

Technical Memorandum

To: Mr. Paul Broussard, Director of Operations, Premier Homes, Inc.
Mr. Tim McConnell, Drexel, Barrell & Co.

From: Ms. Julia Auckland, Principal, Auckland Environmental Consulting

Date: March 12, 2021

Re: **Creekside at Rockrimmon Wetland Evaluation**

Premier Homes, Inc. (Premier) is seeking approval of a PUD Development Plan from the City of Colorado Springs (City) for the proposed Creekside at Rockrimmon residential development (project). Auckland Environmental Consulting (AEC) has been retained by Premier to assist with wetland mapping and permitting. This memo has been prepared in response to concerns about identified in the City's "Third Review Letter" dated February 10, 2021.

Regulatory Background

Waters of the US (WUS) are regulated by the US Army Corps of Engineers (USACE) per Section 404 of the Clean Water Act. Waters of the US include navigable waters and their tributaries. Open waters and wetlands that have a continuous surface connection to these areas are also WUS under USACE jurisdiction.

- Open waters may include seasonally dry areas with an ordinary high water mark (OHWM).
- Wetlands are defined by the USACE as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions".

The USACE typically does not take jurisdiction over open waters or wetlands that do not flow to navigable waters unless these areas are considered to have a "significant nexus" to navigable waters. Only the USACE has the authority to approve wetland delineations and make jurisdictional determinations. Impacts to WUS require a permit from the USACE. Projects with relatively minor impacts may be covered under Nationwide Permits. Projects with more significant impacts typically require Individual Permits. Mitigation may be required for permanent impacts to WUS, including wetlands and stream channels. In Colorado, the State does not approve wetland delineations or permit wetland impacts. However, projects that require USACE Individual Permits must also obtain Section 401 Water Quality Certification from the Colorado Department of Public Health and Environment (CDPHE).

Existing Wetlands

In 2009, a wetland delineation was completed that included the project area (attached). On March 8, 2021 Julia Auckland visited the project area with Paul Broussard and Tim McConnell to ground-truth the 2009 wetland delineation and evaluate potential new WUS/wetland areas per the City's comments. The wetlands delineated in 2009 along a small stream were observed to still be present with some minor changes. There are two new patches of cattail marsh wetlands on the slope above the west/upstream end of the stream and a seasonally flooded pond has developed along a lower section of the stream. The third potential change is that a small gully flowing in from Rockrimmon Road appears to have eroded and increased in size since 2009 so that there is now a narrow channel with an OHWM and a patchy fringe of potential wetland vegetation.

Upland breaks separating wetlands and open waters from downstream areas were observed in two areas. Wetlands and open waters without a continuous surface connection to downstream WUS may not be under USACE jurisdiction

Next Steps

A complete wetland delineation and jurisdictional evaluation per USACE requirements will be completed this spring. The USACE will be contacted about the project to determine jurisdiction and permitting requirements. If any WUS (including wetlands) would be impacted by the project, then the appropriate USACE permits will be obtained prior to construction and mitigation obligations would be met.

Attachment

Wetland Delineation Map, Advanced Environmental Planning, May 2009



Wetlands Delineation Map Provided by GIS
Training Source, Inc.



Creekside at Rockkrimmon Development in Colorado Springs, El Paso County, Colorado
 Application by: Core Land Investments, Inc.
 Application No.: SPA-2009-00013-SCO
 Jurisdictional Waters of the U.S.
 Sheet 3 of 5 May 2009

Advanced Environmental Planning, Inc.

Creekside at Rockkrimmon

USGS Topographic Quadrangle
 Colorado Springs, Colorado

Senior Scientist: MMH Project Manager: MMH

File Path: AEP09001 Scale: NTS