

**U.S. Army Corps of Engineers - Charleston District
Checklist for 2007 Nationwide Permit Review
Nationwide Permit 31**

**Maintenance of Existing Flood Control Facilities
(10/404)**

SAC #: _____

Applicant Name: _____

Waterway/Location: _____

Project Name: _____

1. Is the discharge of dredged or fill material for activities associated with the maintenance of existing flood control facilities, including debris basins, retention/detention basins, levees, and channels that were previously authorized by the Corps by individual or general permit, by 33 CFR 330.3, or did not require a permit at the time they were constructed, or were constructed by the Corps and transferred to a non-Federal sponsor for operation and maintenance?

Yes* ___ No

2. Has the District Engineer approved the maintenance baseline¹ and determined the need for mitigation and any regional or activity-specific conditions?

Yes ___ No

3. Has the flood control facility been abandoned²?

___ Yes No

4. Will the activity involve the removal of sediment and associated vegetation from a natural water course that was not included in the maintenance baseline?

___ Yes No

5. Will all dredged material be placed in an upland site or in an authorized disposal site in waters of the U.S.?

Yes ___ No

6. Are proper siltation controls being used?

Yes ___ No

7. Is the activity proposed in a designated critical resource water or its adjacent wetlands?

___ Yes No

8. Is the maintenance activity predicated on an emergency situation?

Yes³ No

9. Are all of the applicable NWP General and Regional Conditions satisfied, including mitigation (GC #20), endangered species, and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?

Yes ___ No

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

* - REQUIRES A PRE-CONSTRUCTION NOTIFICATION (PCN) TO THE DISTRICT ENGINEER. THE NOTIFICATION MUST INCLUDE A DESCRIPTION OF THE MAINTENANCE BASELINE AND THE DREDGED MATERIAL DISPOSAL SITE. **SEE THE SEPARATE PCN CHECKLIST TO ENSURE THE PROSPECTIVE PERMITTEE SUBMITS THE REQUISITE INFORMATION.**

NOTE: THE PCN MUST INCLUDE A DELINEATION OF SPECIAL AQUATIC SITES AND OTHER WATERS OF THE UNITED STATES. WETLAND DELINEATIONS MUST BE PREPARED IN ACCORDANCE WITH THE CURRENT METHOD REQUIRED BY THE CORPS.

Remember, determination of completeness must be made within 30 days of the date of receipt. If all required information is not provided, the prospective permittee will be notified that the preconstruction notification (PCN) is still incomplete and the review will not commence until all requested information has been received. If the applicant has not received any written notice from the DE within **45 days** of the date of receipt of the PCN, **the verification is issued by default.**

¹ - The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the District Engineer. The District Engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels, but which are part of the facility. If no evidence of the constructed capacity exists, the approved constructed capacity will be used. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the design capacities of the flood control facility. The documentation will also include BMPs to ensure that the impacts to the aquatic environment are minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final

determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below in footnote 4, this NWP cannot be used until the District Engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP.

² - A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner.

³ - In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate.

Reviewed by: ____
Date: ____