

# Preconstruction Notifications for Nationwide Permits

## Regulatory Program Workshop

**Jason Gipson**

Chief, Nevada/Utah Regulatory Section

US Army Corps of Engineers, Sacramento  
District

31 May 2018



# Nationwide Permits

## Pre-Construction Notification Form

### U.S. Army Corps of Engineers South Pacific Division



#### Nationwide Permit Pre-Construction Notification (PCN) Form

This form integrates requirements of the U.S. Army Corps of Engineers Nationwide Permit Program within the South Pacific Division (SPD), including General and Regional Conditions. You MUST fill out all boxes related to the work being done. Fillable boxes in this form expand if additional space is needed.

<b>Box 1 Project Name</b>			
<b>Applicant Name</b>		<b>Applicant Title</b>	
<b>Applicant Company, Agency, etc.</b>		Applicant's internal tracking number (if any)	
Mailing Address			
Work Phone with area code	Mobile Phone with area code	Home Phone with area code	Fax # with area code
E-mail Address		Relationship of applicant to property: <input type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> Other:	
<p>Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a U.S. Army Corps of Engineers Nationwide Permit or Permits as described herein. I certify that I am familiar with the information contained in this application and, that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agency to which this application is made the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work <u>only</u> after all necessary permits have been received and to comply with all terms and conditions of the authorization.</p>			
<b>Signature of applicant</b>			Date (mm/dd/yyyy)

If anyone other than the person named as the Applicant will be in contact with the U.S. Army Corps of Engineers representing the Applicant regarding this project during the permit process, Box 2 MUST be filled out.

<b>Box 2 Authorized Agent/Operator Name</b>		<b>Agent/Operator Title</b>	
<b>Agent/Operator Company, Agency, etc.</b>		E-mail Address	
Mailing Address			
Work Phone with area code	Mobile Phone with area code	Home Phone with area code	Fax # with area code
<p>I hereby authorize the above named authorized agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.</p>			
<b>Signature of applicant</b>			Date (mm/dd/yyyy)
<p>I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.</p>			
<b>Signature of authorized agent</b>			Date (mm/dd/yyyy)

Page 1 of 9

Revised March 21, 2012. For the most recent version of this form, visit your Corps District's Regulatory website.



# Nationwide Permits

## Pre-Construction Notification (PCN) Form

- Streamlined permitting process (no PN issued, no off-site alternatives analysis)
- Requires (almost) all the information up front that is necessary to evaluate and verify that the project fits the NWP.



# Contents of PCN

## Contents of PCN – General Condition 32(b)

*Made in Writing*

1. **Name**, address, and telephone numbers of prospective permittee
2. **Location** of the proposed project





# Contents of PCN

3. **Project Description** — **sufficient detail** to determine minimal adverse effects and need for compensatory mitigation
- a) Project purpose;
  - b) Direct and indirect impacts;
  - c) Amount of loss of waters of the US in acres or linear feet;
  - d) Other NWP authorizations or IP for any part of project or related activity;
  - e) Sketches (e.g. conceptual plan) - illustrative description of the proposed activity



# Contents of PCN

## 4. Delineation of Waters

- a) Wetlands and other waters
- b) Prepared in accordance with “current method...”
- c) May request Corps to complete the delineation, however there “may be a delay...”



# Contents of PCN

## 5. Mitigation Statement

- a) If loss of greater than 1/10-acre:
  - b) How impacts to waters of the US are to be compensated for; or
  - c) Why adverse effects are minimal and why compensatory mitigation should not be required for the proposed impacts.
- 
- *SPK's Regional Conditions for Utah offer more insight on mitigation info needs- more on that to come.*



# Contents of PCN

## 6. Federally-listed species or Critical Habitat

- a) Non-federal applicants: names of listed species
- b) Federal applicants must provide documentation demonstrating compliance with ESA Sec 7 (BO or other FWS concurrence)

## 7. Historic Properties

- a) Provide cultural resource report with literature search and on-site assessment
- b) Federal applicants must provide documentation demonstrating compliance with Sec 106 of NHPA





# Onto Regional Conditions...



## Sacramento District Nationwide Permit Program Regional Conditions Checklist for Utah

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

On March 18, 2012, the U.S. Army Corps of Engineers' South Pacific Division approved 24 regional conditions for the 2012 Nationwide Permits (NWP) in Utah, within the Sacramento District. This checklist is intended to assist applicants with completing the South Pacific Division Pre-Construction Notification Checklist and to ensure compliance with the regional conditions. This checklist does not include the full text of each regional condition.

Please refer to the *Final Sacramento District Nationwide Permit Regional Conditions for Utah* ([http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2012\\_nwps/2012-NWP-RC-UT.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2012_nwps/2012-NWP-RC-UT.pdf)) and the *List of Additional Information Required for Complete Pre-Construction Notification for California, Nevada and Utah*, when completing this checklist.

Please check the box to indicate you have read and have/will comply with the regional condition and provide a rationale on how you have/will comply with the condition.

Check	Regional Condition	Compliance Rationale
<input type="checkbox"/>	<b>1. Pre-construction Notification.</b> PCN must include: <input type="checkbox"/> Avoidance & minimization statement. <input type="checkbox"/> Plan & cross-section drawings. <input type="checkbox"/> Pre-project photos.	
<input type="checkbox"/>	<b>2. Pre-construction Notification.</b> PCN must be submitted for: <input type="checkbox"/> Activities below 4,217 feet mean sea level (MSL) adjacent to the Great Salt Lake and below 4,500 feet MSL adjacent to Utah Lake <input type="checkbox"/> Crossings of perennial or intermittent waters. <input type="checkbox"/> Activities within 100 feet of a natural spring.	
<input type="checkbox"/>	<b>3. Recordation.</b> Permittee will record the NWP verification.	The proposed project does not involve the designation of a preserve or a structure in a navigable water OR I agree to record the NWP verification with the Registrar of Deeds.
<input type="checkbox"/>	<b>4. Avoided Waters.</b> Permittee shall: <input type="checkbox"/> Establish & maintain a preserve. <input type="checkbox"/> Place avoided waters & buffers into a separate parcel; and <input type="checkbox"/> Establish permanent legal protection.	
<input type="checkbox"/>	<b>5. Temporary Fill.</b> PCN will include: <input type="checkbox"/> Avoidance practicability statement. <input type="checkbox"/> Description of the fill. <input type="checkbox"/> Plan for restoration and/or revegetation. <b>Permittee will:</b> <input type="checkbox"/> Use clean & washed gravel, <input type="checkbox"/> Place a horizontal marker. <input type="checkbox"/> Remove all temporary fill within 30 days.	

Page 1 of 4



# Regional Conditions

1. a) Written statement describing avoidance and minimization of temporary and permanent impacts.

*\*Note: more specific than NWP GC 31(b)(5): Mitigation Statement\**

- b) Plan view and cross-section view

- i. Location, size, and dimension of activity
    - ii. Location of delineated waters
    - iii. Amount (cubic yards) and area (acres) of fill
    - iv. Ordinary high water mark/high tide line

- c) Pre-project color photographs



# Regional Conditions

## 5. Description of the proposed temporary fill

- a) Type and amount of material;
- b) The area proposed to be impacted; and
- c) Proposed plan for restoration of temporary fill including re-vegetation plan;
- d) Reason why avoidance of temporary impacts is not practicable



# Regional Conditions

## 21. Requests to **waive the 300 linear foot limitation**

- a) A narrative description of the stream - volume and duration of flow; length, width, and depth; a description of the adjacent vegetation community; a statement regarding the wetland status of the adjacent areas; surrounding land use; water quality; cumulative impacts in the watershed; any other relevant information
- b) Analysis of impacts as described in #1
- c) Measures to avoid and minimize losses to waters of the US
- d) A compensatory mitigation plan



# Incomplete



**NWP** – Permittee notified, Corps requests additional information within 30 days of receipt of the PCN.

- a) Specify the information needed to make the PCN Complete
- b) “General Rule” request additional information only once



# Tips for timely processing

- Do your best to submit a complete application
  - ▶ Include everything necessary to process (delineation, alternatives, ESA, NHPA, mitigation plan, etc.)
- Use a template – ours, yours
- **Get us involved early!**
- When in doubt, refer to regs or **\*call us\***





# Common Missing Items

- Clear, concise project map showing waters of the US and project impacts
- Section 106 reports, T&E reports
- Statement of avoidance & minimization
- Regional conditions checklist

**\*Bottom line- all items get overlooked now and then, so just be thorough!**



# Thank You

