

**U.S. Army Corps of Engineers - Charleston District
Checklist for 2007 Nationwide Permit Review
Nationwide Permit 32**

Completed Enforcement Actions
(10/404)**

SAC #: _____

Applicant Name: _____

Waterway/Location: _____

Project Name: _____

1. Is the structure, work, or discharge of dredged or fill material, remaining in place or undertaken for mitigation, restoration or environmental benefit in compliance with the terms of: 1) a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899, or the terms of an EPA 309(a) order on consent resolving a violation of Section 404 of the Clean Water Act; or 2) a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the U.S. under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899; or 3) a final court decision, consent decree, settlement agreement, or non-judicial settlement agreement resulting from a natural resource damage claim brought by a trustee or trustees for natural resources (as defined by the National Contingency Plan at 40 CFR subpart G) under Section 311 of the Clean Water Act, Section 312 of the National Marine Sanctuaries Act, Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, Section 1002 of the Oil Pollution Act of 1990, or the Park System Resource Protection Act at 16 U.S.C. 19jj, to the extent that a Corps permit is required?

Yes No

2. If the activity is being considered under a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899, or the terms of an EPA 309(a) order on consent resolving a violation of Section 404 of the Clean Water Act, is the affected area less than 5 acres of non-tidal waters or 1 acre of tidal waters?

Yes No NA

3. If the activity is being considered under a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899, or the terms of an EPA 309(a) order on

consent resolving a violation of Section 404 of the Clean Water Act, does the settlement agreement provide for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity that is authorized by this NWP?

Yes ___ No NA

4. If the activity is being considered under a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899, will the DE issue a verification letter authorizing the activity subject to the terms and conditions of NWP 32 and the settlement agreement, including a specified completion date?

Yes ___ No NA

5. Is this NWP intended to apply to activities occurring after the date of the decision, decree or agreement that are not for the purpose of mitigation, restoration, or environmental benefit?

___ Yes No

6. Prior to reaching any settlement agreement, has the Corps ensured that the activity is in compliance with the provisions of 33 CFR part 326 and 33 CFR 330.6 (d)(2) and (e)?

Yes ___ No

7. Are all of the applicable NWP General and Regional Conditions satisfied, including 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

8. Has the Division Chief approved this authorization? **

Yes ___ No

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

****NOTE: MUST HAVE DIVISION CHIEF'S APPROVAL PRIOR TO AUTHORIZATION**

Reviewed by: ___
Date ___