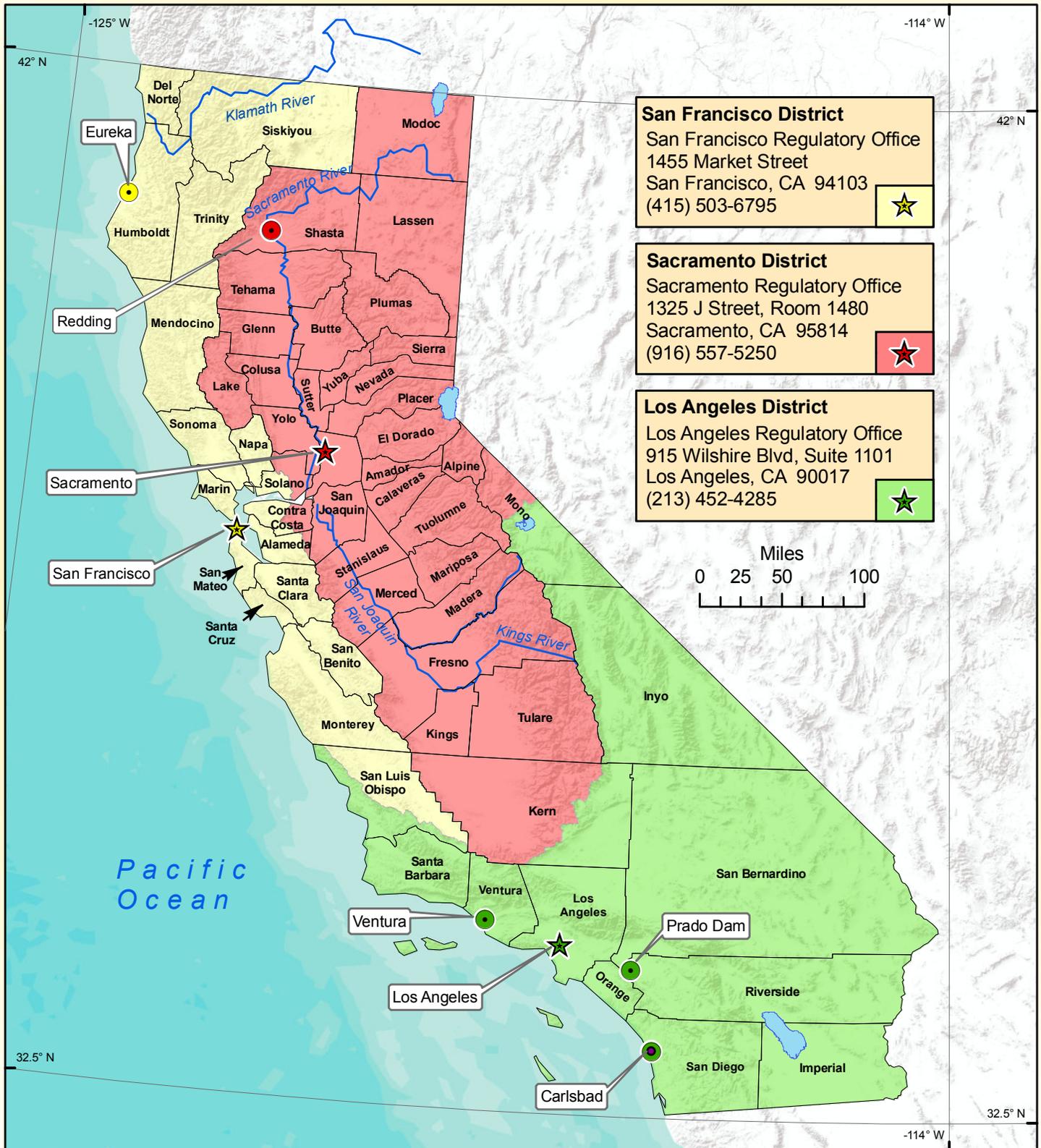


ENCLOSURE 1

California Regulatory Districts



US Army Corps of Engineers

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ENCLOSURE 2

Draft Sacramento District Nationwide Permit (NWP)
Regional Conditions for California, excluding the Lake Tahoe Basin
(Effective March 19, 2017 until March 18, 2022)

A. Revoked NWPs

1. NWPs 29 and 39 are revoked for activities located in the Primary or Secondary Zone of the Legal Delta.
2. NWPs 14, 18, 23, 29, 39, 40, 42, 43 and 44 are revoked from use in vernal pools that may contain habitat for Federally-listed threatened and/or endangered vernal pool species for all activities located in the Mather Core Recovery Area in Sacramento County, as identified in the U.S. Fish and Wildlife Service's *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* dated December 15, 2005.
3. All NWPs except 3, 6, 20, 27, 32, and 38 are revoked for activities in histosols, fens, bogs and peatlands and in wetlands contiguous with fens. This condition does not apply to NWPs 1, 2, 8, 9, 10, 11, 24, 28, 35 or 36, as these NWPs either apply to Section 10 only activities or do not authorize impacts to special aquatic sites. For NWPs 3, 6, 20, 27, 32 and 38, see Regional Condition B(2).

B. Regional Conditions Applicable Before Authorization

1.* When pre-construction notification (PCN) is required, the permittee shall notify the U.S. Army Corps of Engineers, Sacramento District (Corps) in accordance with General Condition 32 using either the South Pacific Division Preconstruction Notification (PCN) Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. In addition, the PCN shall include:

a.* A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;

b.* Drawings, including plan and cross-section views, 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 drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings shall follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update (available on the South Pacific Division website at:

<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>); and

c.* Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

of each photograph shall be identified on the plan-view drawing(s) required in subpart b of this Regional Condition.

d.* Delineation of aquatic resources in accordance with the Sacramento District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (available at [http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum Standards for Delineation with Template-final.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf)), or updated standards adopted by the Sacramento District.

e. A description of proposed construction Best Management Practices (BMPs) and highly visible markers to be used during construction of the proposed activity, as required by Regional Conditions C(3) and C(4). If no BMPs or highly visible markers are proposed, the PCN shall provide a description of why their use is not practicable or necessary.

f. For all activities proposed for the purpose of temporary access and construction activities that would result in the temporary placement of dredged or fill material into waters of the U.S.:

(1) The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;

(2) A description of the proposed temporary fill, including the type and amount of material to be placed;

(3) The area (in acres) of waters of the U.S. and, for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed, and

(4) A proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill.

g. For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps:

(1). The proposed methods for dewatering;

(2) The equipment that would be used to conduct the dewatering;

(3) The area (in acres) and length (in linear feet) in waters of the U.S. of the structure and/or fill;

(4) The method for removal of any structures and/or fill; and

(5) The method for restoration of the waters of the U.S. affected by the structure or fill following construction.

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 activities that would result in the discharge of fill material into any vernal pool;

b. For all activities in the Primary and Secondary Zones of the Legal Delta, the Sacramento River the San Joaquin River, and navigable tributaries of these waters, when the Corps has not designated another Federal agency as the lead for compliance with Section 7 of the Endangered Species Act, Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (EFH) or Section 106 of the National Historic Preservation Act, as specified in Regional Condition B(13);

c. For all new or replacement linear transportation crossings of waters of the U.S. where the existing width of waters of the U.S. at the crossing would be reduced;

d. For all activities in waters of the U.S. proposed within 100 feet of the point of discharge of a known natural spring source (i.e. which is any location where ground water emanates from a point in the ground excluding seeps or other discharges which lack a defined channel);

e.* For all activities located in areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092)), and that would result in an adverse effect to EFH, in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: <http://www.swr.noaa.gov/efh.htm>;

f.* For all activities in waters of the U.S. on Tribal lands for purposes of Section 401 Water Quality Certification; and

g. For all activities located in the Primary and Secondary Zones of the Legal Delta and all discharges of dredged and/or fill material into vernal pools in the Mather Core Recovery Area, that are not otherwise revoked by Regional Conditions A(1) and A(2).

3. For utility line activities: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for new utility line activities in the following circumstances:

a. The utility line activity would result in a discharge of dredged and/or fill material into perennial waters, wetlands, mudflats, vegetated shallows, riffle and pool complexes, sanctuaries and refuges or coral reefs;

b. The utility line activity would result in a loss of greater than 100 linear feet of intermittent or ephemeral waters of the U.S.;

c. The utility line activity would include the construction of a temporary or permanent access road, substation or foundation within waters of the U.S.;

d. The activity would not involve the restoration of all utility line trenches in waters of the U.S. to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S; or

e. The utility line activity would involve the discharge of any excess material associated with the construction of a utility line trench into waters of the U.S.

4. All new bank stabilization activities shall involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.), or a combination of hard-armoring (e.g. rip-rap) and native vegetation or bioengineered design techniques, unless specifically determined to be not practicable by the Corps. The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for any bank stabilization activity that involves hard-armoring or the placement of any non-vegetated or non-bioengineered technique below the ordinary high water mark or, if tidal waters, the high tide line of waters of the U.S. The request to utilize non-vegetated techniques must include information on why the sole use of vegetated techniques to accomplish the bank stabilization activity is not practicable.

5. For NWP 3, 6, 20, 27, 32, and 38, activities in histosols, fens, bogs and peatlands and in wetlands contiguous with fens the permittee shall submit a PCN to the Corps in accordance with General Condition 32 and Regional Condition B(1) for activities in these resources; and

6.* Any requests to waive the applicable linear foot limitations for NWP 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52 and B, must include the following:

a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information;

b. An analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1);

c. Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s); and

d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332.

7. For NWP 23: The permittee shall submit a PCN for all activities proposed under this NWP, in accordance with General Condition 32 and Regional Condition B(1). The PCN shall include a copy of the signed Categorical Exclusion document and final agency determinations regarding compliance with ESA, EFH and NHPA, in accordance with General Conditions 18 and 20 and Regional Condition B(13).

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

8. For NWP 27: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for aquatic habitat restoration, establishment, and enhancement activities in the following circumstances:

a. The restoration, establishment or enhancement activity would result in a discharge of dredged and/or fill material into perennial waters, wetlands, mudflats, vegetated shallows, riffle and pool complexes, sanctuaries and refuges or coral reefs; or

b. The restoration, establishment or enhancement activity would result in a discharge of dredged and/or fill material into greater than 0.10 acre or 100 linear feet of intermittent or ephemeral waters of the U.S.

The PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

9. For NWPs 29 and 39: The channelization or relocation of perennial or intermittent drainages (e.g. natural or relocated streams, creeks, rivers) is not authorized, except when, as determined by the Corps, the proposed relocation would result in a net increase in aquatic resource functions and services. For any NWP 29 or 39 activities that propose relocation of perennial or intermittent drainages, the PCN shall include justification on how the proposed relocation would result in a net increase in aquatic resource functions and services.

10. For NWP 46: The discharge shall not cause the loss of greater than 0.5 acre or 300 linear feet of waters of the U.S., unless specifically waived in writing by the Corps.

11. In addition to the requirements of General Condition 2 the following criteria shall apply to linear transportation crossings (e.g. roads, highways, railways, trails, bridges, culverts):

a.* For all activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, the permittee shall design all new or substantially reconstructed linear transportation crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed;

b. All linear transportation crossings shall be designed to ensure that no more than minor impacts would occur to fish and wildlife passage or expected high flows, following the criteria listed in Regional Condition B(11)(a). Culverted crossings that do not utilize a bottomless arch culvert with a natural stream bed may be utilized for waters that do not contain suitable habitat for Federally-listed fish and wildlife species, if it can be demonstrated and is specifically determined by the Corps, that such crossing will result in no more than minor impacts to fish and wildlife or expected high flows;

c. Unless determined to be not practicable by the Corps, linear transportation crossings shall not result in a reduction in the pre-construction bankfull width or depth or negatively alter the flood control capacity of perennial drainages. For activities that do not proposed to comply with this condition, the PCN shall include justification on why compliance is not practicable, and information showing that the reduction in the pre-construction bankfull width or negative effects to the flood control capacity of perennial drainages would be no more than minimal, individually and cumulatively.

12. Unless determined to be not practicable by the Corps, no construction activities shall occur within standing or flowing waters. For ephemeral or intermittent drainages (e.g. natural or relocated streams, creeks, rivers), this may be accomplished through construction during the dry season. In perennial drainages, this may be accomplished through dewatering of the work area. All dewatering shall be conducted to ensure fish and wildlife passage during construction. All dewatering structures and/or fills shall be removed within 30 days following completion of construction activities in waters of the U.S. For proposed activities that do not comply with this condition, the PCN shall include information on why compliance is not practicable.

13.* For activities in which the Corps designates another Federal agency as the lead for compliance with Section 7 of the Endangered Species Act (ESA) of 1973 as amended, pursuant to 50 CFR Part 402.07; Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (EFH), pursuant to 50 CFR 600.920(b); and/or Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, pursuant to 36 CFR 800.2(a)(2), the lead Federal agency shall provide all relevant documentation to the Corps demonstrating any previous consultation efforts as it pertains to the Corps Regulatory permit area (for Section 7 and EFH compliance) and the Corps Regulatory area of potential effect (APE) (for Section 106 compliance). For activities requiring a PCN, this information shall be submitted with the PCN. If the Corps does not designate another Federal agency as the lead for ESA, EFH and/or NHPA, the Corps will initiate consultation for compliance, as appropriate.

C. Regional Conditions Applicable After Authorization

1. The permittee shall record the NWP verification letter with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property for areas (a) required to be preserved as a special condition of the NWP verification letter, including any associated covenants or restrictions, or (b) where boat ramps, docks, marinas, piers, or permanently moored vessels will be constructed or placed in or adjacent to navigable waters. The recordation shall also include a map showing the surveyed location of the required preserve area or authorized structure. Evidence of the recordation of the NWP verification shall be provided to the with the compliance certification required in Special Condition 30 and Regional Condition C(9).

2. Compensatory Mitigation Requirements:

a. For all activities requiring permittee responsible compensatory mitigation, the permittee shall develop and submit to the Corps for review and approval, a final comprehensive mitigation and monitoring plan prior to commencement of construction

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

activities within waters of the U.S. The plan shall include the mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria, presented in the format of the *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE*, or most recent update (available on the South Pacific Division website at:

<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>).

b.* The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be not practicable by the Corps. When compensatory mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of purchase of required credits to the Corps prior to commencement of construction of the authorized activity in waters of the U.S.

c. For all activities within the Secondary Zone of the Legal Delta, the permittee shall conduct compensatory mitigation for unavoidable impacts within the Secondary Zone of the Legal Delta.

3. Unless determined to be not practicable or necessary by the Corps, prior to the initiation of construction activities within waters of the U.S., the permittee shall employ construction BMPs onsite to prevent degradation to on-site and off-site waters of the U.S. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. The permittee shall maintain all BMPs until construction activities are completed and site soils are stabilized.

4. Unless determined to be not practicable or necessary by the Corps, the permittee shall clearly identify the limits of the authorized activity in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities within waters of the U.S. The permittee shall maintain such identification properly until construction is completed and the soils have been stabilized. The permittee is prohibited from any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits (as shown on the permit drawings).

5. For all temporary access and construction activities resulting in temporary fill within waters of the U.S., the permittee shall:

a. For temporary fills within waters of the U.S. supporting fisheries, spawning quality gravel shall be used, where appropriate, as determined by the Corps, after consultation with appropriate Federal and state fish and wildlife agencies;

b. Prior to placing temporary fill in waters of the U.S., place a horizontal marker (e.g. fabric, certified weed free straw, etc.) to delineate the existing bottom elevation of the waters temporarily filled during construction; and

c. Remove all temporary fill and restore the area to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S.

6. For all utility line activities:

a. The permittee shall ensure the construction of utility lines does not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by the Corps) to seal the trench.

b. For utility line trenches, during construction, the permittee shall remove and stockpile, separately, the top 6 – 12 inches of topsoil. Following installation of the utility line(s), the permittee shall replace the stockpiled topsoil on top and seed the area with native vegetation.

c. Unless determined to be not practicable by the Corps, the permittee shall ensure that any excess material associated with the construction of a utility line trench is disposed of in an upland location outside of waters of the U.S.

7. The permittee is responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit authorization. The permittee shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all construction activities are completed.

8. The permittee shall allow Corps representatives to inspect the authorized activity and any avoided, preservation and/or compensatory mitigation areas at any time deemed necessary to determine compliance with the terms and conditions of the NWP verification. The permittee will be notified by the Corps in advance of an inspection.

9. For all NWPs which require a PCN, the permittee shall submit the following additional information with the compliance certificate required under General Condition 30, within 30-days following the completion of construction activities in waters of the U.S.:

a. As-built drawings of the authorized work conducted on the project site and any on-site and/or off-site permittee responsible compensatory mitigation. The as-builts shall include a plan-view drawing of the location of the authorized work footprint (as shown on the permit drawings), with an overlay of the work as constructed in the same scale as the permit drawings. The drawing shall show all areas of ground disturbance, wetland impacts, structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. Please note that any deviations from the work as authorized, which result in additional impacts to waters of the U.S., must be coordinated with the appropriate Corps office prior to impacts; and

b. Numbered and dated post-construction color photographs of the work conducted within a representative sample of the permanently filled waters of the U.S., all of the partially filled waters of the U.S., and within all avoided waters of the U.S. on and immediately adjacent to the project area. The compass angle and position of all photographs shall be

similar to the pre-construction color photographs required in Regional Condition B(1)(c) and shall be identified on the plan-view drawing(s) required in subpart (a) of this Regional Condition.

c. A description and photo-documentation of all BMPs installed as required by Regional Condition C(3).

d. A description and photo-documentation of all restored temporary impact areas as required in Regional Condition C(5).

Proposed Changes to the 2017 Sacramento District Regional Conditions for California, Excluding the Lake Tahoe Basin

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
1	B(1)	<ul style="list-style-type: none"> - Modified subparagraph (b) to incorporate the South Pacific Division map and drawing standards. - Added subparagraph (d) requiring that delineation of aquatic resources meet Sacramento District minimum standards, or most recent update. - Added subparagraph (e) requiring a description of best management practices and highly visible markers, or, if not proposed, information on why they are not practicable or necessary. - Added subparagraph (f) for information required for temporary fills for temporary access and construction activities. - Added subparagraph (g) for information required for proposed dewatering activities.
2	B(2)	<ul style="list-style-type: none"> - Modified subparagraph (b) from “immediate” tributaries to “navigable” tributaries. - Modified subparagraph (c) to eliminate requirement for a PCN for all crossings of perennial and intermittent waters. Subparagraph (c) now requires a PCN for all new or replacement linear transportation crossings where the existing width of waters of the U.S. at the crossing would be reduced. - Subparagraph (e) modified to specify that a PCN is required when proposed activity would result in an adverse effect to EFH. - Added subparagraph (f) requiring a PCN for all activities on tribal lands. - Added subparagraph (g) requiring a PCN for all activities located in the Primary and Secondary Zones of the Legal Delta and all discharges of dredged and/or fill material into vernal pools in the Mather Core Recovery Area, that are not otherwise revoked by regional conditions A(1) and A(2) (2012 regional conditions 15 and 16).
3	C(1)	<ul style="list-style-type: none"> - Modified from “required to be preserved as part of compensatory mitigation for authorized impacts” to “required to be preserved as a special condition of the NWP verification letter.” - Modified from “where boat ramps or docks, marinas, piers, and permanently moored vessels” to “where boat ramps, docks, marinas, piers, or permanently moored vessels.” - Added requirement that evidence of recordation shall be provided to the Corps with the compliance certification required in General Condition 30 and regional condition C(9).
4	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted.

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
5	B(1)(f) and C(5)	<ul style="list-style-type: none"> - PCN requirements moved to regional condition B(1)(f) (see above). Remainder moved to regional condition C(5). - Changes to regional condition C(5): <ul style="list-style-type: none"> - Addition to clarify requirements are for temporary access and construction activities. - For subparagraph (a), requirement for clean and washed gravel deleted. - For subparagraph (a), "anadromous" deleted. Spawning quality gravel required for fill in waters of the U.S. supporting all fisheries, if determined appropriate by the Corps. - Subparagraph (c) modified to add requirement to restore the area, and clarified that removal/restoration required within 30 days following completion of construction.
6	B(11)	<ul style="list-style-type: none"> - Modified from "road crossings" to "linear transportation crossings." - Subparagraph (a) modified to identify requirement is for all new or substantially reconstructed linear transportation crossings. - Subparagraph (b) modified to include wildlife species. - Subparagraph (c) moved to regional condition B(11), see below for changes. - Subparagraph (d) proposed to be deleted. - Last paragraph now subparagraph (c). Modified to clarify required unless determined to be not practicable by the Corps. Added requirement that if proposal would not comply with this condition, the PCN shall include justification and information that the effects would be no more than minimal.
7	B(13)	<ul style="list-style-type: none"> - No changes proposed.
8	C(9)	<ul style="list-style-type: none"> - Added requirement that the information shall be submitted within 30-days following the completion of construction activities in waters of the U.S. - For subparagraph (a), clarified that as-built drawings required for authorized work and any on-site and/or off-site compensatory mitigation, preservation, and/or avoidance areas. - Modified subparagraph (b) to clarify that post-construction photographs are required for a representative sample of permanently filled waters of the U.S., all partially filled waters of the U.S., and all avoided waters of the U.S. - Added subparagraph (c) requiring a description and photo-documentation of all BMPs. - Added subparagraph (d) requiring a description and photo-documentation of all restored temporary impact areas.
9	C(2)	<ul style="list-style-type: none"> - Moved to subparagraph (a) of regional condition C(2). Modified to reference the 2015 South Pacific Division compensatory mitigation and monitoring guidelines, or most recent update.
10	C(2)	<ul style="list-style-type: none"> - Moved to subparagraph (b) of regional condition C(2).

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
11	C(7)	- No changes proposed.
12	C(4)	- Clarified that required unless determine to be not practicable or necessary by the Corps.
13	N/A	- Regional condition proposed to be deleted.
14	C(8)	- Modified to add “avoided, preservation and/or compensatory” before “mitigation areas.”
15	A(2)	- Minor edits for clarification.
16	A(1)	- Minor edits for clarification.
17	C(2)	- Moved to subparagraph (c) of regional condition C(2) with no changes.
18	B(3) and C(6)	<ul style="list-style-type: none"> - The PCN requirements moved to regional condition B(3). <ul style="list-style-type: none"> - Modified from requirement for NWP 12 to a requirement for any utility line activities. - For subparagraph (a), deleted PCN requirement for all intermittent waters of the U.S. - For subparagraph (b), added intermittent waters of the U.S. and added threshold of 0.01 acre of loss. - Added subparagraph (e) requiring PCN for any utility line activity that would involve the discharge of any excess material associated with the construction of a utility line trench into waters of the U.S. - Minor edits for clarification. - The remaining requirements were moved to regional condition C(6): <ul style="list-style-type: none"> - Modified from a requirement for only NWP 12 activities to requirement for any utility line activities. - Requirements in paragraph of regional condition 18 are now subparagraphs (a) and (b). - Subparagraph (c) added, requiring that excess material from utility line trench is disposed of in an upland location, unless determined not practicable by Corps.
19	B(4)	<ul style="list-style-type: none"> - Deletion of reference to NWPs 13 and 14. Would apply to all bank stabilization activities. - Specifies that condition applies only to “new” bank stabilization activities. - Minor edits for clarification.
20	B(7)	- No proposed changes except to regional condition reference.

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
21	B(8)	<ul style="list-style-type: none"> - Added requirement that the PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. - Provided a list of functions and services to be considered.
22	B(9)	<ul style="list-style-type: none"> - Requirement that for relocation, the PCN shall include justification on how the proposed relocation would result in a net increase in aquatic resource functions and services.
23	B(6)	<ul style="list-style-type: none"> - Minor edits to main paragraph for clarification. - No changes to subparagraphs except to regional condition references.
24	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted.
25	B(10)	<ul style="list-style-type: none"> - Minor edits for clarification.
26	A(3)	<ul style="list-style-type: none"> - Deletion of definition of fen. - Moved PCN requirements for NWP 3, 6, 20, 27, 32, and 38 to regional condition B(5).
N/A	B(5)	<ul style="list-style-type: none"> - New regional condition requiring a PCN for NWP 3, 6, 20, 27, 32, and 38 in histosols, fens, bogs, and peatlands and in wetlands contiguous with fens. This language moved from 2012 regional condition 26.
N/A	B(12)	<ul style="list-style-type: none"> - New regional condition partially moved from 2012 regional condition 6(c). - Added that no construction activities shall occur within standing or flowing waters unless determined to be not practicable by the Corps. - Included examples of types of drainages. - Added requirement that dewatering structures or fills shall be removed within 30 days following completion of construction activities in waters of the U.S. - Added requirement that for proposed activities that do not comply with this condition, the PCN shall include information on why compliance is not practicable.
N/A	C(3)	<ul style="list-style-type: none"> - New regional condition requiring the use of best management practices unless determined to be not practicable or necessary by the Corps.

ENCLOSURE 3

Draft Sacramento District Nationwide Permit (NWP)
Regional Conditions for Nevada and the Lake Tahoe Basin in California
(Effective March 19, 2017 until March 18, 2022)

A. Revoked NWPs

1. All NWPs except 3, 6, 20, 27, 32, and 38 are revoked for activities in histosols, fens, bogs and peatlands and in wetlands contiguous with fens. This condition does not apply to NWPs 1, 2, 8, 9, 10, 11, 24, 28, 35 or 36, as these NWPs either apply to Section 10 only activities or do not authorize impacts to special aquatic sites. For NWPs 3, 6, 20, 27, 32 and 38, see Regional Condition B(2).

2. All NWPs are revoked for activities waterward of the ordinary high water mark of Lake Tahoe at elevation 6,229.1 feet (Lake Tahoe Datum). Such activities shall require authorization under Regional General Permit X. (NOTE: This Regional Condition is proposed to be adopted if the proposed Regional General Permit for activities in Lake Tahoe is issued by the Sacramento District).

B. Regional Conditions Applicable Before Authorization

1.* When pre-construction notification (PCN) is required, the permittee shall notify the U.S. Army Corps of Engineers, Sacramento District (Corps) in accordance with General Condition 32 using either the South Pacific Division Preconstruction Notification (PCN) Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. In addition, the PCN shall include:

a.* A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;

b.* Drawings, including plan and cross-section views, 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 drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings shall follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update (available on the South Pacific Division website at:

<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>); and

c.* Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s) required in subpart b of this Regional Condition.

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

d.* Delineation of aquatic resources in accordance with the Sacramento District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (available at http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf), or updated standards adopted by the Sacramento District.

e. A description of proposed construction Best Management Practices (BMPs) and highly visible markers to be used during construction of the proposed activity, as required by Regional Conditions C(3) and C(4). If no BMPs or highly visible markers are proposed, the PCN shall provide a description of why their use is not practicable or necessary.

f. For all activities proposed for the purpose of temporary access and construction activities that would result in the temporary placement of dredged or fill material into waters of the U.S.:

(1) The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;

(2) A description of the proposed temporary fill, including the type and amount of material to be placed;

(3) The area (in acres) of waters of the U.S. and, for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed, and

(4) A proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill.

g. For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps:

(1). The proposed methods for dewatering;

(2) The equipment that would be used to conduct the dewatering;

(3) The area (in acres) and length (in linear feet) in waters of the U.S. of the structure and/or fill;

(4) The method for removal of any structures and/or fill; and

(5) The method for restoration of the waters of the U.S. affected by the structure or fill following construction.

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 new or replacement linear transportation crossings of waters of the U.S. where the existing width of waters of the U.S. at the crossing would be reduced;

b. For all activities in waters of the U.S. proposed within 100 feet of the point of discharge of a known natural spring source (i.e. which is any location where ground water emanates from a point in the ground excluding seeps or other discharges which lack a defined channel);

c.* For all activities in waters of the U.S. on Tribal lands for purposes of Section 401 Water Quality Certification; and

d. For all activities proposing in-stream grouted outfall structures or grouting of stream bottoms.

3. For utility line activities: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for new utility line activities in the following circumstances:

a. The utility line activity would result in a loss of greater than 100 linear feet of perennial, intermittent or ephemeral waters of the U.S.;

b. The utility line activity would include the construction of a temporary or permanent access road, substation or foundation within waters of the U.S.;

c. The activity would not involve the restoration of all utility line trenches in waters of the U.S. to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S; or

d. The utility line activity would involve the discharge of any excess material associated with the construction of a utility line trench into waters of the U.S.

4. All new bank stabilization activities shall involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.), or a combination of hard-armoring (e.g. rip-rap) and native vegetation or bioengineered design techniques, unless specifically determined to be not practicable by the Corps. The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for any bank stabilization activity that involves hard-armoring or the placement of any non-vegetated or non-bioengineered technique below the ordinary high water mark or, if tidal waters, the high tide line of waters of the U.S. The request to utilize non-vegetated techniques must include information on why the sole use of vegetated techniques to accomplish the bank stabilization activity is not practicable.

5. For NWP 3, 6, 20, 27, 32, and 38, activities in histosols, fens, bogs and peatlands and in wetlands contiguous with fens the permittee shall submit a PCN to the Corps in accordance with General Condition 32 and Regional Condition B(1) for activities in these resources; and

6.* Any requests to waive the applicable linear foot limitations for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52 and B, must include the following:

a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information;

b. An analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1);

c. Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s); and

d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332.

7. For NWP 23: The permittee shall submit a PCN for all activities proposed under this NWP, in accordance with General Condition 32 and Regional Condition B(1). The PCN shall include a copy of the signed Categorical Exclusion document and final agency determinations regarding compliance with ESA, EFH and NHPA, in accordance with General Conditions 18 and 20 and Regional Condition B(13).

8. For NWP 27: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for aquatic habitat restoration, establishment, and enhancement activities that result in a discharge of dredged and/or fill material into waters of the U.S. The following applies to all NWP 27 activities:

a. Facilities for controlling stormwater runoff, construction of water parks such as kayak courses, and the use of grout or concrete to construct in-stream structures are not authorized;

b. For any stream restoration project, the post-project stream sinuosity shall be appropriate to the geomorphology of the surrounding area and shall be equal to, or greater than, pre-project sinuosity. Sinuosity is defined as the ratio of stream length to project reach length; and

c. Structures shall allow the passage of aquatic organisms, recreational water craft or other navigational activities unless specifically waived in writing by the Corps.

The PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge,

dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

9. For NWP 29 and 39: The channelization or relocation of perennial or intermittent drainages (e.g. natural or relocated streams, creeks, rivers) is not authorized, except when, as determined by the Corps, the proposed relocation would result in a net increase in aquatic resource functions and services. For any NWP 29 or 39 activities that propose relocation of perennial or intermittent drainages, the PCN shall include justification on how the proposed relocation would result in a net increase in aquatic resource functions and services.

10. For NWP 46: The discharge shall not cause the loss of greater than 0.5 acre or 300 linear feet of waters of the U.S., unless specifically waived in writing by the Corps.

11. In addition to the requirements of General Condition 2 the following criteria shall apply to linear transportation crossings (e.g. roads, highways, railways, trails, bridges, culverts):

a.* For all activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, the permittee shall design all new or substantially reconstructed linear transportation crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed;

b. All linear transportation crossings shall be designed to ensure that no more than minor impacts would occur to fish and wildlife passage or expected high flows, following the criteria listed in Regional Condition B(11)(a). Culverted crossings that do not utilize a bottomless arch culvert with a natural stream bed may be utilized for waters that do not contain suitable habitat for Federally-listed fish and wildlife species, if it can be demonstrated and is specifically determined by the Corps, that such crossing will result in no more than minor impacts to fish and wildlife or expected high flows;

c. Unless determined to be not practicable by the Corps, linear transportation crossings shall not result in a reduction in the pre-construction bankfull width or depth or negatively alter the flood control capacity of perennial drainages. For activities that do not proposed to comply with this condition, the PCN shall include justification on why compliance is not practicable, and information showing that the reduction in the pre-construction bankfull width or negative effects to the flood control capacity of perennial drainages would be no more than minimal, individually and cumulatively.

12. Unless determined to be not practicable by the Corps, no construction activities shall occur within standing or flowing waters. For ephemeral or intermittent drainages (e.g. natural or relocated streams, creeks, rivers), this may be accomplished through construction during the dry season. In perennial drainages, this may be accomplished through dewatering of the work area. All dewatering shall be conducted to ensure fish and wildlife passage during construction. All dewatering structures and/or fills shall be removed within 30 days following completion of construction activities in waters of the U.S. For proposed activities that do not comply with this condition, the PCN shall include information on why compliance is not practicable.

13.* For activities in which the Corps designates another Federal agency as the lead for compliance with Section 7 of the Endangered Species Act (ESA) of 1973 as amended, pursuant to 50 CFR Part 402.07; Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (EFH), pursuant to 50 CFR 600.920(b); and/or Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, pursuant to 36 CFR 800.2(a)(2), the lead Federal agency shall provide all relevant documentation to the Corps demonstrating any previous consultation efforts as it pertains to the Corps Regulatory permit area (for Section 7 and EFH compliance) and the Corps Regulatory area of potential effect (APE) (for Section 106 compliance). For activities requiring a PCN, this information shall be submitted with the PCN. If the Corps does not designate another Federal agency as the lead for ESA, EFH and/or NHPA, the Corps will initiate consultation for compliance, as appropriate.

C. Regional Conditions Applicable After Authorization

1. The permittee shall record the NWP verification letter with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property for areas (a) required to be preserved as a special condition of the NWP verification letter, including any associated covenants or restrictions, or (b) where boat ramps, docks, marinas, piers, or permanently moored vessels will be constructed or placed in or adjacent to navigable waters. The recordation shall also include a map showing the surveyed location of the required preserve area or authorized structure. Evidence of the recordation of the NWP verification shall be provided to the with the compliance certification required in Special Condition 30 and Regional Condition C(9).

2. Compensatory Mitigation Requirements:

a. For all activities requiring permittee responsible compensatory mitigation, the permittee shall develop and submit to the Corps for review and approval, a final comprehensive mitigation and monitoring plan prior to commencement of construction activities within waters of the U.S. The plan shall include the mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria, presented in the format of the *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE*, or most recent update (available on the South Pacific Division website at:

<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>).

b.* The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be not practicable by the Corps. When compensatory mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of purchase of required credits to the Corps prior to commencement of construction of the authorized activity in waters of the U.S.

3. Unless determined to be not practicable or necessary by the Corps, prior to the initiation of construction activities within waters of the U.S., the permittee shall employ construction

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

BMPs onsite to prevent degradation to on-site and off-site waters of the U.S. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. The permittee shall maintain all BMPs until construction activities are completed and site soils are stabilized.

4. Unless determined to be not practicable or necessary by the Corps, the permittee shall clearly identify the limits of the authorized activity in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities within waters of the U.S. The permittee shall maintain such identification properly until construction is completed and the soils have been stabilized. The permittee is prohibited from any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits (as shown on the permit drawings).

5. For all temporary access and construction activities resulting in temporary fill within waters of the U.S., the permittee shall:

a. For temporary fills within waters of the U.S. supporting fisheries, spawning quality gravel shall be used, where appropriate, as determined by the Corps, after consultation with appropriate Federal and state fish and wildlife agencies;

b. Prior to placing temporary fill in waters of the U.S., place a horizontal marker (e.g. fabric, certified weed free straw, etc.) to delineate the existing bottom elevation of the waters temporarily filled during construction; and

c. Remove all temporary fill and restore the area to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S.

6. For all utility line activities:

a. The permittee shall ensure the construction of utility lines does not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by the Corps) to seal the trench.

b. For utility line trenches, during construction, the permittee shall remove and stockpile, separately, the top 6 – 12 inches of topsoil. Following installation of the utility line(s), the permittee shall replace the stockpiled topsoil on top and seed the area with native vegetation.

c. Unless determined to be not practicable by the Corps, the permittee shall ensure that any excess material associated with the construction of a utility line trench is disposed of in an upland location outside of waters of the U.S.

7. The permittee is responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit

authorization. The permittee shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all construction activities are completed.

8. The permittee shall allow Corps representatives to inspect the authorized activity and any avoided, preservation and/or compensatory mitigation areas at any time deemed necessary to determine compliance with the terms and conditions of the NWP verification. The permittee will be notified by the Corps in advance of an inspection.

9. For all NWPs which require a PCN, the permittee shall submit the following additional information with the compliance certificate required under General Condition 30, within 30-days following the completion of construction activities in waters of the U.S.:

a. As-built drawings of the authorized work conducted on the project site and any on-site and/or off-site permittee responsible compensatory mitigation. The as-builts shall include a plan-view drawing of the location of the authorized work footprint (as shown on the permit drawings), with an overlay of the work as constructed in the same scale as the permit drawings. The drawing shall show all areas of ground disturbance, wetland impacts, structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. Please note that any deviations from the work as authorized, which result in additional impacts to waters of the U.S., must be coordinated with the appropriate Corps office prior to impacts; and

b. Numbered and dated post-construction color photographs of the work conducted within a representative sample of the permanently filled waters of the U.S., all of the partially filled waters of the U.S., and within all avoided waters of the U.S. on and immediately adjacent to the project area. The compass angle and position of all photographs shall be similar to the pre-construction color photographs required in Regional Condition B(1)(c) and shall be identified on the plan-view drawing(s) required in subpart (a) of this Regional Condition.

c. A description and photo-documentation of all BMPs installed as required by Regional Condition C(3).

d. A description and photo-documentation of all restored temporary impact areas as required in Regional Condition C(5).

Proposed Changes to the 2017 Sacramento District Regional Conditions for Nevada, and the Lake Tahoe Basin in California

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
1	B(1)	<ul style="list-style-type: none"> - Modified subparagraph (b) to incorporate the South Pacific Division map and drawing standards. - Added subparagraph (d) requiring that delineation of aquatic resources meet Sacramento District minimum standards, or most recent update. - Added subparagraph (e) requiring a description of best management practices and highly visible markers, or, if not proposed, information on why they are not practicable or necessary. - Added subparagraph (f) for information required for temporary fills for temporary access and construction activities. - Added subparagraph (g) for information required for proposed dewatering activities.
2	B(2)	<ul style="list-style-type: none"> - Deleted subparagraph (a). - Subparagraph (b) now subparagraph (a) and modified to require a PCN for all new or replacement linear transportation crossings where the existing width of waters of the U.S. at the crossing would be reduced. - Subparagraph (c) now subparagraph (b). - Added subparagraph (c) requiring a PCN for all activities on tribal lands. - Added subparagraph (d) requiring a PCN for all activities proposing in-stream grouted outfall structures or grouting of stream bottoms.
3	C(1)	<ul style="list-style-type: none"> - Modified from “required to be preserved as part of compensatory mitigation for authorized impacts” to “required to be preserved as a special condition of the NWP verification letter.” - Modified from “where boat ramps or docks, marinas, piers, and permanently moored vessels” to “where boat ramps, docks, marinas, piers, or permanently moored vessels.” - Added requirement that evidence of recordation shall be provided to the Corps with the compliance certification required in General Condition 30 and regional condition C(9).
4	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted.
5	B(1)(f) and C(5)	<ul style="list-style-type: none"> - PCN requirements moved to regional condition B(1)(f) (see above). Remainder moved to regional condition C(5). - Changes to regional condition C(5): <ul style="list-style-type: none"> - Addition to clarify requirements are for temporary access and construction activities. - For subparagraph (a), requirement for clean and washed gravel deleted. - For subparagraph (a), “anadromous” deleted. Spawning quality gravel required for fill in waters of the U.S. supporting all fisheries, if determined appropriate by the Corps.

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
		<ul style="list-style-type: none"> - Subparagraph (c) modified to add requirement to restore the area, and clarified that removal/restoration required within 30 days following completion of construction.
6	B(11)	<ul style="list-style-type: none"> - Modified from “road crossings” to “linear transportation crossings.” - Subparagraph (a) modified to identify requirement is for all new or substantially reconstructed linear transportation crossings. - Subparagraph (b) modified to include wildlife species. - Subparagraph (c) moved to regional condition B(11), see below for changes. - Subparagraph (d) proposed to be deleted. - Last paragraph now subparagraph (c). Modified to clarify required unless determined to be not practicable by the Corps. Added requirement that if proposal would not comply with this condition, the PCN shall include justification and information that the effects would be no more than minimal.
7	B(13)	<ul style="list-style-type: none"> - No changes proposed.
8	C(9)	<ul style="list-style-type: none"> - Added requirement that the information shall be submitted within 30-days following the completion of construction activities in waters of the U.S. - For subparagraph (a), clarified that as-built drawings required for authorized work and any on-site and/or off-site compensatory mitigation, preservation, and/or avoidance areas. - Modified subparagraph (b) to clarify that post-construction photographs are required for a representative sample of permanently filled waters of the U.S., all partially filled waters of the U.S., and all avoided waters of the U.S. - Added subparagraph (c) requiring a description and photo-documentation of all BMPs. - Added subparagraph (d) requiring a description and photo-documentation of all restored temporary impact areas.
9	C(2)	<ul style="list-style-type: none"> - Moved to subparagraph (a) of regional condition C(2). Modified to reference the 2015 South Pacific Division compensatory mitigation and monitoring guidelines, or most recent update.
10	C(2)	<ul style="list-style-type: none"> - Moved to subparagraph (b) of regional condition C(2).
11	C(7)	<ul style="list-style-type: none"> - No changes proposed.
12	C(4)	<ul style="list-style-type: none"> - Clarified that required unless determine to be not practicable or necessary by the Corps.
13	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted.

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
14	C(8)	<ul style="list-style-type: none"> - Modified to add “avoided, preservation and/or compensatory” before “mitigation areas.”
15	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted. - Regional condition B(2)(d) added to require PCN for in-stream grouted structures or grouting of stream bottom (see above). -
16	B(3) and C(6)	<ul style="list-style-type: none"> - The PCN requirements moved to regional condition B(3). <ul style="list-style-type: none"> - Modified from requirement for NWP 12 to a requirement for any utility line activities. - Deleted subparagraph (a). - Subparagraph (b) now subparagraph (a) and Subparagraph (b) now subparagraph (a) and modified to require a PCN when the utility line activity would result in a loss of greater than 100 linear feet of perennial, intermittent, or ephemeral waters of the U.S. - Subparagraph (c) now subparagraph (b) - Subparagraph (d) now subparagraph (c) - Added subparagraph (d) requiring PCN for any utility line activity that would involve the discharge of any excess material associated with the construction of a utility line trench into waters of the U.S. <ul style="list-style-type: none"> - Minor edits for clarification. - The remaining requirements moved to regional condition C(6). <ul style="list-style-type: none"> - Modified from a requirement for only NWP 12 activities to requirement for any utility line activities. - Requirements in paragraph of regional condition 18 are now subparagraphs (a) and (b). - Subparagraph (c) added, requiring that excess material from utility line trench is disposed of in an upland location, unless determined not practicable by Corps.
17	B(4)	<ul style="list-style-type: none"> - Deletion of reference to NWPs 13 and 14. Would apply to all bank stabilization activities. - Specifies that condition applies only to “new” bank stabilization activities. - Minor edits for clarification.
18	B(7)	<ul style="list-style-type: none"> - No proposed changes except to regional condition reference.
19	B(8)	<ul style="list-style-type: none"> - Modified to delete list of PCN requirements. PCN now required for aquatic habitat restoration, establishment and enhancement activities that result in a discharge of dredged and/or fill material into waters of the U.S. - Added requirement that the PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. - Provided a list of functions and services to be considered.

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
20	B(9)	Requirement that for relocation, the PCN shall include justification on how the proposed relocation would result in a net increase in aquatic resource functions and services.
21	B(6)	<ul style="list-style-type: none"> - Minor edits to main paragraph for clarification. - No changes to subparagraphs except to regional condition references.
22	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted.
23	B(10)	<ul style="list-style-type: none"> - Minor edits changes for clarification.
24	A(1)	<ul style="list-style-type: none"> - Deletion of definition of fen. - Moved PCN requirements for NWPs 3, 6, 20, 27, 32, and 38 to regional condition B(5).
N/A	A(2)	<ul style="list-style-type: none"> - New regional condition revoking all NWPs below the ordinary high water mark of Lake Tahoe at elevation 6,229.1 feet (MSL). This regional condition applicable if proposed regional general permit for activities in Lake Tahoe is issued by the Sacramento District.
N/A	B(5)	<ul style="list-style-type: none"> - New regional condition requiring a PCN for NWPs 3, 6, 20, 27, 32, and 38 in histosols, fens, bogs, and peatlands and in wetlands contiguous with fens. This language moved from 2012 regional condition 26.
N/A	B(12)	<ul style="list-style-type: none"> - New regional condition partially moved from 2012 regional condition 6(c). - Added that no construction activities shall occur within standing or flowing waters unless determined to be not practicable by the Corps. - Included examples of types of drainages. - Added requirement that dewatering structures or fills shall be removed within 30 days following completion of construction activities in waters of the U.S. - Added requirement that for proposed activities that do not comply with this condition, the PCN shall include information on why compliance is not practicable.
N/A	C(3)	<ul style="list-style-type: none"> - New regional condition requiring the use of best management practices unless determined to be not practicable or necessary by the Corps.

ENCLOSURE 4

Draft Sacramento District Nationwide Permit (NWP)
Regional Conditions for Utah
(Effective March 19, 2017 until March 18, 2022)

A. Revoked NWPs

1. All NWPs except 3, 6, 20, 27, 32, and 38 are revoked for activities in histosols, fens, bogs and peatlands and in wetlands contiguous with fens. This condition does not apply to NWPs 1, 2, 8, 9, 10, 11, 24, 28, 35 or 36, as these NWPs either apply to Section 10 only activities or do not authorize impacts to special aquatic sites. For NWPs 3, 6, 20, 27, 32 and 38, see Regional Condition B(2).

B. Regional Conditions Applicable Before Authorization

1.* When pre-construction notification (PCN) is required, the permittee shall notify the U.S. Army Corps of Engineers, Sacramento District (Corps) in accordance with General Condition 32 using either the South Pacific Division Preconstruction Notification (PCN) Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. In addition, the PCN shall include:

a.* A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;

b.* Drawings, including plan and cross-section views, 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 drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings shall follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update (available on the South Pacific Division website at:

<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>); and

c.* Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s) required in subpart b of this Regional Condition.

d.* Delineation of aquatic resources in accordance with the Sacramento District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (available at http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf), or updated standards adopted by the Sacramento District.

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

e. A description of proposed construction Best Management Practices (BMPs) and highly visible markers to be used during construction of the proposed activity, as required by Regional Conditions C(3) and C(4). If no BMPs or highly visible markers are proposed, the PCN shall provide a description of why their use is not practicable or necessary.

f. For all activities proposed for the purpose of temporary access and construction activities that would result in the temporary placement of dredged or fill material into waters of the U.S.:

(1) The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;

(2) A description of the proposed temporary fill, including the type and amount of material to be placed;

(3) The area (in acres) of waters of the U.S. and, for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed, and

(4) A proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill.

g. For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps:

(1). The proposed methods for dewatering;

(2) The equipment that would be used to conduct the dewatering;

(3) The area (in acres) and length (in linear feet) in waters of the U.S. of the structure and/or fill;

(4) The method for removal of any structures and/or fill; and

(5) The method for restoration of the waters of the U.S. affected by the structure or fill following construction.

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. Discharges in the Great Salt Lake in Areas containing bioherms. Bioherms are mounds of calcium and magnesium carbonate deposits produced by the blue-green algae *Aphanothece packardii*.

b. For all new or replacement linear transportation crossings of waters of the U.S. where the existing width of waters of the U.S. at the crossing would be reduced;

c. For all activities in waters of the U.S. proposed within 100 feet of the point of discharge of a known natural spring source (i.e. which is any location where ground water emanates from a point in the ground excluding seeps or other discharges which lack a defined channel);

d.* For all activities in waters of the U.S. on Tribal lands for purposes of Section 401 Water Quality Certification; and

e. For all activities proposing in-stream grouted outfall structures or grouting of stream bottoms.

3. For utility line activities: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for new utility line activities in the following circumstances:

a. The utility line activity would result in a loss of greater than 100 linear feet of perennial, intermittent or ephemeral waters of the U.S.;

b. The activity would not involve the restoration of all utility line trenches in waters of the U.S. to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S; or

c. The utility line activity would involve the discharge of any excess material associated with the construction of a utility line trench into waters of the U.S.

4. All new bank stabilization activities shall involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.), or a combination of hard-armoring (e.g. rip-rap) and native vegetation or bioengineered design techniques, unless specifically determined to be not practicable by the Corps. The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for any bank stabilization activity that involves hard-armoring or the placement of any non-vegetated or non-bioengineered technique below the ordinary high water mark or, if tidal waters, the high tide line of waters of the U.S. The request to utilize non-vegetated techniques must include information on why the sole use of vegetated techniques to accomplish the bank stabilization activity is not practicable.

5. For NWP 3, 6, 20, 27, 32, and 38, activities in histosols, fens, bogs and peatlands and in wetlands contiguous with fens the permittee shall submit a PCN to the Corps in accordance with General Condition 32 and Regional Condition B(1) for activities in these resources; and

6.* Any requests to waive the applicable linear foot limitations for NWP 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52 and B, must include the following:

a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information;

b. An analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1);

c. Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s); and

d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332.

7. For NWP 23: The permittee shall submit a PCN for all activities proposed under this NWP, in accordance with General Condition 32 and Regional Condition B(1). The PCN shall include a copy of the signed Categorical Exclusion document and final agency determinations regarding compliance with ESA, EFH and NHPA, in accordance with General Conditions 18 and 20 and Regional Condition B(13).

8. For NWP 27: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for aquatic habitat restoration, establishment, and enhancement activities that result in a discharge of dredged and/or fill material into waters of the U.S. The following applies to all NWP 27 activities:

a. Facilities for controlling stormwater runoff, construction of water parks such as kayak courses, and the use of grout or concrete to construct in-stream structures are not authorized;

b. For any stream restoration project, the post-project stream sinuosity shall be appropriate to the geomorphology of the surrounding area and shall be equal to, or greater than, pre-project sinuosity. Sinuosity is defined as the ratio of stream length to project reach length; and

c. Structures shall allow the passage of aquatic organisms, recreational water craft or other navigational activities unless specifically waived in writing by the Corps.

The PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

9. For NWPs 29 and 39: The channelization or relocation of perennial or intermittent drainages (e.g. natural or relocated streams, creeks, rivers) is not authorized, except when, as determined by the Corps, the proposed relocation would result in a net increase in aquatic resource functions and services. For any NWP 29 or 39 activities that propose relocation of

perennial or intermittent drainages, the PCN shall include justification on how the proposed relocation would result in a net increase in aquatic resource functions and services.

10. For NWP 46: The discharge shall not cause the loss of greater than 0.5 acre or 300 linear feet of waters of the U.S., unless specifically waived in writing by the Corps.

11. In addition to the requirements of General Condition 2 the following criteria shall apply to linear transportation crossings (e.g. roads, highways, railways, trails, bridges, culverts):

a.* For all activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, the permittee shall design all new or substantially reconstructed linear transportation crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed;

b. All linear transportation crossings shall be designed to ensure that no more than minor impacts would occur to fish and wildlife passage or expected high flows, following the criteria listed in Regional Condition B(11)(a). Culverted crossings that do not utilize a bottomless arch culvert with a natural stream bed may be utilized for waters that do not contain suitable habitat for Federally-listed fish and wildlife species, if it can be demonstrated and is specifically determined by the Corps, that such crossing will result in no more than minor impacts to fish and wildlife or expected high flows;

c. Unless determined to be not practicable by the Corps, linear transportation crossings shall not result in a reduction in the pre-construction bankfull width or depth or negatively alter the flood control capacity of perennial drainages. For activities that do not proposed to comply with this condition, the PCN shall include justification on why compliance is not practicable, and information showing that the reduction in the pre-construction bankfull width or negative effects to the flood control capacity of perennial drainages would be no more than minimal, individually and cumulatively.

12. Unless determined to be not practicable by the Corps, no construction activities shall occur within standing or flowing waters. For ephemeral or intermittent drainages (e.g. natural or relocated streams, creeks, rivers), this may be accomplished through construction during the dry season. In perennial drainages, this may be accomplished through dewatering of the work area. All dewatering shall be conducted to ensure fish and wildlife passage during construction. All dewatering structures and/or fills shall be removed within 30 days following completion of construction activities in waters of the U.S. For proposed activities that do not comply with this condition, the PCN shall include information on why compliance is not practicable.

13.* For activities in which the Corps designates another Federal agency as the lead for compliance with Section 7 of the Endangered Species Act (ESA) of 1973 as amended, pursuant to 50 CFR Part 402.07; Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (EFH), pursuant to 50 CFR 600.920(b); and/or Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, pursuant to 36 CFR 800.2(a)(2), the lead Federal agency shall provide all relevant documentation to the

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

Corps demonstrating any previous consultation efforts as it pertains to the Corps Regulatory permit area (for Section 7 and EFH compliance) and the Corps Regulatory area of potential effect (APE) (for Section 106 compliance). For activities requiring a PCN, this information shall be submitted with the PCN. If the Corps does not designate another Federal agency as the lead for ESA, EFH and/or NHPA, the Corps will initiate consultation for compliance, as appropriate.

C. Regional Conditions Applicable After Authorization

1. The permittee shall record the NWP verification letter with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property for areas (a) required to be preserved as a special condition of the NWP verification letter, including any associated covenants or restrictions, or (b) where boat ramps, docks, marinas, piers, or permanently moored vessels will be constructed or placed in or adjacent to navigable waters. The recordation shall also include a map showing the surveyed location of the required preserve area or authorized structure. Evidence of the recordation of the NWP verification shall be provided to the with the compliance certification required in Special Condition 30 and Regional Condition C(9).

2. Compensatory Mitigation Requirements:

a. For all activities requiring permittee responsible compensatory mitigation, the permittee shall develop and submit to the Corps for review and approval, a final comprehensive mitigation and monitoring plan prior to commencement of construction activities within waters of the U.S. The plan shall include the mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria, presented in the format of the *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE*, or most recent update (available on the South Pacific Division website at:

<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/>).

b.* The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be not practicable by the Corps. When compensatory mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of purchase of required credits to the Corps prior to commencement of construction of the authorized activity in waters of the U.S.

3. Unless determined to be not practicable or necessary by the Corps, prior to the initiation of construction activities within waters of the U.S., the permittee shall employ construction BMPs onsite to prevent degradation to on-site and off-site waters of the U.S. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. The permittee shall maintain all BMPs until construction activities are completed and site soils are stabilized.

* Regional Condition developed jointly between Sacramento District, Los Angeles District, and San Francisco District.

4. Unless determined to be not practicable or necessary by the Corps, the permittee shall clearly identify the limits of the authorized activity in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities within waters of the U.S. The permittee shall maintain such identification properly until construction is completed and the soils have been stabilized. The permittee is prohibited from any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits (as shown on the permit drawings).

5. For all temporary access and construction activities resulting in temporary fill within waters of the U.S., the permittee shall:

a. For temporary fills within waters of the U.S. supporting fisheries, spawning quality gravel shall be used, where appropriate, as determined by the Corps, after consultation with appropriate Federal and state fish and wildlife agencies;

b. Prior to placing temporary fill in waters of the U.S., place a horizontal marker (e.g. fabric, certified weed free straw, etc.) to delineate the existing bottom elevation of the waters temporarily filled during construction; and

c. Remove all temporary fill and restore the area to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S.

6. For all utility line activities:

a. The permittee shall ensure the construction of utility lines does not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by the Corps) to seal the trench.

b. For utility line trenches, during construction, the permittee shall remove and stockpile, separately, the top 6 – 12 inches of topsoil. Following installation of the utility line(s), the permittee shall replace the stockpiled topsoil on top and seed the area with native vegetation.

c. Unless determined to be not practicable by the Corps, the permittee shall ensure that any excess material associated with the construction of a utility line trench is disposed of in an upland location outside of waters of the U.S.

7. The permittee is responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit authorization. The permittee shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all construction activities are completed.

8. The permittee shall allow Corps representatives to inspect the authorized activity and any avoided, preservation and/or compensatory mitigation areas at any time deemed

necessary to determine compliance with the terms and conditions of the NWP verification. The permittee will be notified by the Corps in advance of an inspection.

9. For all NWPs which require a PCN, the permittee shall submit the following additional information with the compliance certificate required under General Condition 30, within 30-days following the completion of construction activities in waters of the U.S.:

a. As-built drawings of the authorized work conducted on the project site and any on-site and/or off-site permittee responsible compensatory mitigation. The as-builts shall include a plan-view drawing of the location of the authorized work footprint (as shown on the permit drawings), with an overlay of the work as constructed in the same scale as the permit drawings. The drawing shall show all areas of ground disturbance, wetland impacts, structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. Please note that any deviations from the work as authorized, which result in additional impacts to waters of the U.S., must be coordinated with the appropriate Corps office prior to impacts; and

b. Numbered and dated post-construction color photographs of the work conducted within a representative sample of the permanently filled waters of the U.S., all of the partially filled waters of the U.S., and within all avoided waters of the U.S. on and immediately adjacent to the project area. The compass angle and position of all photographs shall be similar to the pre-construction color photographs required in Regional Condition B(1)(c) and shall be identified on the plan-view drawing(s) required in subpart a of this Regional Condition.

c. A description and photo-documentation of all BMPs installed as required by Regional Condition C(3).

d. A description and photo-documentation of all restored temporary impact areas as required in Regional Condition C(5).

Proposed Changes to the 2017 Sacramento District Regional Conditions for Utah

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
1	B(1)	<ul style="list-style-type: none"> - Modified subparagraph (b) to incorporate the South Pacific Division map and drawing standards. - Added subparagraph (d) requiring that delineation of aquatic resources meet Sacramento District minimum standards, or most recent update. - Added subparagraph (e) requiring a description of best management practices and highly visible markers, or, if not proposed, information on why they are not practicable or necessary. - Added subparagraph (f) for information required for temporary fills for temporary access and construction activities. - Added subparagraph (g) for information required for proposed dewatering activities.
2	B(2)	<ul style="list-style-type: none"> - Modified subparagraph (a) to require a PCN for discharges in the Great Salt Lake in Areas containing bioherms. - Modified subparagraph (b) to eliminate requirement for a PCN for all crossings of perennial and intermittent waters. Subparagraph (b) now requires a PCN for all new or replacement linear transportation crossings where the existing width of waters of the U.S. at the crossing would be reduced. - Added subparagraph (d) requiring a PCN for all activities on tribal lands. - Added subparagraph (e) requiring a PCN for all activities proposing in-stream grouted outfall structures or grouting of stream bottoms.
3	C(1)	<ul style="list-style-type: none"> - Modified from “required to be preserved as part of compensatory mitigation for authorized impacts” to “required to be preserved as a special condition of the NWP verification letter.” - Modified from “where boat ramps or docks, marinas, piers, and permanently moored vessels” to “where boat ramps, docks, marinas, piers, or permanently moored vessels.” - Added requirement that evidence of recordation shall be provided to the Corps with the compliance certification required in General Condition 30 and regional condition C(9).
4	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted.

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
5	B(1)(f) and C(5)	<ul style="list-style-type: none"> - PCN requirements moved to regional condition B(1)(f) (see above). Remainder moved to regional condition C(5). - Changes to regional condition C(5): <ul style="list-style-type: none"> - Addition to clarify requirements are for temporary access and construction activities. - For subparagraph (a), requirement for clean and washed gravel deleted. - For subparagraph (a), "anadromous" deleted. Spawning quality gravel required for fill in waters of the U.S. supporting all fisheries, if determined appropriate by the Corps. - Subparagraph (c) modified to add requirement to restore the area, and clarified that removal/restoration required within 30 days following completion of construction.
6	B(11)	<ul style="list-style-type: none"> - Modified from "road crossings" to "linear transportation crossings." - Subparagraph (a) modified to identify requirement is for all new or substantially reconstructed linear transportation crossings. - Subparagraph (b) modified to include wildlife species. - Subparagraph (c) moved to regional condition B(11), see below for changes. - Subparagraph (d) proposed to be deleted. - Last paragraph now subparagraph (c). Modified to clarify required unless determined to be not practicable by the Corps. Added requirement that if proposal would not comply with this condition, the PCN shall include justification and information that the effects would be no more than minimal.
7	B(13)	<ul style="list-style-type: none"> - No changes proposed
8	C(9)	<ul style="list-style-type: none"> - Added requirement that the information shall be submitted within 30-days following the completion of construction activities in waters of the U.S. - For subparagraph (a), clarified that as-built drawings required for authorized work and any on-site and/or off-site compensatory mitigation, preservation, and/or avoidance areas. - Modified subparagraph (b) to clarify that post-construction photographs are required for a representative sample of permanently filled waters of the U.S., all partially filled waters of the U.S., and all avoided waters of the U.S. - Added subparagraph (c) requiring a description and photo-documentation of all BMPs. - Added subparagraph (d) requiring a description and photo-documentation of all restored temporary impact areas.
9	C(2)	<ul style="list-style-type: none"> - Moved to subparagraph (a) of regional condition C(2). Modified to reference the 2015 South Pacific Division compensatory mitigation and monitoring guidelines, or most recent update.
10	C(2)	<ul style="list-style-type: none"> - Moved to subparagraph (b) of regional condition C(2).

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
11	C(7)	- No changes proposed.
12	C(4)	- Clarified that required unless determine to be not practicable or necessary by the Corps.
13	N/A	- Regional condition proposed to be deleted.
14	C(8)	- Modified to add “avoided, preservation and/or compensatory” before “mitigation areas”
15	N/A	Regional condition proposed to be deleted. Regional condition B(2)(d) added to require PCN for in-stream grouted structures or grouting of stream bottom (see above).
16	B(3) and C(6)	<ul style="list-style-type: none"> - The PCN requirements moved to regional condition B(3). <ul style="list-style-type: none"> - Modified from requirement for NWP 12 to a requirement for any utility line activities. - Deleted subparagraph (a). - Subparagraph (b) now subparagraph (a) and modified to require a PCN when the utility line activity would result in a loss of greater than 100 linear feet of perennial, intermittent, or ephemeral waters of the U.S. - Deleted subparagraph (c). - Subparagraph (d) now subparagraph (b). - Added subparagraph (c) requiring PCN for any utility line activity that would involve the discharge of any excess material associated with the construction of a utility line trench into waters of the U.S. - Minor edits for clarification. - The remaining requirements were moved to regional condition C(6). <ul style="list-style-type: none"> - Modified from a requirement for only NWP 12 activities to requirement for any utility line activities. - Requirements in paragraph of regional condition 18 are now subparagraphs (a) and (b). - Subparagraph (c) added, requiring that excess material from utility line trench is disposed of in an upland location, unless determined not practicable by Corps.
17	B(4)	<ul style="list-style-type: none"> - Deletion of reference to NWPs 13 and 14. Would apply to all bank stabilization activities. - Specifies that condition applies only to “new” bank stabilization activities. - Minor edits for clarification.
18	B(7)	- No proposed changes except to regional condition reference.

2012 Regional Condition Number	2017 Regional Condition Number	Proposed Change
19	B(8)	<ul style="list-style-type: none"> - Modified to delete list of PCN requirements. PCN now required for aquatic habitat restoration, establishment and enhancement activities that result in a discharge of dredged and/or fill material into waters of the U.S. - Added requirement that the PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. - Provided a list of functions and services to be considered.
20	B(9)	Requirement that for relocation, the PCN shall include justification on how the proposed relocation would result in a net increase in aquatic resource functions and services.
21	B(6)	<ul style="list-style-type: none"> - Minor edits to main paragraph for clarification. - No changes to subparagraphs except to regional condition references.
22	N/A	<ul style="list-style-type: none"> - Regional condition proposed to be deleted.
23	B(10)	<ul style="list-style-type: none"> - Minor edits for clarification.
24	A(1)	<ul style="list-style-type: none"> - Deletion of definition of fen. - Moved PCN requirements for NWPs 3, 6, 20, 27, 32, and 38 to regional condition B(5).
N/A	B(5)	<ul style="list-style-type: none"> - New regional condition requiring a PCN for NWPs 3, 6, 20, 27, 32, and 38 in histosols, fens, bogs, and peatlands and in wetlands contiguous with fens. This language moved from 2012 regional condition 26.
N/A	B(12)	<ul style="list-style-type: none"> - New regional condition partially moved from 2012 regional condition 6(c). - Added that no construction activities shall occur within standing or flowing waters unless determined to be not practicable by the Corps. - Included examples of types of drainages. - Added requirement that dewatering structures or fills shall be removed within 30 days following completion of construction activities in waters of the U.S. - Added requirement that for proposed activities that do not comply with this condition, the PCN shall include information on why compliance is not practicable.
N/A	C(3)	<ul style="list-style-type: none"> - New regional condition requiring the use of best management practices unless determined to be not practicable or necessary by the Corps.

ENCLOSURE 5

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