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U.S. Army Corps of Engineers  
Albuquerque District

**SPRING CREEK  
AQUATIC ECOSYSTEM RESTORATION STUDY  
COLORADO SPRINGS, CO  
CONTINUING AUTHORITIES PROGRAM SECTION 206  
DRAFT FEASIBILITY REPORT AND ENVIRONMENTAL  
ASSESSMENT  
APPENDIX H  
DRAFT REAL ESTATE PLAN**

FEBRUARY 2026

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## **1. Statement of Purpose**

**a. Purpose** – This Real Estate Plan (REP) is presented in support of the Spring Creek Feasibility Report and Environmental Assessment (Report) and describes the real estate required to implement the project. The REP shall identify the lands, easements, rights-of-way, relocations and disposals (LERRD) necessary to support construction, operation and maintenance of the proposed project elements described in the Report and to outline the costs and real estate considerations associated with project implementation. The REP is preliminary and written to the level of detail of the Report, other details may be added and is intended for planning purposes only. Both the final real property lines and land value estimates are subject to change even after approval of this report. There may be modifications to the plans that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land costs.

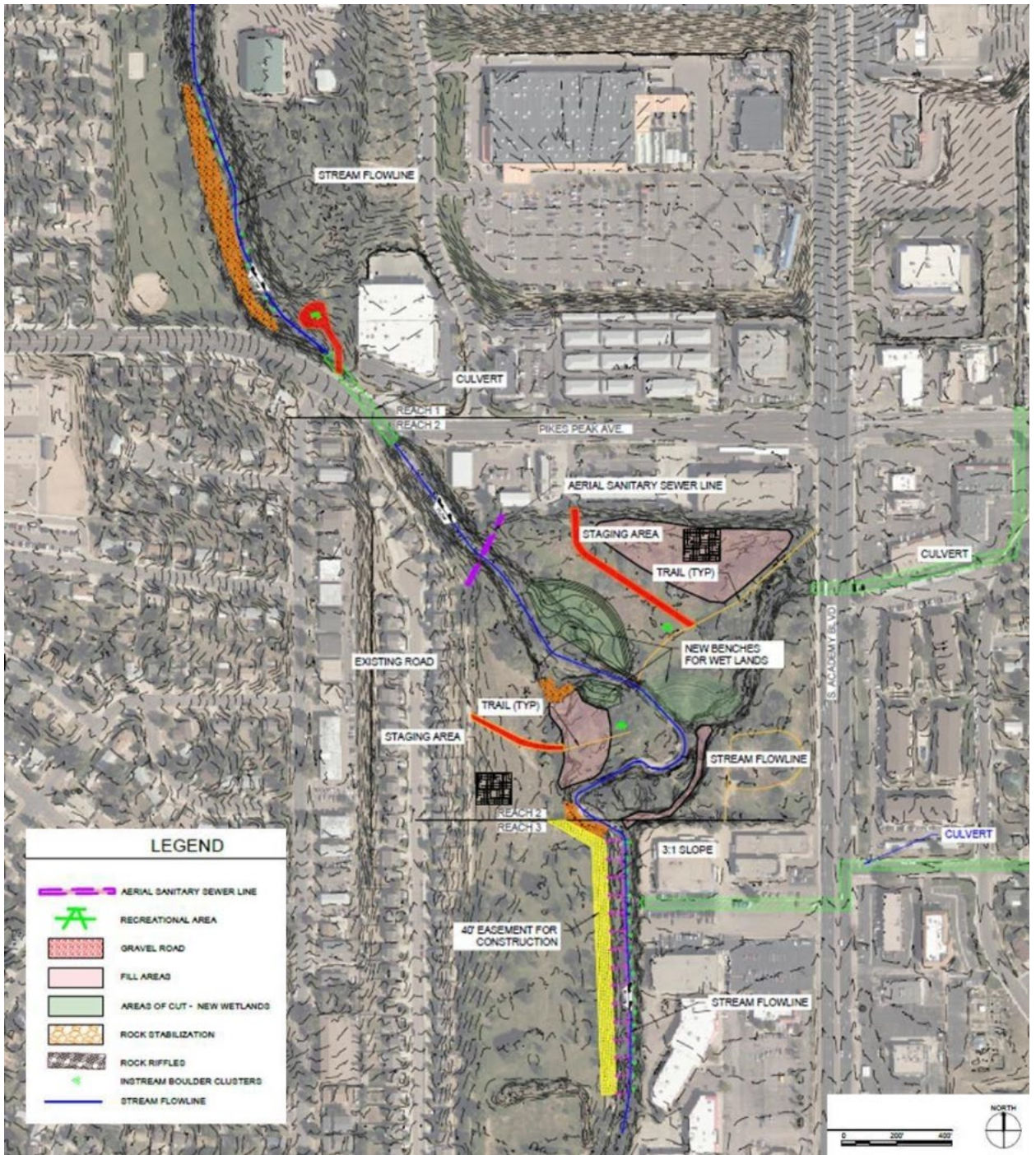
**b. Study Authorization** – The study is being conducted under the authority of Section 206 of the Water Resources Development Act of 1996 [P.L. 104-303] as amended 33 USC § 2230 (Section 206) for aquatic ecosystem restoration. Under this authority, a project for aquatic ecosystem restoration should “improve the quality of the environment and be in the public interest ... and cost effective.” Per EP 1105-2-58, paragraph 35. a., the project should be “consistent with current policies and procedures governing projects of the same type which are specifically authorized by Congress.”

**c. Non-Federal Sponsor** – The Non-Federal Sponsor (NFS) is the City of Colorado Springs, Colorado. USACE is the lead Federal agency for NEPA compliance. The Albuquerque District Engineer is responsible for the Report in cooperation with the NFS.

## **2. Real Estate Requirements**

### **a. Tentatively Selected Plan**

Following guidance and due to overwhelming support from the PDT and the Sponsor, the NER plan is the TSP. Alternative 24-2b1b3b maximizes the ecosystem output for the cost and supports a wetland that is twice the size of a “2a” option with added ecosystem connected support upstream and downstream of this wetland area. The work completed in Reaches 1 and 3 create a connected and more resilient system overall.



Spring Creek CAP 206 TSP (Alternative 24-2b1b3b)

Albuquerque District presented the Spring Creek Section 206 TSP to the South Pacific Division leadership on 9 December 2024. The Division agreed with the chosen TSP on 20 December 2024 through the signing of the Spring Creek, Colorado Springs, CO, Continuing Authorities Program (CAP) Section 206, Tentatively Selected Plan (TSP) Milestone Meeting Memorandum for Record (MFR).

This comprehensive description of the TSP is intended to support a common vision of the final project and a defensible feasibility level cost estimate, to document feasibility level risks and for uncertainties to be investigated further and resolved during the Design and Implementation phase. Since this is an ecosystem restoration project designed to improve ecosystem function and quality, the TSP is also identified as the least environmentally damaging practicable alternative (LEDPA), as required by the Clean Water Act under Section 404 (Title 40, Part 230 of the Code of Federal Regulations (40 CFR Part 230)).

The LEDPA is defined as the alternative that achieves the project's basic purpose while causing the least harm to the aquatic environment, so long as it is also practicable. The proposed ALTs were evaluated considering the Section 404(b)(1) Guidelines to determine the LEDPA. Since the Spring Creek project's purpose and need is to restore and improve the ecological integrity of a degraded urban stream corridor, the preferred alternative must achieve measurable ecological uplift in a manner that is both technically feasible and minimizes adverse impacts to waters of the People of the United States.

Among the array of evaluated alternatives, including the No-Action alternative, the TSP design using efficient and effective volumes of bank stabilization and native riparian plantings emerged as the LEDPA. Components of the TSP would minimize ongoing bank erosion, reduce the variation in sediment regimes, and facilitate mechanisms for floodplain connectivity while also establishing habitat complexity and improving the physical transactions between hydrology, geomorphology and biological agents like flora, fauna and other organisms. Additionally, the TSP qualified into the 'best-buy plan' group of ALTs based on the CE/ICA analysis and resulted in a low incremental cost when compared to other alternatives composed of similar components.

The Spring Creek project has an aquatic ecosystem restoration focus, with the key objective being environmental benefits, and not a commercial or industrial activity. In the context of the LEDPA, the 'least damaging plan' and the 'preferred plan' for ecosystem restoration projects often overlap, since both strive to reach the most effective plan for restoration without and do not cause unnecessary impacts. The TSP would minimize further degradation and encroachment of urbanization to this reach of the system and would not introduce unnecessary materials beyond what is structurally required. The TSP's design is to incorporate natural processes (e.g., sediment accretion, hyporheic exchange, establishment of aquatic/riparian habitats, organic matter conditioning and cycling) into the Spring Creek system.

While some temporary disturbance is expected during implementation (e.g., vegetation clearing, minor fill for toe protection), these impacts are minimal and would offset by long-term ecological gains. The approach supports the project’s basic purpose while avoiding more environmentally damaging or less practicable alternatives, thus representing the LEDPA consistent with 40 CFR Part 230.

**b. Required Lands, Easements, and Rights-of-Way –**

Everything required for project – including currently owned and anticipated acq.

Estate Type		
Fee	Reach 3 – 2.2 acres	
FPLE		
NSME		
TWAE	Reach 3 – 40 ft	
Total Acres		

**c. Land Value Estimate** – Formal land value estimates are not currently available. A professional appraisal is pending. We will provide updated figures as soon as the formal valuation process is complete.

**3. Real Estate Owned by the Non-Federal Sponsor**

Estate	PARCEL #	CURRENT PARCEL AREA	MITIGATION AREA
<b>REACH 1</b>			
Fee	6415102021	5.03 acres	4.80 acres
<b>REACH 2</b>			
Fee	6415414013	18.74 acres	18.50 acres
Easement	6415414013		
Fee	6415414035	0.12 acres	
Fee	6415414105	0.04 acres	
Fee	6415414106	0.56 acres	
<b>REACH 3</b>			

#### **4. Nonstandard Estates**

Discuss any proposed changes to a standard estate, new proposed nonstandard estate, or proposed policy deviation to support a project purpose or feature (e.g., a change to the minimum interest requirement, deviation from the public access requirement, etc.). For each proposed nonstandard estate, include the name of the estate (as applicable), duration of the estate required, summary of its intended terms and conditions, number of parcels impacted, parcel ownership type (private vs. public), and total number of acres impacted. Provide adequate justification, a risk assessment summary, and show how the project purposes are met by the proposed nonstandard estate. When possible, cite the appropriate section of the main report, policy, regulation, etc., to reinforce justification. Demonstrate District alignment is achieved on such proposals by discussing coordinating efforts within the PDT, District leadership, and the Sponsor, as applicable. When multiple nonstandard estates are proposed, discuss each one under its own subparagraph. If the project requires the use of an alternate acquisition document from a federal agency (e.g., a standard agency permit), use of the agreement would be akin to a non-standard estate requiring coordination and approval by HQ USACE separate from the REP. In such circumstances, describe the type of agreement, sentiment of the federal agency toward the proposed project, as well as the applicable information described above. Since nonstandard estates are no longer approved by its inclusion and approval of a REP, do not include proposed nonstandard estate language in a REP. If there are no proposed nonstandard estates, state there are none.

In accordance with PGL 31, nonstandard estates can no longer be approved solely by its inclusion in a REP. Approval request must be submitted by way of a memorandum separate from the REP by District Real Estate through Division Real Estate to HQ Real Estate. If a request for approval has been submitted to HQ Real Estate prior to the submittal of the feasibility report, cite the date of the District memorandum requesting approval. If approval has been obtained by HQ USACE, briefly summarize the discussion points above, cite the HQ USACE approving memorandum, and include a copy of the approved nonstandard estate(s) as an exhibit in the REP.

#### **5. Existing Federal Projects**

There are no other known existing or planned Federal projects that lie either partially or fully within the LER required for the Recommended Plan.

#### **6. Federally Owned Land**

The Recommended Plan includes no Federally owned lands as part of its LER requirements.

#### **7. Federal Navigation Servitude**

The application of Navigational Servitude is not applicable.

**8. Real Estate Mapping**

Attached hereto and incorporated herein as Exhibit A.

**9. Induced Flooding**

Engineering and hydrology reviews determined that induced flooding is not anticipated for this project.

**10. Baseline Cost Estimate for Real Estate (BCERE)**

		Costs			
Project Cost Category		Federal	NFS	Contingency	Total
PHASE 1	01 - Lands and Damages				
	Incidental Costs				
	Admin Costs				
	Total 01 - Lands and Damages	TBD	TBD	TBD	TBD
	Total 02 - Relocations (Utility/Facility)	TBD	TBD	TBD	TBD
	Total 30 - Fed Costs of NFS Oversight	TBD	TBD	TBD	TBD
Subtotal Phase 1					

**11. Uniform Relocation Assistance (Public Law 91-646)**

A review of parcel ownership and current land use confirmed that no residences, businesses, or personal property will be displaced by the Recommended Plan. Accordingly, no PL 91-646 relocation assistance costs are included in the BCERE.

**12. Minerals and Timber Activity**

No minerals or timber are presently known to be located on the property.

**13. Non-Federal Sponsor Capability Assessment**

For cost shared projects, include a thorough assessment of the Sponsor’s legal and professional capability and experience to acquire and provide the LERRD for the construction, operation and

maintenance of the project, including its condemnation authority and quick-take capability. The Sponsor's Capability Assessment Checklist, provided in Chapter 12, Appendix 12-E, must be completed and included as an exhibit to the REP. This section shall summarize the overall assessment conclusion (i.e., highly, fully, moderately, marginally, or insufficiently capable) and include any noteworthy information from the Sponsor's assessment. Indicate that the Sponsor has been advised of the URA requirements and the requirement for documenting expenses for crediting purposes.

Responses to the Sponsor's Capability Assessment Checklist shall be provided in full sentence format with sufficient information to fully satisfy the question. Solely including "yes," "no," or "n/a" responses is not acceptable. First person narrative shall be avoided. For projects with more than one Sponsor, the REP need only include an assessment for the Sponsor responsible for performing the project LERRDs. When more than one Sponsor will share the LERRD responsibilities, the REP must include an assessment on each Sponsor with a summary of their assessment conclusion provided in this section.

When a project has no LER to be acquired by the Sponsor or when all the LER required for the project is owned by the Sponsor, a completed Sponsor's Capability Assessment is still required in the REP. Should changes to the project design result in the acquisition of real estate, the REP must demonstrate the project has a Sponsor who possess the legal and professional capability to acquire real estate should the need arise. If the project has a Sponsor whose real estate assessment concludes they may not possess the legal or professional capability to acquire real estate, include a risk assessment on the project proceeding to construction with the Sponsor (see paragraph 21 on key factors to consider in a risk assessment).

To show Sponsor concurrence on the assessment, include in the REP a Capability Assessment Checklist that is signed by the Sponsor and either the preparer of the REP or District Chief of Real Estate (as appropriate). Ensure there is no conflict between the responses provided in the assessment checklist and the information provided in the body of the REP.

If it is proposed for USACE to perform the acquisition of project LERRDs on behalf of the Sponsor, state whether the Sponsor has made a formal request in writing for USACE assistance. If the Sponsor has requested or is likely to request USACE assistance, describe whether or not the Sponsor has met the criteria for USACE assistance as outlined in Chapter 12, paragraph 12-34(c). Identify the proposed work that will be performed by USACE and explain the reason for USACE to perform such work on behalf of the Sponsor. Include a summary of coordinating efforts with Division and HQUSACE for concurrence on USACE performing LERRDs on behalf of the Sponsor. If the "study District" is different from the "construction District," discuss whether coordination with the construction District has occurred to inform them of the need for USACE to assist the Sponsor with its LERRD responsibilities. See Chapter 12 section 12-34 for additional information.

## 14. Land Use Zoning

No application or enactment of local zoning ordinances is anticipated in lieu of or to facilitate the Recommended Plan's LERRD requirements.

## 15. Real Estate Acquisition Schedule

Milestone/Task	Forecasted Dates		
	Phase 1	Phase 2	Phase 3
PPA Execution	TBD	TBD	TBD
Notice to Proceed with Acquisitions to NFS	TBD	TBD	TBD
Sponsor's Authorization for Entry for Construction	TBD	TBD	TBD
USACE's Certification of Real Estate	TBD	TBD	TBD
USACE's Solicitation for Construction Contracts	TBD	TBD	TBD
USACE's Award of Construction Contracts	TBD	TBD	TBD

## 16. Facility and Utility Relocations

There are currently no utility or public facility relocations anticipated for this project.

### DISCLAIMER

“ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.”

## 17. Environmental Contamination

Preliminary investigations into the existence of HTRW in or near the proposed project footprint reveals that there are no HTRW concerns for the proposed project currently.

## 18. Project Public Support

There has not been any public concern with this project. The local communities and businesses generally support the project.

## 19. Non-Federal Sponsor Risk Notification

The non-Federal sponsor has been formally notified in writing of the risks associated with acquiring land prior to execution of the Project Partnership Agreement (PPA) and prior to receipt of a formal notice from USACE to proceed with real estate acquisition. The written risk notification was transmitted on December 4, 2025.

**PREPARER:**

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NAME

TITLE

**DISTRICT CHIEF OF REAL ESTATE**

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NAME

TITLE

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**Exhibit A**

**Real Estate Maps**

**Exhibit B**

**Non-Federal Sponsor Real Estate Acquisition Capability Assessment Form**