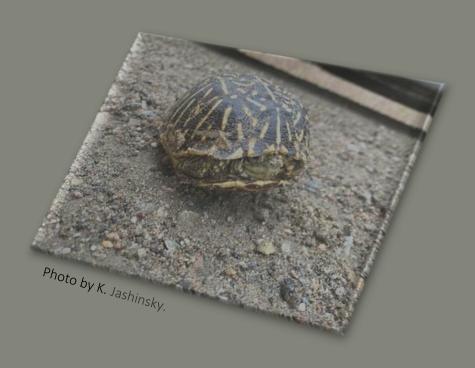
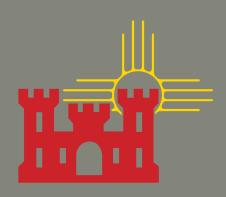
GUIDELINES FOR U.S. ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts





Kerrianne Zdimal, Project Manager

Corps of Engineers, Albuquerque District Southern Colorado Branch, Durango, CO

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."





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Overview

- Notification
- Format
- Required Contents
- Tips for Additional Information to Include



Photo by K. Jashinsky.





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Notification

 Required for certain NWPs, activities, thresholds, and/or other considerations

Contents

NWP general condition 32(b)

Format

- NWP general condition 32(c)
 - ✓ Form ENG 6082
 - ✓ Letter Containing Required Information

G. Executive Order 13777, Enforcing the Federal Register/Vol. 86, No. 245/Monday, December 27, 2021/Rules and Regulations D. Reynance to Comments on Specific DEPARTMENT OF DEFENSE 23. Approved Gasegorical Exclusions Nationwide Permits in This Final Rule Department of the Army, Corps of 24. Indian Tribe or State Administered Nationwide Permit General Conditions Section 404 Programs F. Responses to Comments on the District 25. Structural Discharges AGENCY: Arn Enginoxe's Decision 27. Aquatic Habited Restoration, 33 CFR Chapter II C. Discussion of Proposed Modifications to ACTION: Fina Establishment, and Enhancement Section C. DeBreitions Activities 28. Modifications of Existing Marinus (Docket Number: COE-2020-0002) SUMMARY: N III. Compliance With Relevant Statutes authorize ce 30, Moist Soil Management for Wildlife Section 404 Compliance 31. Malmerence of Balating Flood Control Section 10 o Reissuance and Modification of B. Compliance With Section 404(e) of the Clean Water Act Parilities. of 1899. The Nationwide Permits 32. Gompleted Enforcement Actions aquatic envi 2020 Revisions to the Definition of 23. Temporary Goastmotion, Access, and AGENCY: Army Come of Engineers, DoD. Dewotering interest by n "Waters of the United States" (i.e., the reduce impa acrony Final cole Nevigable Waters Protection Rule) 34. Cratherry Production Activities D. Compliance With the findengered 35. Maintenance Bridging of Existing Basins authorizing SUMMARY: Nationwide Permits (NWPs) Species Act. 36. Bout Barrow than minim authorize certain activities under E. Compliance With the Recential Fish 37. Eroegestry Watershed Protection and Rehabilitation cumulative a Section 404 of the Clean Water Act and Hubitat Provisions of the Magnuson Stevens Fishery Conservation and Section 10 of the Rivers and Harbors Act 36. Cleanup of Hazardons and Toxic Waste of 1898 that have no more than minimal 43. Reshaping Existing Drainage Ditches

NWPs and i

these 16 NW

individual and cumulative adverse

environmental effects. In a proposed

rule published in the September 15.

2020, issue of the Federal Register, the

Corns proposed to reissue 52 existing

NWPs and issue five new NWPs, plus

Federal Register, the Corps reissued 12

of the 52 existing NWPs and four of the

thas final rule, the Corps is reissuing the

remaining 40 existing NWPs and issning

the remaining one new NWP. The NWP

hed in the lanuary 13, 2021, iss

general conditions and definitions

five new NWPs, as well as the NWP

general conditions and definitions. In

the NWP general conditions and definitions. In a final rule published in

the lanuary 13, 2021, issue of the

86 FR 2744; 86 FR 73522

National Environmental Police Act

NHPA National Historic Preservation Act

F. Compliance With Section 106 of the

Notional Historic Preservation Act.

Section 401 of the Clean Water Act.

Management Art (CZMA)

V. Administrative Requirements

BMP Best Management Practice

Expential Figh Habitat

Endangered Species Act.

FWS - ELS. Pish and Wildlife Service

IV. Separation Impact

CWA. Gloop Woter Act.

DA. Department of the Arms

General Condition

List of Accouves





45. Repair of Uplands Damaged by Discrete

50. Water Reclamation and Reuse Facilities

The U.S. Army Corps of Engineers

(Corps) issues nationwide poemits

U.S.C. 1344) and Section 10 of the

Rivers and Harbors Act of 1899 (33)

possilt in no more than minimal

(NWPs) to authorize activities under

Section 404 of the Clean Water Act (33)

U.S.C. 4031, where those activities will

46. Discharges in Ditches

54. Oking Shorelines

A. General

49. Goal Remaing Activities

55. Removal of Love-Hood Dates

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General Condition 32(b) - Required Contents

- (1) Contact info for the prospective permittee.
- (2) Location of the proposed activity.
- (3) Identify the specific NWP or NWP(s).
- (4) Description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects; include illustrative description.
- (5) Delineation of aquatic resources.
- (6) Mitigation statement if the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed.
- (7) Endangered Species Act compliance.
- (8) National Historic Preservation Act compliance.
- (9) If applicable, identify the Wild and Scenic River or the "study river".
- (10) If applicable, include a statement confirming that the project proponent has submitted a written request for Section 408 permission.





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	NATIONWIDE I	PERMIT PRE		ON NOTIFICAT	TION (PCN)		Form Approved MIT No. 0719-0002 Spires: 02-29-2022
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Authority	Engineers (Corps)			n water not, seemo	n 404, 33 USC 1344; R	equatory region	of the Corps or
Principal Purpo Routine Uses	e Information provided on this form will be used in evaluating the sationwide permit pre-construction notification. This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and						
Disclosure	may be made are lable as part of the agency coordination process. Submassion of requests information is solution, however, if information is not provided the permit application cannot be evaluated nor can accord be faced.						
The public report		V	604, 0710-0003, is	estimated to averag	je 11 haurs per respon	se, including the fir	ne for reviewing
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		-	ITEMS BELOW TO	BE FILLED BY AL	PPLICANT)	1	
S. APPLICANTS	NAME			8. AUTHORI	ZED AGENTS NAME	AND TITLE (agent	is not required)
First-	Wickle -	Last	-	Fret-	Midd	a- Last	
Company -				Company			
Company Title -				E-mail Addre	95 -		
E-mail Address -							
6. APPLICANTS	S ADDITESS			9. AGENTS	ADDRESS		
Address-				Address-			
City-	State -	Zo-	County-	City-	State -	Ze-	Country-
7. APPLICANT'S	PHONE NOs. with AS	REA CODE	-03	11 AGENTS	PHONE NOS WIR AR	EA CODE	(0)
a. Mesidence	b. Duamena	c.Fat	d. Mobile	s. Heardence	b. Business	c. Fax	d. Mobile
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11. Thereby auf		etal information i	in support of this nat	forwide pernit pre	construction motification	K	
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General Condition 32(c) – Format

- Option 1 ENG Form 6082
 - \checkmark 1 − Blocks 5, 6, 7.
 - ✓ 2 Blocks 13, 14, 15, 16, 17.
 - ✓ 3 Blocks 18.
 - ✓ 4 Blocks 19, 20, 21, 22, 23, 25 and 30.
 - ✓ 5 Block 22.
 - ✓ 6 Block 24.
 - √ 7 Block 26.
 - ✓ 8 Block 27.
 - ✓ 9 Block 28.
 - ✓ 10 Block 29.
- Option 2 Detailed in Letter Format





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NWP general condition 32(b) – Guidance for Item #1

Who?

"(1) Name, address, and telephone numbers of the prospective permittee;"



Photo by K. Jashinsky.





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Photo by K. Jashinsky.

NWP general condition 32(b) – Guidance for Item #2

Where?

"(2) Location of the proposed activity;"

- Directions to the site
- Project start and end, if linear
- Location map





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NWP general condition 32(b) – Guidance for Item #3

Which NWP or NWPs are you requesting verification of?



Photo by K. Jashinsky.





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Loss of waters of the United States:

Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity.

The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody.

The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services.

Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.





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Photo by K. Jashinsky.

NWP general condition 32(b) – Guidance for Item #4

- Project description
- Direct and indirect adverse environmental effects
- Other permits (general or standard) intended to be used to authorize any part of the proposed or related activity





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NWP general condition 32(b) - Guidance for Item #4

- Impacts Written and Visual
 - ✓ Updated Map and Drawing Standards for the South Pacific Division Regulatory Program dated February 10, 2016 (https://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/MapStand020816.pdf)
 - √ Table format

AR Name	AR Type (Cowardin Classification)	Impact Type (fill, excavation, culvert, rip-rap, drop structure, channel relocation, impoundment, etc.)	Volume of Impact (cubic yards below OHWM)	Impact Duration (temp/ perm)	Area of Impact (Sq ft or acres)	Linear Length of Impact (feet)	Lat	Long
Total								

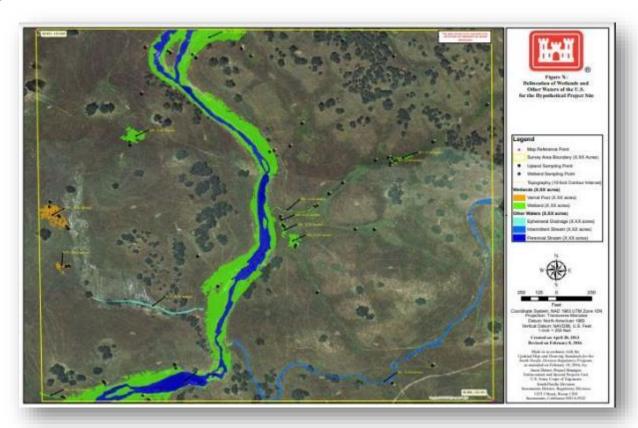




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NWP general condition 32(b) – Guidance for Item #5

- Delineation
 - √ Baseline conditions
 - ✓ Photos
 - ✓ Delineation map







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NWP general condition 32(b) – Guidance for Item #6

Mitigation

"(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required;"

- ✓ South Pacific Division Mitigation Ratio Setting Checklist
- ✓ South Pacific Division Mitigation and Monitoring Guidelines
- ✓ Colorado Mitigation Procedures (COMP)





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NWP general condition 32(b) – Guidance for Item #7

- Threatened and Endangered Species
 - ✓ Non-federal permittees

Species Name	Determination	Rationale
List all species reviewed	No effect	
Include common and Latin names	May affect, but not likely to adversely affect	
VIII (S)	May affect, and is likely to adversely affect	

✓ Federal permittees or projects in which another Federal agency is acting as lead





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NWP general condition 32(b) – Guidance for Item #8

- Cultural Resources
 - ✓ Non-federal permittees
 - Type and level of investigation conducted
 - Recommendations of eligibility, if applicable
 - Recommendations regarding the potential to effect
 - ✓ Federal permittees or projects in which another Federal agency is acting as lead





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NWP general condition 32(b) - Guidance for Item #9

- National Wild and Scenic River System
 - ✓ http:// <u>www.rivers.gov</u>
 - ✓ No NWP activity may occur unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status
 - ✓ The permittee must submit a preconstruction notification.





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NWP general condition 32(b) – Guidance for Item #10

Section 408

✓ For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.





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Tips to Consider When Preparing A PCN

- Project Name
- Some NWPs may require information above/beyond General Condition 32(b)
 - ✓ Example Nationwide Permit 27
- Compliance with general and regional conditions
- Signature of the Applicant, and Agent if applicable, certifying that the information in the PCN is complete and accurate
- Authorizations and Permissions





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Tips to Consider When Preparing A PCN

- Water Quality Certification
- The following can be provided, if applicable:
 - ✓ Biological Evaluation or Assessment
 - ✓ Historic and Cultural Resources Survey
 - ✓ Compensatory mitigation plan, conceptual or final.
 - ✓ Evidence of Lead Federal Agency
 - ✓ Storm Water Management Plan
 - ✓ List of other permits received
 - ✓ Other site-specific evaluation



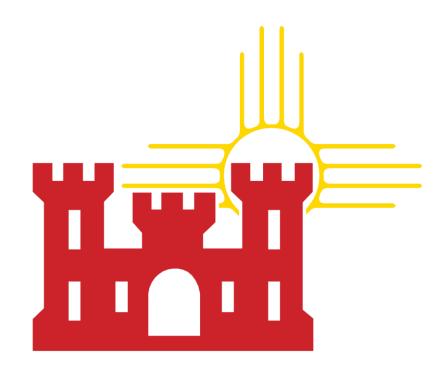


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Questions?



Photo by K. Jashinsky.



Kerrianne Zdimal, Project Manager

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