



Colorado Emergency Watershed Protection (EWP) Program

Sponsored by the Colorado Water Conservation Board (CWCB)
Administered by the Natural Resources Conservation Service (NRCS)

PERMITTING FOR PROJECT CONSTRUCTION

Permits are required for the construction of projects funded by the Colorado EWP Program. Local project sponsors must submit these permits for the approval of each Financial Agreement (FA) with the NRCS.

Required Permits

The following permits are applicable to projects funded by the EWP Program:

U.S. Army Corps of Engineers (USACE) Section 404 Permit

All EWP projects that could result in the discharge of dredged or fill material into a waters of the U.S. will require a Section 404 permit from the USACE. These projects will be covered under the USACE Nationwide Permit (NWP) 37 – Emergency Watershed Protection and Rehabilitation because it is work done or funded by the NRCS for a situation requiring immediate action under the EWP Program.

- USACE requires submittal of a Preconstruction Notification (PCN), which includes wetland delineation and determinations as well as potential mitigation measures, to be covered under NWP 37.

Colorado Stormwater Discharge General Permit

The Colorado Department of Public Health and the Environment (CDPHE) requires a permit for stormwater discharges associated with construction activities. A permit is required for projects involving one or more acres of land disturbance for construction activities including, but not limited to, clearing, grading, excavation, demolition, installation of new or improved haul and access roads, staging areas, stockpiling of fill materials, and borrow areas.

- A Stormwater Management Plan (SWMP) must be prepared that includes potential sources of pollution and descriptions of the Best Management Practices (BMPs) that will be implemented and maintained to adequately minimize pollutants in the stormwater discharge to assure compliance with the terms and conditions of the permit.
- At least 10 days prior to commencement of construction activities, the owner/operator of the construction site must submit an original completed Notice of Intent (NOI), which includes signed certification that the SWMP is complete.
- Once coverage under the General Permit is issued, the owner/operator must follow the conditions for coverage.
- Once all activities and discharges at the construction site have ceased and final stabilization has been achieved, the owner/operator must submit a Notice of Termination to CDPHE.

Environmental Review Status

Each EWP project must have an environmental review to comply with Federal Acts. This is being managed separately from permitting as part of the EWP Program. The Federal Acts include:

- National Environmental Policy Act (NEPA)
- Endangered Species Act (ESA)
- National Historic Preservation Act (NHPA)



PERMITTING FOR PROJECT CONSTRUCTION

Floodplain Development Permit

Any stream alteration activity must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state, and local floodplain regulations. The project sponsor must complete appropriate consultation and permit application and should work with their local floodplain administrator for specific rules and locally adopted ordinances pertaining to filling and construction in the floodplain.

If a stream has an identified Special Flood Hazard Area (SFHA) on an effective FEMA Flood Insurance Rate Map (FIRM) and the community participates in the National Flood Insurance Program (NFIP), then a floodplain development permit must be obtained for any proposed manmade activity in the SFHA before work begins.

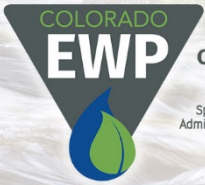
For projects designed by the CWCB Technical Assistance Team, the design team will develop floodplain permitting information and instructions for completing the permit application for the project sponsor.

Local County Permits

Project sponsors must address local permits on a project-by-project basis as required by the local jurisdiction. The following table provides potential local permits for the five counties included in the EWP Program, but may not be all-inclusive; direct coordination with the local jurisdictions is required.

Potential Local Permits

County	Permit Name	Requirements/Information
El Paso County	Erosion and Stormwater Quality Control Permit (ESQCP) Development Services Department (DSD)	<ul style="list-style-type: none"> ➤ Pre-construction meeting with DSD Inspection Group ➤ Application and fee required for land disturbance over 1 acre ➤ Requirements of the Permit: <ul style="list-style-type: none"> • SWMP – same as CDPHE requirement • Cost Estimate (form provided by county) – financial assurance estimate, collateral on BMP items • Grading and Erosion Control Plan – construction drawings with signature block, CO PE stamp required • Drainage Report – May be required, determination made during pre-construction meeting with DSD Inspection Group
	Potential Additional Local Permits	<ul style="list-style-type: none"> ➤ Work Within ROW Permit – if work is located with County-owned right of way (ROW) such as a road ➤ Pre-Development Site Grading Acknowledgement and Right of Access (ROA) form ➤ Dust Permit – air quality construction permit usually required for land disturbance over 1 acre from County Health Department



PERMITTING FOR PROJECT CONSTRUCTION

Potential Local Permits

County	Permit Name	Requirements/Information
Jefferson County	Grading Permit/Notice of Intent Planning and Zoning Commission	<ul style="list-style-type: none"> ➤ NOI and Application and fee required – NOI required for 5,000 square feet to 1 acre of land disturbance, application required for land disturbance over 1 acre ➤ 50-58 day review period from application submittal to permit authorization ➤ Application <i>must be received at least 45 days prior to land disturbance</i> ➤ Notice of Intent must be received at least <i>10 days prior to land disturbance</i> ➤ Requirements laid out in Section 16 – Land Disturbance of the Jefferson County Planning and Zoning Regulations
	Erosion	<ul style="list-style-type: none"> ➤ Erosion and sediment BMPs required during construction ➤ Erosion Control Plan is part of the Grading Permit Application
Weld County	Grading Weld County Public Works	<ul style="list-style-type: none"> ➤ Application and fee required for land disturbance over 1 acre ➤ Requires Grading Plans (with CO PE stamp), Erosion and Sediment Control Plan, and Typical BMP Installation Details and Notes
	Erosion	<ul style="list-style-type: none"> ➤ Erosion and sediment BMPs required during construction ➤ Erosion Control Plan is part of the Grading Permit Application
Boulder County	Grading Planning and Zoning Division	<ul style="list-style-type: none"> ➤ Grading permit required for grading, excavation, or placement of fill in excess of 50 cubic yards ➤ Pre-application conference required with county to determine review process ➤ Submit application form, grading plans, and fee
	Erosion	<ul style="list-style-type: none"> ➤ Erosion and sedimentation control requirements to be determined during pre-application conference
Larimer County	Grading	<ul style="list-style-type: none"> ➤ No local grading permit required
	Erosion	<ul style="list-style-type: none"> ➤ No local erosion and sedimentation control permit required – follow CDPHE stormwater permit
	Stormwater	<ul style="list-style-type: none"> ➤ Engineering Department – requests copy of SWMP prior to starting construction for their review/comment

For more information, contact Nan Elzinga at nelzinga@olssonassociates.com, 303-909-7359 or Jeff Sickles at jsickles@enginuity-es.com, 303-872-9109 with the Colorado EWP Technical Assistance Team.