

# US Army Corps of Engineers Regulatory NWP 27 Overview:

Date: June 17, 2024

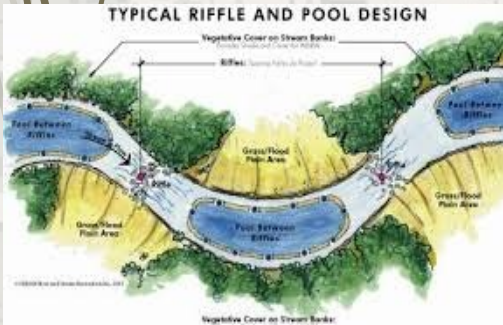
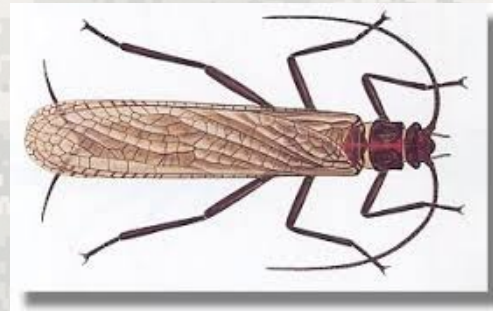
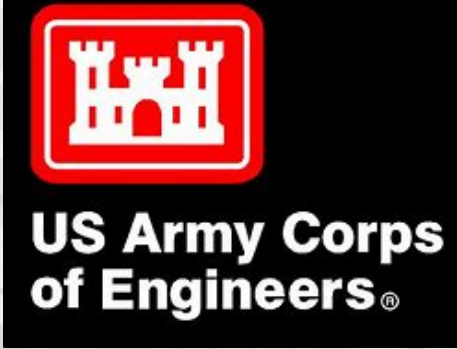
Prepared by:

*Tyler R. Adams and Robert Frank*

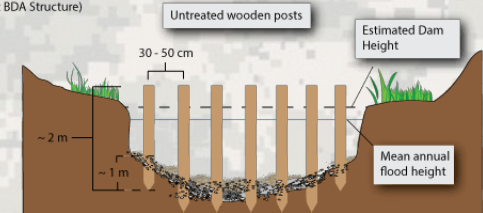
*Albuquerque District*

*Northwest Colorado Branch*

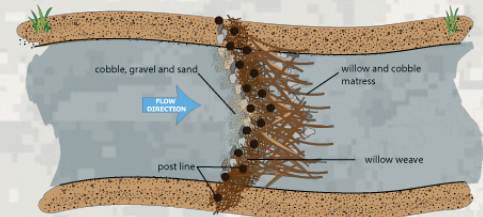
*Grand Junction, CO*




Cross Section View  
(Generic BDA Structure)



Plan View  
(Convex Primary Dam)



# Overview

- 
- I. Regulatory Authorities
  - II. Determining if your project is regulated by the Corps:
  - III. General Conditions
  - IV. Colorado Regional Conditions
  - V. NWP 27 Guidelines



U.S. ARMY



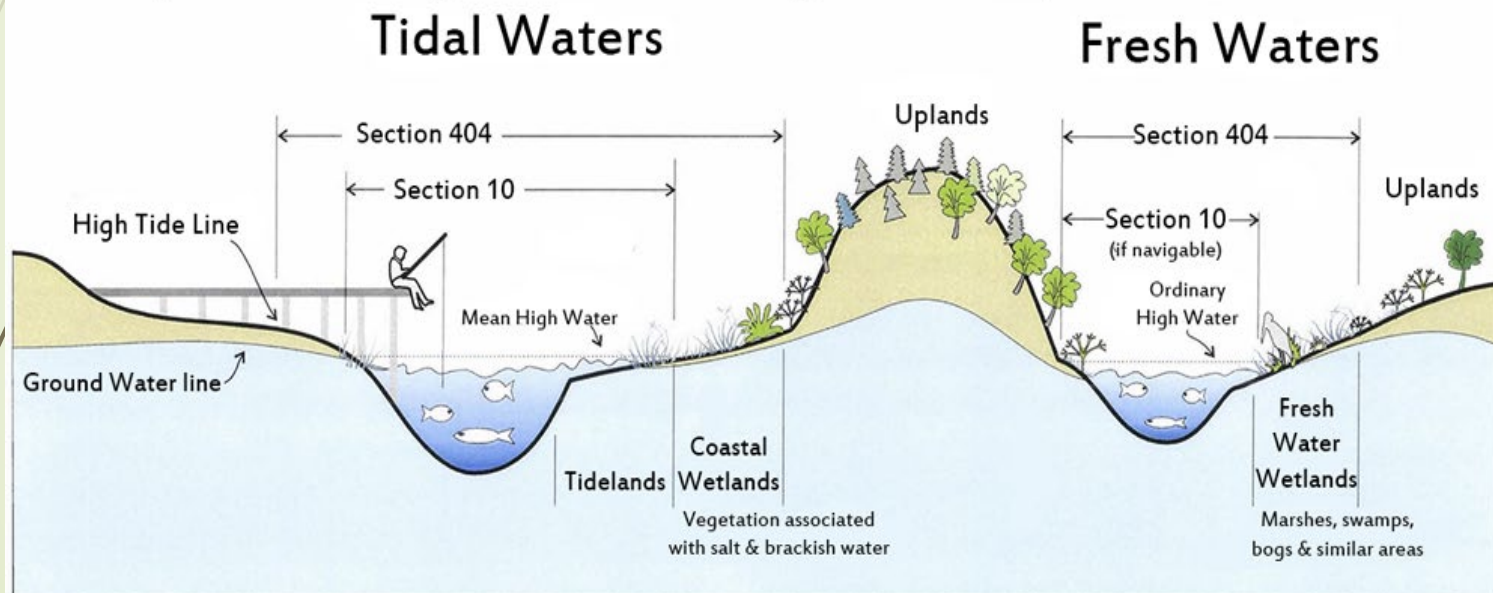
US Army Corps  
of Engineers.

# Regulatory Authorities

## Section 404 of the Clean Water Act (1972)

- Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of **DREDGED** or **FILL** material **INTO WATERS OF THE U. S.**

## Corps of Engineers Regulatory Jurisdiction



Typical examples of regulated activities

**Section 103**  
Ocean Discharge of Dredged Material  
Ocean discharges of dredged material.

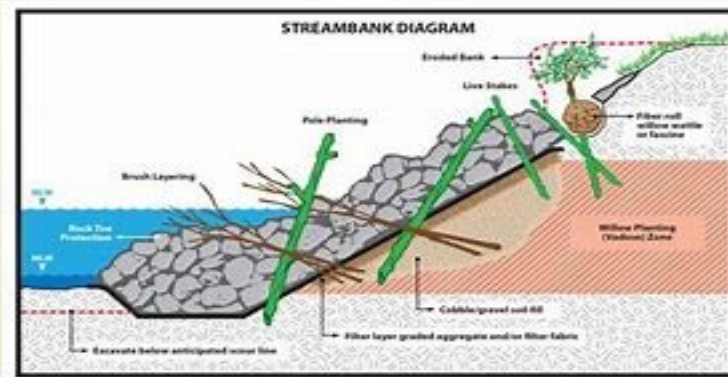
**Section 404**  
Disposal of Dredged or Fill Material  
All filling activities, utility lines, outfall structures, beach nourishment, riprap, jetties, some excavation activities, etc.

**Section 10**  
All Structures and Work (navigable waters)  
Dredging, marinas, piers, wharves, floats, intake/outtake pipes, pilings, bulkheads, ramps, fills, overhead transmission lines, etc.

# When is a Project Regulated?

Does the project involve the discharge of fill (**activity jurisdiction**) in waters of the U.S (**geographical jurisdiction**)?

- Waters of U.S. (WOTUS) include:
  - Rivers, streams (perennial or intermittent), lakes, ponds, marshes, wetlands, seeps, and springs.
- Fill material is defined as “material placed in WOTUS where the material has the effect of:
  - (i) Replacing any portion of a WOTUS with dry land; or
  - (i) Changing the bottom elevation of any portion of a WOTUS.”
- **Examples of Fill:** *Beaver Dam Analogs, Post-Assisted Log Structures, in-stream structures*
- **Not Examples of Fill:** *excavation, above ground removal of vegetation (no ground disturbance).*



# General Conditions

(~ 32 General Conditions)

## GC #18: Endangered Species

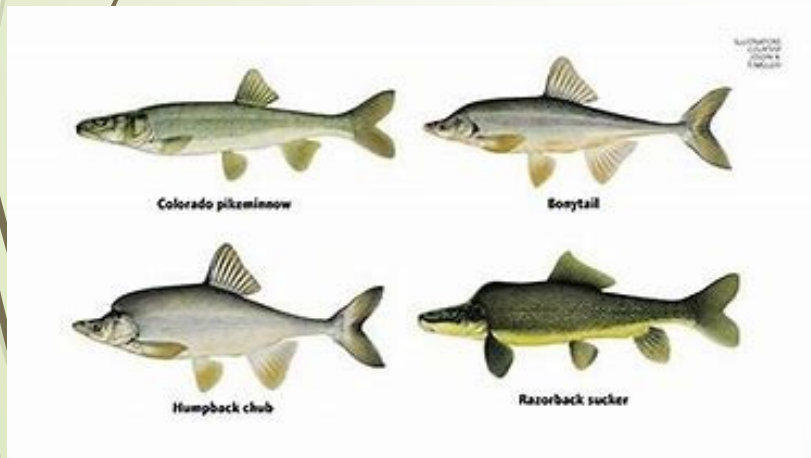


**Canada lynx**  
(*Lynx canadensis*)



**Yellow-billed Cuckoo**  
(*Coccyzus americanus*)

## GC #20: Historic Properties



# Colorado Regional Conditions - NWP 27

## 1. Nationwide Permit No. 27: Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

- a. Net increase in aquatic resource functions and services. For projects requiring a PCN, the PCN must contain a description/assessment of the existing aquatic habitat conditions (i.e., baseline information), to be compared to proposed/post-construction conditions, and an explanation for why the project is needed (i.e., project purpose), including a description of how the project will improve aquatic habitat.
  
- b. Ecological reference. This permit authorizes activities that are planned, designed, and implemented for the purpose of restoring, establishing, and enhancing aquatic habitat to resemble an ecological reference. To demonstrate compliance with this permit requirement, the PCN must identify the ecological reference or conceptual model used for project design. This permit does not authorize projects that involve other goals, such as waterborne recreation (e.g., kayak courses) and flood control.

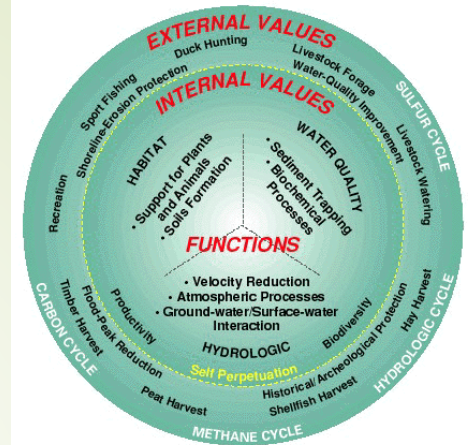
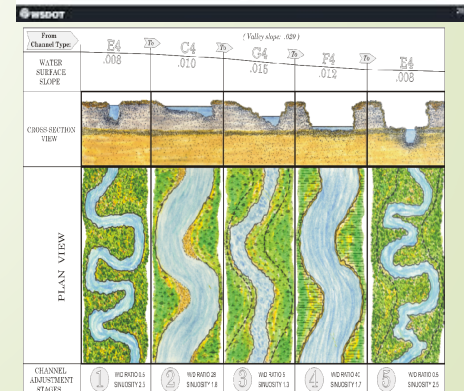


Figure 51. Wetland functions and internal and external values.



# Colorado Regional Conditions - NWP 27 Continued



c. Fisheries enhancement. Agency Coordination with CPW is required for projects involving fisheries enhancement in perennial streams. Upon receipt of a complete PCN, the Corps will decide whether the project involves fisheries enhancement activities, regardless of whether the PCN explicitly identifies “fisheries enhancement” as the project purpose, and initiate Agency Coordination with CPW in accordance with the procedures set forth under general condition 32(d). Pre-application consultation with CPW, preferably on-site, is highly recommended for projects involving fisheries enhancement, and providing documentation of pre-application consultation with CPW and their response may satisfy the coordination requirements of this permit resulting in quicker processing times. Please visit CPW’s website to determine the appropriate office for coordination: [cpw.state.co.us](http://cpw.state.co.us).

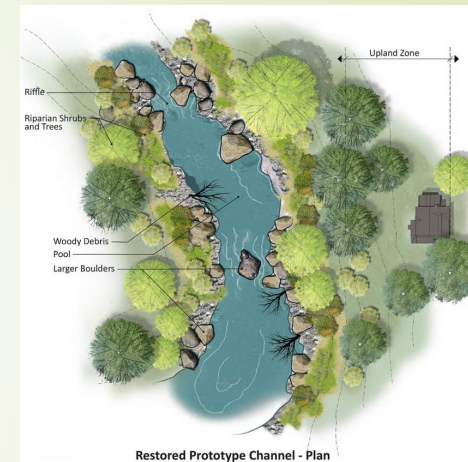
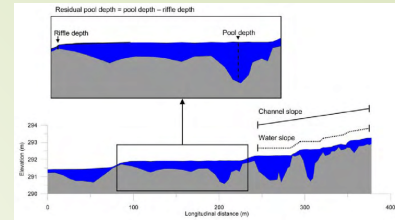


# Colorado Regional Conditions - NWP 27 Continued

To assist in Agency Coordination with CPW for projects involving fisheries enhancement, drawings must also include the following:

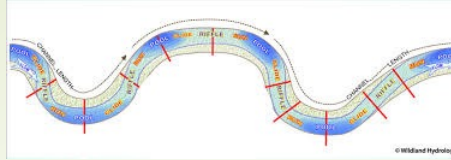
(1) Plan view of all work clearly identifying types and locations of structures/impacts, along with dimensions, and approximate extents of aquatic resources within the project area, including wetlands and riffle-pool complexes. To aid in visual understanding, this plan can be overlaid on a recent aerial image of the project site. The plan should also include information such as the existing and proposed bank slopes, width-to-depth ratio of the channel, and sinuosity.

(2) Cross-sectional and longitudinal profile views to scale of the existing stream channel and the proposed channel modifications, including dimensions (length, width and height of the structures or work). Failure to include the information required for Agency Coordination with CPW, when applicable, may result in delays and/or withdrawal of the PCN due to incompleteness.





# Colorado Regional Conditions - NWP 27 Continued



d. As-built drawings. For projects requiring a PCN with a design-build or fisheries enhancement component, the permittee shall submit a complete set of as-built drawings to the Corps within 90 days following the completion of work.

e. Use of concrete and grout. The use of concrete/grouting is not allowed in perennial streams unless the Corps determines on a case-by-case basis that the impacts will result in minimal adverse effects to the aquatic resource.



# NWP 27 Notification

The permittee must submit a preconstruction notification (PCN) to the district engineer prior to commencing any activity, except for the following activities:

- (1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;
- (2) Activities conducted in accordance with the terms and conditions of a binding coral restoration or relocation agreement between the project proponent and the NMFS or any of its designated state cooperating agencies;
- (3) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or
- (4) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.

However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Authorities: Sections 10 and 404).



# PCN Requirements

- Aquatic Resource Delineation
- Map of Impacts
- Type of fill material
- Design Drawings
- **BE SPECIFIC**

U.S. Army Corps of Engineers  
South Pacific Division



**Nationwide Permit Pre-Construction Notification (PCN)**

This form requires notification of the U.S. Army Corps of Engineers, Great Lakes/National Permit Program under the South Pacific Division (SPD). Items 1-10 may be completed to initiate the permit process. Item 11 is for other pertinent information that should be included for review. It is not intended to be a substitute for a separate permit. Please refer to the instructions on the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN) and to the instructions on the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN) for information on providing the PCN, as well as additional information on the application process. Contact the SPD at the following address.

**A. To Be Filled by the Corps**

Application Number:	Not Required	Yes/Complete
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**1. Prospective Permittee and Agent Name and Address (See Instructions):**

**A. Prospective Permittee:**

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone (Business/Residential): \_\_\_\_\_

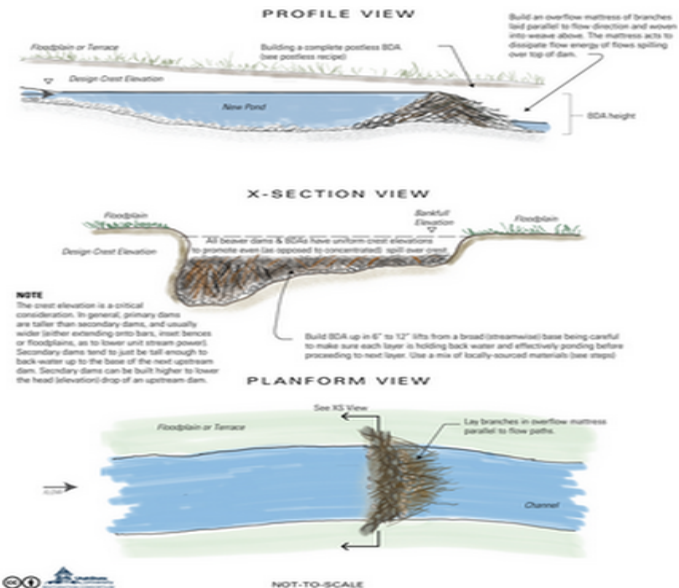
**B. Agent (if applicable):**

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone (Business/Residential): \_\_\_\_\_

**C. Statement of Authorization:** I hereby authorize \_\_\_\_\_ to act in my behalf as my agent for the proposed activity. (Name, see instruction)

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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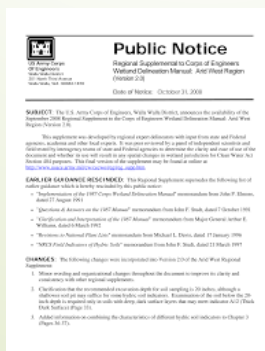
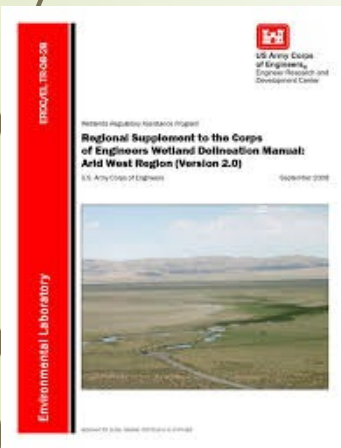
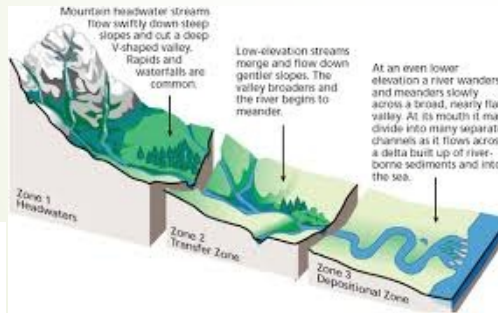


# Where To Find Information

Albuquerque District Regulatory Program Website Link:  
<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

- The Corps is NOT a Proponent or an Opponent of projects.
- Projects are reviewed case-by-case
- Regulatory Policies can change due to:
- Give us a call anytime to discuss projects

(970) 243-1199



## U.S Army Corps of Engineers Colorado Regulatory Offices

**Grand Junction Regulatory Office**  
 Albuquerque District, NW Colorado Branch  
 400 Rood Avenue, Room 224  
 Grand Junction, CO 81501-5793  
 (970) 243-1199

**Denver Regulatory Office**  
 Omaha District  
 9307 S. Wadsworth Blvd,  
 Littleton, CO 80128-6901  
 (303) 979-4120

**Durango Regulatory Office**  
 Albuquerque District, S Colorado Branch  
 1970 E. 3rd Ave., Suite 109  
 Durango, CO 81301-5025  
 (970) 259-1764

**Pueblo Regulatory Office**  
 Albuquerque District, S Colorado Branch  
 201 West 8th Street, Suite 350  
 Pueblo, CO 81003-4209  
 (719) 543-9459

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Date: 5/13/2021



# Questions?

