

U.S. Army Corps of Engineers South Pacific Division



Nationwide Permit Pre-Construction Notification (PCN)

This form integrates requirements of the U.S. Army Corps of Engineers (Corps) Nationwide Permit Program within the South Pacific Division (SPD). Boxes 1-10 must be completed to include all information required by General Condition 32. Box 11 (or other sufficient information to show compliance with all General Conditions) must be completed for activities in Arizona, California, Nevada, and Utah, and is recommended for activities in Colorado and New Mexico. If additional space is needed, please provide as a separate attachment. Please refer to the *Instructions for the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN)* (Instructions) for instructions for completing the PCN, as well as additional information on the attachments and tables included with this PCN that may be used.

0. To be filled by the Corps

Application Number:	Date Received:	Date Complete:

1. Prospective Permittee and Agent Name and Addresses (see Instructions)

a. Prospective Permittee

First - _____ Middle - _____ Last - _____
 Company - _____ Email Address - _____
 Address - _____ City - _____ State - _____ Zip - _____
 Phone (Residence/Mobile) - _____ Phone (Business) - _____

b. Agent (if applicable)

First - _____ Middle - _____ Last - _____
 Company - _____ Email Address - _____
 Address - _____ City - _____ State - _____ Zip - _____
 Phone (Residence/Mobile) - _____ Phone (Business) - _____

c. Statement of Authorization: I hereby authorize _____, to act in my behalf as my agent for the proposed activity. (Optional, see instructions)

Signature of Applicant

Date

2. Name and Location of the Proposed Activity (see Instructions)

The proposed work would involve multiple-single and complete projects. See attachment for the information required in Boxes 2 through 10, and 11, if applicable.

a. Project Name or Title:

b. County, State:

c. Name of Waterbody:

d. Coordinates:

Unknown (please provide other location descriptions below)

Latitude -

Longitude -

e. Other Location Description (optional, see instructions):

f. Driving Directions to the site (optional, see instructions):

3. Specific NWP(s) you want to use to authorize the proposed activity (see Instructions)

4. Description of the Proposed Activity (see Instructions)

a. Complete description of the Proposed Activity:

b. Purpose of the Proposed Activity:

c. Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands and other waters of the U.S. expected to result from the NWP(s) activity:

d. Description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity:

e. Any other NWP(s), Regional/Programmatic General Permit(s) or Individual Permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity:

f. Have sketches been provided containing sufficient detail to provide an illustrative description of the proposed activity?

Yes, Attached No

N/A; The activity is located in the Los Angeles District boundaries of Arizona and California, See Attachment 1

N/A, The activity is located in the San Francisco District boundaries of California, See Attachment 2

N/A, The activity is located in the Sacramento District boundaries of California, Nevada, or Utah, See Attachment 3

5. Aquatic Resource Delineation (see Instructions)

a. Has a delineation of aquatic resources been conducted in accordance with the current method required by the Corps? Yes No

If yes, please attach a copy of the delineation

Note: If no, your PCN is not complete. In accordance with General Condition 32, you may request the Corps delineate the special aquatic sites and other waters on the project site, but there may be a delay. In addition, the PCN will not be considered complete until the delineation has either been submitted to or completed by the Corps, as appropriate.

b. If a delineation has been submitted, would you like the Corps to conduct a jurisdictional determination (preliminary or approved)? Yes No

If yes, please complete, sign and return the attached *Appendix 1 – Request for Corps Jurisdictional Determination (JD)* sheet or provide a separate attachment with the information identified in Appendix 1.

6. Compensatory Mitigation (see Instructions)

a. Will the proposed activity result in the loss of greater than 1/10-acre of wetlands? Yes No

If yes, describe how you propose to compensate for the loss of each type of wetland:

Note: for the loss of less than 1/10 acre of wetlands, or if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

b. Will the proposed activity result in the loss of streams or other open waters of the U.S.? Yes No

If yes, provide a description of any proposed compensatory mitigation for the loss of each type of stream or other open water:

Note: if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.

7. Endangered Species Act (ESA) Compliance (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there any Federally-listed endangered or threatened species or critical habitat that might be affected or is in the vicinity of the activity? Yes No

(2) Is the activity located in designated critical habitat for Federally-listed endangered or threatened species? Yes No

If yes to either (1) or (2), include the name(s) of those endangered or threatened species that might be affected by the proposed activity or might utilize the designated critical habitat that might be affected by the proposed activity:

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

If no to both (1) and (2), proceed to Box 8.

Note: If yes to either (1) or (2), note per General Condition 18(c), you shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

b. Has information sufficient to initiate consultation with the U.S. Fish and Wildlife Service/National Marine Fisheries Service for compliance with Section 7 of the ESA been prepared? Yes No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the ESA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with ESA as a separate attachment.

8. Historic Properties (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there a known historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that the NWP may have the potential to affect? Yes No

If yes to (1), state which historic property may have the potential to be affected by the proposed activity:

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

OR

A vicinity map indicating the location of the historic property is enclosed

(2) If no to (1), describe the potential for the proposed work to affect a previously unidentified historic property:

Note: If yes to (1), note per General Condition 20(c), you shall not begin the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the National Historic Preservation Act (NHPA) has been completed.

b. Has information sufficient to initiate consultation with the State Historic Preservation Officer/Tribal Preservation Officer for compliance with Section 106 of the National Historic Preservation Act (NHPA) been prepared?

Yes No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the NHPA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with NHPA in a separate attachment.

9. National Wild and Scenic Rivers (see Instructions)

a. Will the proposed activity(s) occur in a component of the National Wild and Scenic River System or 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?

Yes, in a component of a National Wild and Scenic River System; Yes, in a “study” river No

If yes, identify the Wild and Scenic River or the “study river”

Note: per General Condition 16(b), you shall not begin the NWP activity until notified by the Corps that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. If you have received written notification from the Federal agency, please attach the correspondence.

10. Section 408 Permissions (see Instructions)

a. Will the NWP also require permissions 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? Yes No

If yes, have you received Section 408 permission to alter, occupy, or use the Corps project? Yes No

If yes, please attach the Section 408 permission

If yes, note per General Condition 31, an activity that requires Section 408 permission is not authorized by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.

11. Compliance with NWP General Conditions (see Instructions)

Check	General Condition	Rationale for Compliance with General Condition
<input type="checkbox"/>	1. Navigation	
<input type="checkbox"/>	2. Aquatic Life Movements	
<input type="checkbox"/>	3. Spawning Areas	
<input type="checkbox"/>	4. Migratory Bird Breeding Areas	
<input type="checkbox"/>	5. Shellfish Beds	
<input type="checkbox"/>	6. Suitable Material	

<input type="checkbox"/>	7. Water Supply Intakes	
<input type="checkbox"/>	8. Adverse Effects from Impoundments	
<input type="checkbox"/>	9. Management of Water Flows	
<input type="checkbox"/>	10. Fills Within 100-Year Floodplains	
<input type="checkbox"/>	11. Equipment	
<input type="checkbox"/>	12. Soil Erosion and Sediment Controls	

<input type="checkbox"/>	13. Removal of Temporary Fills	
<input type="checkbox"/>	14. Proper Maintenance	
<input type="checkbox"/>	15. Single and Complete Project	
<input type="checkbox"/>	16. Wild and Scenic Rivers	
<input type="checkbox"/>	17. Tribal Rights	
<input type="checkbox"/>	18. Endangered Species	See Box 7 above.
<input type="checkbox"/>	19. Migratory Bird and Bald and Golden Eagle Permits	

<input type="checkbox"/>	20. Historic Properties	See Box 8 above.
<input type="checkbox"/>	21. Discovery of Previously Unknown Remains and Artifacts	
<input type="checkbox"/>	22. Designated Critical Resource Waters	
<input type="checkbox"/>	23. Mitigation	See Boxes 4(d) and 6 above.
<input type="checkbox"/>	24. Safety of Impoundment Structures	
<input type="checkbox"/>	25. Water Quality, including status of Section 401 Water Quality Certification	
<input type="checkbox"/>	26. Coastal Zone Management, including status of CZM Consistency Certification from the State of California (for projects in or affecting the Coastal Zone)	

<input type="checkbox"/>	27. Regional and Case-by-Case Conditions	
<input type="checkbox"/>	28. Use of Multiple Nationwide Permits	
<input type="checkbox"/>	29. Transfer of Nationwide Permit Verifications	
<input type="checkbox"/>	30. Compliance Certification	
<input type="checkbox"/>	31. Activities Affecting Structures or Works Built by the United States	See Box 10 above.
<input type="checkbox"/>	32. Pre-Construction Notification	



Attachment 1: Additional PCN Requirements for Los Angeles District Boundaries of Arizona and California

This attachment contains additional information required to be submitted with the PCN for proposed activities within the Los Angeles District Boundaries of Arizona and California. You must submit the completed attachment, or other attachment containing the required information, for a complete PCN per Los Angeles District Regional Condition 3. For multiple single and complete projects, provide the information identified below for each single and complete project. If additional space is needed, provide as an attachment to the form, and please reference each section accordingly.

1. Form of PCN (Regional Condition 3)

Have you submitted a completed South Pacific Division PCN Checklist or an application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions?

Yes, see attached No

Note: If you check no, your PCN will be considered incomplete.

2. Avoidance and Minimization (Regional Condition 3(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.:

3. Drawings (Regional Condition 3(b))

The following drawings are enclosed:

Plan-View drawing clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site

Cross-Section view drawings clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the Site

The plan-view and cross-section view drawings contain the following

Title block: Yes No

Legend and scale: Yes No

Amount (in cubic yards) of fill in Corps jurisdiction (including permanent and temporary fills/structures): Yes No

Area (in acres) of fill in Corps jurisdiction (including permanent and temporary fill structures): Yes No

The ordinary high water mark (non-tidal waters) or mean high water mark and high tide line (tidal waters) shown in feet based on National Geodetic Vertical Datum (NGVD) or other appropriate reference elevation: Yes No

Do all drawings follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update?

(see <http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx>) Yes No

If no, describe why this requirement is proposed to be waived):

4. Photographs (Regional Condition 3(c))

Have you enclosed numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site?

Yes No N/A (describe why):

Is the compass angle and position of each photograph identified on the plan-view drawing(s) identified in Box 3?

Yes No N/A (describe why):

5. Delineation of Aquatic Resource (Regional Condition 3(d))

Have you enclosed a delineation of aquatic resources completed in accordance with the Los Angeles District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports?
(see <http://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/>)

Yes No N/A

If no, describe why this requirement is proposed to be waived:

6. Essential Fish Habitat (EFH) (Regional Condition 4(b)).

N/A. The proposed activity will not occur in areas designated as EFH (skip to Box 7)

The proposed activity will occur in areas designated as EFH and an EFH assessment and extent of proposed impacts to EFH is enclosed.

7. Waiver of linear foot limitations (Regional Condition 9)

(for NWP's 13, 21, 29, 39, 40, 42, 43, 44, 51, 52, and 54)

The proposed activity would not require a waiver of the linear foot or other applicable limitations for NWP's 13, 21, 29, 39, 40, 42, 43, 44, 51, 52, or 54.

a. A narrative description of the stream (including 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):

b. Analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1):

c. Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s):

d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332:

Compliance with Los Angeles District Regional Conditions for Arizona and California

This checklist is intended to assist prospective permittees with documenting compliance with all Los Angeles District Regional Conditions, as required by Regional Condition 3. This checklist does not include the full text of each regional condition. Please refer to the *Los Angeles District Final Regional Conditions for the 2017 NWP*s (<http://www.spl.usace.army.mil/Missions/Regulatory/Permit-Process/>) 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 Regional Condition.

Check	Regional Condition	Rationale for Compliance
<input type="checkbox"/>	<p>1. <u>Linear Transportation Crossings.</u> For activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, including designated critical habitat, permittee shall design new or substantially reconstructed linear transportation crossings to ensure passage of all life stages and/or spawning of fish is not hindered. Permittee shall employ bridge designs that span the stream or river, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.</p>	
<input type="checkbox"/>	<p>2. <u>Loss* of wetlands, mudflats, vegetated shallows, or riffle and pool complexes:</u> NWP's 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, 39-46, 48-54 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows, or riffle and pool complexes. The definition of "loss" is the same as the definition of "loss of waters of the United States" used for the NWP program. This Regional Condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002)</p>	
<input type="checkbox"/>	<p>3. <u>Additional PCN Requirements:</u></p>	See Boxes 1-5

Check	Regional Condition	Rationale for Compliance
<input type="checkbox"/>	<p>4. <u>Submission of PCN:</u> A PCN must be submitted for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> All perennial waterbodies and special aquatic sites throughout the Los Angeles District and intermittent waters within the State of Arizona for any regulated activity that would result in a loss* of waters of the U.S. <input type="checkbox"/> Areas designated as EFH that would result in an adverse effect to EFH. <input type="checkbox"/> All watersheds in the Santa Monica Mountains in Los Angeles and Ventura Counties. <input type="checkbox"/> The Santa Clara River watershed in Los Angeles and Ventura counties <input type="checkbox"/> The Murrieta and Temecula Creek watersheds in Riverside County, California, for any activity that would result in a loss* of waters of the U.S. <input type="checkbox"/> All waterbodies designated by the Arizona Department of Water Quality (DWQ) as Outstanding Arizona Waters (OAWs), within 1600 meters (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated OAW, and on tributaries to OAWs within 1600 meters of the OAW. <input type="checkbox"/> All waterbodies designated by the Arizona DWQ as 303(d)-impaired surface waters, within 1600 feet (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated impaired surface water, and on tributaries to impaired waters within 1600 meters of the impaired water. 	
<input type="checkbox"/>	<p>5. <u>Vernal Pools:</u> Individual permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 32 and Regional Condition 3.</p>	
<input type="checkbox"/>	<p>6. <u>Murrieta Creek and Temecula Creek watersheds in Riverside County:</u> The use of NWPs 29, 39, 42, and 43, and NWP 14 combined with any of those NWPs shall be restricted. The loss* of waters of the U.S. (as defined by the NWPs) cannot exceed 0.25 acre.</p>	
<input type="checkbox"/>	<p>7. <u>Bank Stabilization and Grade Control Structures:</u> Individual permits shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects and in Gaviota Creek, Mission Creek, and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.</p>	

Check	Regional Condition	Rationale for Compliance
<input type="checkbox"/>	<p>8. <u>Revoked NWPs:</u> NWPs 3, 7, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50 are revoked in the San Diego Creek Watershed and San Juan Creek/Western Mateo Creek Watersheds in Orange County, California, in association with the respective Special Area Management Plans.</p>	
<input type="checkbox"/>	<p>9. <u>Waiver of linear foot limit for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, and 54:</u> Request for waiver must contain:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Narrative description of the stream; <input type="checkbox"/> Analysis of the proposed impacts to the waterbody; <input type="checkbox"/> Measures taken to avoid and minimize losses to waters of the U.S. <input type="checkbox"/> Compensatory mitigation plan describing how the unavoidable losses are proposed to be offset. 	See Box 7
<input type="checkbox"/>	<p>10. <u>Compensatory Mitigation:</u> Permittee must complete the construction of compensatory mitigation before or concurrent with construction of authorized activity and submit proof of purchase of mitigation bank or in-lieu fee program credits prior to commencement of construction of the authorized activity</p>	

*Loss of waters of the U.S.: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage 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 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. The loss of stream bed includes the acres or linear feet of stream bed that is filled or excavated as a result of the regulated activity. 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.

U.S. Army Corps of Engineers Albuquerque District Los Angeles District Sacramento District



Attachment 4: Compliance with Albuquerque, Los Angeles, and Sacramento District Regional Conditions for Navajo Nation Lands in New Mexico, Arizona, and Utah

This checklist is intended to assist prospective permittees with documenting compliance with the Albuquerque, Los Angeles, and Sacramento District Regional Conditions for Navajo Nation Lands in New Mexico, Arizona, and Utah. This checklist does not include the full text of each regional condition. Please refer to the (1) Albuquerque District 2017 *Regional Conditions to Nationwide permits on the Navajo Nation* for New Mexico (<http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/NWP/>), (2) *Final 2017 Nationwide Permit Regional Conditions for Navajo Nation Lands within the Los Angeles District* for Arizona, (http://www.spl.usace.army.mil/Portals/17/docs/regulatory/Permit_Process/final_SPL_NN_regional_conditions.pdf?ver=2018-04-05-195302-027) or (3) *Final Sacramento District Nationwide Permit (NWP) Regional Conditions for Navajo Nation Lands* for Utah (<http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-Permits/>) 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 Regional Condition.

Check	Regional Condition	Rationale for Compliance
<input type="checkbox"/>	1. <u>PCN for Intermittent and Perennial Streams, Special Aquatic Sites, and Springs:</u> Notification is required in accordance with General Condition 32 for activities in intermittent and perennial streams, special aquatic sites, and within 100 feet of the point of groundwater discharge of a natural spring.	
<input type="checkbox"/>	2. <u>Suitable Fill:</u> <ul style="list-style-type: none"> <input type="checkbox"/> Use of broken concrete for bank stabilization prohibited unless demonstrate only practicable material. <input type="checkbox"/> PCN required for the use of broken concrete as bank stabilization. <input type="checkbox"/> PCN must include justification for use. <input type="checkbox"/> Use of broken concrete with rebar or used tires prohibited in all waters of the U.S.. 	
<input type="checkbox"/>	3. <u>Channelization:</u> PCN required for permanent channelization to previously un-channelized streams.	