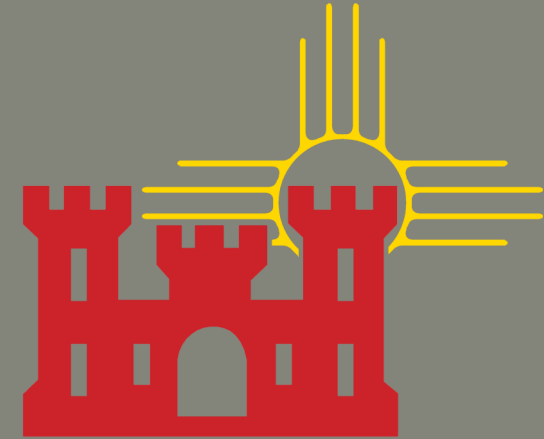


2021 COLORADO REGIONAL CONDITIONS

Albuquerque & Omaha Districts



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"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."



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Regional Conditions to the 2021 Nationwide Permits in the State of Colorado

- Regional Conditions are used to ensure minimal adverse environmental effects.
- Updated Regional Conditions to coincide with updated 2021 NWP.
- Replaces the 2017 Regional Conditions.
- Public Notices on both March 4, 2021 & February 17, 2022.
- Copies can be found District websites.



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Notable Differences Between 2017 and 2021:

- No longer revokes certain NWPs in wetlands adjacent to peatlands (i.e., fens).
- Fisheries enhancement projects now reviewed under NWP 27 with similar requirements as Regional General Permit 12.
- Various minor edits, clarifications, and restructuring.
- 2017 Conditions not being re-issued:
 - PCN requirement for all activities within 100ft. of a spring.
 - Revocation of NWPs in Designated Critical Resource Waters.
 - PCN requirement for all Categorical Exclusions (NWP 23).



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#1 Construction of Diversions and Intakes.

- Pre-construction notification (PCN) needed for any activity that involves the construction of a new water diversion or intake.
- Does not apply to maintenance activities covered by Nationwide Permit (NWP) 3.



Colorado Pikeminnow
Ptychocheilus lucius



Humpback Chub
Gila cypha



Razorback Sucker
Xyrauchen texanus



Bonytail
Gila elegans

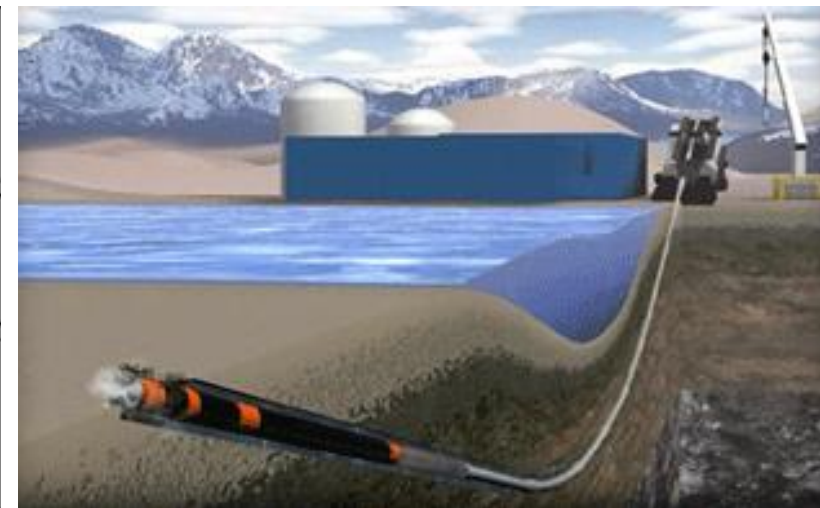
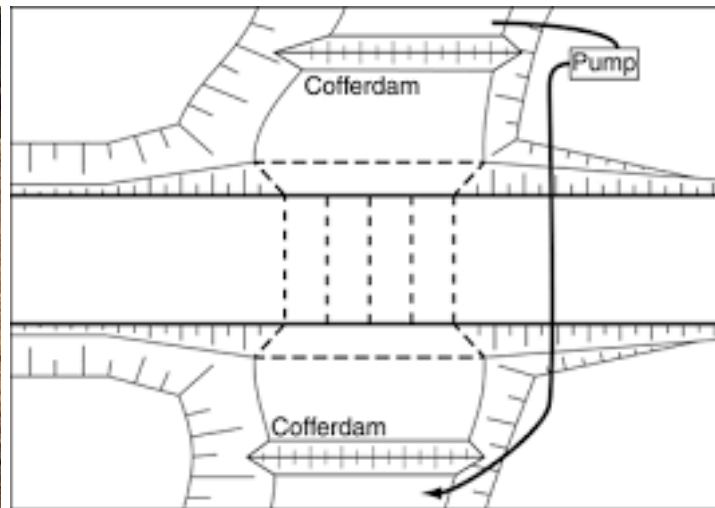
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#2 Open Trenching in Perennial Streams

- Must submit a PCN prior to commencing any activity that involves open trenching in perennial streams.

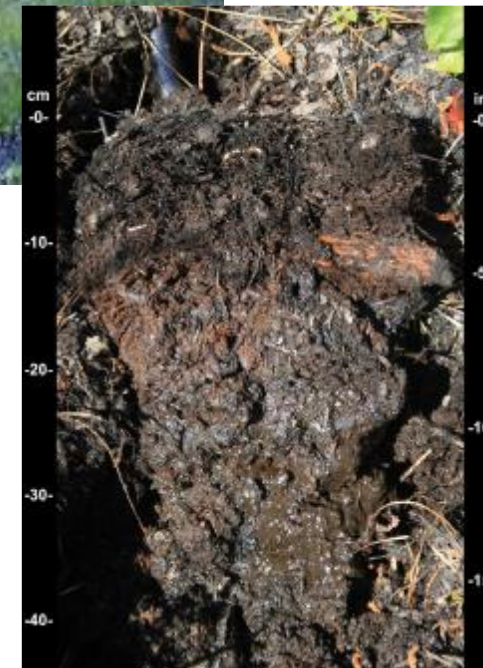


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#3 Peatlands

- Applies to work located within peatlands.
- Revokes all Nationwide Permits, except for **3, 5, 6, 20, 27, 32, 37, and 38**.
- PCN required if NWP is not revoked.
- Peatlands are defined as a wetland with organic soil that is classified as a histosol in the Natural Resources Conservation Service guidance document entitled Field Indicators of Hydric Soils in the United States (Version 8.0, 2016).
- Histosol = 16 inches or more of the upper 32 inches is organic soil material. Organic soil materials have organic carbon contents (by weight) of 12 to 18 percent or more, depending on the clay content of the soil.





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#4 Stream Stabilization

- PCN needed when proposing to use non-native material (e.g., concrete, gabion baskets, etc).
- PCN needed when exceeding $\frac{1}{4}$ cubic yard of material per linear foot on average below the plane of the ordinary high-water mark for streams with an average width of less than 20 feet.
- Prohibits use of broken concrete with exposed rebar and tires.
- Non-native materials can be proposed but must be the only practicable alternative.





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#5 Gold Medal Waters

- PCN needed when working in a Gold Medal Water, as identified by Colorado Parks and Wildlife (CPW).
- Requires agency coordination with CPW according to Nationwide Permit General Condition 32(d).
- Pre-application consultation with CPW is recommended.



#6 Water Quality Certification

- In accordance with 33 CFR § 330.4(c), the conditions of Clean Water Act Section 401 water quality certifications are incorporated as conditions of the Section 404 NWP. Water quality certifications are available at:
<http://www.spa.usace.army.mil/reg/wqc>.
- Not necessarily applicable to Tribal Lands.





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#7 Nationwide Permit 27- Aquatic Habitat Restoration, Establishment, and Enhancement Activities

- a) Net increase in aquatic resource functions and services: Existing versus proposed.
- b) Ecological Reference: Activities must be planned, designed and implemented to resemble and ecological reference.
- c) Fishery Enhancement: Requires additional data and CPW coordination.
- d) As-Built Drawings: Required for all projects with a design-build or fisheries enhancement component.
- e) Use of concrete and grout is not generally allowed.



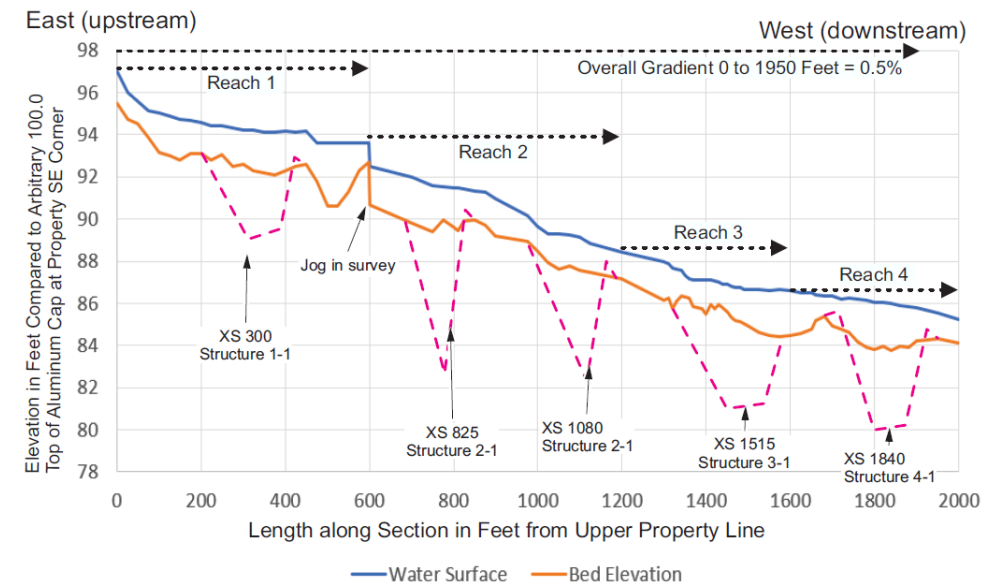
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Guidelines for NWP 27

- Discusses specific data requirements.
 - Project Purpose
 - Existing Conditions
 - Ecological Reference
 - Supporting Data
 - Monitoring Plan and Report
- Fisheries Enhancement Projects
 - CPW coordination according to General Condition 32(d).
 - Plan View with all project features
 - Cross-sectional and longitudinal profiles
 - As-built Drawings

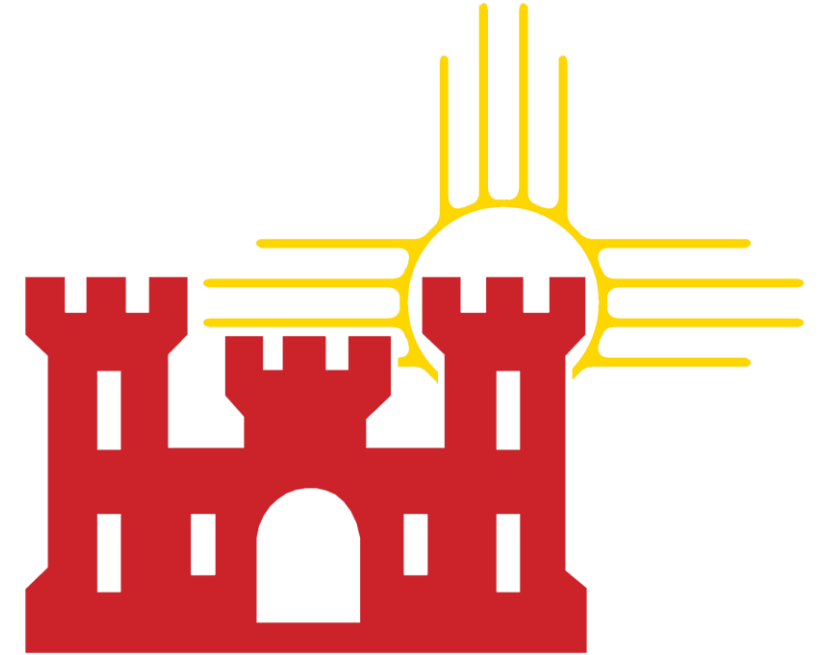
Ground Water Monitoring Wells - Depth from surface to Water Table (cm)												
date	Well #1	Well #2	Dif	Well #3	Well #4	Dif	Well #5	Well #6	Dif	Well #7	Well #8	Dif
8/26/2011	111	31	80	20	18.0	2	0.2	-5.7	5.5	N/A	N/A	-
9/9/2011	77	18	59	21	9.7	11.3	-0.1	-7.3	7.2	N/A	N/A	-
9/19/2011	42	3	39	N/A	1.4	-	-0.7	-8.3	7.6	N/A	N/A	-
9/26/2011	63	14	49	N/A	10.5	-	-0.9	-8.0	7.1	N/A	N/A	-
8/4/2017	32	N/A	-	N/A	N/A	-	25	N/A	-	N/A	N/A	-
10/28/2017	25	10	15	18	3	15	15	23	8	18	20	2
11/16/2017	17	5	12	3	1	2	16	20	4	11	11	0
06/15/2018	7.5	0	7.5	0	-1	1	1	11.8	10.8	0	0	0
08/15/2018	80	47	33	1	29	28	56	57	1	1	0	1
09/19/2018	85	42	43	49	27	22	41	32	9	4	1	3
7/15/2019	5	2	3	0	0	0	4	5	1	0	0	0
8/15/2019	32	6	26	0	1	1	11	17	6	0	0	0
9/20/2019	75	68	7	53	131	78	69	61	8	2	2	0





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