



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
200 SOUTH SANTA FE AVENUE, SUITE 301
PUEBLO, COLORADO 81003-4270

NOT SIGNED
02-24-16

February 18, 2016

Regulatory Division

SUBJECT: Action No. SPA-2015-00428-SCO, Sterling Ranch Residential Development Project, El Paso County, Colorado

Jim Morley
SR Land, LLC
20 Boulder Crescent Suite 201
Colorado Springs, CO 80903

Mr. Morley:

Enclosed for your review and signature are two copies of the draft permit for Action No. SPA-2015-00428-SCO discharge dredged and fill material into waters of the United States.

You may either sign the permit or object to the permit and request the permit to be modified in accordance with the enclosed Notification of Administrative Appeal Options and Process and Request For Appeal (NAAOP-RFA). If you elect to object to this permit, you must complete Section II (Request for Appeal or Objections to an Initial Proffered Permit) of the enclosure and return to: U.S. Army Corps of Engineers, Attn: Mr. Tom Cavanaugh, Administrative Appeal Review Officer, 1455 Market Street, Room 1760, San Francisco, CA 94103-1399, within 60 days of the date of this letter.

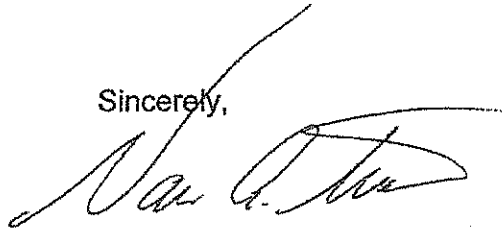
If you elect to sign the permit, please ensure that both copies are signed and dated and return them to the attention of the Regulatory Division at the address above. Your signature on the permit indicates that you accept the permit in its entirety and forfeit all rights to appeal the permit or its terms and conditions, and denotes your assurance that the work will be conducted in accordance with the plans, description, and all terms and conditions of the permit.

A fee in the amount of \$100.00 for commercial project must be paid before the permit can be issued. Your check should be made payable to the "Finance and Accounting Officer, UFC, Albuquerque", and mailed to the attention of the Regulatory Division at the above address.

Within ten days, both signed copies of the accepted permit should be returned to us. One copy of the signed permit will be returned to you. The permit is not valid until signed by the U.S. Army Corps of Engineers. If you have any questions concerning this

permit, please contact me at 719-543-6915 or by e-mail at van.a.truan@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Van A. Truan". The signature is fluid and cursive, with a large, sweeping initial "V".

Van Truan
Chief, Southern Colorado
Regulatory Branch

Enclosures



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
200 SOUTH SANTA FE AVENUE, SUITE 301
PUEBLO, COLORADO 81003-4270

SIGNED

February 29, 2016

Regulatory Division

SUBJECT: Action No. SPA-2015-00428-SCO, Sterling Ranch Residential Development Project, El Paso County, Colorado

Jim Morley
SR Land, LLC
20 Boulder Crescent Suite 201
Colorado Springs, CO 80903

Mr. Morley:

You are hereby authorized under Section 404 of the Clean Water Act to discharge dredged and fill material into waters of the United States to conduct work in associated with construction of the Sterling Ranch Residential Development in accordance with Action Number SPA-2015-00428-SCO. A copy of the permit is enclosed.

To use this permit, you must ensure that the work is conducted in accordance with the terms and conditions of the permit. You must submit revised drawings to us for approval prior to construction should any changes be found necessary in either the location or plans for the work. Approval of revised plans may be granted if they are found not contrary to the public interest.

This permit is not an approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of Federal, state or local laws or regulations. You must possess the authority, including property rights, to undertake the proposed work.

Enclosed is a compliance certification form. Upon completion of the project, please sign and date the form and return it to this office.

If you have any questions concerning our regulatory program, please contact me at 719-543-6915 or by e-mail at van.a.truan@usace.army.mil. At your convenience,

please complete a Customer Service Survey at
<http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Van Truan", with a long horizontal flourish extending to the right.

Van Truan
Chief, Southern Colorado
Regulatory Branch

Enclosure(s)

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

Action Number: SPA-2015-00428-SCO

Name of Permittee: SR Land, LLC

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:

Van Truan
Albuquerque District, U.S. Army Corps of Engineers
200 South Santa Fe Avenue, Suite 301
Pueblo, Colorado 81003-4270

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

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

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

Date Work Started _____

Date Work Completed _____

Date

Signature of Permittee

DEPARTMENT OF THE ARMY PERMIT

Permittee Jim Morley

Permit No. SPA-2015-00428-SCO

Issuing Office Albuquerque District, U.S. Army Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The Sterling Ranch Residential Development Project includes installation of attendant utilities, channel improvements to the main stem of Sand Creek, three off-line stormwater detention ponds, development of two permanent residential access roads and associated culverts, and development of residential units. Permanent impacts to waters of the US will result from construction of the residential access roads and associated culverts, and construction of residential units in the unnamed western tributary to Sand Creek. Total cumulative permanent impacts from the discharge of fill material into waters/wetlands of the US from the proposed project will total 4.21 acres and 5,048 linear feet within the main channel of Sand Creek and its western tributary. The project will be constructed in accordance with the attached drawings, entitled, "Sterling Ranch Wetland Impact Location Map, Sterling Ranch Sketch Plan figure number 8, and Sterling Ranch Channel Improvements & Mitigation Plan sheets 1 through 3 dated October 13, 2015, in Sand Creek, El Paso County, Colorado, Application by Jim Morley, Application No. SPA-2015-00428-SCO".

Project Location: The project is located on 1,443.7 acres northeast of the intersection of Black Forest Road and Woodmen Road in unincorporated El Paso County, Colorado. The property is on the United States Geological Survey (USGS) Falcon Quadrangle on portions of Sections 27, 28, 32, 33, and 34 in Township 12 South, Range 65 West and the northwest portion of Section 4, Township 13 South, Range 65 West. The approximate coordinates of the project center are 39.964483 latitude and -104.664944 longitude (WGS 84 datum).

Permit Conditions: In accordance with the attached Colorado Department of Public Health and Environment Section 401 Water Quality Certification pages 1 through 6 of 6, dated February 4, 2016.

General Conditions:

1. The time limit for completing the work authorized ends on March 1, 2021. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity,

although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office 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 your permit.

Special Conditions:

1. The permittee shall implement and abide by the compensatory mitigation plan titled Conceptual Mitigation Plan for Sterling Ranch Residential Development, prepared by CORE Consultants, Inc. on October 29, 2015 except where changes are necessary to comply with special conditions listed below. The permittee shall implement the mitigation plan concurrently with the construction of the project and complete the initial construction and plantings associated with the mitigation work prior to EITHER the initiation of operation OR completion of construction of the project. Completion of all elements of this mitigation plan is a requirement of this permit.

2. The permittee shall submit annual compensatory mitigation site monitoring reports to the Corps Albuquerque District Office by December 31st of each year, beginning in 2016, for a minimum of 3 years or until the Corps has determined that the mitigation performance standards and success criteria have been met. The monitoring reports shall be prepared in accordance with Corps Regulatory Guidance Letter 08-03 (Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources) and current Corps Albuquerque District Mitigation Monitoring Guidelines available at <http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/Mitigation.aspx>. The mitigation monitoring reports shall at a minimum include the following:

- a. Comparison of pre-construction site conditions to an as-built survey as submitted in accordance with Special Condition 4.
- b. A map showing the wetland AND/OR Ordinary High Water Mark (OHWM) delineation, and aerial photos marked to show the wetland AND/OR OHWM boundary.
- c. Photographs (minimum 5) from fixed photographic monitoring points with a location reference map and indicating camera orientation.

d. All data collected to document whether the mitigation site is achieving performance standards described in the mitigation plan and a narrative discussion of progress made toward meeting performance standards.

e. Fish and wildlife observations at the mitigation site.

f. Summary statement regarding the perceived success of the mitigation project and any potential problem areas. Suggestions and a timetable for corrections should be included if it is anticipated that project goals may not be met.

g. Date(s) of field inspection(s).

3. In order to assist the Corps in scheduling compliance inspections, the permittee shall notify the Corps Albuquerque District Office, in writing, at least 7 calendar days in advance of the initiation of mitigation construction AND no later than 15 calendar days following completion of construction activities.

4. Within 60 days after completion of construction of the mitigation project, the permittee shall submit as-built drawings and a description of the work conducted to the Corps Albuquerque District Office. The drawings shall include the following:

a. The Department of the Army Action Number.

b. A plan view drawing of the location of the authorized work footprint (as shown in permit drawings) with an overlay of the work as constructed in the same scale. The drawing should show all "earth disturbance," wetland impacts, structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. The drawings shall contain, at a minimum, 1-foot OR greater topographic contours of the entire site.

c. Ground photographs of the completed work. The camera positions and view-angles of the ground photographs shall be identified on a map, aerial photograph, or project drawing.

d. A description of all deviations between the work as authorized by the permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations.

5. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition No. 1 will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

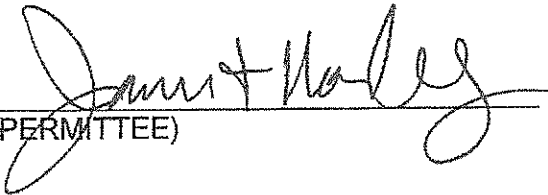
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this

permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

2/23/2016

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(FOR THE DISTRICT ENGINEER)

29 Feb 2016

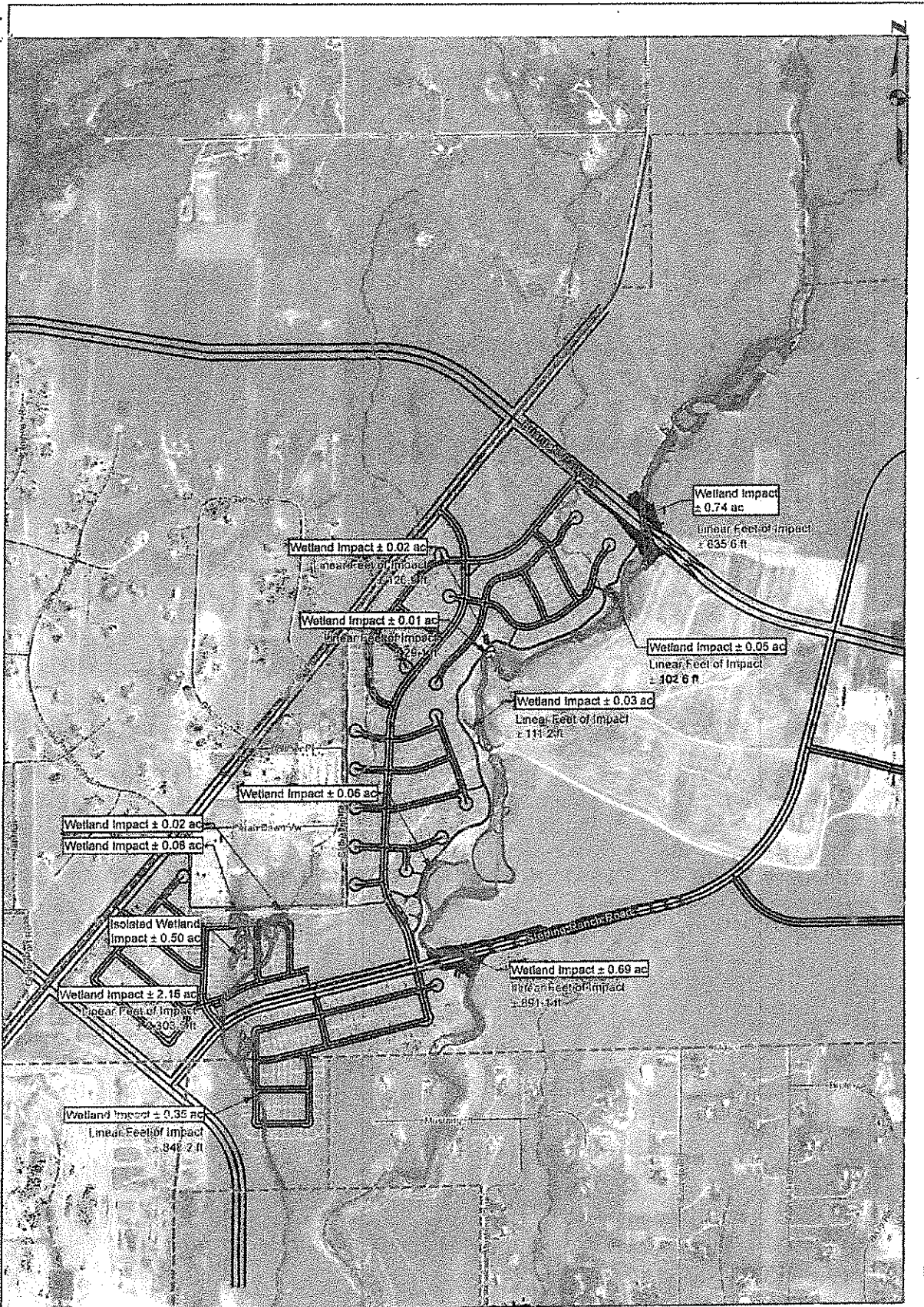
(DATE)

Patrick J. Dagon
Lieutenant Colonel, U.S. Army
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFERREE)

(DATE)



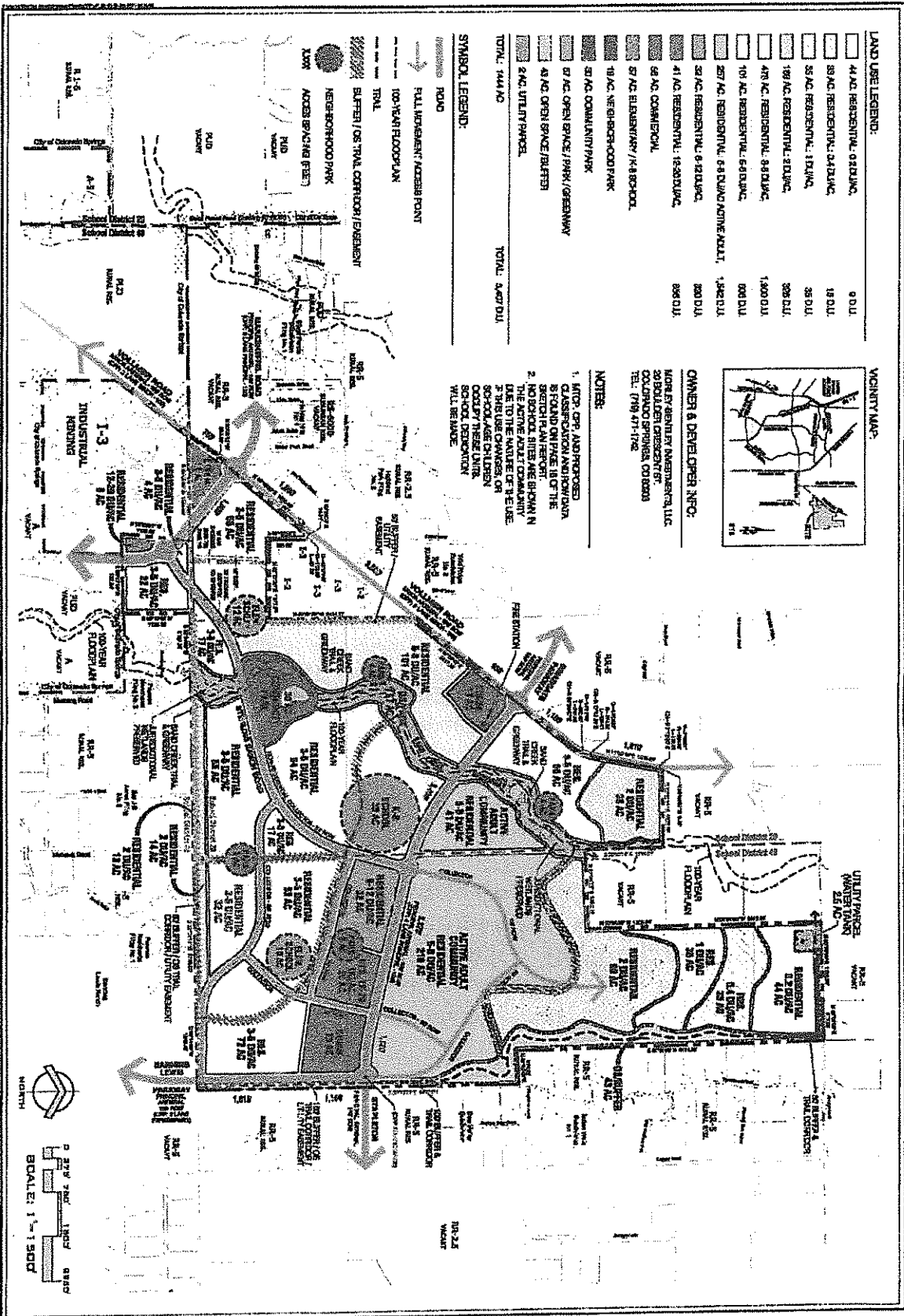
CIVIL ENGINEERS
DEVELOPMENT CONSULTING
LAND SURVEYING
703.773.4444
1950 W. Colleton Blvd., Ste. 109
Littleton, CO 80120

Sterling Ranch

Wetland Impact Location Map

El Paso County, Colorado

Date: 10/13/2015
Project #: 15-001



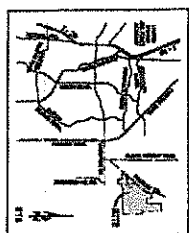
LAND USE LEGEND:

| | |
|---------------------------------------|--------------------------|
| 44 AC. RESIDENTIAL, 0.2 D.U. | 0.0 D.U. |
| 38 AC. RESIDENTIAL, 0.4 D.U. | 18.0 D.U. |
| 35 AC. RESIDENTIAL, 1.0 D.U. | 36.0 D.U. |
| 189 AC. RESIDENTIAL, 3.0 D.U. | 540.0 D.U. |
| 478 AC. RESIDENTIAL, 9.5 D.U. | 1,800.0 D.U. |
| 108 AC. RESIDENTIAL, 5.0 D.U. | 500.0 D.U. |
| 257 AC. RESIDENTIAL, 5.0 D.U. (ADULT) | 1,262.0 D.U. |
| 33 AC. RESIDENTIAL, 8.0 D.U. | 264.0 D.U. |
| 41 AC. RESIDENTIAL, 12.0 D.U. | 816.0 D.U. |
| 32 AC. COMMUNITY PARK | 32.0 D.U. |
| 19 AC. WILDSCHROEDER PARK | 19.0 D.U. |
| 37 AC. OPEN SPACE/PARK/GREENWAY | 37.0 D.U. |
| 43 AC. OPEN SPACE/PARK | 43.0 D.U. |
| 2 AC. UTILITY PARCEL | 2.0 D.U. |
| TOTAL: 1,444 AC. | TOTAL: 3,497 D.U. |

SYMBOL LEGEND:

- ROAD
- FULL WALKWAY ACCESS POINT
- 100-YEAR FLOODPLAIN
- TOTAL
- BLUFFED / OR TYPICAL CORRIDOR / EASEMENT
- NEIGHBORHOOD PARK
- ACCESS SPACES (SEE 3)
- ADULT
- CHILD
- WALKWAY
- WALKWAY

VICINITY MAP:



OWNER & DEVELOPER INFO:

MORLEY BENTLEY INVESTMENTS, LLC
 200 HILLTOP DRIVE
 COLLEEN SPRING, CO 62033
 TEL: (719) 471-1792

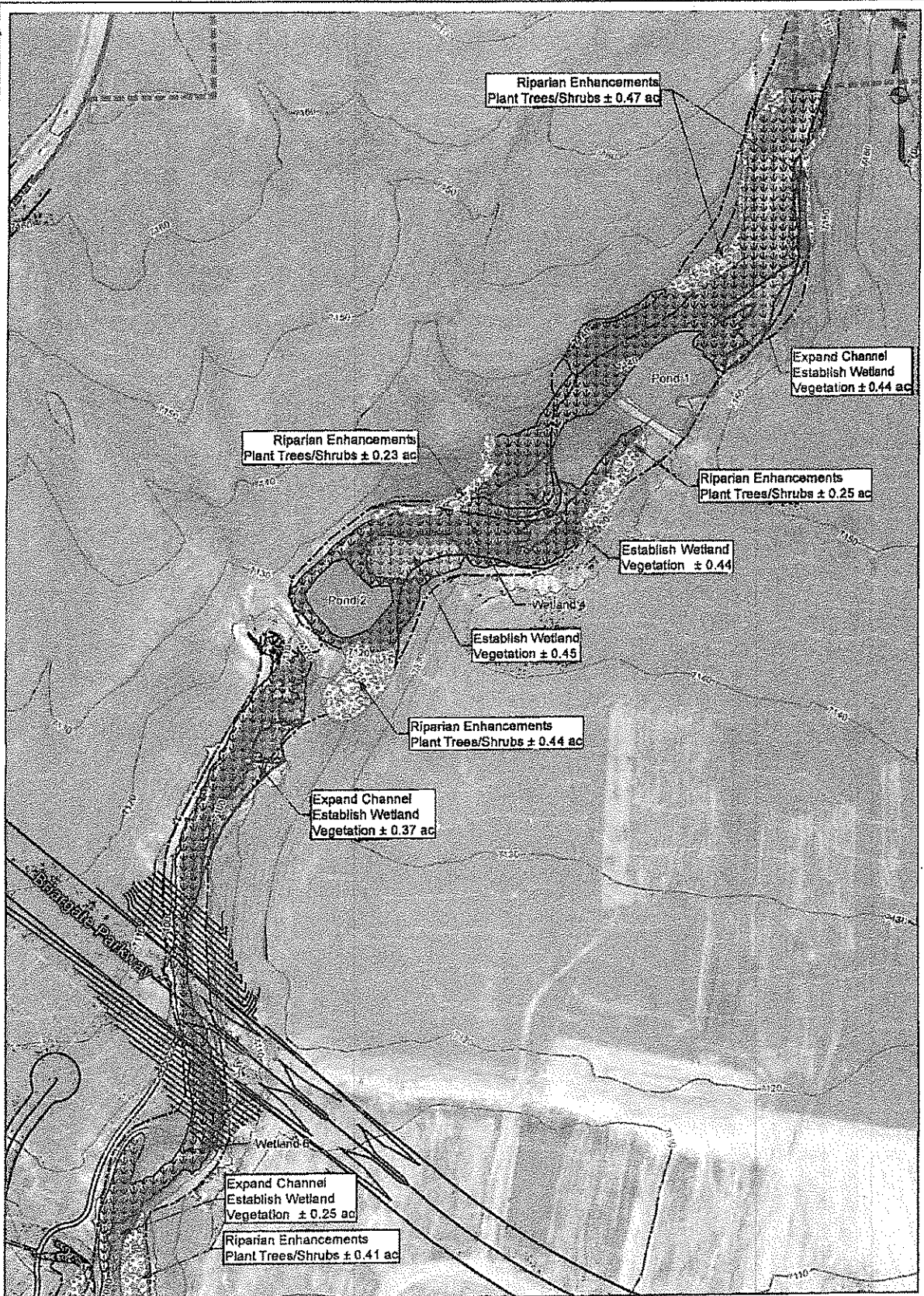
NOTES:

1. MOTOR, OFF, AND PROPOSED CLASSIFICATION AND HOW DATA IS FOUND ON PAGES 10 OF THE PLAN.
2. NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION DUE TO THE NATURE OF THE USE. THIS USE CHANGES OR OCCURS AT THE DISCRETION OF THE USER.



SCALE: 1" = 1,500'

| | | | |
|---------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE: 05/15/2013 | PROJECT NO: 8 10 | <h2 style="margin: 0;">Sterling Ranch SKETCH PLAN</h2> <p style="margin: 0;">MORLEY-BENTLEY INVESTMENTS, LLC.</p> | <p style="font-size: 8px; margin: 0;">URBAN DESIGN LAND PLANNING & LANDSCAPE ARCHITECTURE</p> <p style="font-size: 6px; margin: 0;">1000 North Tejon Street Suite 100 Colorado Springs, CO 80909 Tel: 719.575.8200</p> |
|---------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



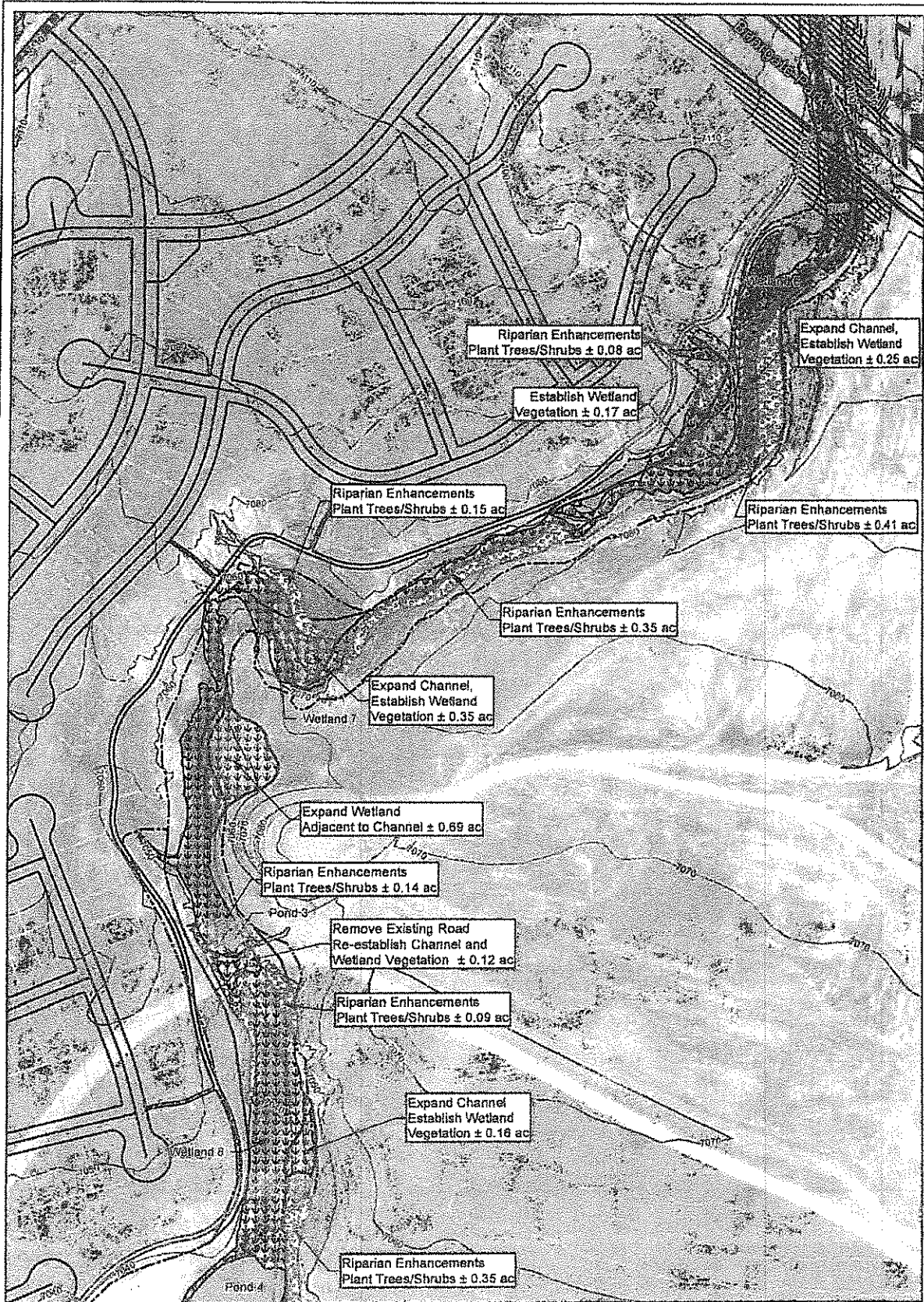
- | | | | | |
|-----------------------------------|---------------------------|---------------------|--------------------|---------------------|
| Potential Riparian Enhancement | Pond | NHD Watercourse | Proposed Road | Index Contour |
| Potential Wetland Mitigation Area | Dry Wash | 100-year Floodplain | Proposed Trail | Intermedial Contour |
| Existing Wetland | Existing Isolated Wetland | 500-year Floodplain | Proposed Lot Lines | Parcel Boundary |
| | | | Proposed Contour | |



CIVIL ENGINEERING
 DEVELOPMENT CONSULTING
 LAND SURVEYING
 203.703.4444
 1950 W. LINDEN BLVD., Ste. 109
 UTRICH, CO 80120

Sterling Ranch
Channel Improvements & Mitigation Plan
Sheet 1
 El Paso County, Colorado

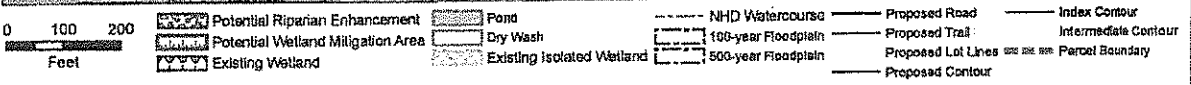
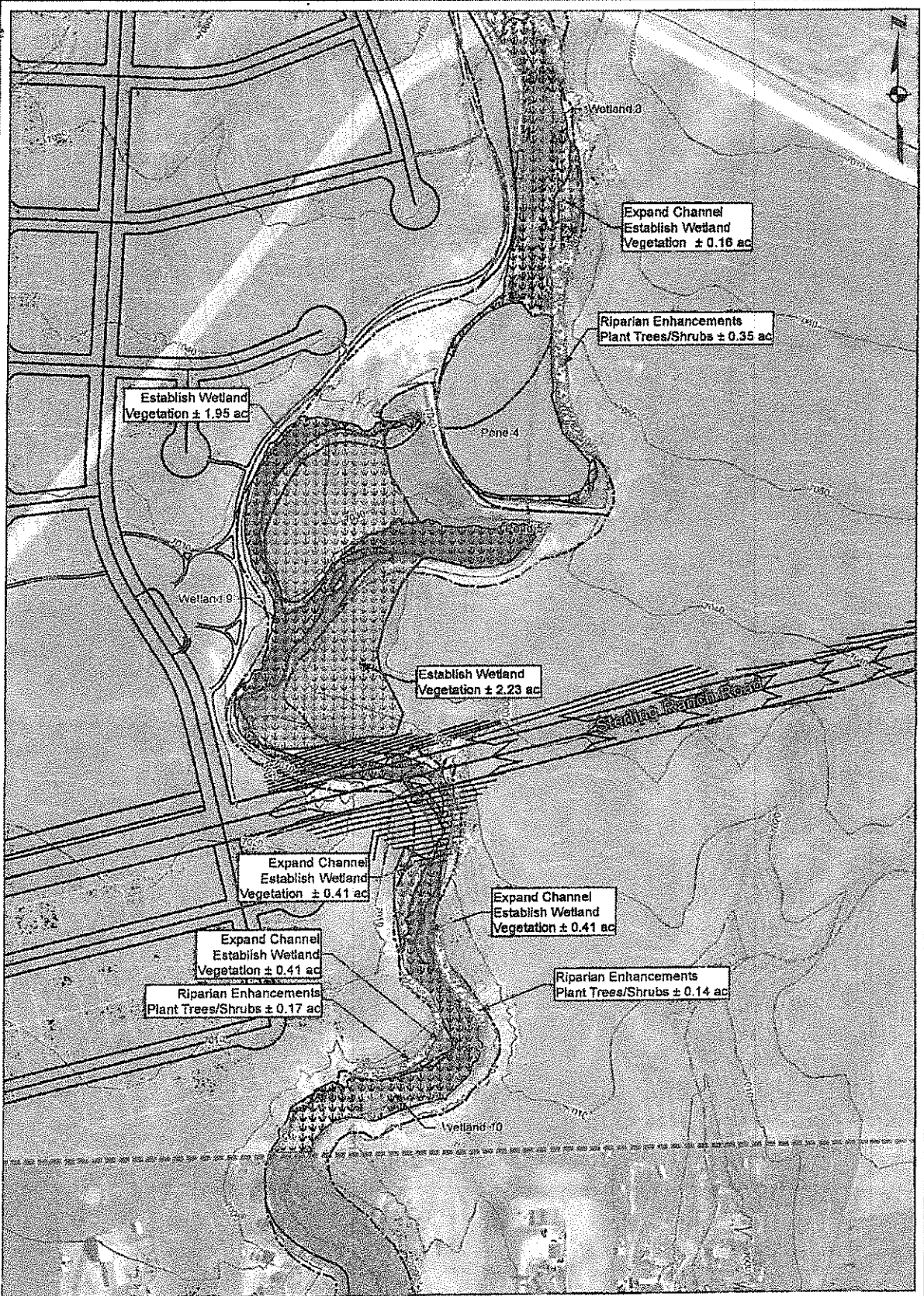
Date: 10/13/2015
 Project #: 15-001



CIVIL ENGINEERING
 DEVELOPMENT CONSULTING
 LAND SURVEYING
 323.723.4444
 1950 W. Littleton Blvd., Ste. 102
 Littleton, CO 80120

Sterling Ranch
Channel Improvements & Mitigation Plan
Sheet 2
 El Paso County, Colorado

Date: 10/13/2015
 Project #: 15-081

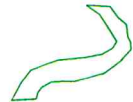



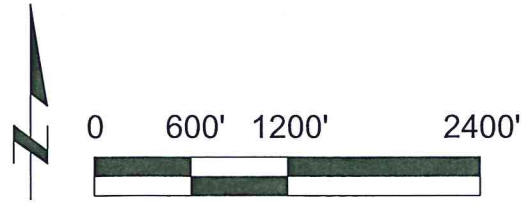
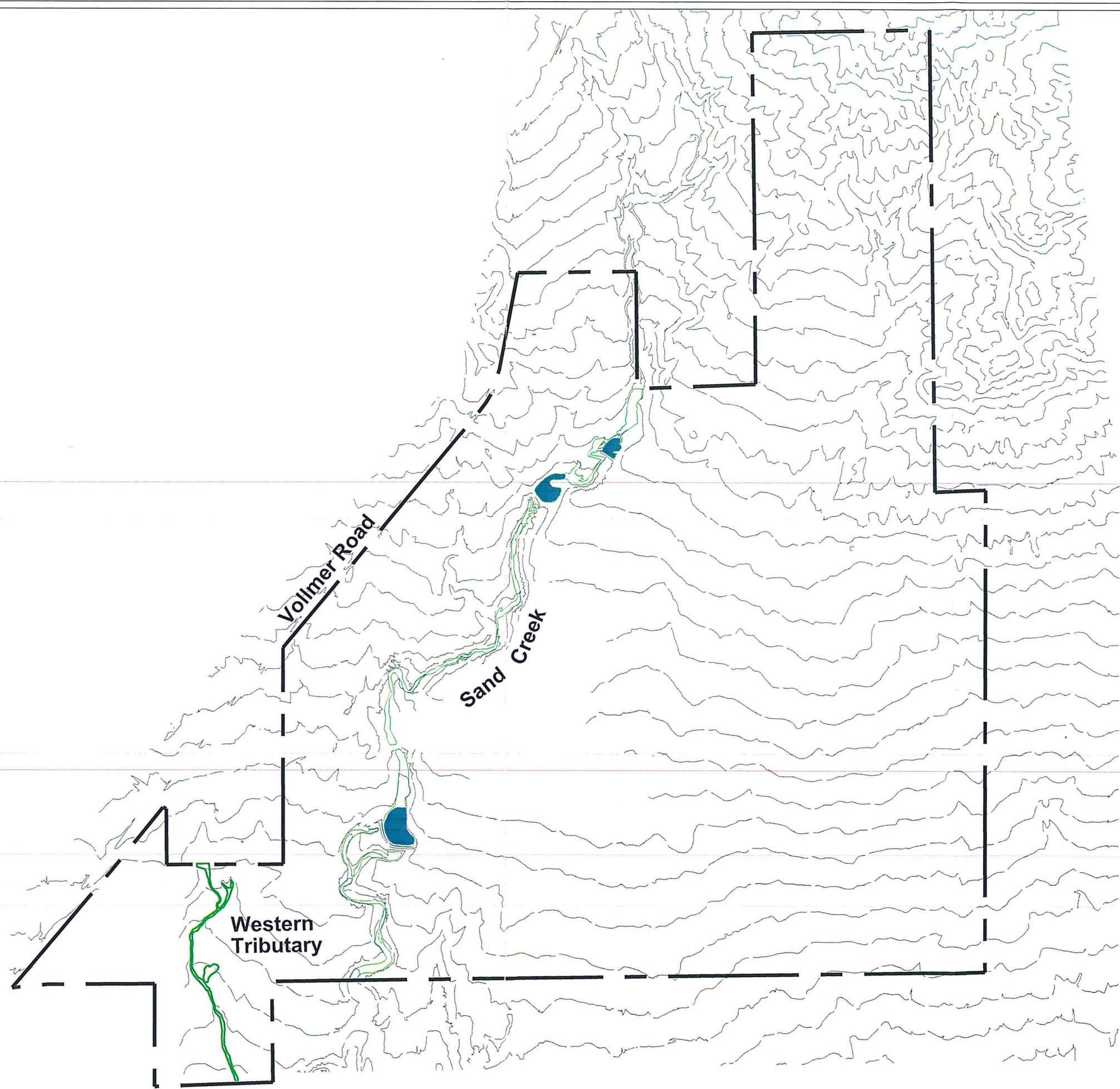
CORE CONSULTANTS
 CIVIL ENGINEERING
 DEVELOPMENT CONSULTING
 LAND SURVEYING
 303.203.4444
 1900 W. Lincoln Blvd., Ste 100
 Littleton, CO 80120

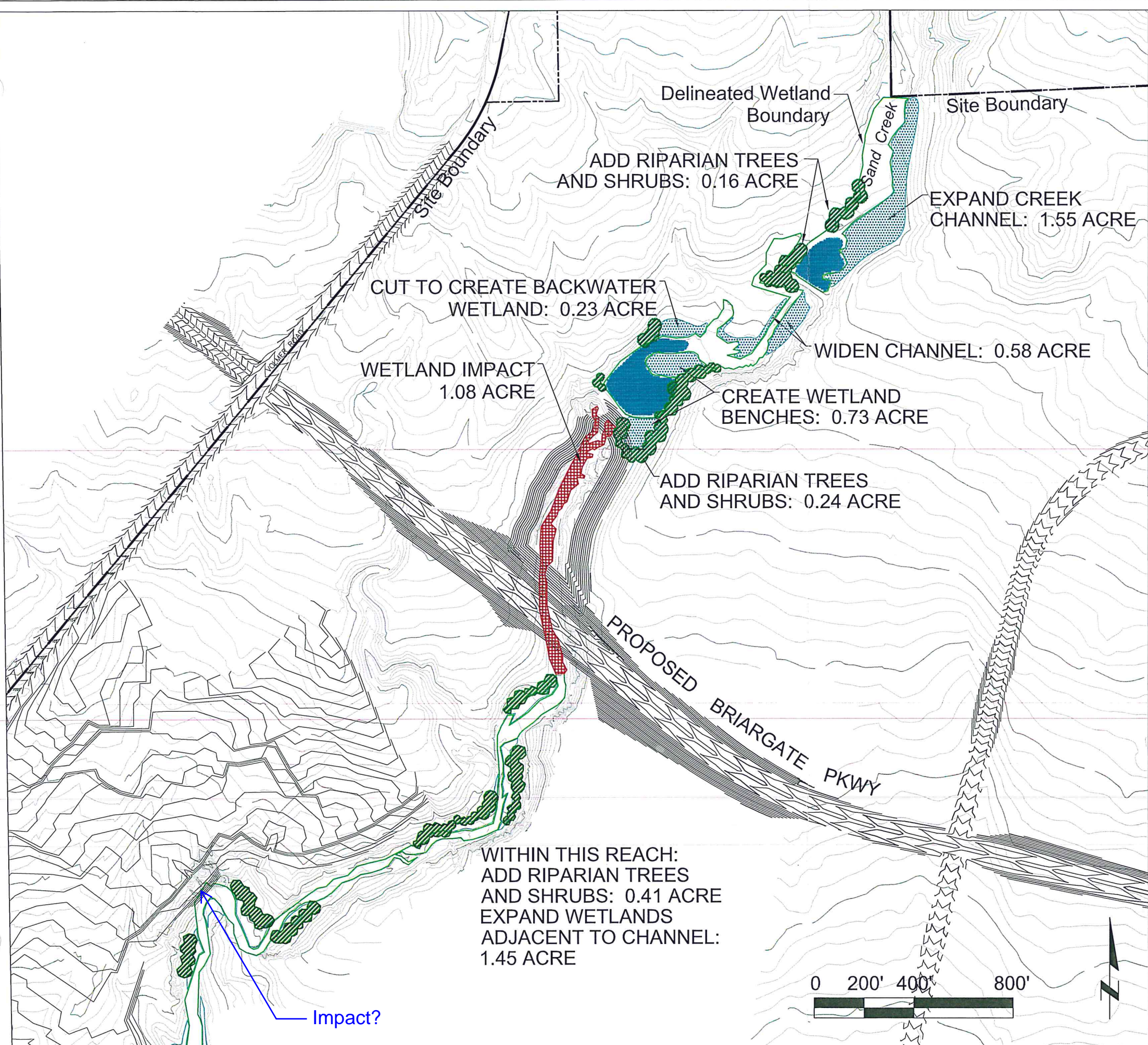
Sterling Ranch
 Channel Improvements & Mitigation Plan
 Sheet 3
 El Paso County, Colorado

Date: 10/13/2015
 Project #: 15-001

LEGEND





-  JURISDICTIONAL WATERS/WETLANDS
-  OPEN WATER POND





Provide updated mitigation plan.

LEGEND

-  JURISDICTIONAL WATERS/WETLANDS
-  OPEN WATER POND
-  PROPOSED WETLAND IMPACTS
-  POTENTIAL WETLAND MITIGATION AREA MEASURED AT 1:1 RATIO
-  POTENTIAL RIPARIAN TREE ENHANCEMENT MEASURED AT 4:1 RATIO

