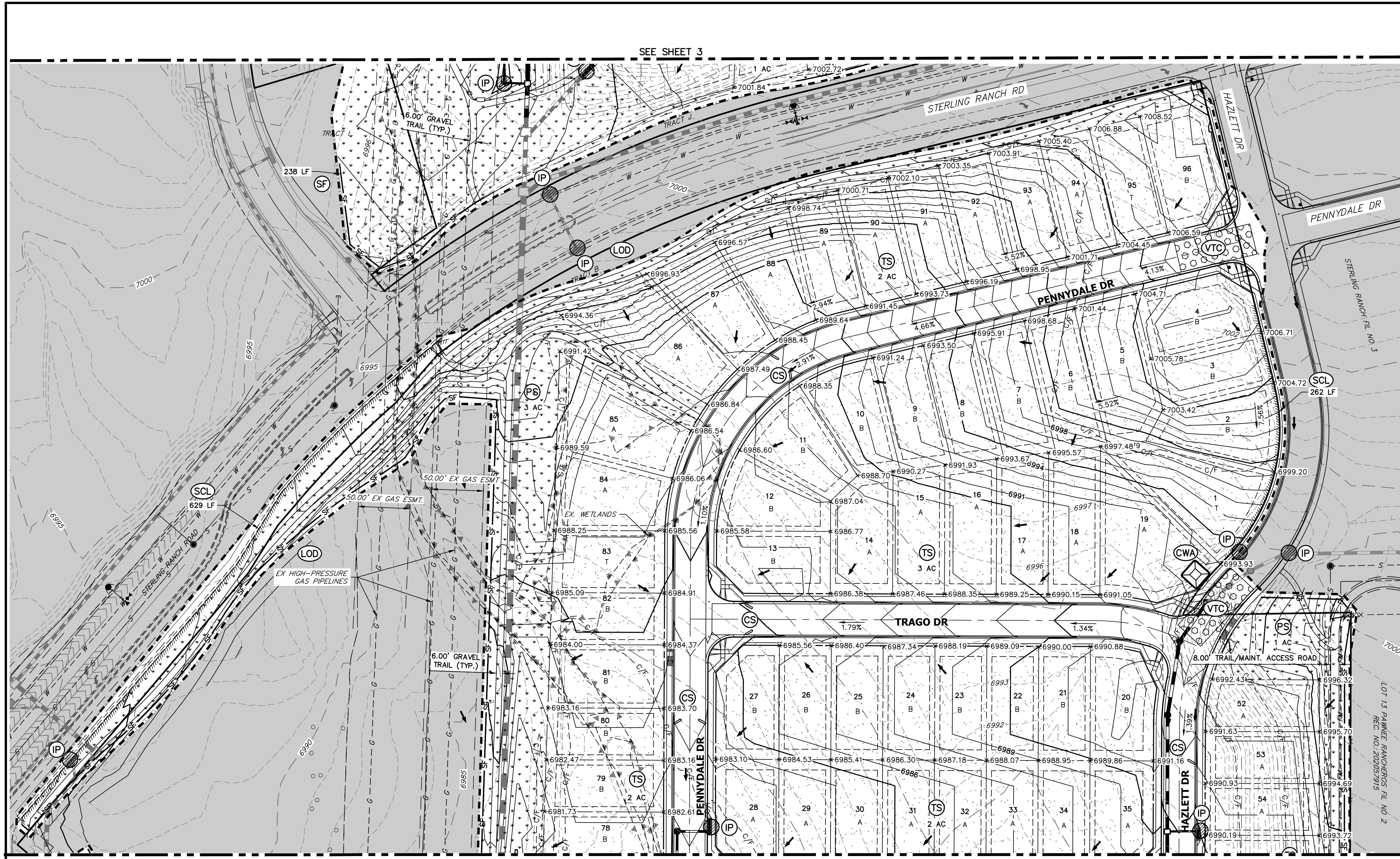
MIKE A. BRAMLETT, P.E.
 COLORADO P.E. 32314
 FOR AND ON BEHALF OF JR ENGINEERING



STERLING RANCH FILING 4
 GRADING & EROSION CONTROL PLAN

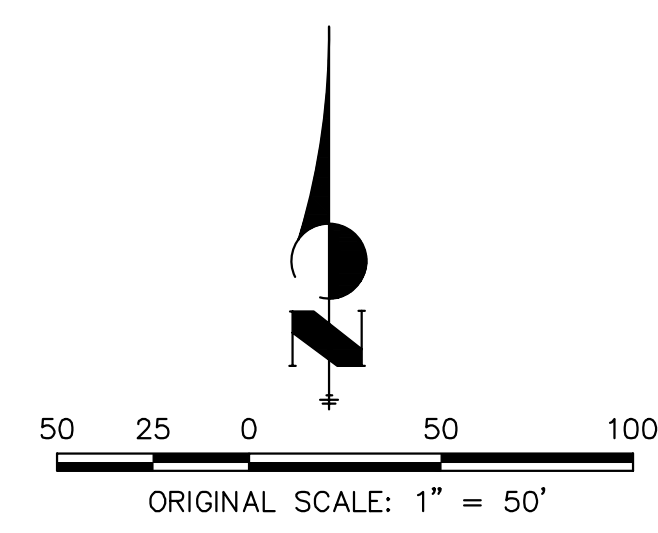


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LEGEND

KEY	SYMBOL
CURB SOCK (INITIAL/ INTERIM)	(CS)
CONCRETE WASHOUT AREA (INITIAL)	(CWA)
DIVERSION DITCH AND DIKE, TEMPORARY (INTERIM/ FINAL)	(DD)
INLET PROTECTION (INITIAL/ INTERIM)	(IP)
OUTLET PROTECTION (INITIAL/ INTERIM)	(OP)
LIMITS OF CONSTRUCTION/DISTURBANCE	(LOD)
PERMANENT SEEDING (FINAL)	(PS)
FLOW ARROW	→
SEDIMENT CONTROL LOG (INITIAL/ INTERIM)	(SCL)
CUT/FILL MARK	- - - C/F
SILT FENCE (INITIAL)	(SF)
STABILIZED STAGING AREA (INITIAL)	(SSA)
TEMPORARY SEEDING (FINAL)	(TS)
VEHICLE TRACKING CONTROL (INITIAL)	(VTC)
EXISTING WETLANDS	(W)



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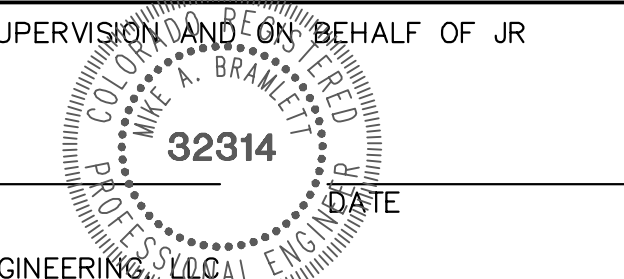
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MIKE A. BRAMLETT, P.E.
 COLORADO P.E. 32314
 FOR AND ON BEHALF OF JR ENGINEERING, LOCAL ENGINEERING



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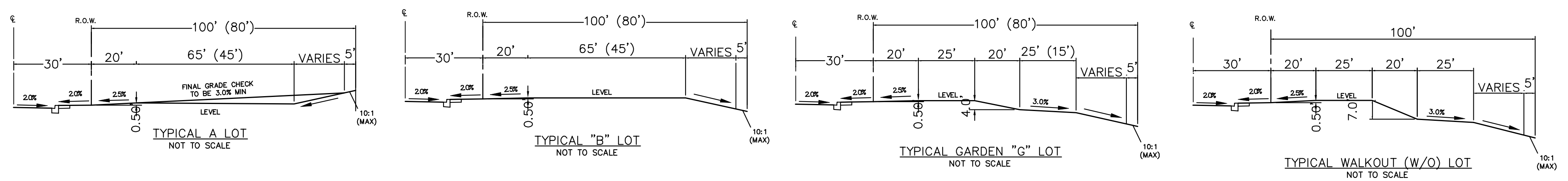
BY	DATE	No.	REVISION

STERLING RANCH FILING 4

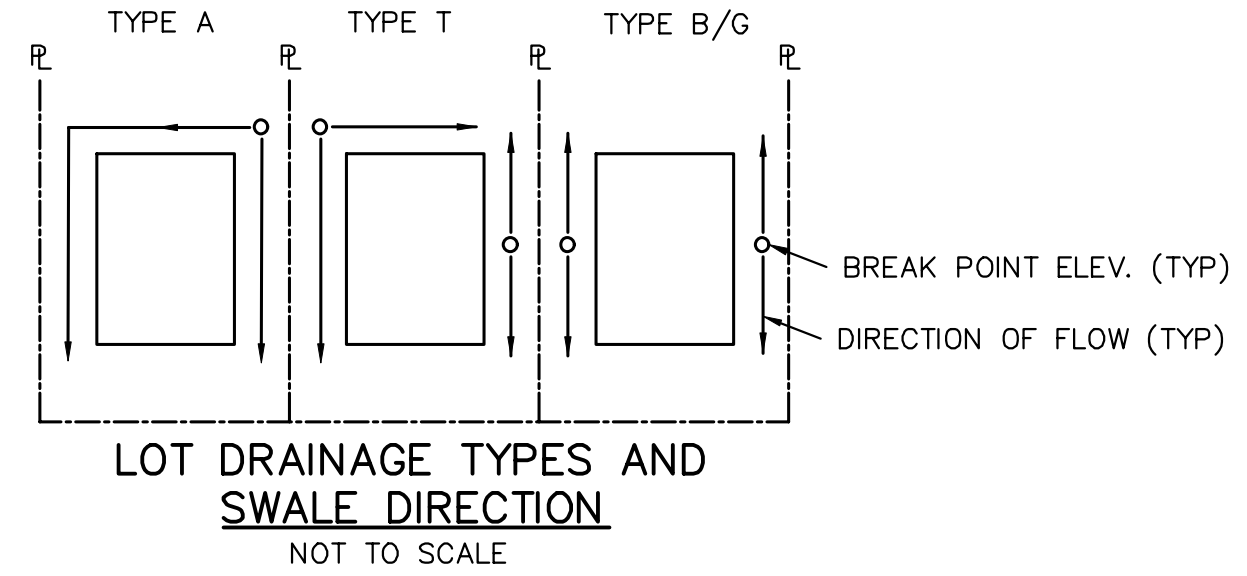
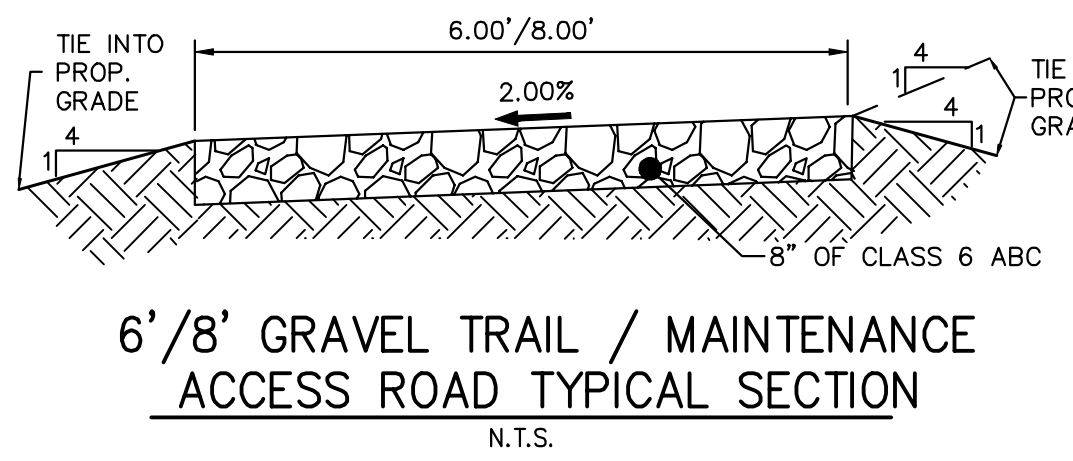
GRADING & EROSION CONTROL PLAN

SHEET 4 OF 10

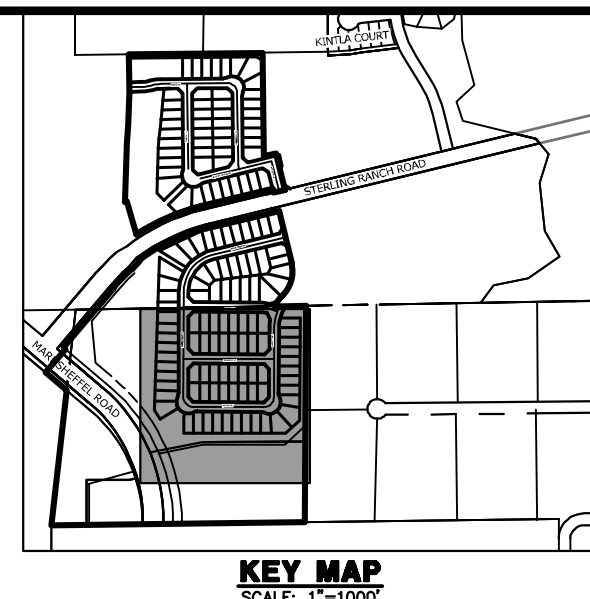
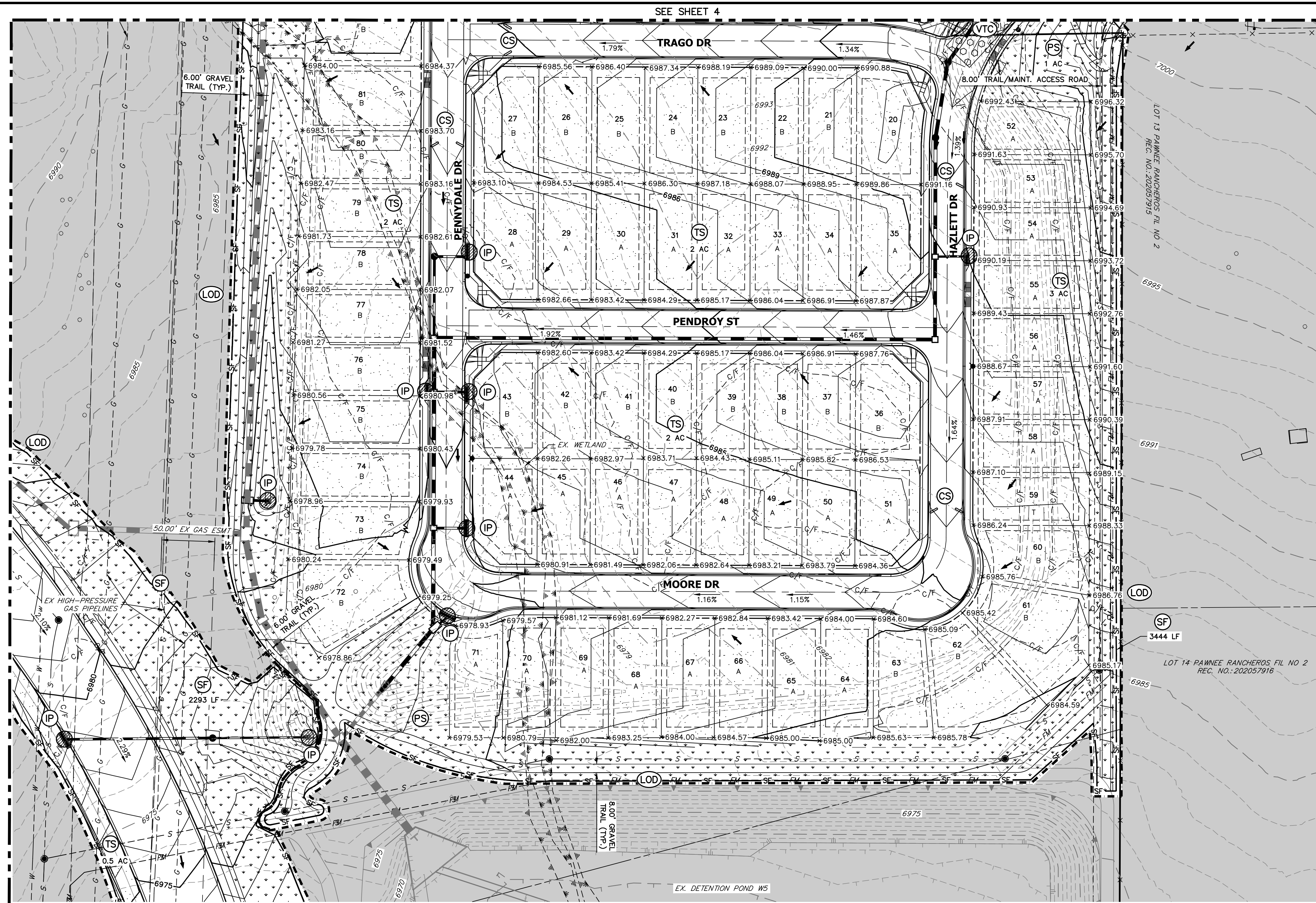
JOB NO. 25188.11



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LEGEND

KEY	SYMBOL
CURB SOCK (INITIAL/ INTERIM)	(CS)
CONCRETE WASHOUT AREA (INITIAL)	(CWA)
DIVERSION DITCH AND DIKE, TEMPORARY (INTERIM/ FINAL)	(DD)
INLET PROTECTION (INITIAL/ INTERIM)	(IP)
OUTLET PROTECTION (INITIAL/ INTERIM)	(OP)
LIMITS OF CONSTRUCTION/DISTURBANCE	(LOD)
PERMANENT SEEDING (FINAL)	(PS)
FLOW ARROW	→
SEDIMENT CONTROL LOG (INITIAL/ INTERIM)	(SCL)
CUT/FILL MARK	- - - C/F - - -
SILT FENCE (INITIAL)	(SF)
STABILIZED STAGING AREA (INITIAL)	(SSA)
TEMPORARY SEEDING (FINAL)	(TS)
VEHICLE TRACKING CONTROL (INITIAL)	(VTC)
EXISTING WETLANDS	(W)

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 NET VOLUME = 14,644 CY

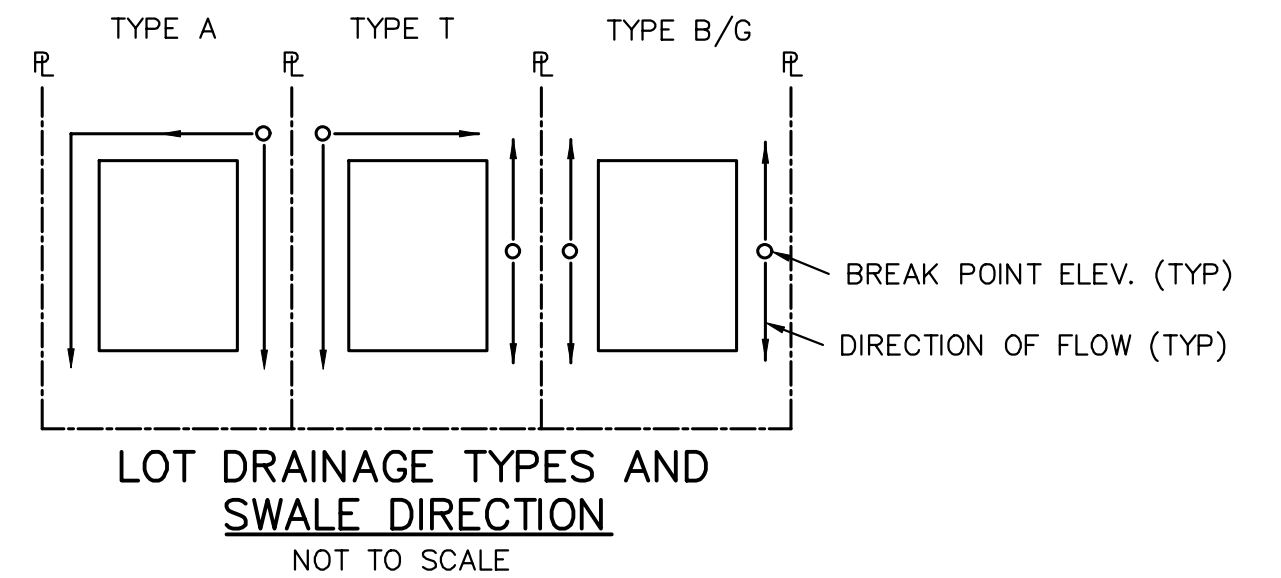
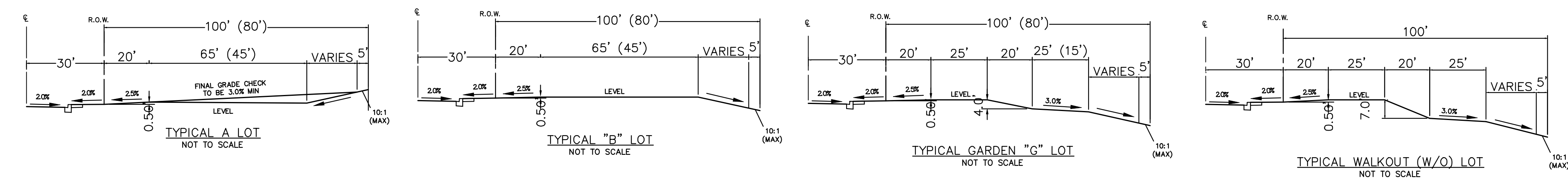
MARKSHEFFEL RD:
 AREA OF CUT = 2,390 CY
 AREA OF FILL = 3412 CY
 NET VOLUME = 1,022 CY

ADDITIONAL NOTES

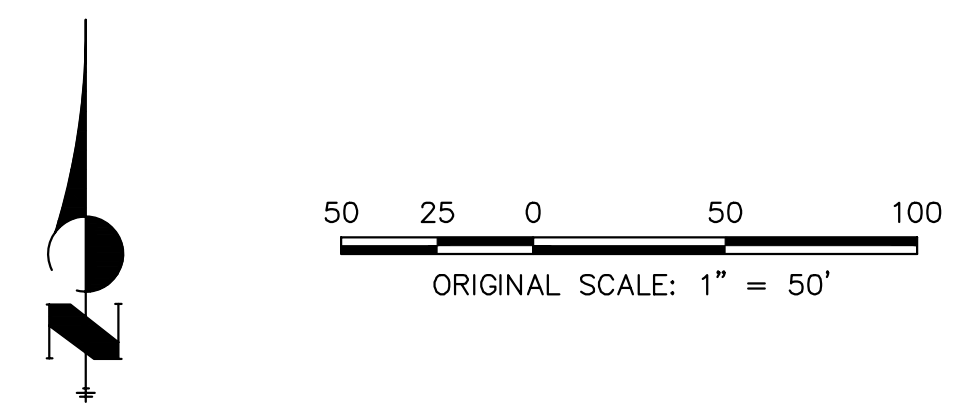
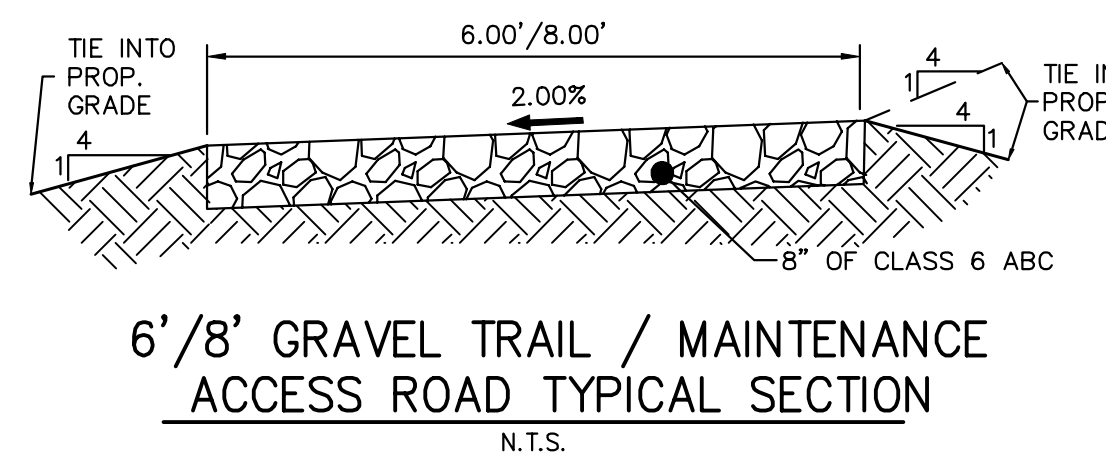
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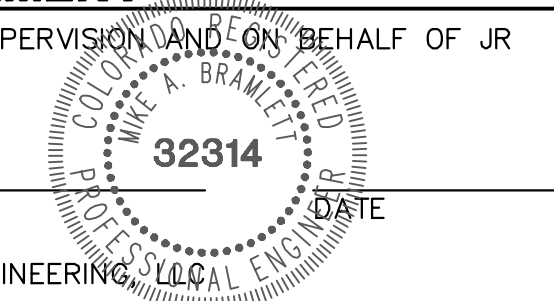
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MIKE A. BRAMLETT, P.E.
 COLORADO P.E. 32314
 FOR AND ON BEHALF OF JR ENGINEERING



PREPARED FOR
SR LAND, LLC
 20 BOULDER CRESCENT
 SUITE 201
 COLORADO SPRINGS, CO 80903
 JAMES F. MORLEY
 (719) 471-1742

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 Centennial 303-740-9888 • Colorado Springs 719-583-2583
 Fort Collins 970-491-9888 • www.jrengineering.com

BY	DATE	NO.	REVISION

H-SCALE 1"=50'
 V-SCALE N/A
 DATE 01/23/23
 DESIGNED BY AMT
 DRAWN BY AMT
 CHECKED BY

STERLING RANCH FILING 4

GRADING & EROSION CONTROL PLAN

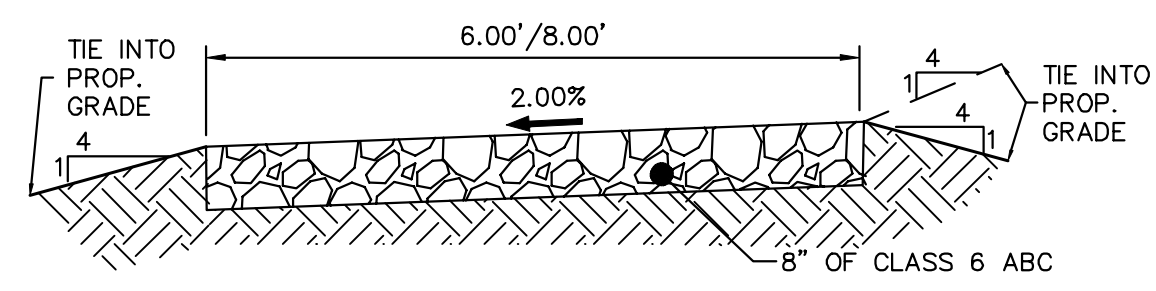
SHEET 5 OF 10
 JOB NO. 25188.11

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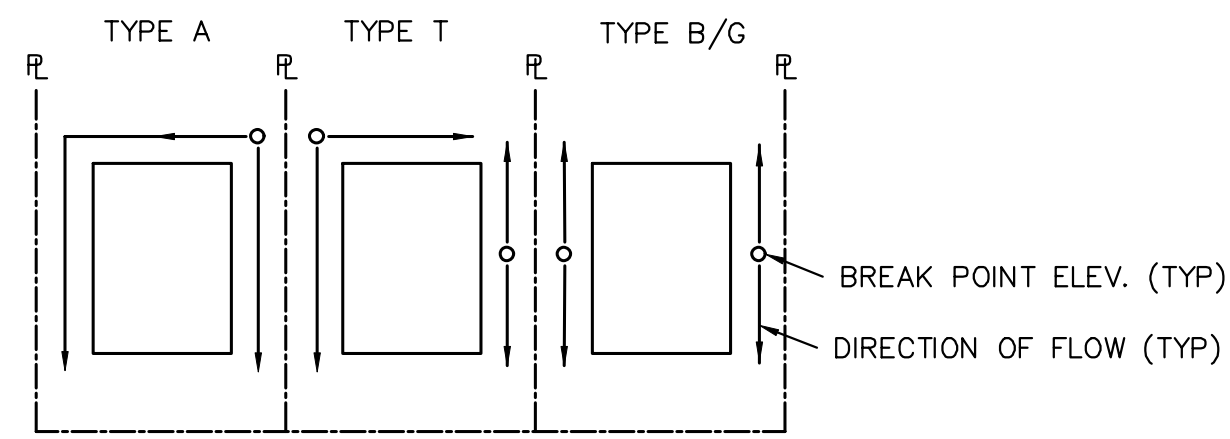
SEE SHEET 4



SEE SHEET 5



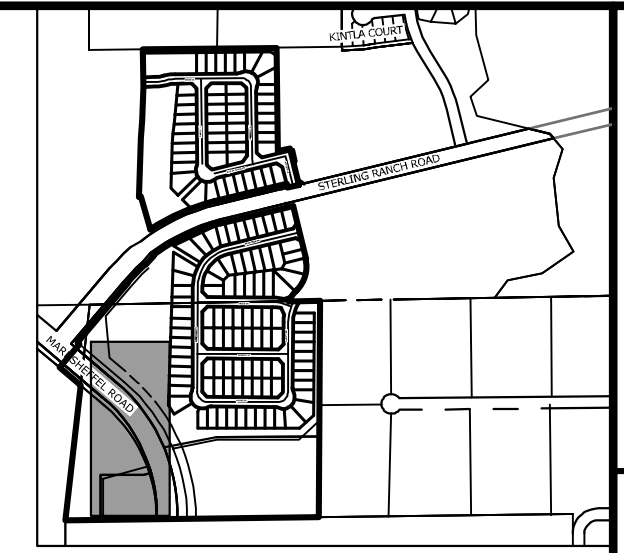
6' / 8' GRAVEL TRAIL / MAINTENANCE ACCESS ROAD TYPICAL SECTION
N.T.S.



LOT DRAINAGE TYPES AND SWALE DIRECTION
NOT TO SCALE



Know what's below.
Call before you dig.



KEY MAP
SCALE: 1"=100'

LEGEND

KEY	SYMBOL
CURB SOCK (INITIAL/ INTERM)	CS
CONCRETE WASHOUT AREA (INITIAL)	CWA
DIVERSION DITCH AND DIKE, TEMPORARY (INTERIM/ FINAL)	DD
INLET PROTECTION (INITIAL/ INTERM)	IP
OUTLET PROTECTION (INITIAL/ INTERM)	OP
LIMITS OF CONSTRUCTION/DISTURBANCE	LOD
PERMANENT SEEDING (FINAL)	PS
FLOW ARROW	→
SEDIMENT CONTROL LOG (INITIAL/ INTERM)	SCL
CUT/FILL MARK	C/F
SILT FENCE (INITIAL)	SF
STABILIZED STAGING AREA (INITIAL)	SSA
TEMPORARY SEEDING (FINAL)	TS
VEHICLE TRACKING CONTROL (INITIAL)	VTC
EXISTING WETLANDS	Wetland symbol

EARTHWORK NOTES

PARCEL A & B:
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NET VOLUME = 14,644 CY

MARKSHEFFEL RD:
AREA OF CUT = 2,390 CY
AREA OF FILL = 3,412 CY
NET VOLUME = 1,022 CY

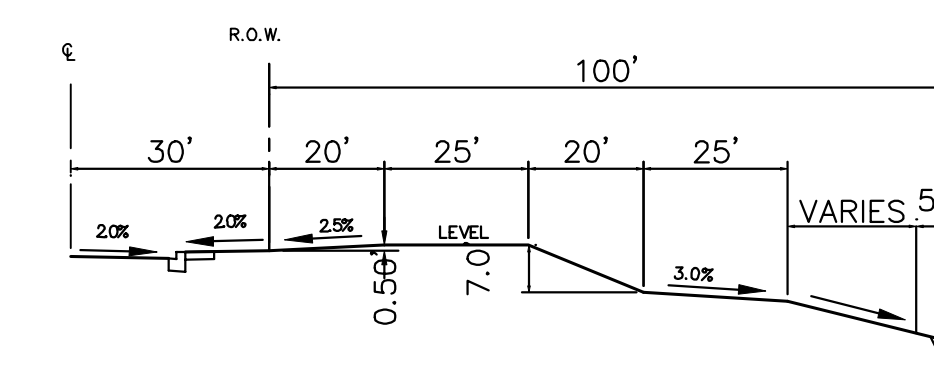
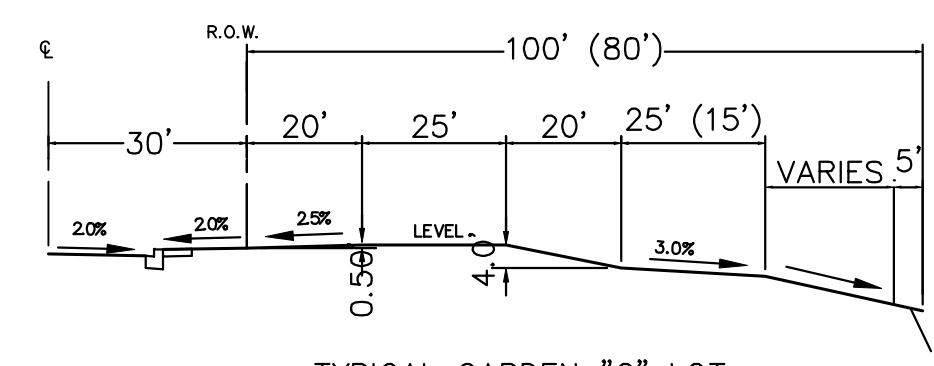
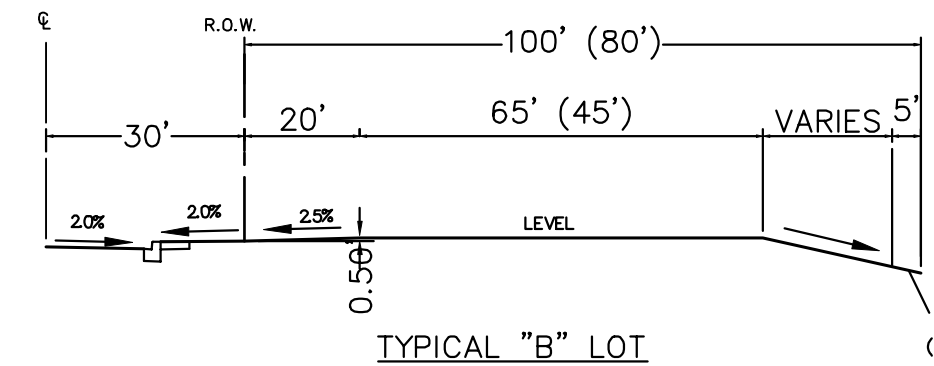
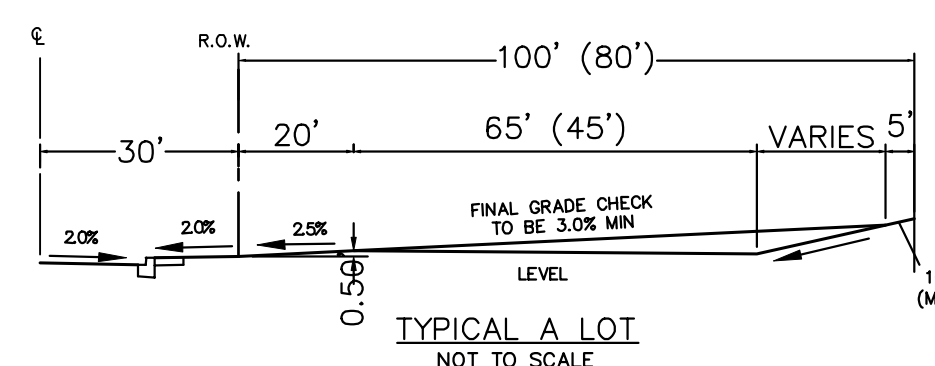
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SEE FINAL DRAINAGE REPORT FOR STERLING RANCH FIL. NO. 4 (SF-22-030) TO OBTAIN INFORMATION REGARDING DRAINAGE INFORMATION FROM MARKSHEFFEL AND LOCATION OF ASPEN MEADOW POND.

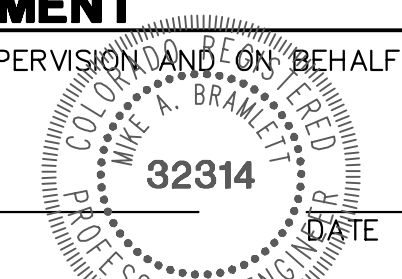
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H-SCALE	V-SCALE	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	No.	REVISION	BY	DATE
								1"=50'	N/A

STERLING RANCH FILING 4
GRADING & EROSION CONTROL PLAN
SHEET 6 OF 10
JOB NO. 25188.11



Attachments
Sterling Ranch Filing No. 4
El Paso County, Colorado

September 6, 2023

ATTACHMENT F

PHOTOGRAPHIC LOG

September 6, 2023



W4 and W5 – North-facing view from the construction road crossing south of W4. Darker brown areas are areas where wetland vegetation can be found, surrounded by areas impacted by grading. The culvert that connecting W4 to W6 is seen on the right side. Grading for Sterling Ranch Road can just be seen as a raised road grade just beyond W5 in the distance.

September 6, 2023



W6 – Northern extent of W6 facing south from the roadway separating W6 from W4 and W5 to the north. Wetlands are the darker vegetation along the narrow, shallow swale running directly away from the observer. The fields on either side of the swale are dominated by smooth brome. Beyond W6, the extensive grading around the constructed basin can just be seen.

September 6, 2023



View of the detention basin located south of W6, facing NW. Stormwater flows from the surrounding development are piped into this basin, which lacks surface connection to any of the wetlands on the Project site.

September 6, 2023



Graded areas immediately south of W6, facing north towards W6. Additional grading around W4, W5, and W1 can be seen in the distance. These graded areas, along with the more than 1,400 feet of fill along the former swale to the south in the Aspen Meadows development, disrupt surface connection to downstream WOTUS.

September 6, 2023



Extensive graded areas at the south end of the Project area, just north of the Aspen Meadows development; houses in this development can be seen from the righthand edge to the approximate center of the photo. The houses at left are from another offsite development.

September 6, 2023



View of W6 facing north. Darker green-brown vegetation along the center of the image is wetland vegetation, surrounded by upland vegetation and some graded areas along the outside of the uplands. The triple culvert at the bottom right previously conveyed water along the same swale, which ran south off of the property and onto the Aspen Meadows site. Presently, the triple culvert conveys flows through underground pipes approximately 300 feet southwest to the concrete forebay to the large detention basin to the south.



Attachments
Sterling Ranch Filing No. 4
El Paso County, Colorado

September 6, 2023

ATTACHMENT G

HISTORIC AERIAL PHOTOS

Sterling Ranch Fil. No. 4

Aerial Photo from 2015





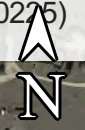
Aspen Meadows future development (SPA-2019-0225)

Aspen Meadows by Aspen View Homes

Prior downstream surface connection to Sand Creek

Legend

-  Aspen Meadows by Aspen View Homes
-  Aspen Meadows future development (SPA-2019-0225)



Sterling Ranch Fil. No. 4

Aerial Photo from 2022



Development has eliminated downstream surface connection to Sand Creek

Legend

- Aspen Meadows development (SPA-2019-0225)

