

2017 NEW AND RE-ISSUED NATIONWIDE PERMITS AND UPDATED PCN FORM/CHECKLIST

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TOPICS

- What are the Nationwide Permits?
- Summary of the final rule published on January 6, 2017
 - What changes were made?
- Conditions for the 2017 Nationwide Permits
- Transition to the 2017 Nationwide Permits
- Updated PCN Form & Checklists



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NATIONWIDE PERMITS

- Congressional intent (Clean Water Act Section 404(e))
 - Permits issued on a nationwide basis to streamline the authorization process for small activities with no more than minimal adverse environmental effects
 - Issued for no more than 5 years
- First issued in 1977
 - 15 nationwide permits
 - 14 general conditions
- Authorize ~35,000 activities per year (reported) plus ~30,000 non-reporting activities
- NWP Issuance involves a full interagency and public interest review



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NATIONWIDE PERMITS

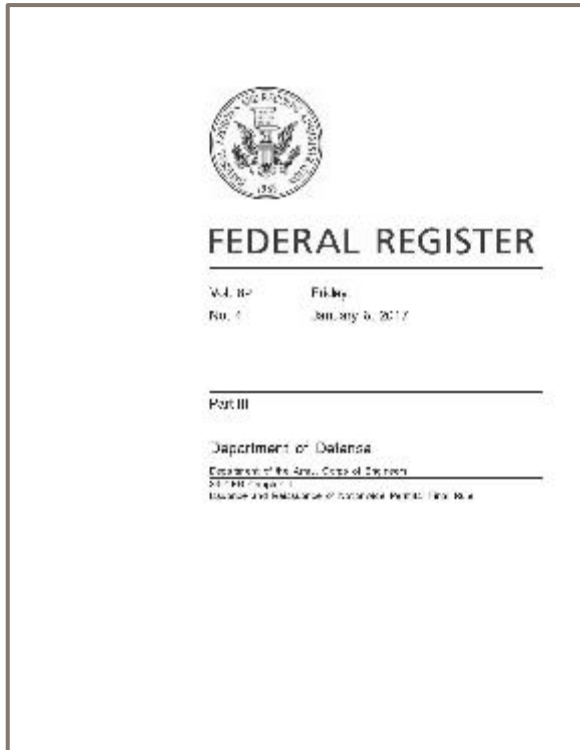
- 2012 NWP's expired on March 18, 2017
 - 50 nationwide permits
 - 31 general conditions
- 2017 NWP's effective March 19, 2017
 - 52 nationwide permits
 - 32 general conditions
- To qualify for the use of a NWP, a proposed activity must:
 - Comply with all terms of the NWP
 - Comply with all General Conditions of the NWP
 - Comply with all Regional Conditions of the NWP
 - Comply with all Special Conditions of the NWP (if applicable)
 - Have no more than minimal individual/cumulative adverse effects



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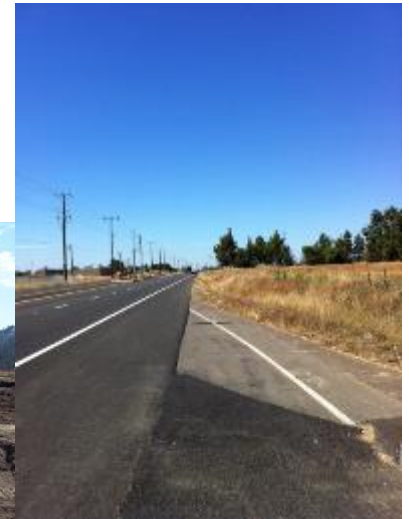
SUMMARY OF JANUARY 6, 2017 FINAL RULE



- Effective Date: March 19, 2017
- Expiration Date: March 18, 2022
- Reissued all 50 existing NWP's
- Issued two new NWP's
 - Removal of low-head dams
 - Construction and maintenance of living shorelines
- Issued one new general condition
 - Activities affecting structures or works built by the United States (federal water resources projects)

NATIONWIDE PERMITS

- Types of activities authorized
 - Residential, commercial, institutional developments
 - Transportation
 - Structures in navigable waters
 - Renewable energy
 - Scientific research and survey a
 - Mining
 - Utility line activities
 - Recreational activities
 - Maintenance
 - Restoration



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SUMMARY OF 2017 FINAL RULE

- **Nationwide permits**
 - 24 NWP's reissued with no changes
 - 26 NWP's reissued with changes
 - 2 new NWP's issued
- **General conditions**
 - Reissued 19 general conditions without changes
 - Reissued 12 general conditions with changes
 - Issued 1 new general condition
- **Definitions**
 - Added 5 new definitions



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SUMMARY OF 2017 FINAL RULE

- What's stayed the same:
 - Acreage limits
 - Linear foot limits
 - Cubic yard limits
 - Most pre-construction notification (PCN) thresholds
- Vast majority of the changes are clarifications
- Little or no change to processes



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PRE-CONSTRUCTION NOTIFICATION REQUIREMENTS

- 19 NWP's – all activities require PCN
- 14 NWP's – some activities require PCN
- 19 NWP's – no pre-construction notification (PCN) required
- For any NWP, PCN is required for:
 - Activities that might affect ESA-listed species or designated critical habitat
 - Activities that might have the potential to cause effects to historic properties
 - Activities that also require 408 permissions
 - Activities in Wild and Scenic Rivers



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PRE-CONSTRUCTION NOTIFICATIONS

- Opportunity for district to review proposed NWP activity to determine eligibility for authorization
 - Will the proposed activity result in only minimal adverse environmental effects?
 - Does proposed activity comply with all applicable general and regional conditions?
 - Is compensatory mitigation or other mitigation required to ensure no more than minimal adverse environmental effects?
 - Are any consultations required?
 - Endangered Species Act Section 7
 - National Historic Preservation Act Section 106
 - Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act



PRE-CONSTRUCTION NOTIFICATIONS

- Many NWP's require the submittal of a PCN prior to beginning work. PCN requirements can be found:
 - In the Terms of the NWP
 - In the General Conditions (e.g. General Conditions 18 and 20)
 - In the Regional Conditions (e.g. Sacramento District Regional Condition B(2) for Utah)

2. For all NWP's, the permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1), in the following circumstances:

a. For all discharges of dredged and/or fill material below the ordinary high water mark of the Great Salt Lake in areas containing bioherms (microbialites). Bioherms are mounds of calcium and magnesium carbonate deposits produced by the blue-green algae *Aphanizotce packardii*.

b. For all new or replacement linear transportation crossings of perennial, intermittent, or ephemeral drainages (e.g. natural or relocated streams, creeks, rivers) or other open waters of the U.S., where the pre-construction bankfull width of waters of the U.S. at the crossing would be reduced;

c. For all activities in waters of the U.S. discharge of a known natural spring source (i.e. emanates from a point in the ground excluding defined channel);

d. For Water Quality Certificate Issuance on Tribal Lands; and

e. For all activities proposing in-stream bottoms.

20. Historic Properties.

(a) In cases where the district engineer determines that properties listed, or eligible for listing, in the National Register until the requirements of Section 106 of the National Historic

(b) Federal permittees should follow their own procedures of the National Historic Preservation Act. If pre-construction

activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding

33. Temporary Construction, Access, and Dewatering. Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected area must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction, a completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., section 10 waters) (see general condition 32). The preconstruction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Authorities: Sections 10 and 404)



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ENDANGERED SPECIES ACT COMPLIANCE

- Corps Headquarters “no effect” determination for the issuance or reissuance of NWP
- Based on requirements of:
 - General condition 18, endangered species
 - For non-federal permittees, PCNs are required for proposed activities that might affect listed species or designated critical habitat
 - 33 CFR 330.4(f)
- Compliance with requirements of ESA section 7(a)(2)
 - PCN requirements for the NWP – evaluate activity
 - Activity-specific ESA section 7 consultations
 - District programmatic ESA section 7 consultations



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NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE

- “No potential to cause effects” determination for the issuance or reissuance of NWP by Corps Headquarters
- Based on requirements of:
 - General condition 20, historic properties
 - For non-federal permittees, PCNs are required for proposed activities that might have the potential to cause effects to historic properties
 - 33 CFR 330.4(g)
- Compliance with requirements of NHPA section 106
 - PCN requirements for the NWPs – evaluate proposal
 - Activity-specific NHPA section 106 consultations
 - Use of programmatic agreements (e.g. certain UDOT projects)



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NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE

- Corps Headquarters fulfills requirements of NEPA when it issues/reissues an NWP and prepares the national decision document
 - Environmental assessment
 - Public interest review
 - If applicable, a 404(b)(1) Guidelines analysis
- Supplemental decision documents are not NEPA documents
 - Support decisions on regional conditions
 - Are they needed to ensure no more than minimal adverse effects?
- No NEPA compliance necessary for NWP verification decisions by district engineers



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CHANGES TO 2017 NATIONWIDE PERMITS AND GENERAL CONDITIONS



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NWP 3 – MAINTENANCE

- (a) Authorizes the repair, rehabilitation, or replacement of previously authorized structures or fills
- (b) Authorizes the removal of accumulated sediments in vicinity of existing structures and associated canals
- Limits:
 - Minor changes to conform to current construction practices, materials, current construction codes, and regulatory requirements (paragraph (a))
 - Removal of accumulated sediment within 200 feet of existing structures (paragraph (b))



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NWP 3 – MAINTENANCE

- Changes:
 - Clarified that NWP authorizes removal of previously authorized structures or fills
 - Removal of accumulated sediment within or in immediate vicinity of structure or fill – No PCN required (paragraph (a))
 - Removal of accumulated sediment not in immediate vicinity of structure or fill – PCN required (paragraph (b))
 - Authorize use of timber mats, if Corps authorization required
 - Removed provision in paragraph (b) authorizing riprap to protect the structure
 - Riprap can be authorized by NWP 13, with or without PCN

NWP 12 – UTILITY LINE ACTIVITIES

- Authorizes crossings of jurisdictional waters and wetlands for utility lines
- Also authorizes utility line substations, foundations for overhead utility lines, and access roads
- Limits:
 - 1/2-acre limit for each separate and distant waterbody crossing
 - 1/2-acre of non-tidal waters for utility line substations
 - 1/2-acre of non-tidal waters for access road crossings



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NWP 12 – UTILITY LINE ACTIVITIES

- Changes:
 - Clarified that for utility lines, the Corps is only authorizing regulated crossings of waters of the United States
 - Authorize regulated activities associated with remediation of inadvertent returns of drilling fluids
 - Authorize use of timber mats, if Corps authorization required
 - Added reference to Corps regulations for minimum clearance for overhead electric power lines over navigable waters



NWP 13 – BANK STABILIZATION

- Authorizes bank stabilization activities
- Limits:
 - 500 linear feet along bank
 - 1 cubic yard per running foot
 - No fills in special aquatic sites (e.g., wetlands)
- Above limits can be waived by district engineer
- Changes:
 - Clarified that this NWP authorizes a variety of bank stabilization activities, including bulkheads, revetments, riprap, bioengineering, vegetative stabilization, and stream barbs



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NWP 13 – BANK STABILIZATION

- Changes Cont'd:
 - Cubic yard limit to be measured along bank, and includes in-stream techniques (e.g., barbs)
 - Authorize maintenance of bank stabilization activities
 - Requires use of native plants appropriate for site conditions for bioengineering or vegetative stabilization
 - Limited waivers for bulkheads to 1,000 linear feet
 - Authorize use of timber mats, if Corps authorization required



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NWP 21 – SURFACE COAL MINING ACTIVITIES

- Authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities
- Limits:
 - ½-acre of non-tidal waters; 300 linear feet of stream bed (Sum of these losses cannot exceed 1/2-acre)
- Changes:
 - Removed provision allowing re-authorization of activities authorized by 2007 NWP 21
 - All activities will be subject to ½-acre limit and 300 linear foot limit for losses of stream bed, and to the prohibition against construction of valley fills



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NWP 27 – AQUATIC HABITAT RESTORATION, ENHANCEMENT, AND ESTABLISHMENT ACTIVITIES

- Authorizes restoration, enhancement, and establishment of aquatic habitat
 - Must be net gain in aquatic resource functions and services
- Changes:
 - To list of examples of authorized activities, add removal of stream barriers (e.g., undersized culverts, fords, and grade control structures)
 - Require use of ecological reference to plan, design, and implement the NWP 27 activity



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ECOLOGICAL REFERENCE

- Intent is to limit to NWP 27 activities to those that will result in aquatic habitats that resemble natural ecosystems in the region
- Two approaches:
 - Use existing examples of target aquatic resource type in the region
 - Use a conceptual model for the target aquatic resource type in the region
- Take into account range of variability in the region



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NWP 29 – RESIDENTIAL DEVELOPMENTS

NWP 39 – COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS

- Authorizes fills in non-tidal waters to construct or expand these developments and their features
- Limits:
 - No fills in non-tidal wetlands adjacent to tidal waters
 - 1/2-acre of non-tidal waters
 - Loss of 300 linear feet of stream bed
 - Change: Clarified that the sum of these losses cannot exceed 1/2-acre



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NWP 31 – MAINTENANCE OF EXISTING FLOOD CONTROL FACILITIES

- Authorizes maintenance for existing flood control facilities to a maintenance baseline approved by Corps district
- Limits: maintenance baseline approved by district engineer
- Changes:
 - Added provision stating that the facility will not be considered abandoned if permittee is experiencing delays in obtaining other required approvals or authorizations
 - Clarified that the one-time mitigation requirement applies since maintenance baseline was established by Corps district under this NWP, not every five years

NWP 33 – TEMPORARY CONSTRUCTION, ACCESS, AND DEWATERING

- Authorizes temporary structures or work and discharges of dredged or fill material, including cofferdams, for construction activities or access fills
- Changes:
 - Pre-construction notification now required only for those activities in waters subject to section 10 of the Rivers and Harbors Act of 1899



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NWP 41 – RESHAPING EXISTING DRAINAGE DITCHES

- Authorizes the reshaping of cross sections of existing drainage ditches to improve water quality
- Limit:
 - ▶ Activity cannot increase area drained by ditch
- Changes:
 - ▶ Removed 500-linear foot PCN threshold (no PCN required)



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NWP 43 – STORMWATER MANAGEMENT FACILITIES

- Authorizes the construction and maintenance of stormwater management facilities and low-impact development integrated management features
- Limits:
 - ½-acre of non-tidal waters; 300 linear feet of stream bed (Sum of these losses cannot exceed 1/2-acre)
- Changes:
 - Clarified that sum of stream and waters impacts cannot exceed ½-acre
 - Added construction and maintenance of pollutant-reduction green infrastructure features to authorized activities



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NWP 44 – MINING ACTIVITIES

- Authorizes mining activities other than coal mining activities (e.g., aggregate and hard rock/mineral mining)
- Limits:
 - ½-acre of non-tidal waters; 300 linear feet of stream bed
- Changes:
 - Clarified application of ½-acre limit
 - Area of non-tidal open waters mined (which includes any stream bed that is mined) plus area of non-tidal wetlands mined cannot exceed ½-acre



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NWP 45 – REPAIR OF UPLANDS DAMAGED BY DISCRETE EVENTS

- Authorizes discharges of dredged or fill material, including dredging, to restore upland areas damaged by storms, floods, or other discrete events
- Limit:
 - Restore uplands to pre-event ordinary high water mark
- Changes:
 - Allow district engineer to waive 12-month limit for submitting PCN if permittee can demonstrate funding, contracting, or similar delays



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NWP 51 – LAND-BASED RENEWABLE ENERGY GENERATION FACILITIES

- Authorizes the construction, expansion, or modification of these facilities in non-tidal waters
- Limits:
 - ½-acre of non-tidal waters; 300 linear feet of stream bed
(Sum of these losses cannot exceed 1/2-acre)
- Changes:
 - PCN threshold increased to 1/10-acre (previously all activities required PCN)



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NWP 52 – WATER-BASED RENEWABLE ENERGY GENERATION PILOT PROJECTS

- Authorizes the construction, expansion, modification, or removal of these facilities in all waters, except in coral reefs
- Also authorizes land-based components
- Limits:
 - ½-acre; 300 linear feet of stream bed (Sum of these losses cannot exceed 1/2-acre)
 - 10 units
- Changes:
 - Added floating solar panels in navigable waters
 - Added wave energy devices



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NWP 53 – REMOVAL OF LOW-HEAD DAMS

- New NWP
- Authorizes the removal of low-head dam for stream restoration and public safety
- Limits:
 - Low-head dams, which are defined as: “dams built across a stream to pass flows from upstream over all, or nearly all, of the width of the dam crest on a continual and uncontrolled basis”
 - PCN for all activities



NWP 53 – REMOVAL OF LOW-HEAD DAMS

- Removed dam structure must be deposited in area that has no waters of the United States unless another Corps permit authorizes placement of material in waters
- As a general rule, compensatory mitigation is not required for these activities because low-head dam removal restores stream ecological functions and services
- Associated stream restoration activities may be authorized by NWP 27
- Associated bank stabilization activities may be authorized by NWP 13



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NWP 54 – LIVING SHORELINES

- New NWP
- Authorizes structures or work in navigable waters, and discharges of dredged or fill material, for the construction and maintenance of living shorelines to control erosion in coastal areas (including the Great Lakes and Great Salt Lake)
- Limits:
 - Cannot extend into the waterbody more than 30 feet from mean low water line (tidal waters) or ordinary high water mark (Great Lakes)
 - No more than 500 linear feet along the length of the bank
- Both limits can be waived by the district engineer



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NWP 54 – LIVING SHORELINES

- Coastal waters with small fetch and gentle slopes subject to low- to mid-energy waves
- Uses vegetation and other living elements (e.g., oysters), and where necessary, fill structures (e.g., sills or breakwaters) to protect those living elements
- Fills, including fill structures, must be the minimum necessary for the establishment and maintenance of the living shoreline
- Activity must be designed to have no more than minimal adverse effects on water and organism movement to and from shore
- PCNs required for all activities (except maintenance)



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GENERAL CONDITION (GC) 2 – AQUATIC LIFE MOVEMENTS

- NWP activity must not substantially disrupt the necessary life cycle movements of aquatic species indigenous to the waterbody unless the activity's primary purpose is to impound water
- Change:
 - ▶ Added provision stating that if a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements



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GC 16 – WILD AND SCENIC RIVERS

- Change: Clarifies the coordination and authorization process for projects in National Wild and Scenic Rivers
- Activities in National Wild and Scenic River, or study river designated by Congress, require PCNs to district engineers
- District engineer will coordinate with federal agency with direct management responsibility for that river
- Activity not authorized by NWP unless the federal agency with direct management responsibility determines the proposed NWP activity will not adversely affect the Wild and Scenic River designation or its study status



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GC 17 – TRIBAL RIGHTS

- Revised to be consistent with 1998 Department of Defense American Indian and Alaska Native Policy
<http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/DoDPolicy.pdf>
- Explicitly cover the suite of tribal rights addressed in 1998 policy: treaty rights, protected tribal resources, and tribal lands
 - “No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.”
- Changes:
 - Removed “operation”
 - Changed “No activity...may impair” to the “no more than minimal adverse effects” threshold for general permits

GC 18 – ENDANGERED SPECIES

- Defines “direct effects” and “indirect effects” to assist in Endangered Species Act compliance
 - Direct effects are immediate effects on listed species and critical habitat caused by NWP activity
 - Indirect effects are effects on listed species and critical habitat caused by NWP activity that occur later in time, and are reasonably certain to occur
- Clarified that other federal agencies are responsible for their own compliance with the Endangered Species Act
- Clarified that the District engineer may add permit conditions for Endangered Species Act compliance
- Clarified that permittees may use ESA section 10(a)(1)(B) incidental take permit to fulfill requirements of this general condition and the ESA



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GC 19 – MIGRATORY BIRDS AND BALD AND GOLDEN EAGLES

- Clarified that the permittee is responsible for ensuring his/her activity complies with Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act
- Permittee is responsible for contacting local office of U.S. Fish and Wildlife Service to determine if “take” permits are needed



GC 20 – HISTORIC PROPERTIES

- Revised text of general condition to be more consistent with threshold for National Historic Preservation Act section 106 consultation:
 - “May have the potential to cause effects to historic properties”
- Added designated tribal representative to list of sources for assistance for obtaining information on the potential presence of historic properties
- Clarified when section 106 consultation is conducted:
 - NWP activities where there are “no historic properties affected,” or that have “no adverse effects” or “adverse effects” on historic properties



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GC 23 – MITIGATION

- Reorganized text to clarify mitigation requirements for NWP's and their relationship to the Corps' 2008 mitigation rule
- States the preference for use of mitigation bank or in-lieu fee program credits to fulfill compensatory mitigation requirements imposed by district engineers, as identified in 33 CFR 332.3(b)
 - Does not preclude the use of permittee-responsible mitigation, where appropriate (or where credits are not available)



GC 23 – MITIGATION

- Added provision stating that if compensatory mitigation is required, then the amount must be sufficient to ensure the NWP activity causes no more than minimal individual and cumulative adverse environmental effects
- Clarified that compensatory mitigation may be required to ensure no more than minimal adverse environmental effects if a regulated activity results in the loss of certain aquatic resource functions and services (e.g., the conversion of forested wetlands to emergent wetlands)



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GC 31 – ACTIVITIES AFFECTING STRUCTURES OR WORKS BUILT BY THE UNITED STATES

- New general condition
- Any NWP activity that also requires a Section 408 permission from the Corps requires notification to the Corps district
- Activity is not authorized by NWP until after the Corps issues the 408 permission, and the district issues the NWP verification



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GC 32 – PRE-CONSTRUCTION NOTIFICATION

- No changes to the Corps' review process
 - Retained 30-day completeness review period
 - Retained 45-day verification decision period
- Changes to content of pre-construction notification:
 - Specify the NWP(s) the project proponent wants to use
 - Describe mitigation measures intended to reduce adverse environmental effects
 - For linear projects, clarify that notification must identify other crossings of waters of the United States that require Corps authorization, including those authorized by general permit that do not require pre-construction notification
 - For linear projects, the notification must also include the quantity of losses of aquatic resources for each single and complete crossing of those waters and wetlands



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GC 32(D) - AGENCY COORDINATION

- Required for the following NWP activities:
 - Activities that will result in the loss of greater than 1/2-acre
 - Activities authorized by NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 that require PCNs and will result in loss of greater than 300 linear feet of intermittent and ephemeral stream bed
 - NWP 13 and 54 activities, where waivers are requested
- Copies of PCN to federal and state resource agencies
 - Change – removed SHPO/THPO
- 10 calendar day review period, may be extended by 15 days
- Consider agency comments on actions to ensure no more than minimal adverse environmental effects



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DISTRICT ENGINEER'S DECISION (SECTION D)

- Criteria for determining whether a proposed NWP activity will result in no more than minimal individual or cumulative adverse environmental effects or any public interest review factor
 - For waiver requests, written determination of no more than minimal adverse environmental effects
 - Consider the direct and indirect effects caused by the NWP activity
 - Consider cumulative effects of NWP use on a regional basis
 - Regions may be watersheds, ecoregions, county, or other types of geographic areas
 - Non-linear projects – single watershed or region
 - Linear projects that cross multiple watersheds or regions – consider cumulative effects in each watershed or region



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DISTRICT ENGINEER'S DECISION (SECTION D)

- Is mitigation, including compensatory mitigation, required to ensure no more than minimal effects?
 - ▶ Add activity-specific conditions requiring avoidance and minimization measures, such as:
 - Construction or management practices that reduce effects on aquatic environment
 - Time-of-year restrictions
 - ▶ If compensatory mitigation required, add activity-specific conditions
 - Use of mitigation bank or in-lieu fee program credits
 - Permittee-responsible mitigation, including approval of mitigation plan
 - ▷ Conceptual or detailed plan to issue NWP verification



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MINIMAL EFFECTS DETERMINATIONS

- Factors considered by district engineers:
 - Environmental setting in the vicinity of the NWP activity
 - Type of resource that will be affected
 - Functions provided by the affected aquatic resources
 - Degree or magnitude to which the aquatic resources perform those functions
 - Extent that aquatic resource functions will be lost (e.g., partial or complete loss)
 - Duration of the adverse effects (temporary or permanent)
 - Importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and
 - Mitigation required by the district engineer



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NEW DEFINITIONS

- Ecological reference
- Navigable waters
- Protected tribal resources*
- Tribal lands*
- Tribal rights*



* From 1998 Department of Defense American Indian and Alaska Native Policy

TRANSITION FROM 2012 NWP's TO 2017 NWP's



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NWP GRANDFATHERING

- 33 CFR 330.6(b): Activities which have commenced (i.e. are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within 12 months of the date of the NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c)
 - For those activities authorized under the 2012 NWPs, have until March 19, 2018 to complete the work if meets this provision, provided a Section 401 WQC is received prior to discharges of dredged/fill material into WOUS.



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NWP GRANDFATHERING

- If authorized under 2012 NWPs and does not meet grandfathering, submit a request for verification under 2017 NWPs.
 - If no change from previous authorization, submit letter that previous information valid and provide supplemental information to show compliance with terms, General Conditions or RCs that have changed
 - Additional information will be requested if necessary
 - If changes from the previous authorization, submit a new PCN to show compliance with the NWP terms and conditions



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SECTION 401 WATER QUALITY CERTIFICATIONS



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SECTION 401 WATER QUALITY CERTIFICATIONS (WQC) FOR UTAH

- Section 401 WQC requested on January 20, 2017
 - Utah Division of Water Quality: On March 19, 2017: issued WQC, subject to conditions, for all 2017 NWP's.
 - Notification to UDWQ (is required in certain cases: (e.g. activities within 500 feet of Great Salt Lake, Utah Lake, or Bear Lake, all NWP 3, all NWP 37, hydropower projects, etc.)
 - Notification to water supply operators/local health departments is required for activities adjacent to or in certain drinking water streams.
 - Be familiar with the applicable Section 401 Certification Conditions
 - U.S. Environmental Protection Agency (USEPA), Region VIII: On March 3, 2017, issued WQC for 11 of the 52 NWP's, subject to conditions conditions and denied WQC for 41 of the 52 NWP's, all NWP's granted waivers on limits, all "After the Fact" NWP's, and all provisional NWP's, for activities on Tribal Lands. All of the NWP's that have been certified require the submittal of a modified PCN to USEPA, Region VIII.



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SECTION 401 WATER QUALITY CERTIFICATIONS (WQC) FOR UTAH

- Section 401 WQC , Continued...
- Ute Mountain Ute Tribe: On March 13, 2017: denied WQC for all NWPs. Projects on UMUT lands which qualify for the use of a NWP must contact the UMUT Environmental Programs Department and apply for an individual 401 certification.



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SOUTH PACIFIC DIVISION PRE- CONSTRUCTION NOTIFICATION CHECKLIST (PCN)

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INTRO TO PCN CHECKLIST

The terms and conditions of the NWP's include requirements for the submittal of a PCN* in certain circumstances. The RCs for Utah require the submittal of a PCN prior to initiation of construction activities within waters of the U.S. in certain circumstances. GC 32 of the NWP's identifies the minimum information necessary for a complete PCN. In addition, RC B(1) for Utah identifies minimum information necessary for a complete PCN.

**Prospective Permittees can submit a DA Form 4345 with an attachment providing information regarding compliance with all of the General and Regional Conditions as an alternative to using the SPD PCN Checklist.*



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WHAT YOU'LL NEED

- The PCN Checklist:
http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2017_nwps/SPD_NWP_PCN_with_SPK_Attachment_3_FINAL_3_31_17.pdf?ver=2017-03-31-165710-220
- Instructions found here:
www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2017_nwps/Instructions_for_the_SPD_PCN_FINAL.pdf?ver=2017-03-23-133843-297
- A complete project description
- Project Maps and Drawings
 - Prepared in accordance with SPD Standards clearly depicting size, location, and dimensions of proposed activity and any WOUS on-site.
- An aquatic resource delineation
 - Prepared in accordance with SPD Standards
- List of all federally-listed species that may be affected by the proposed action (e.g. a Biological Assessment or existing Section 7 compliance documentation).
- List of historic properties that may be affected by the proposed action (e.g. a cultural resources evaluation or existing Section 106 compliance documentation).



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OUTLINE OF PCN CHECKLIST

Box 1. Prospective Permittee and Agent Name and Addressee

Box 2. Name and Location of the Proposed Activity

Box 3. Specific NWP(s) prospective permittee want to use to authorize the proposed activity

Box 4. Description of the Proposed Activity

Box 5. Aquatic Resource Delineation

Box 6. Compensatory Mitigation

Box 7. Endangered Species Act (ESA) Compliance

Box 8. Historic Properties

Box 9. National Wild and Scenic Rivers

Box 10. Section 408 Permission

Box 11. Compliance with NWP GCs

As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer.



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PCN BOX 1

U.S. Army Corps of Engineers South Pacific Division



Nationwide Permit Pre-Construction Notification (PCN)

This form integrates requirements of the U.S. Army Corps of Engineers (Corps) Nationwide Permit Program within the South Pacific Division (SPD). Boxes 1-10 must be completed to include all information required by General Condition 32. Box 11 (or other sufficient information to show compliance with all General Conditions) must be completed for activities in Arizona, California, Nevada, and Utah, and is recommended for activities in Colorado and New Mexico. If additional space is needed, please provide as a separate attachment. Please refer to the *Instructions for the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN)* (Instructions) for instructions for completing the PCN, as well as additional information on the attachments and tables included with this PCN that may be used.

- Skip Box 0, that's for Corps' purposes.
- GC 32(b)(1) requires the PCN include the name, address, and telephone number of the prospective permittee. Email is recommended but not required.
- Agent's information belongs here.

0. To be filled by the Corps		
Application Number:	Date Received:	Date Complete:
1. Prospective Permittee and Agent Name and Addresses (see Instructions)		
a. Prospective Permittee		
First - <input type="text"/>	Middle - <input type="text"/>	Last - <input type="text"/>
Company - <input type="text"/>	Email Address - <input type="text"/>	
Address - <input type="text"/>	City - <input type="text"/>	State - <input type="text"/> Zip - <input type="text"/>
Phone (Residence/Mobile) - <input type="text"/>	Phone (Business) - <input type="text"/>	
b. Agent (if applicable)		
First - <input type="text"/>	Middle - <input type="text"/>	Last - <input type="text"/>
Company - <input type="text"/>	Email Address - <input type="text"/>	
Address - <input type="text"/>	City - <input type="text"/>	State - <input type="text"/> Zip - <input type="text"/>
Phone (Residence/Mobile) - <input type="text"/>	Phone (Business) - <input type="text"/>	
c. Statement of Authorization: I hereby authorize _____, to act in my behalf as my agent for the proposed activity. (Optional, see instructions)		
_____ Signature of Applicant		_____ Date

PCN BOX 2

- If the proposed work would involve multiple single and complete projects, check the box, and provide the location information identified in checklists 2-10, and 11, if applicable, in a separate attachment.
- For multiple single and complete projects, a table and GIS data identifying the location of each single project should be recommended

2. Name and Location of the Proposed Activity (see Instructions)	
<input type="checkbox"/> The proposed work would involve multiple-single and complete projects. See attachment for the information required in Boxes 2 through 10, and 11, if applicable.	
a. Project Name or Title:	b. County, State:
c. Name of Waterbody:	
d. Coordinates:	
<input type="checkbox"/> Unknown (please provide other location descriptions below)	
Latitude -	Longitude -
e. Other Location Description (optional, see instructions):	
f. Driving Directions to the site (optional, see instructions):	



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TABLE 1 ORM UPLOAD SHEET

1	Waters Name	Name	Activity	Resource Type	Permanent Loss	Impact Duration	Initially Proposed Area	Proposed Area	Authorized Area	Units Area
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
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34										
35										
36										
37										
38										
39										
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41										
42										
43										
44										
45										
46										
47										
48										

Waters Name (100 char) is required, must correspond to Waters Name provided within the Aquatic Resources, NWP, and Mitigation tabs when also uploaded.

If multiple single and complete projects, use of this table is recommended. Worksheets are included for NWP activity, aquatic resources, impacts, and compensatory mitigation.



TABLE 2, MULTIPLE SINGLE AND COMPLETE PROJECT SHEET

Single and Complete Project Number									
A	B	C	D	E	F	G	H	I	
Single and Complete Project Number	County	State	Name of Waterbody (optional if known)	Latitude (NAD83)	Longitude (NAD 83)	Other Location Description (optional)	Directions (optional)		
1									
2	1								
3	2								
4	3								
5	4								
6	5								
7	6								
8	7								
9	8								
10	9								
11	10								

If multiple single and complete projects, use of this table is recommended. Worksheets are included for location, effects, and compensatory mitigation.



PCN BOX 3

3. Specific NWP(s) you want to use to authorize the proposed activity (see Instructions)

NWP 13, Bank Stabilization

- Per GC 32(b)(3), the prospective permittee must identify the specific NWPs requested to authorize the proposed activity.
- Please note the Corps makes final determination on appropriate NWP, whether the proposed activity meets the terms and conditions of the NWP, and whether the effects of the proposed activity would be no more than minimal, individually and cumulatively.



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PCN BOX 4

- Description of the proposed activity
- Project description, Project purpose, Direct and indirect effects/wetland losses, Description of mitigation, Other NWP(s) being utilized
- Required drawings
- GC 32(b)(4):
 - For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters.

Tips:

- Include a complete project description as it relates to impacts to WOUS and reference maps as appropriate.
- Submit the “Impacts” and “Description of Effects” table identifying impacts to WOUS for each single and complete linear project.
- If no discharge into WOUS describe why prospective permittee are requesting verification under a NWP.

For Utah projects, RC B(1) requires drawings that meet SPD's minimum mapping standards.

4. Description of the Proposed Activity (see Instructions)

a. Complete description of the Proposed Activity:

Description, purpose, direct and indirect adverse effects, loss of wetlands, other special aquatic sites and/or aquatic resources, proposed mitigation measures, other permits required *including other separate and distant crossings or linear projects that do not require a PCN.*

b. Purpose of the Proposed Activity:

To stabilize 500 linear feet of ephemeral drainage; etc.

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c. Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands and other waters of the U.S. expected to result from the NWP(s) activity:

d. Description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity:

Measures may include, a description of any best management practices (BMPs) proposed to minimize effects to downstream waters of the U.S., avoidance and/or preservation of waters of the U.S. on the project site; installation and maintenance of erosion control measures; and any other measures proposed.

e. Any other NWP(s), Regional/Programmatic General Permit(s) or Individual Permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity:

If the proposed activity is part of a larger overall project that would require authorization under Section 404 or Section 10, identify the other permits proposed to be used here. This includes other separate and distant crossings for linear projects that require DA authorization but do not require pre-construction notification.

f. Have sketches been provided containing sufficient detail to provide an illustrative description of the proposed activity?

Yes, Attached No

N/A; The activity is located in the Los Angeles District boundaries of Arizona and California. See Attachment 1

N/A; The activity is located in the San Francisco District boundaries of California. See Attachment 2

N/A; The activity is located in the Sacramento District boundaries of California, Nevada, or Utah. See Attachment 3

PCN BOX 5

5. Aquatic Resource Delineation (see Instructions)

a. Has a delineation of aquatic resources been conducted in accordance with the current method required by the Corps? Yes No

If yes, please attach a copy of the delineation

Note: If no, your PCN is not complete. In accordance with General Condition 32, you may request the Corps delineate the special aquatic sites and other waters on the project site, but there may be a delay. In addition, the PCN will not be considered complete until the delineation has either been submitted to or completed by the Corps, as appropriate.

b. If a delineation has been submitted, would you like the Corps to conduct a jurisdictional determination (preliminary or approved)? Yes No

If yes, please complete, sign and return the attached *Appendix 1 – Request for Corps Jurisdictional Determination (JD)* sheet or provide a separate attachment with the information identified in Appendix 1.

- GC 32(b)(5) requires the PCN include a delineation of wetlands, other special aquatic sites, and other waters.
 - Box 5(b): If a delineation has been submitted, identify whether prospective permittee would like the Corps to conduct a jurisdictional determination (preliminary or approved).
 - If yes, prospective permittees must complete, sign, and return the Appendix 1 – Request for Corps jurisdictional Determination (JD) sheet, or provide a separate attachment with the information identified in Appendix 1.
 - In some circumstances, including where the Corps verifies general permits, jurisdictional questions may not arise. **Unless a JD is specifically requested by the prospective permittee, the Corps will generally not conduct an approved or preliminary JD. If the prospective permittee requests a JD, the Corps will provide one.** However, the prospective permittee should be aware that completion of an approved or preliminary JD associated with a NWP may lengthen the processing time for the evaluation of the NWP.



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PCN BOX 6

- For multiple single and complete projects, a table identifying the proposed compensatory mitigation for each single and complete project should be submitted, which may be done by completing the impact tables (Tables 1 and 2) or other similar table.

Tips:

- Be specific on the amount/type of compensatory mitigation proposed.
- Follow SPD Mitigation and Monitoring Guidelines.
- District may require compensatory mitigation per special condition of the verification for impacts that are less than 1/10 acre.
- Use the spreadsheets and tables provided.

6. Compensatory Mitigation (see Instructions)

a. Will the proposed activity result in the loss of greater than 1/10-acre of wetlands? Yes No

If yes, describe how you propose to compensate for the loss of each type of wetland:

The information submitted should include the type of compensatory mitigation (e.g. purchase of mitigation bank or in-lieu fee credits) or permittee responsible establishment, re-establishment, rehabilitation, enhancement or preservation for each wetland type (e.g. marsh, seasonal wetland, vernal pool, riparian wetland, seep, and fen). If no compensatory mitigation is proposed, explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. If preservation is proposed as compensatory mitigation, identify how the proposed preservation meets the 5 criteria listed in 33 CFR 332.3(h)).

Note: for the loss of less than 1/10 acre of wetlands, or if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

b. Will the proposed activity result in the loss of streams or other open waters of the U.S.? Yes No

If yes, provide a description of any proposed compensatory mitigation for the loss of each type of stream or other open water:

Note: if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.



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PCN BOX 7

Tips

- Don't leave this checklist blank! Please include specific information to facilitate Corps review of PCN.
- A Biological Assessment is not required for a complete PCN. However, if consultation with USFWS or NMFS is required, this information is helpful in facilitating review of the PCN.
- If required, review SPK's Biological Assessment Checklist:
<http://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/BA-checklist-final-7-13-11.pdf>

7. Endangered Species Act (ESA) Compliance (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there any Federally-listed endangered or threatened species or critical habitat that might be affected or is in the vicinity of the activity? Yes No

(2) Is the activity located in designated critical habitat for Federally-listed endangered or threatened species? Yes No

If yes to either (1) or (2), include the name(s) of those endangered or threatened species that might be affected by the proposed activity or might utilize the designated critical habitat that might be affected by the proposed activity:

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

If no to both (1) and (2), proceed to Box 8.

Note: If yes to either (1) or (2), note per General Condition 18(c), you shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

b. Has information sufficient to initiate consultation with the U.S. Fish and Wildlife Service/National Marine Fisheries Service for compliance with Section 7 of the ESA been prepared? Yes No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the ESA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with ESA as a separate attachment.

PCN BOX 8

Tips:

- Don't leave this checklist blank! Please include specific information to facilitate Corps review of PCN.
- A Cultural Resources Evaluation is not required for a complete PCN. However, if consultation with SHPO and interested Tribes is required, this information is helpful in facilitating PCN review.
- See SPK's Guidance on Cultural Resource Evaluations:
http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf

8. Historic Properties (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there a known historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that the NWP may have the potential to affect? Yes No

If yes to (1), state which historic property may have the potential to be affected by the proposed activity:

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

OR

A vicinity map indicating the location of the historic property is enclosed

(2) If no to (1), describe the potential for the proposed work to affect a previously unidentified historic property:

Note: If yes to (1), note per General Condition 20(c), you shall not begin the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the National Historic Preservation Act (NHPA) has been completed.

b. Has information sufficient to initiate consultation with the State Historic Preservation Officer/Tribal Preservation Officer for compliance with Section 106 of the National Historic Preservation Act (NHPA) been prepared?

Yes No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the NHPA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with NHPA in a separate attachment.

PCN BOX 9 & 10

9. National Wild and Scenic Rivers (see Instructions)

a. Will the proposed activity(s) occur in a component of the National Wild and Scenic River System or a river officially designated by Congress as a "Study River" for possible inclusion in the system while the river is in an official study status?

Yes, in a component of a National Wild and Scenic River System; Yes, in a "study" river No

If yes, identify the Wild and Scenic River or the "study river"

Note: per General Condition 16(b), you shall not begin the NWP activity until notified by the Corps that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. If you have received written notification from the Federal agency, please attach the correspondence.

10. Section 408 Permissions (see Instructions)

a. Will the NWP also require permissions from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project? Yes No

If yes, have you received Section 408 permission to alter, occupy, or use the Corps project? Yes No

If yes, please attach the Section 408 permission

If yes, note per General Condition 31, an activity that requires Section 408 permission is not authorized by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.

- Note per GC 31, an activity that requires Section 408 permission **is not authorized** by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.



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PCN BOX 11

Box 11 contains a checklist to show compliance with GCs 1 through 32 of the NWP's. (Will satisfy RC B1, which requires all PCNs contain an attachment providing information showing compliance with all NWP GCs and RCs. This may be provided through completion of checklist Box 11, or as a separate attachment.

11. Compliance with NWP General Conditions (see Instructions)		
Check	General Condition	Rationale for Compliance with General Condition
<input type="checkbox"/>	1. Navigation	
<input type="checkbox"/>	2. Aquatic Life Movements	
<input type="checkbox"/>	3. Spawning Areas	
<input type="checkbox"/>	4. Migratory Bird Breeding Areas	
<input type="checkbox"/>	5. Shellfish Beds	
<input type="checkbox"/>	6. Suitable Material	



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COMPLIANCE WITH SPK'S REGIONAL CONDITIONS (RCs)

Compliance with Sacramento District Regional Conditions for Utah		
<p>This checklist is intended to assist prospective permittees with documenting compliance with all Sacramento District Regional Conditions, as required by Regional Condition B(1). This checklist does not include the full text of each regional condition. Please refer to the Final Sacramento District Nationwide Permit Regional Conditions for Utah (http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/Permits/) when completing this checklist.</p> <p>Please check the box to indicate you have read and have/will comply with the Regional Condition and provide a rationale on how you have/will comply with the Regional Condition.</p>		
Check	Regional Condition	Rationale for Compliance
<input type="checkbox"/>	A(1). All NWP's except 3, 6, 20, 27, 32, and 38; Revoked for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	
<input type="checkbox"/>	B(1). <u>Additional PCN Requirements:</u>	See Boxes 1 through 1(p)
<input type="checkbox"/>	B(2). <u>PCN Requirements:</u> PCN must be submitted for: <ul style="list-style-type: none"> <input type="checkbox"/> All discharges below the OHWM of the Great Salt Lake in areas containing bioturbators <input type="checkbox"/> New or replacement linear transportation crossings where the pre-construction bankfull width of waters of the U.S. at the crossing would be reduced. <input type="checkbox"/> Activities within 100 feet of a known natural spring. <input type="checkbox"/> Activities in waters of the U.S. on Tribal lands. <input type="checkbox"/> Activities proposing in stream grouted outfall structures or grouting of stream bottoms. 	
<input type="checkbox"/>	B(3). <u>Utility Line Activities:</u> PCN shall be submitted when a utility line: <ul style="list-style-type: none"> <input type="checkbox"/> Results in a loss of greater than 100 linear feet of perennial, intermittent, or ephemeral drainage/open waters of the U.S. <input type="checkbox"/> Does not involve restoration of benches to pre-project contours and conditions within 20 days. <input type="checkbox"/> Involves discharge of excess material from trench into waters of the U.S. 	
<input type="checkbox"/>	B(4). <u>New Bank Stabilization.</u> New bank stabilization activities shall: <ul style="list-style-type: none"> <input type="checkbox"/> Use native vegetation, bioengineering design techniques, or a combination, unless specifically determined to be not practicable by the Corps. PCN will be submitted when new bank stabilization: <ul style="list-style-type: none"> <input type="checkbox"/> Involves any hard-armoring or the placement of any non-vegetated or non-bioengineered techniques in waters of the U.S. 	
<input type="checkbox"/>	B(6). <u>NWP 3, 6, 20, and 27:</u> A PCN shall be submitted for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	
<input type="checkbox"/>	B(6). <u>NWP 23:</u> A PCN shall be submitted for all activities.	



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ATTACHMENT 3 TO THE PCN CHECKLIST

Sacramento, Los Angeles, and San Francisco Districts have an attachment to the PCN Checklist. SPK's is Attachment 3. Prospective permittee must submit the completed attachment, or other attachment containing the required information, for a complete PCN per Sacramento District RC B(1).

Prospective Permittees can submit a DA Form 4345 with an attachment providing information regarding compliance with all of the General and Regional Conditions.

U.S. Army Corps of Engineers Sacramento District



Attachment 3: Additional PCN Requirements for Sacramento District Boundaries of California, Nevada, and Utah

This attachment contains additional information required to be submitted with the PCN for proposed activities within the Sacramento District Boundaries of California, Nevada, and Utah. You must submit the completed attachment, or other attachment containing the required information, for a complete PCN per Sacramento District Regional Condition B(1). For multiple single and complete projects, provide the information identified below for each single and complete project. If additional space is needed, provide as an attachment to the form, and please reference each section accordingly.

1. Form of PCN (Regional Condition B(1))
Have you submitted a completed South Pacific Division PCN Checklist or an application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions? <input type="checkbox"/> Yes, see attached <input type="checkbox"/> No
Note: If you check no, your PCN will be considered incomplete.
2. Avoidance and Minimization (Regional Condition B(1)(a))
Written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S.:
3. Drawings (Regional Condition B(1)(b))
The following drawings are enclosed:
<input type="checkbox"/> Plan-View drawing clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site
<input type="checkbox"/> Cross-Section view drawings clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the Site
The plan-view and cross-section view drawings contain the following
Title block: <input type="checkbox"/> Yes <input type="checkbox"/> No
Legend and scale: <input type="checkbox"/> Yes <input type="checkbox"/> No
Amount (in cubic yards) of fill in Corps jurisdiction (including permanent and temporary fills/structures): <input type="checkbox"/> Yes <input type="checkbox"/> No
Area (in acres) of fill in Corps jurisdiction (including permanent and temporary fill structures): <input type="checkbox"/> Yes <input type="checkbox"/> No
The ordinary high water mark (non-tidal waters) or mean high water mark and high tide line (tidal waters) shown in feet based on National Geodetic Vertical Datum (NGVD) or other appropriate reference elevation: <input type="checkbox"/> Yes <input type="checkbox"/> No
Do all drawings follow the South Pacific Division February 2016, <i>Updated Map and Drawing Standards for the South Pacific Division Regulatory Program</i> , or most recent update? <input type="checkbox"/> Yes <input type="checkbox"/> No
If no, describe why this requirement is proposed to be waived:



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ATTACHMENT 3, RC B(1)

This attachment contains additional information required to be submitted with the PCN for proposed activities within the Sacramento District Boundaries of California, Nevada, and Utah. *This is to address the requirements of RC B(1) and B(2)(e).*

1. Form of PCN B(1)
2. Avoidance and Minimization, Regional Condition B(1)(a)
3. Drawings, Regional Condition B(1)(b)
4. Photographs, Regional Condition B(1)(c)
5. Delineation of Aquatic Resource (Regional Condition B(1)(d))
6. Best Management Practices (BMPs) (Regional Condition B(1)(e))
7. Temporary Access and Construction (Regional Condition B(1)(f))
8. Dewatering Activities (Regional Condition B(1)(g))
9. New or Replacement Linear Transportation Crossings (Regional Condition B(1)(h))
10. Replacement Linear Transportation Crossings (Regional Condition B(1)(i))
11. Waiver of linear foot limitations (Regional Condition B(1)(j)) for NWP's 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, and 54
12. NWP 23 Activities (Regional Condition B(1)(k))
13. NWP 27 Activities (Regional Condition B(1)(l))
14. NWP 29 or 39 Activities (Regional Condition B(1)(m))
15. Construction Activities in Standing or Flowing Waters (Regional Condition B(1)(n))
16. New Bank Stabilization Activities (Regional Condition B(1)(o))
17. Critical Habitat for Federally-listed Threatened and/or Endangered Fish Species (Regional Condition B(1)(p))
18. Essential Fish Habitat (EFH) (Regional Condition B(2)(e))



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ATTACHMENT 3 BOX 1-4

1. Form of PCN

2. Avoidance and Minimization, RC B(1)

1. Written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to WOUS

3. Drawings, RC B(1)(b)

- Plan- and Cross-Section views
 - Title block, legend and scale, amount and area of proposed fill (temporary and permanent), ordinary high water mark based on National Geodetic Vertical Datum (NGVD) or other appropriate reference elevation
- Comply with current SPD Map and Drawing Standards:
<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/MapStand020816.pdf>
- If prospective permittee don't comply with SPD Map and Drawing Standards a justification as to why this requirements should be waived must be included.

4. Photographs, RC B(1)(c)

- Pre-project color photos of a representative sample of WOUS proposed to be impacted and all proposed avoided waters and those immediately adjacent to the site.
- Compass angle and position of each photo identified on a plan-view drawing.



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ATTACHMENT 3, BOX 5-8

5. Delineation of Aquatic Resources (RC B(1)(d))

- Delineation prepared in accordance with SPK's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports, or updated standards
- If no, describe why this requirement should be waived.

6. Best Management Practices (BMPs) (RC B(1)(e))

- Describe proposed BMPs here, or if none proposed, the reasons why not practicable or necessary

7. Temporary Access and Construction (RC B(1)(f))

- If temporary fills are proposed prospective permittee must indicate why they cannot be avoided and include description of the proposed fill, including type and amount (in CY) to be placed and length of time fill would be in place.
- Include a plan for restoration of temporary impacts.

8. Dewatering Activities (RC B(1)(g))

- If the proposed activities would require dewatering prospective permittee must describe the:
 - method for dewatering,
 - equipment proposed for use,
 - length of time area would be dewatered,
 - areas (acres) and length (linear feet) in WOUS of structure or fill, and
 - methods for removal of structures and/or fill.
- Also describe the method for restoration of WOUS affected by structure or fill.



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ATTACHMENT 3, BOX 9 & 10

9. New or Replacement Linear Transportation Crossings (RC B(1)(h))

- If the proposed activity would alter the pre-construction course, condition, capacity and location of open waters prospective permittee must provide supporting information.
- Specifically, justification that the proposed activity would result in a net increase in aquatic resource functions and services.

10. Replacement Linear Transportation Crossings (RC B(1)(i))

- In box10(a) prospective permittee would provide information on why its not practicable to approximate the pre-construction bankfull width of the upstream and downstream open waters
- In box 10(b) prospective permittee would provide justification that the proposed reduction in pre-construction bankfull width would result in a net increase in aquatic resource functions and services.



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ATTACHMENT 3, BOX 11 & 12

11. Waiver of linear foot limitations (RC B(1)(j)) for NWP 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, and 54

- If prospective permittee are seeking a waiver of the linear foot limits prospective permittee would provide the following information here:
 - A narrative description of the stream.
 - Analysis of the proposed impacts to the waterbody, in accordance with GC 32 and RC B(1).
 - Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s).
 - A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332.

12. NWP 23 Activities (RC B(1)(k))

- If NWP 23 is applicable, document inclusion of the following:
 - Signed CatEx Document
 - Section 7 and Magnuson-Stevens Fishery Conservation Management Act compliance documentation
 - NHPA compliance documentation



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ATTACHMENT 3, BOX 13-15

13. NWP 27 Activities (RC B(1)(l))

- If NWP 27 is applicable include justification that the activity would result in a net increase in aquatic resource functions and services.

14. NWP 29 or 39 Activities (RC B(1)(m))

- If NWP 29 or 39 is applicable include justification that the proposed activity (e.g. channelization or relocation of drainage) would result in a net increase in aquatic resource functions and services.

15. Construction Activities in Standing or Flowing Waters (RC B(1)(n))

- If the activity proposes construction in standing or flowing waters provide information here on why it is not practicable to conduct construction activities when the area is dewatered naturally or through an approved dewatering plan.



ATTACHMENT 3, BOX 16-18

16. New Bank Stabilization Activities (RC B(1)(o))

- If the activity proposes new bank stabilization without the use of native vegetation or bioengineering techniques, provide information on why the sole use of vegetated techniques to accomplish the bank stabilization activity is not practicable.

17. Critical Habitat for Federally-listed Threatened and/or Endangered Fish Species (RC B(1)(p)) (CA only)

- If the activity is in critical habitat and would not result in reduction or alteration of the quality and availability of the Physical and Biological Features provide supporting information here.
- If the activity would result in a reduction or alteration provide information as to why avoidance is not practicable and demonstrating that the reduction or alteration would have no more than minimal, individual, or cumulative adverse effects.

18. Essential Fish Habitat (EFH) (RC B(2)(e)) (CA Only)

- Indicate if the work would occur in EFH and acknowledge an EFH assessment is included with PCN as applicable.



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ADDITIONAL RECOMMENDED INFORMATION

- SPD Map and Drawing Standards:
 - <http://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/Article/651327/updated-map-and-drawing-standards/>
- ESA Compliance
 - http://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/ESA_Template_Guidance.pdf
- NHPA Compliance
 - http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf
- Compensatory Mitigation Compliance Documentation
 - http://www.spd.usace.army.mil/Portals/13/docs/regulatory/mitigation/Mit_Mon.pdf



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QUESTIONS?



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