



**DEPARTMENT OF THE ARMY**  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS REGULATORY DIVISION  
SOUTHERN COLORADO BRANCH, DURANGO OFFICE  
1970 EAST 3RD AVENUE, SUITE 109  
DURANGO, COLORADO 81301-5025

May 8, 2024

Regulatory Division

SUBJECT: Nationwide Permit Verification (SPA-2017-00219)

Classic Communities

Loren Moreland, Vice President  
2138 Flying Horse Club Drive  
Colorado Springs, Colorado 80921  
[lmoreland@classichomes.com](mailto:lmoreland@classichomes.com)

Dear Mr. Moreland:

We are responding to your pre-construction notification (PCN), dated March 29, 2024, submitted to us for verification of authorization under nationwide permit (NWP) for the *Arroya Lane Road Expansion* project at The Retreat at Timber Ridge Residential Development site. The project site is located east of Vollmer Road at the Arroya Lane crossing of Sand Creek on the southern boundary of the Black Forest region, at approximate latitude 38.98395°, longitude -104.662615°, El Paso County, Colorado.

Based on the information provided, we have determined that the *Arroya Lane Road Expansion* project involves the discharge of dredged or fill material into waters of the United States, subject to Section 404 of the Clean Water Act. The specific activities that require Corps' authorization are the construction of the box culvert, wing walls for the culvert, riprap to stabilize the floodplain, a check structure to reduce flow velocity, grading, and other necessary modifications including guardrails (NWP 14) and the installation of stormwater pipe and associated riprap outfall (NWP 43). Combined, the authorized activities will permanently impact 0.348 acre of wetland, with no temporary impact to wetland, and will be conducted as described in the referenced PCN.

We have determined that activities associated with the project are authorized by 2021 NWP 14 (Linear Transportation Projects) and 2021 NWP 43 (Stormwater Facilities). A summary of this NWP and the 2021 Colorado Regional Conditions are available on our website at [www.spa.usace.army.mil/reg/nwp](http://www.spa.usace.army.mil/reg/nwp). Failure to comply with all terms and conditions of this NWP may result in the suspension or revocation of this authorization. As required by General Condition 30, you shall sign the enclosed Compliance Certification (Enclosure 1) and return it to this office within 30 days after completion of the authorized work. For specific information regarding compliance with water quality certification (WQC) requirements, please refer to our website at [www.spa.usace.army.mil/reg/wqc](http://www.spa.usace.army.mil/reg/wqc).

In addition, the work must comply with the following **special condition**:

1. To compensate for the loss of 0.348 acre of wetland, you shall purchase 0.696 mitigation credits at Maria Lake Mitigation Bank (including a minimum of 0.085 Palustrine Scrub Shrub credits). Evidence of this purchase, including credit types, shall be provided to this office prior to initiation of construction activities in waters of the United States authorized by this verification.

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, the project has no potential to cause effects to historic properties. 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's are modified, suspended, reissued, or revoked prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the NWP, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on an NWP will remain authorized provided the activity is completed within 12 months of the date of the NWP's expiration, modification, or revocation.

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

The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the permit.

The Corps' Albuquerque District-Civil Works, Water Management Section, conducts water control operations which may affect flow levels within the Arkansas River basin. For current river basin flow data within the Albuquerque District, please visit the Water Management Section website at <https://w3.spa.usace.army.mil/wc/htmlrpts/CurrentConditions.htm>. For more detailed and historic flow data, please visit the Corps' Water Control website at <https://www.spa.usace.army.mil/Missions/Civil-Works/Water-Control/>.

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 <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>.

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 [Kerriane.L.Zdimal-Quarles@usace.army.mil](mailto:Kerriane.L.Zdimal-Quarles@usace.army.mil), or telephone at (970) 259-1764 X 1.

Sincerely,

Kerriane Zdimal  
Regulatory Specialist  
Southern Colorado Branch

Enclosure

cc:  
Bristlecone Ecology LLC, Daniel Maynard, [dmaynard@bristleconeecology.com](mailto:dmaynard@bristleconeecology.com)

**COMPLIANCE CERTIFICATION**

Action Number: SPA-2017-00219

Name of Permittee: Classic Communities, LLC, Loren Moreland

Nationwide Permit: 14 (Linear Transportation Projects) and 43 (Stormwater Facilities)

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

U.S. Army Corps of Engineers, Albuquerque District  
SOUTHERN COLORADO BRANCH, DURANGO OFFICE  
1970 EAST 3RD AVENUE, SUITE 109  
DURANGO, COLORADO 81301-5025  
[spa-rd-co@usace.army.mil](mailto:spa-rd-co@usace.army.mil)

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

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