



COLORADO

Department of Transportation

CDOT Wetland Program

Becky Pierce





Program Reminders

Aquatic Resources Survey (Wetland Delineation) – Required on all projects with aquatic resources within the study area

Wetland Data – All delineations completed for CDOT require GIS data delivery using CDOT wetland data procedures (more later)

Wetland Impact Assessment – Always required for projects having wetland impacts, regardless of Clean Water Act jurisdiction

Wetland Finding – Required for projects with 500 ft² or more of permanent impacts or 1,000 ft² or more of temporary and permanent impacts combined (more later)



FACWet

- Analysis required for projects with permanent impacts of 0.1 acre or more
- Results should be used in mitigation planning (more later)

Wetland Mitigation

- Mitigation required for all wetland impacts regardless of Clean Water Act jurisdiction
- Avoidance and minimization measures always required
- Compensatory replacement required on 1:1 basis unless functional assessment shows lower replacement is sufficient (uncommon)





Wetland Data

Attributes – Data dictionary must be used to reflect the attached attribute table, or the attribute table below must be completed and provided with the data.

Field	Data Type	Example	Comments
DESIGN_SUBACCOUNT	Double	20123	
BEGIN_MP	Double	68.23	
END_MP	Double	72.01	
BGN_OFFSYSTEM	Text	21.55	Off system mileposts should be typed here.
END_OFFSYSTEM	Text	24.31	
DELINEATION_DATE	Date	10/26/2014	
EXPIRATION_DATE	Date	10/26/2019	delineation expiration date
WETLAND_DESCRIPTOR	Text	PEM, PSS	
SIZE_ACRES	Double	0.123	
OPEN_CLOSED	Text	closed	closed or open
JURISDICTIONAL_STATUS	Text	NJD	NJD or JD
USACE_FILE_NUMBER	Text	SPK-2011-00245	
ROUTE	Text	085A	
PROJECT_TYPE	Text	construction	construction or mitigation





Wetland Finding

➤ When is a wetland finding required?

permanent wetland impacts $\geq 500 \text{ ft}^2$

or

permanent plus temporary wetland impacts will be $\geq 1,000 \text{ ft}^2$

➤ What type of wetland finding do I need?

** First refer to 2019 CDOT/FHWA MOA

<https://www.codot.gov/programs/environmental/wetlands/guidance.html>

“Projects that qualify for programmatic approval are ones that have insignificant impacts to wetlands and are easily mitigated. The purpose of having a programmatic approval is to expedite the wetland process and eliminate unnecessary coordination and paper work.”



Wetland Finding continued

➤ Can I use the programmatic wetland finding template?

- ☺ Categorical Exclusion
- ☺ < 1 acre wetland impact either temporarily, permanently, or a combination
- ☺ All practicable avoidance and minimization measures considered
- ☺ Wetland compensatory mitigation ratio is no less than 1:1
- ☺ No impacts to federally-threatened or endangered species
- ☺ No impacts to Gold Medal Trout Streams, National Wild and Scenic Rivers, or other areas of special ecological concern
- ☺ Clean Water Act nationwide or regional general permit

Check all the boxes?  Use the programmatic wetland finding template!



Wetland Finding continued

➤ How do I prepare a non-programmatic wetland finding?

- Detail should be commensurate with the level of impact
- Use the wetland finding checklist
- Do not use the checklist as the wetland finding
- Signature by FHWA is required, so allow for a little extra time





Functional Assessment of Colorado Wetlands (FACWet)

- USACE approved for use in documenting wetland functions
- Colorado Mitigation Procedures (COMP) Version 2.0 – *“FACWet or another case-by-case Corps-approved FCAM should be used for all wetland mitigation sites to document the change in functions that is reasonably likely to occur as a result of the mitigation activities.”*
- CDOT no longer provides training on FACWet
- Examples can be provided upon request





Regulatory Changes Affecting CDOT

Navigable Waters Protection Rule

- Implemented in Colorado on April 23, 2021, after year-long injunction
- Codified 4 categories of waters of the U.S.
 - (a)(1) - territorial seas and traditional navigable waters
 - (a)(2) - perennial and intermittent tributaries to (a)(1) waters
 - (a)(3) - certain lakes and ponds and impoundment of waters of the U.S.
 - (a)(4) - wetlands adjacent to (a)(1-3) waters
- <https://www.epa.gov/nwpr/training-and-implementation-materials>



NWPR Highlights

- Significant nexus test no longer used
- Agencies will use “typical year” to determine the normal precipitation based on the previous 3 months

Adjacent Wetlands –

- Inseparably “bound up” with waters of the U.S.
- Wetlands are considered adjacent when an artificial structure (e.g. road) divides the wetland, as long as the structure allows for a direct hydrologic surface connection through (e.g. culvert) or over that structure in a typical year.



Navigable Waters Protection Rule Not WOTUS



Dry washes and ephemeral streams



Many farm ditches



Many roadside ditches



Isolated wetlands



Farm and stock watering ponds
constructed in upland



Stormwater runoff



epa.gov/nwpr



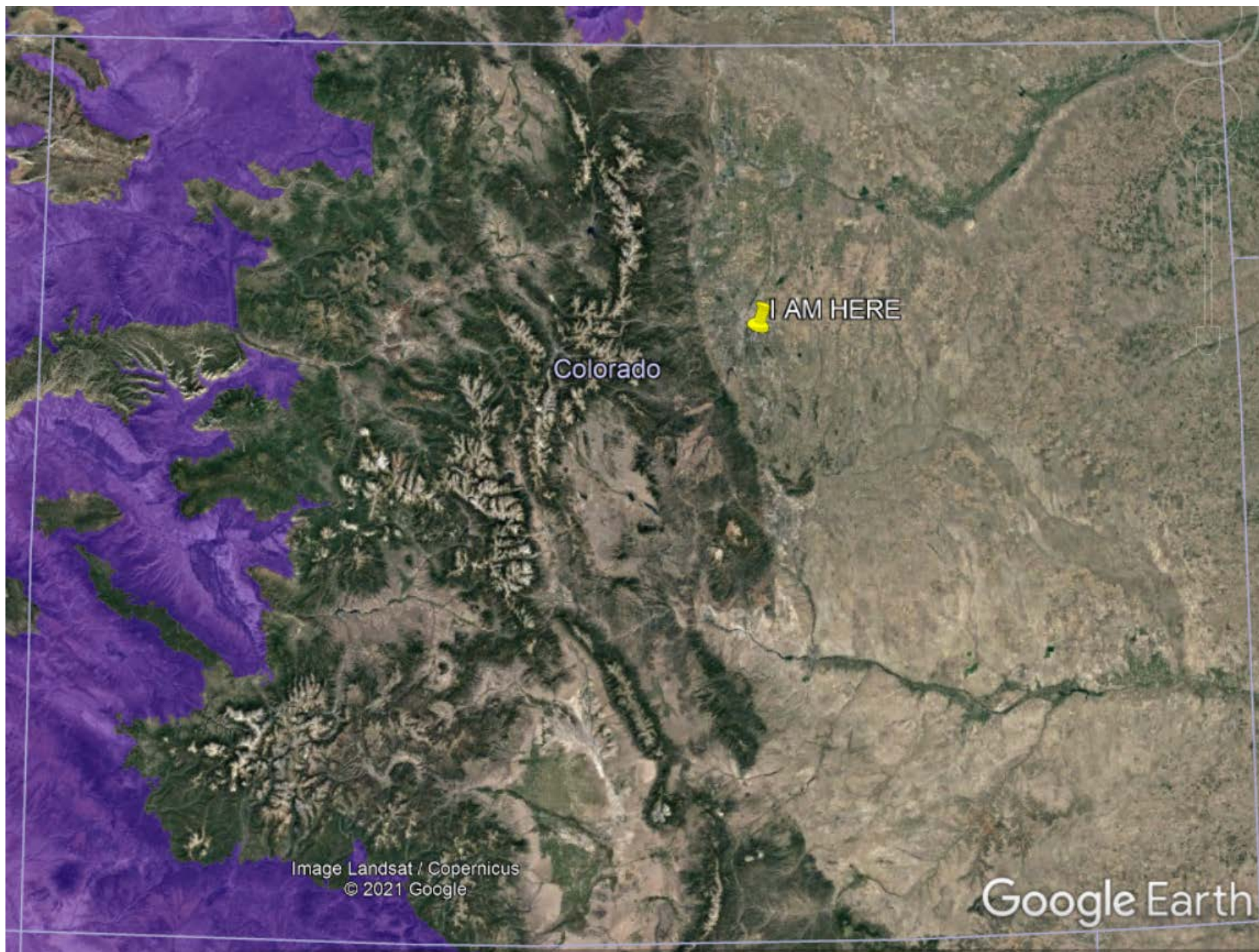
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Streamflow Duration Assessment Method (SDAM)

- Beta version for the Arid West is out for public use
- Beta versions for Great Plains and Western Mountains are being developed
- SDAM is a rapid field assessment to determine whether a stream reach has ephemeral, intermittent, or perennial flow
- Training Materials Distribution Hub –
<https://betasdamaw-sccwrp.hub.arcgis.com>





Where
is the
“Arid
West”?



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2 and 3. Aquatic invertebrates

2. How many aquatic invertebrates are quantified in a 15-minute search?

Number of individuals quantified:

- None
- 1 to 19
- 20 +

(Do not count mosquitos)

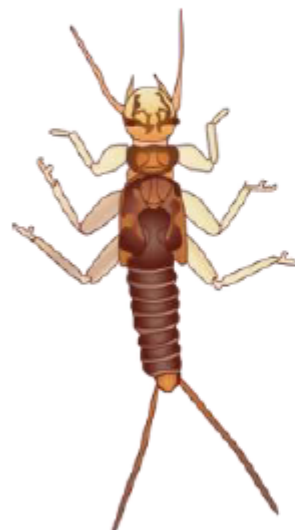
Photo ID: _____

3. Is there evidence of aquatic stages of EPT (Ephemeroptera, Plecoptera and Trichoptera)?

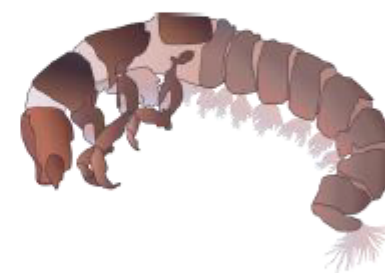
Yes / No



Ephemeroptera larva
Image credit: [Dieter Tracey](#)



Plecoptera larva
[Tracey Saxby](#)



Trichoptera larva
[Tracey Saxby](#)

Notes on aquatic invertebrates:



Water Quality Control Act

Part 5 – “No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the [Water Quality Control] division for such discharge.”



Nationwide / Regional Permits

- March 15, 2021 - Reissuance and modification of 12 existing NWPs and issuance of 4 new NWPs
 - Most do not impact CDOT
 - NWP 12 modified – Oil and Natural Gas Pipeline Activities
 - NWP 57 new – Electric Utility Line and Telecommunications
 - NWP 43 – Stormwater Mgt Facilities
- 2017 Nationwide Permits are unchanged and will expire in 2022
- https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/2017_NWP_FinalDD/



Ditches

- July 2020 - Memo to the Field regarding application of the exemptions under section 404(f)
 - Supersedes prior guidance
- Regional General Permit 5 – Ditch Related Activities in Colorado
 - Comments on proposal were due on April 8th
 - Authorizes discharges into ditches that have minimal individual or cumulative adverse effects on the aquatic environment but that do not qualify for the Clean Water Act exemptions under section 404(f)
 - Examples: converting existing ditches into pipes, filling existing ditches



Thank you!

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