

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

Albuquerque & Omaha Districts

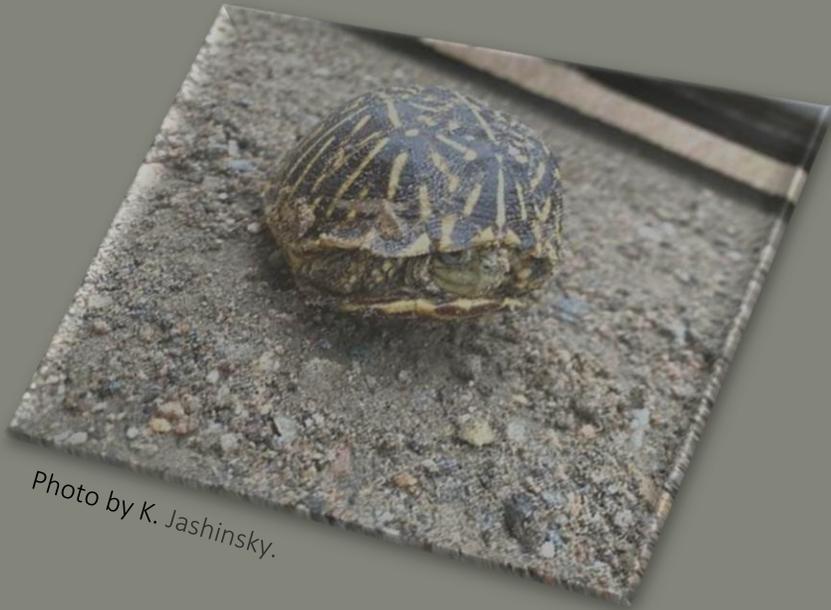
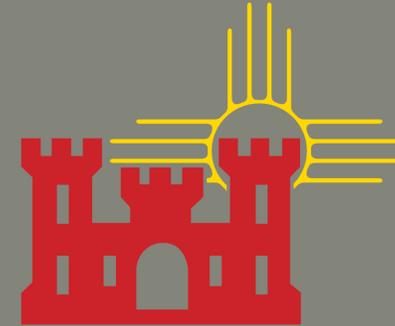


Photo by K. Jashinsky.



Kerrienne 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.”



**US Army Corps
of Engineers®**



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

Overview

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



Photo by K. Jashinsky.

PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

Notification

- Required for certain NWP's, 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



86 FR 2744; 86 FR 73522



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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.

PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

U.S. Army Corps of Engineers (USACE) NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN) 33 CFR 330. The proposing agency is CECW-CO-R.		Form Approved OMB No. 0710-0003 Expires: 02-28-2022
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
Authority:	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 205-332.	
Principal Purpose:	Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.	
Routine Uses:	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of the agency coordination process.	
Disclosures:	Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.	
<p>The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at www.dod.gov/odm/041001-information-collection@odm.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</p> <p>PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.</p> <p>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 complete drawings and/or 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.</p>		
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)		
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED
(ITEMS BELOW TO BE FILLED BY APPLICANT)		
5. APPLICANT'S NAME		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First -	Middle -	Last -
Company -		Company -
Company Title -		Email Address -
E-mail Address -		
6. APPLICANT'S ADDRESS		9. AGENT'S ADDRESS
Address -		Address -
City -	State -	Zip -
County -		City -
		State -
		Zip -
		County -
7. APPLICANT'S PHONE NOS. with AREA CODE		10. AGENT'S PHONE NOS. with AREA CODE
a. Residence	b. Business	c. Fax
d. Mobile	a. Residence	b. Business
c. Fax	d. Mobile	
STATEMENT OF AUTHORIZATION		
I, _____, hereby authorize _____ to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.		
SIGNATURE OF APPLICANT		DATE
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY		
12. PROJECT NAME or TITLE (see instructions)		

ENG FORM 6082, OCT 2019

PREVIOUS EDITIONS ARE OBSOLETE.

Page 1 of 8

General Condition 32(c) – Format

- Option 1 – ENG Form 6082
 - ✓ 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



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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

- Who?

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



Photo by K. Jashinsky.



US Army Corps
of Engineers ®



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts



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*



US Army Corps
of Engineers ®



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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

- Which NWP or NWPs are you requesting verification of?



Photo by K. Jashinsky.

PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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 pre-construction 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.



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts



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

PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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

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

PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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

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



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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)



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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	
	May affect, and is likely to adversely affect	

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

PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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

- National Wild and Scenic River System
 - ✓ [http:// www.rivers.gov](http://www.rivers.gov)
 - ✓ 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



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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.*



PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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

PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

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

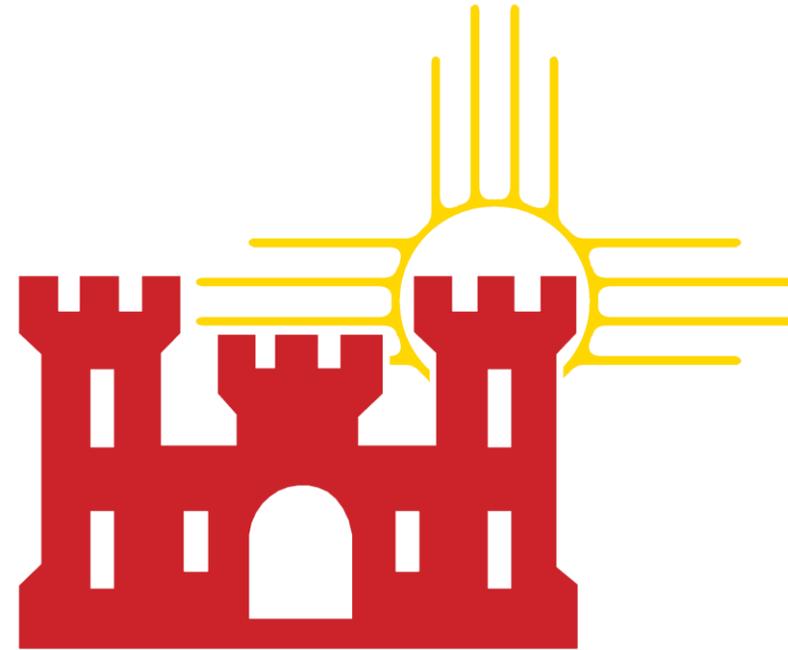
PRE-CONSTRUCTION NOTIFICATION

Albuquerque & Omaha Districts

Questions?



Photo by K. Jashinsky.



Kerrienne Zdimal, Project Manager

Corps of Engineers, Albuquerque District

Southern Colorado Branch, Durango, CO