

**U.S. Army Corps of Engineers - Charleston District
Checklist for 2007 Nationwide Permit Review
Nationwide Permit 40**

**Agricultural Activities
(404)**

SAC #: _____

Applicant Name: _____

Waterway/Location: _____

Project Name: _____

1. Is the proposal for the discharge of dredged or fill material into non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters, for agricultural activities, including the construction of building pads for farm buildings¹?
 Yes* No

2. Is the discharge of dredged or fill material associated with the construction of a farm pond, used solely for agricultural purposes, in non-tidal ephemeral and/or intermittent waters of the United States²?
 Yes* No

3. Is the discharge of dredged or fill material associated with the construction of aquaculture ponds?
 Yes No

4. Is the discharge of dredged or fill material associated with the relocation of existing serviceable drainage ditches constructed in non-tidal streams?
 Yes* No

5. Is the discharge proposed in designated critical resource waters or their adjacent wetlands?
 Yes No

6. Are all of the applicable NWP General and Regional Conditions satisfied, including mitigation (GC #20), 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. Does the discharge cause the loss of greater than 300 linear feet of streambed?

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.
- SOME DISCHARGES FOR AGRICULTURAL ACTIVITIES MAY QUALIFY FOR AN EXEMPTION UNDER SECTION 404(F) OF THE CLEAN WATER ACT (33 CFR 323.4)

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 - Authorized activities include the installation , placement , or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the United States; and similar activities.

2- This NWP authorizes the construction of farm ponds that do not qualify for the CWA Section 404(f)(1)(C)exemption because of the recapture provision at Section 404(f)(2).

Reviewed by:

Date: