

# 2017 COLORADO REGIONAL CONDITIONS

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April 18, 2017

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# TOPICS

- What are Regional Conditions?
- Notable changes between 2012 and 2017
- Overview of 2017 Regional Conditions
- Additional information
- Link to Regional Conditions found at:

<http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-Permits/>



# WHAT ARE REGIONAL CONDITIONS?

- Regional Conditions are mandatory and in addition to General Conditions
- Includes:
  - Notification procedures
  - Design requirements
  - Revoked Nationwide Permits
- Issued by Albuquerque District on March 17, 2017



## 2017 Regional Conditions to Nationwide Permits in the State of Colorado

U.S. Army Corps of Engineers  
Albuquerque District  
Omaha District  
Sacramento District

### Regional Conditions Applicable to Specific Nationwide Permits within the State of Colorado

1. Nationwide Permit No. 12: Utility Line Activities. Notification to the District Engineer (DE) in accordance with General Condition (GC) No. 32, pre-construction notification (PCN) is required for utility line activities that propose open trenching in perennial waters or for the purpose of creating a water intake.

2. Nationwide Permit No. 13: Bank Stabilization. PCN is required for bank stabilization activities that are necessary for erosion prevention in streams with an average width of less than 20 feet (measured between the ordinary high water marks (OHWM)). Bank stabilization activities in these small streams are limited to the placement of no more than ¼ cubic yard of fill material per linear foot below the plane of the OHWM unless the Corps determines on a case-by-case basis that the use of larger or greater quantities of material is appropriate.

3. Nationwide Permit No. 23: Approved Categorical Exclusions. PCN is required for all projects utilizing Categorical Exclusions.

4. Nationwide Permit No. 27: Aquatic Habitat Restoration, Establishment, and Enhancement Activities. This permit is revoked for activities in which the project purpose is fishery enhancement in perennial streams. These types of projects may qualify for authorization under Regional General Permit No. 12 for Aquatic Habitat Improvement for Stream Channels in Colorado.

a. Channel realignment is not authorized by this permit unless it is demonstrated that the realignment is consistent with the natural morphological evolution of the stream.

b. The use of concrete/grouting is not allowed in perennial streams unless waived in writing by the DE.

c. The construction of water parks (e.g. kayak courses) and flood control projects are not authorized by this permit.

### Regional Conditions Applicable to All Nationwide Permits within the State of Colorado

5. Important Spawning Areas. Activities are not authorized by any nationwide permit except after case-by-case review and consultation with Colorado Parks and Wildlife (CPW) if the activities would adversely affect important spawning areas or would be conducted in these waters during trout and Kokanee spawning seasons. Bio-engineering techniques, such as native riparian shrub plantings, are required for all bank protection activities that exceed 50 linear feet in important spawning areas. For activities located in these important spawning areas, PCN is required and consultation with CPW must be conducted in accordance with the timeframes established in GC 32 (Pre-Construction Notification). Important spawning areas are considered Gold Medal Waters in Colorado (Attachment 2).

January 11, 2017



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# NOTABLE CHANGES

- Removed RC #2: Notification required for NWP 12 and NWP 14 in perennial waters and special aquatic resources in Colorado River Basin
- Removed RC #6: FEMA maps required for NWP #29 and NWP #39



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## #1. NWP 12 – Utility Line Activities: No change from 2012

- Pre-construction Notification required for open trenching in perennial waters or water intake projects

## #2. NWP 13 – Bank Stabilization

- PCN required for activities > 250 linear feet
- PCN required for activities in streams <20 feet wide
  - Limited to ¼ cubic yard per linear foot

## #3. NWP 23 – Categorical Exclusions

- PCN always required



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## #4. NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities

- NWP 27 is revoked for fishery enhancement activities
- Channel realignment is typically not authorized
- Structures must allow for fish passage and waterborne navigation
- Concrete and grouting are not typically allowed
- Water parks must be authorized by an Individual Permit



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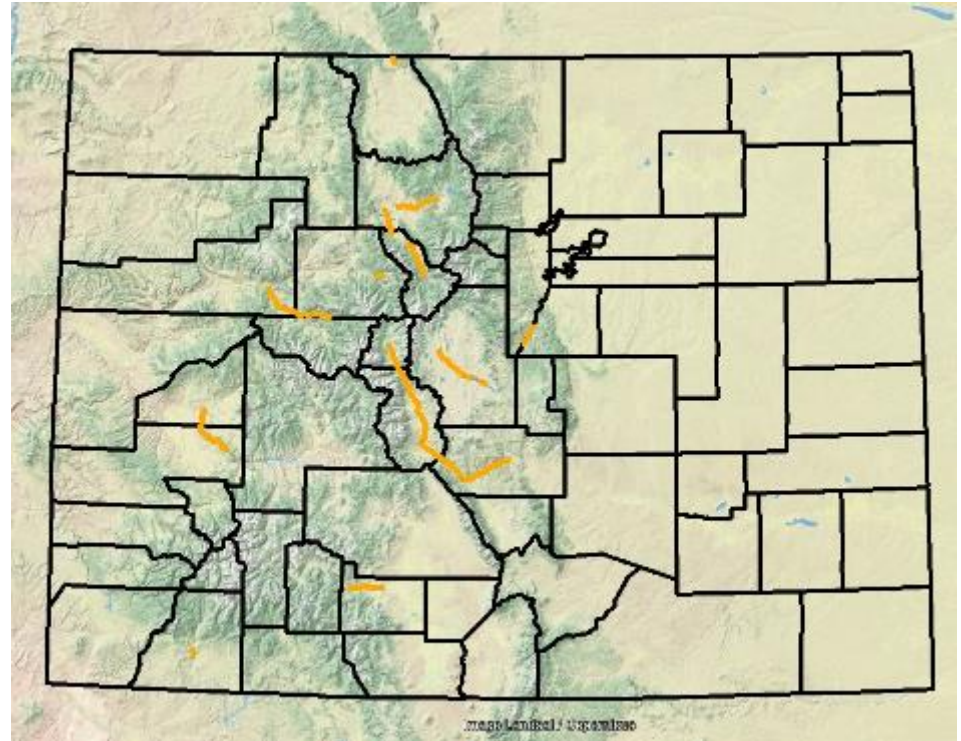




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## #5. Important Spawning Areas = Gold Medal Waters

- PCN and coordination with Colorado Parks & Wildlife required when working in important spawning areas
- Bio-engineering for Bank Stabilization >50 linear feet
- Pre-Application consultation with CPW is recommended.
- CPW concurrence must be in writing



— Gold Medal Waters



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## #6. Fens

- Definition: A groundwater-fed wetland with saturated organic soils greater than or equal to 16 inches in thickness, classified as histosols by NRCS
- All Nationwide Permits are revoked for activities located in fens and wetlands adjacent to fens.
  - Except 3, 5, 6, 20, 27, 32, 37 and 38
- Wetlands can be part of a fen complex



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## #7. Springs

- Notification required when working within 100 feet of spring
- A spring is defined as any location where groundwater flow emanates from a distinct point



## #8. Suitable Fill

- Notification required for the use of broken concrete
- Must demonstrate that non-man made materials are not practicable
- Exposed rebar is prohibited



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## ADDITIONAL INFORMATION

Reminder of General Condition #12

- Use of proper erosion and sediment controls



Preventing the spread of invasive species

- Clean equipment prior to and after construction
- Recommend chemical solutions available in RCs



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# QUESTIONS



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