

# **LIST OF ADDITIONAL INFORMATION REQUIRED FOR COMPLETE PRE-CONSTRUCTION NOTIFICATION (PCN) FOR CALIFORNIA, NEVADA, AND UTAH**

A complete PCN may be submitted either through the completion of the *South Pacific Division Preconstruction Notification (PCN) Checklist*<sup>1</sup>, or an application form (ENG Form 4345)<sup>2</sup> with an attachment providing information on compliance with all general and regional conditions.

- Requirements of General Condition 32**
  - Name, address and telephone numbers of the prospective permittee.
  - Location of the proposed activity.
  - Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity.
  - Description of the proposed activity
    - the activities purpose;
    - direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure;
    - a description of any propose mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity;
    - any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification;
    - Sketches containing sufficient detail to provide an illustrative description of the proposed activity.
  - Delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site, prepared in accordance with the current method required by the Corps.
  - If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, a statement describing how the mitigation requirements will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required.
  - For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the name(s) of endangered or threatened species that might be affected by the proposed work, or utilize the designated critical habitat that may be affected by the proposed work, **OR**, for Federal agencies, documentation demonstrating compliance with the Endangered Species Act.
  - For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic properties. **OR**, for Federal agencies, documentation demonstrating compliance with the National Historic Preservation Act.

- For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the “study river”.
- For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized civil works project, include a statement confirming that the prospective permittee has submitted a written request for Section 408 permission from the Corps office having jurisdiction over the Corps project.

**Requirements of Regional Condition B(1) (For California, Nevada, and Utah, unless otherwise noted)**

- A complete *South Pacific Division Preconstruction Notification (PCN) Checklist* or application form (ENG Form 4345) with an attachment providing information on compliance with all of the general and regional conditions.
- A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S.
- Drawings clearly depicting the location, size and dimensions of the proposed activity, as well as the location of waters of the U.S. on the site. Unless specifically waived by the Sacramento District, 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/>);
  - Plan view Drawings
    - Title Block;
    - Legend and Scale;
    - Amount (in cubic yards) of fill in Corps jurisdiction, including permanent and/or temporary structure or fills;
    - Area (in acres) of fill in Corps jurisdiction, including permanent and/or temporary structure or fills;
    - Ordinary high water mark, or, for tidal waters, mean high water mark and high tide line, based on National Geodetic Vertical Datum (NGVD) or other appropriate reference elevation.
  - Cross-section view Drawings
    - Title Block;
    - Legend and Scale;
    - Amount (in cubic yards) of fill in Corps jurisdiction, including permanent and/or temporary structure or fills;
    - Area (in acres) of fill in Corps jurisdiction, including permanent and/or temporary structure or fills;
    - Ordinary high water mark, or, for tidal waters, mean high water mark and high tide line, based on National Geodetic Vertical Datum (NGVD) or other appropriate reference elevation.
- Numbered and dated pre-project color photographs showing a representative sample of waters proposed to impacted on the site, and all waters of the U.S. proposed to avoided on and immediately adjacent to the project site. The compass angle and view position of each photograph is identified on the required plan view drawing.

- 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, unless specifically waived by the Sacramento District
- Best Management Practices:** 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;
- Temporary access and construction:** For all activities proposed for the purpose of temporary access and construction which would result in the placement of dredged or fill material into waters of the U.S. (see also Regional Condition C(5):
  - The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;
  - A description of the proposed temporary fill, including the type and amount (in cubic yards) of material to be placed;
  - 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
  - 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;
- Dewatering:** For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps (see also Regional Condition B(11):
  - The proposed methods for dewatering;
  - The equipment that would be used to conduct the dewatering;
  - The length of time the area is proposed to be dewatered;
  - The area (in acres) and length (in linear feet) in waters of the U.S. of the structure and/or fill;
  - The method for removal of the structures and/or fill; and
  - The method for restoration of the waters of the U.S. affected by the structure or fill following construction.
- All Linear Transportation Crossings:** For linear transportation crossings that propose to alter the pre-construction course, condition, capacity or location of open waters, 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. (See also Regional Condition B(10)(b) and B(10)(c))
- Replacement Linear Transportation Crossings:** For replacement linear transportation crossings that would result in a reduction in the pre-construction bankfull width and depth of open waters of the U.S. at the crossing, as compared to the upstream and downstream open waters (see also Regional Condition B(10)(b) and B(10)(c)):
  - Information on why it is not practicable to approximate the pre-construction bankfull width of the upstream and downstream open waters, and;

- Sufficient justification to determine that the reduction in the pre-construction bankfull width 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.
- Request for Waiver:** For any requests to waive the applicable linear foot limitations for NWP 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52 and 54:
  - 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;
  - An analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1);
  - Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s); and
  - A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332.
- Nationwide Permit 23:** A copy of the signed Categorical Exclusion document and final agency determinations regarding compliance with Section 7 of the Endangered Species Act (ESA), Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), and Section 106 of the National Historic Preservation Act (NHPA), in accordance with General Conditions 18 and 20 and Regional Condition B(12).
- Nationwide Permit 27:** 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. (See also Regional Condition B(7)).
- Nationwide Permit 29 or 39:** For any NWP 29 or 39 activities that propose channelization or relocation of perennial or intermittent drainages: Justification on how the proposed relocation 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. (See also Regional Condition B(8))
- Activities in Standing or Flowing Waters:** For construction activities that would occur within standing or flowing waters: Information on why it is not practicable to conduct construction activities when the area is dewatered naturally or through an approved dewatering plan. (See also Regional Condition B(11)).
- New Bank Stabilization Activities:** For all new bank stabilization activities that would not involve the sole use of native vegetation or other bioengineered design techniques: Information on why the sole use of vegetated techniques to accomplish the bank stabilization activity is not practicable. (See also Regional Condition B(4)).

**Activities in designated critical habitat for Federally-listed threatened and/or endangered anadromous fish species (California Only):** For activities located in designated critical habitat for Federally-listed threatened and/or endangered anadromous fish species where the activity would result in a reduction or alteration in the quality and availability of the Physical and Biological Features (also known as Essential Features or Primary Constituent Elements):

The reasons why it is not practicable to avoid the reduction or alteration in the quality and availability of the Physical and Biological Features of the designated critical habitat.

Information demonstrating that the reduction or alteration will have no more than minimal individual or cumulative adverse effects.

Information regarding the Physical and Biological Features of designated critical habitat may be found at the following websites:

- Winter-run Chinook Salmon (Essential Features beginning on page 33218): <http://www.westcoast.fisheries.noaa.gov/publications/frn/1993/58fr33212.pdf>
- Steelhead and Spring-run Chinook salmon (Primary Constituent Elements beginning on page 52521): <http://www.westcoast.fisheries.noaa.gov/publications/frn/2005/70fr52488.pdf>
- Green Sturgeon (Primary Constituent Elements/Physical and Biological Features beginning on page 52322): [http://www.westcoast.fisheries.noaa.gov/publications/protected\\_species/other/green\\_sturgeon/g\\_s\\_critical\\_habitat/frn\\_10092009\\_green\\_sturgeon\\_ch.pdf](http://www.westcoast.fisheries.noaa.gov/publications/protected_species/other/green_sturgeon/g_s_critical_habitat/frn_10092009_green_sturgeon_ch.pdf)

**Requirements of Regional Condition B(2) (California Only):**

**Essential Fish Habitat (California Only):** For all activities proposed by non-Federal applicants located in areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council, and that would result in an adverse effect to EFH, an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: [http://www.westcoast.fisheries.noaa.gov/habitat/fish\\_habitat/efh\\_consultations\\_go.html](http://www.westcoast.fisheries.noaa.gov/habitat/fish_habitat/efh_consultations_go.html). (See also Regional Condition B(2)(e))

<sup>1</sup> The *South Pacific Division Preconstruction Notification (PCN) Checklist*, may be downloaded from the USACE Sacramento District Website at: <http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-Permits/>

<sup>2</sup>An *Application for Department of the Army Permit* (ENG Form 4345) may be downloaded from the USACE Sacramento District Website at: <http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Standard-Permits/#sp-app>

# LIST OF ADDITIONAL INFORMATION RECOMMENDED TO EXPEDITE EVALUATION OF THE NWP PCN

- Endangered Species
  - Information sufficient to initiate consultation with the United States Fish and Wildlife Service and/or National Marine Fisheries Service for compliance with Section 7 of the Endangered Species Act. Information required includes:
    - A description of the action to be considered;
    - A description of the specific area that may be affected by the action;
    - A description of any listed species or critical habitat that may be affected by the action;
    - A description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative impacts;
    - Relevant reports including any environmental impact statement, environmental assessment or biological assessment prepared;
    - Any other relevant available information on the action, the listed species, or critical habitat.
  - A Biological Assessment sufficient to initiate consultation for compliance with Section 7 of the Endangered Species Act, prepared in accordance with the United States Fish and Wildlife Service and National Marine Fisheries Service *Template and Guidance on Preparing an Initiation Package for Endangered Species Act Consultation*, which can be found on our website at: [http://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/ESA\\_Template\\_Guidance.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/ESA_Template_Guidance.pdf).
- Cultural Resources
  - A cultural resources report of archeological/historical resources on/near project site compiled from a record search by a qualified professional archeologist/historian at the regional center in your locale;
  - A Cultural Resources Report sufficient to initiate consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, prepared in accordance with the Sacramento District *Guidelines for Compliance with Section 106 of the National Historic Preservation Act*, which can be found on our website at: [http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL\\_2014-03-24\\_Section-106-Guidelines.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf).
- Compensatory Mitigation
  - A Draft/Final Mitigation and Monitoring Plan and/or Long Term Management Plan for the proposed preserve/ creation/ enhancement/ restoration areas, completed in accordance with the *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division, USACE*, which can be found on the South Pacific Divisions website at: <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/mitigation/MitMon.pdf>, and 33 CFR 332. The plan shall include mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria.
- Other information: