

U.S. Army Corps of Engineers (USACE) Albuquerque District



Application for Department of the Army Individual Permit

This form integrates the information in ENG Form 4345 with the items required by the Albuquerque District for Section 10 and Section 404 permits. Please consult instructions included at the end prior to completing this form.

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DESCRIPTION OF AN INDIVIDUAL PERMIT

Authorities: 33 USC 401, Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the U.S.; the discharge of dredged or fill material into waters of the U.S.; and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

Activities that do not qualify for authorization under the General Permit program may qualify for authorization by Individual Permit (IP). Authorization under IP may be obtained only through application with the USACE. These permits are issued for activities that have more than minimal adverse impacts to waters of the U.S., and evaluation of each permit application involves more thorough review of the potential environmental and socioeconomic effects of the proposed activity.

An application for a Department of the Army IP under Section 404 or Section 10 will be determined to be complete when the USACE receives sufficient information to issue a public notice (see 33 CFR 325.1(d) and 325.3(a) for details and supporting information). The applicant should address all activities that the applicant plans to undertake that are reasonably related to the same project and for which a Department of the Army permit would be required. An alternatives analysis and a mitigation plan are not required for a complete application to prepare a public notice but are very helpful.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

Part I: Project Information (If additional space is required, please indicate see attached and attach additional information as a separate sheet and label information according to the block section)

| | | | |
|--|---------------------------|---|-------------------|
| Box 1 Project Name: | | Applicant Name | |
| Applicant Title | | Applicant Company, Agency, etc. | |
| Mailing Address | | Applicant's internal tracking number (if any) | |
| Work Phone with area code | Home Phone with area code | Fax # | E-mail Address |
| Relationship of applicant to property: <input type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> Other: | | | |
| Application is hereby made for a permit or permits to authorize the work 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. | | | |
| Signature of applicant | | | Date (mm/dd/yyyy) |

| | | | |
|---|---------------------------|---|-------------------|
| Box 2 Authorized Agent/Operator Name and Signature: <i>(If an agent is acting for the applicant during the permit process)</i> | | | |
| Agent/Operator Title | | Agent/Operator Company, Agency, etc. | |
| Mailing Address | | | |
| E-mail Address | | | |
| Work Phone with area code | Home Phone with area code | Fax # | Cell Phone # |
| I hereby authorize the above-named 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. | | | |
| Signature of applicant | | | Date (mm/dd/yyyy) |
| 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. | | | |
| Signature of authorized agent | | | Date (mm/dd/yyyy) |

| | |
|--|------------------------------------|
| Box 3 Name of property owner, if other than applicant: | |
| <input type="checkbox"/> Multiple Current Owners <i>(If multiple current property owners, check here and include a list in Attachment A)</i> | |
| Owner Title | Owner Company, Agency, etc. |
| Full Mailing Address | |

| | |
|---------------------------|---------------------------|
| Work Phone with area code | Home Phone with area code |
|---------------------------|---------------------------|

Box 4 Project location, including street address, city, county, state, and zip code where proposed activity will occur:

Nature of Activity (Description of project; include all features; see instructions):

Project Purpose (Description of the reason or purpose of the project; see instructions):

Has a delineation of waters of the U.S., including wetlands, been completed? (see instructions)

Yes, in Attachment C No

If a delineation has been completed, has it been verified in writing by the USACE?

Yes, Date of approved or preliminary jurisdictional determination (mm/dd/yyyy):

USACE project number if known:

No

Are color photographs of the existing conditions available? Yes, in Attachment D No

Are aerial photographs available? Yes, in Attachment D No

Complete the table in Attachment E for any waters of the U.S. impacted by the proposed project.

Waterbody(ies) (if known; otherwise enter "an unnamed tributary to"):

Tributary(ies) to what known, downstream waterbody(ies):

Latitude and longitude (Decimal Degrees at center of project):

USGS Quad map name(s):

Watershed(s) and other location descriptions, if known:

Directions to the project location:

Box 5 Name of adjoining property owner whose property adjoins the project site:

Multiple Adjoining Property Owners/Lessees and Full Mailing Addresses *(if multiple adjoining property owners/lessees, check here and include a list in Attachment B)*

Name and Full Mailing Address:

Part II: Alternative(s) Analysis

Box 6 Describe the alternatives that would meet your overall project purpose in accordance with the Clean Water Act Section 404(b)(1) guidelines to demonstrate the proposed activity represents the least environmentally damaging practicable alternative: (See instructions)

Alternative(s) Analysis in Attachment F

Part III: Project Impacts and Mitigation

Box 7 Reason(s) for Discharge into waters of the U.S. (See instructions):

Type(s) of material being discharged and the amount of each type in cubic yards:

For activities involving dredging in navigable waters of the U.S., describe the type, composition, and quantity of the material to be dredged, the method of dredging, and the site and plans for disposal of the dredged material:

Indicate the proposed impacts to **waters of the U.S.** in ACRES (for wetlands and impoundments) and LINEAR FEET (for rivers and streams), and identify the impact(s) as permanent and/or temporary for each waterbody type listed below. The table below is intended as a tool to summarize impacts by resource type for planning compensatory mitigation and does not replace the table of waters of the U.S. in Attachment E.

| Waterbody Type | Permanent | | Temporary | |
|----------------------|-----------|-------------|-----------|-------------|
| | Acres | Linear feet | Acres | Linear feet |
| Non-forested wetland | | | | |
| Forested wetland | | | | |
| Perennial stream | | | | |
| Intermittent stream | | | | |
| Ephemeral stream | | | | |
| Impoundment | | | | |
| Other: | | | | |
| Total: | | | | |

| Fill Material | Permanent | | | Temporary | | |
|---------------|-------------|------------|------------|-------------|------------|------------|
| | Length (ft) | Width (ft) | Depth (ft) | Length (ft) | Width (ft) | Depth (ft) |
| Rip Rap | | | | | | |
| Soil | | | | | | |
| Concrete | | | | | | |
| Other | | | | | | |

Potential indirect and/or cumulative impacts of proposed discharge (if any):

Required drawings (see instructions):

Vicinity map: In Attachment G

To-scale plan view drawing(s): In Attachment G

To-scale elevation and/or cross section drawing(s): In Attachment G

Is any portion of the work already complete? Yes No

If yes, describe the work:

Indicate the proposed impacts to **waters of the U.S.** in ACRES (for wetlands and impoundments) and LINEAR FEET (for rivers and streams), and identify the impact(s) as permanent and/or temporary for each waterbody type listed below. The table below is intended as a tool to summarize impacts by resource type for planning compensatory mitigation and does not replace the table of waters of the U.S. in Attachment E.

Box 8 Authority: (see instructions)

Is Section 404 of the Clean Water Act applicable? Yes No

Is Section 10 of the Rivers and Harbors Act for projects affecting navigable waters applicable?
 Yes No (see *District's Navigable Waters list*)

Box 9 Federally Threatened or Endangered Species (see instructions)

Please list any federally-listed (or proposed) threatened or endangered species or critical habitat potentially affected by the project (include scientific names (i.e., genus species), if known):

Have surveys, using U.S. Fish and Wildlife Service (USFWS) protocols, been conducted? If a federally-listed species may potentially be affected, please provide a description and a biological evaluation.

Yes, Report in Attachment H No (explain):

Has Section 7 consultation been initiated by another federal agency?

Yes, Initiation letter in Attachment H No

Has the USFWS issued a Biological Opinion?

Yes, Report in Attachment H No

If yes, list date Opinion was issued (mm/dd/yyyy):

Box 10 Historic Properties and Cultural Resources

Please list any historic properties listed (or eligible to be listed) on the National Register of Historic Places which the project has the potential to affect:

Has an archaeological records search been conducted?

Yes, Report in Attachment I No (explain):

Are any cultural resources of any type known to exist on-site?

Yes No

Has an archaeological pedestrian survey been conducted for the site?

Yes, Report in Attachment I No (explain):

Has Section 106 or SHPO consultation been initiated by another federal or state agency?

Yes, Initiation letter in Attachment I No

Has a Section 106 MOA been signed by another federal agency and the SHPO?

Yes, in Attachment I No

If yes, list date MOA was signed (mm/dd/yyyy):

Box 11 Location of Fill Material Borrow Sites:

Location of fill material being obtained to determine if there are any Sect. 106 or T & E issues from this site(s):

Box 12 Proposed Conceptual Mitigation Plan Summary (see instructions)

Applicant proposes combination of one or more of the following mitigation types:

Mitigation Bank On-site Off-site (Number of sites:) None

Indicate in ACRES (for wetlands and impoundments) and LINEAR FEET (for rivers and streams) the total quantity of waters of the U.S. proposed to be created, restored, enhanced, and/or preserved for purposes of providing compensatory mitigation. Indicate mitigation site type (on- or off-site) and number. Indicate waterbody type (non-forested wetland, forested wetland, perennial stream, intermittent stream, ephemeral stream, impoundment, other) or non-jurisdictional (uplands¹).

| Mitigation Site Type and Number | Waterbody Type | Created | Restored | Enhanced | Preserved |
|---------------------------------|-----------------------------|-----------------|---------------|----------------|-----------|
| <i>e.g., On-site 1</i> | <i>Non-forested wetland</i> | <i>0.5 acre</i> | | | |
| <i>e.g., Off-site 1</i> | <i>Intermittent stream</i> | | <i>500 LF</i> | <i>1000 LF</i> | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | Totals: | | | | |

¹ For uplands, please indicate if designed as an upland buffer.

Provide a detailed explanation of how appropriate and practicable steps have been taken to avoid, minimize, or mitigate, the adverse impact of the proposed project on the aquatic ecosystem: (may be included with attachment J)

Has a conceptual mitigation plan been prepared in accordance with the USACE regulations and guidelines? Yes, in Attachment J No (explain):

Mitigation site(s) latitude and longitude (Decimal Degrees at center of site):

USGS Quad map name(s):

Other location descriptions, if known:

Directions to the mitigation location(s):

Box 13 Clean Water Act Section 401 Water Quality Certification (see instructions):

For Texas:

TCEQ Type of 401 Certification: Tier I Tier II

For Tier I, does the project incorporate the Best Management Practices (BMPs) and other requirements of the Tier I Checklist?

Yes (Include Completed Tier I Checklist in Attachment K) No

For Tier II, has a 401 Certification Questionnaire and Alternatives Analysis Checklist been completed? Yes, in Attachment K No

For New Mexico & Colorado:

Applying for individual water quality certification? Yes No

Other information for individual water quality certification:

Box 14 List of other certifications or approvals/denials received from other federal, state, or local agencies for work described in this application:

| Agency | Approval Type ² | Identification No. | Date Applied | Date Approved | Date Denied |
|--------|----------------------------|--------------------|--------------|---------------|-------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

² Would include but is not restricted to zoning, building, and floodplain permits

Part IV: Attachments

- | | Included |
|---|--------------------------|
| A. List of Project Site Property Owners | <input type="checkbox"/> |
| B. List of Adjoining Property Owners, Lessees, etc. | <input type="checkbox"/> |
| C. Delineation of Waters of the U.S., Including Wetlands | <input type="checkbox"/> |
| D. Color Photographs | <input type="checkbox"/> |
| E. Table of Waters of the U.S. Impacted by the Proposed Project | <input type="checkbox"/> |
| F. Alternative(s) Analysis | <input type="checkbox"/> |
| G. Required Drawings/Figures | <input type="checkbox"/> |
| H. Federally Threatened or Endangered Species Information | <input type="checkbox"/> |
| I. Historic Properties and Cultural Resources Information | <input type="checkbox"/> |
| J. Conceptual Mitigation Plan | <input type="checkbox"/> |
| K. Section 401 Water Quality Certification Information | <input type="checkbox"/> |
| L. Other: | <input type="checkbox"/> |

End of Form

Instructions: [please do not include these pages when submitting form]

- 1) **Boxes 1 to 3:** Provide contact information for the Applicant, Agent, Owner, etc.
- 2) **Box 4:**
 - a. **Nature of Activity:** Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the application. The application must include all activities the applicant plans to undertake that are reasonably related to the project (e.g., coffer dams, borrow and disposal sites, access roads, equipment ramps, dredging, etc.). Include a project schedule and any other available information that may assist interested parties in evaluating the likely impact of the proposed activity on factors affecting the public interest.
 - b. **Proposed Project Purpose:** Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project.
 - c. **Delineation of waters of the U.S.:**

Waters of the U.S. are defined under 33 CFR part 328.3 (a) as:

 - (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - (2) All interstate waters including interstate wetlands;
 - (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;
 - (4) All impoundments of waters otherwise defined as waters of the U.S. under the definition;
 - (5) Tributaries of waters identified in paragraphs (a) (1) through (4) of this section;
 - (6) The territorial seas;
 - (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

In addition, 33 CFR part 328.3 (b) states: The term wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, the ordinary high water mark, as well as any adjacent wetlands, demarcate the limits of non-tidal waters of the U.S. Wetlands are identified and delineated using the methods and criteria established in the USACE *Wetlands Delineation Manual* (1987 Manual) (i.e., occurrence of

hydrophytic vegetation, hydric soils, and wetland hydrology) as well as any applicable interim regional supplements.

d. Include information for each water of the U.S. impacted by the proposed project in Attachment E.

3) **Box 5:** Provide names and full mailing addresses of the adjacent property owners (public and private), lessees, etc., whose property adjoins the water-body(ies) or aquatic site(s) where the work is being proposed so that they may be notified of the proposed activity.

4) **Box 6:** The Alternative(s) Analysis may be included in Attachment F.

a. **General alternative(s) analysis information:** Under the Section 404(b)(1) guidelines, the USACE may only permit discharges of dredged or fill material into waters of the U.S. that represent the least damaging practicable alternative, so long as the alternative does not have other significant adverse environmental consequences. Also, for some states such as Texas, under TCEQ rules at 30 TAC Section 279.11(c), TCEQ may certify discharges of dredged or fill material into waters of the U.S. only after practical alternatives which have less adverse impact on aquatic ecosystems have been evaluated.

b. **Alternative(s) analysis.** Consider alternatives that would involve both smaller and larger areal coverage as well as alternatives that would be sited in different locations. Focus this analysis on potential alternatives that might have less adverse impact on the aquatic ecosystem, but consider alternatives that would have more impact on the aquatic ecosystem but less adverse impact on the environment overall. Describe the alternatives that would meet your overall project purpose considering the following:

i. The proposed alternative.

ii. Alternatives that would involve no discharges of dredged or fill material into waters of the U.S., including wetlands (no action, off-site, on-site).

iii. Alternatives that would involve discharges that would have less adverse impact to waters of the U.S., including wetlands (on-site, off-site).

iv. Alternatives that would involve discharges that would have greater adverse impact to waters of the U.S., including wetlands (on-site, off-site).

c. **Practicability of alternatives.** Address the practicability of the above alternatives. Practicability depends on cost, technical, and logistical factors. To be practicable, an alternative must be available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded, or managed in order to fulfill the overall purpose of the proposed activity should be considered. Technical and logistical factors that should be considered include, but are not necessarily limited to: access, transportation needs, utilities, topography, and available construction techniques. Address the consequences on the applicant and the public of not implementing the project.

d. **Environmental impact of alternatives.** Assess the impact (adverse and beneficial) of each alternative on the aquatic ecosystem and the environment overall. Compare the impact of the alternatives and identify which, in your view, is the least environmentally damaging practicable alternative and why. Identify practicable alternatives that have no significant or

easily identifiable difference in impact from the least environmentally damaging practicable alternative.

- e. **Suggestions for developing alternatives for linear projects.** In some cases, such as linear projects, it may be appropriate to use a methodical screening process to identify a proposed alternative. For instance a project could evaluate a series of alternative corridors, choose a proposed corridor based on the least damaging practicable alternative, and then study alternative alignments and construction methods within the proposed corridor to further minimize impacts.

5) **Box 7:**

- a. **Reason for discharge:** If the activity involves the discharge of dredged or fill material into waters of the U.S., including temporary placement of material, explain the specific purpose of the discharge. For activities involving the construction of an impoundment structure, include documentation that the structure complies with established state dam safety criteria or that the structure has been designed by qualified persons and, in appropriate cases, independently reviewed (and modified as review would indicate) by similarly qualified persons.
- b. **Type of material:** Describe the type, composition, and quantity of material to be discharged in waters of the U.S. Also describe the source and method of transportation of the material, and the location of the disposal site (if applicable).
- c. **Surface areas filled:** Describe the waters of the U.S. to be filled at each location and identify the surface areas, or part thereof, to be filled. Also include a description of the means by which the discharge is to be done. If dredged material is to be discharged on an upland site, identify the site and steps taken (if necessary) to prevent runoff from the dredged material back into a water of the U.S.
- d. **Required drawings (see link for map and drawing standards):**

<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices/tabid/1276/Article/3003/special-public-notice-final-map-and-drawing-standards-for-the-south-pacific-div.aspx>

Submit one legible copy of all drawings (8 1/2 x 11-inch or 11 x 17-inch) with a 1-inch margin around the entire sheet. The title box shall contain the title of the proposed project, date, and sheet number.

- i. **Vicinity map:** Cover an area large enough so the project can be easily located; include arrow marking the project area, identifiable landmarks (e.g., named waterbody, county, city), name or number of roads, north arrow, and scale.
- ii. **Plan view:** Show existing and proposed plan view for each element of work, structure, or fill and excavation proposed; locate with respect to a fixed point such as a plat line, set of coordinates, or some fixed, immovable object. Clearly indicate the direction of water flow. Show a delineation of potential waters of the U.S. Include features such as existing bank lines, ordinary high water mark line(s), average water depth around the activity, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, north arrow, and scale.
- iii. **Elevation and/or cross-section views:** Show existing and proposed water depths and land elevations relative to the ordinary high water mark when applicable. For reservoirs, normal pool, or conservation, elevation and any other established seasonal elevations (e.g., recreational pool, power pool, etc.) must be shown. Include features such as water elevation as shown on plan view drawing, existing and proposed ground level, dimensions

of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, and scale.

- 6) **Box 8:** A list of navigable waters in the Albuquerque District can be found at the following website:

<http://www.spa.usace.army.mil/Portals/16/docs/civilworks/regulatory/Jurisdiction/navigablewaters17june09.pdf>

Under Section 404 of the Clean Water Act, the USACE regulates the discharge of dredged or fill material into waters of the U.S. More information on regulated activities can be found at the following website:

<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>

- 7) **Box 9:** Data on federally threatened or endangered species may be included in Box 9 and/or in Attachment H. Information on federally threatened or endangered species may be found on the U.S. Fish and Wildlife Service websites and State Game Department websites.

http://www.fws.gov/southwest/es/EndangeredSpecies_Main.html

<http://www.wildlife.state.nm.us/conservation/index.htm>

<http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>

<http://www.tpwd.state.tx.us/huntwild/wild/species/endang/index.phtml>

http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/

<http://www.fws.gov/mountain-prairie/endspp/>

- 8) **Box 10:** Data on historic properties and cultural resources may be included in Box 10 and/or in Attachment I.

- 8) **Box 11:** Provide location and describe the sites where fill material will be obtained, if the site has Section 106 or T&E Issues.

- 10) **Box 12:** When completing this box, be aware that the USACE will consider if the project has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site when determining appropriate and practicable mitigation. The USACE may also require compensatory mitigation for losses of wetlands, streams, and open waters to ensure that appropriate and practicable steps have been taken to minimize, or mitigate, the adverse impact of the proposed project on the aquatic ecosystem. See the USACE Albuquerque District Regulatory Branch website for a mitigation plan template and requirements.

<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/Mitigation.aspx>

<http://www.spa.usace.army.mil/Portals/16/docs/civilworks/regulatory/Mitigation/12501-SPD%20Standard%20Operating%20Procedure%20for%20Determination%20of%20Mitigation%20Ratios.pdf>

- 11) Box 13:** The application should include information to address Clean Water Act Section 401 water quality certification for projects in Texas, Colorado, or the New Mexico.

The forms and information for individual permit water quality certification from the TCEQ can be found at the following website:

http://www.tceq.state.tx.us/permitting/water_quality/wq_assessment/401certification/401certification_definition.html

Information for water quality certification from NMSWQB can be found at the following website:

<ftp://ftp.nmenv.state.nm.us/www/swqb/WPS/401-404/NWPCertificationNotice04-13-2012.pdf>

For Colorado the website is:

<http://www.colorado.gov/cs/Satellite?c=Page&childpagename=CDPHE-WQ%2FCBONLayout&cid=1251596875260&pagename=CBONWrapper>

- 12) Box 14:** List any other additional permits.
- 13) Attachments:** Check the boxes in Part IV for those attachments that are included, and place a cover sheet or tab with each attachment behind the last page of the form. If additional rows are necessary for the table in Attachment E, include an additional table in Attachment E that is formatted the same as the first table. If the nature of the activity and level of impacts would require additional analysis and/or information (e.g., hydrology and hydraulics analysis, economic feasibility, etc.) to make a determination of compliance with the Section 404 (b)(1) Guidelines, these should be included as additional attachments.