

**U.S. Army Corps of Engineers - Charleston District**  
**Checklist for 2017 Nationwide Permit Review**  
**Nationwide Permit 12**  
**Utility Line Activities**  
**(10/404)**

SAC #: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Waterway/Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

**The purpose of this Nationwide Permit (NWP) checklist is to assist with determining if a proposed activity qualifies for use of this NWP. The checklist will also assist with determining when a Pre-Construction Notification (PCN) is be required, if a PCN is incomplete, and other actions that may be required during a PCN review.**

**Please complete Sections I and II.**

**I. Regional Conditions:**

1. Will the proposed activity alter or temporarily occupy or use a USACE federally authorized Civil Works project (a "USACE" project") regulated by 33 U.S.C. 408?

**Yes\* (PCN required)**       No

2. If the proposed activity requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use USACE federally authorized "USACE" project, has the Charleston District issued the section 408 permission to alter, occupy, or use the USACE project?

N/A       Yes       No (Activity cannot be authorized by a NWP until 408 permission is issued)

3. Is the proposed activity located in or adjacent to an authorized Federal Navigation project? These Federal Navigation areas include Adams Creek, Atlantic Intracoastal Waterway (AIWW), Ashley River, Brookgreen Garden Canal, Calabash Creek, Charleston Harbor (including the Cooper River and Town Creek), Folly River, Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Canal), Jeremy Creek, Little River Inlet, Murrells Inlet (Main Creek), Port Royal Harbor, Savannah River, Shem Creek (including Hog Island Channel & Mount Pleasant Channel), Shipyard Creek, Village Creek and the Wando River.

**Yes\* (PCN required  
Corps PM will  
coordinate with  
CESAC-ON)**       No

4. If the proposed activity is located in or adjacent to an authorized Federal Navigation project, as listed in Regional Condition #18, does the PCN include project drawings that have the following information: a) location of the edges of the Federal channel; b) setback distances from the edge of the channel; c) the distance from watermost edge of the proposed structure or fill to the nearest edge of the channel and the Mean High and Mean Low water lines; and d) coordinates of both ends of the watermost edge of the proposed structure or fill (NAD 83 State Plane Coordinates in decimal degrees).

N/A       Yes       No (Incomplete PCN)

5. Is the proposed activity located in waters that are designated critical habitat under section 7 of the Endangered Species Act or waters that are proposed critical habitat? (Refer to the following National Oceanic and Atmospheric Administration (NOAA) Fisheries website for the most up-to-date information regarding Critical Habitat designations under the jurisdiction of the National Marine Fisheries Service (NMFS): [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/))

**Yes\* (PCN required  
–Corps PM to  
determine if  
coordination with  
NMFS PRD is  
necessary)**       No

6. Is the proposed project located within a designated floodway within the FEMA Special Flood Hazard Area (SFHA)?

Yes (The permittee must comply with with Regional Condition #14. )  No

7. Is the proposed project located within a designated FEMA Special Flood Hazard Area (SFHA)?

Yes (The permittee must comply with with Regional Condition #15. )  No

8. Will the discharge of dredged or fill material into waters of the United States, associated occur within or directly affecting Designated Critical Resource Waters, including wetlands adjacent to such waters? (Note: The ACE Basin National Estuarine Research Reserve and the North Inlet Winyah Bay National Estuarine Research Reserve are Designated Critical Resource Waters.)

N/A  Yes (The proposed discharge does not qualify for use of a NWP)  No

9. Does the proposed activity comply with the Regional Conditions #1-#9?

Yes  No (Activity does not qualify for use of a NWP)

10. Does the activity comply with all of the NWP General Conditions?

Yes  No (Activity does not qualify for use of a NWP)

11. If the proposed activity involves temporary structures, fills and/or work, including temporary mats, will the temporary structures, fill and/or work, including temporary mats, be in place for a period of more than 90 days per temporary impact area and/or phase of the overall project?

N/A     **Yes\*** (A PCN is required and time extension is required from the District Engineer)     No

12. If the proposed activity involves temporary structures, fills and/or work, including temporary mats, will the temporary structures, fill and/or work, including temporary mats, be in place for a period of more than 180 days per temporary impact area and/or phase of the overall project?

N/A     Yes (Activity does not qualify for use of a NWP)     No

13. If the proposed activity involves temporary structures, fills, and/or work, including the use of temporary mats, does the PCN include a written description and/or drawings of the proposed temporary activities that will be used during project construction?

N/A     Yes     No (Incomplete PCN)

14. If the proposed activity requires a PCN, does the PCN include appropriately sized and positioned culverts that meet the requirements of General Conditions #2, #9 and #10 for each individual crossing of waters of the United States?

N/A     Yes     No (Incomplete PCN)

15. If the proposed activity involves new construction and/or replacement of culverted road crossings, at a minimum, are the width of the base flow culvert(s) approximately equal to the average channel width AND will they not reduce or increase stream depth?

N/A     Yes     No (Activity does not qualify for use of a NWP)

16. Does the discharge associated with the proposed activity cause the loss of more than 300 linear feet of intermittent and ephemeral stream bed?

N/A     Yes     No

17. If the discharge associated with the proposed activity causes the loss of more than 300 linear feet of intermittent and ephemeral stream bed, has the District Engineer waived the 300 linear foot limit?

N/A       Yes       No (Activity does not qualify for use of a NWP).

18. Will the discharge associated with the proposed activity cause the loss of more than 300 linear feet of perennial stream beds?

N/A       Yes (Activity does not qualify for use of a NWP)       No

19. Will the discharge associated with the proposed activity impact more than 25 linear feet of stream beds?

N/A       **Yes\* (PCN required)**       No

20. If the proposed activity includes an intake structure, is the structure screened to prevent entrainment of juvenile and larval organisms AND is the inflow velocity of the intake structures 0.5 feet/second or less?

N/A       Yes       No (Activity does not qualify for use of NWP 12)

21. If the proposed activity involves horizontal directional drilling beneath navigable waters of the United States (i.e., section 10 waters), does the PCN include a proposed remediation plan (i.e., frac-out plan)?

N/A       Yes       No (Incomplete PCN)

22. If the proposed activity involves trench excavation, will the excavated material be returned to the trench, will any remaining material be relocated and retained on an upland disposal site, will any substrate containing roots, rhizomes, seeds, and other natural material be kept viable and replaced at the surface of the excavated site, AND will the impacted wetlands be replanted with native wetland species or allowed to naturally re-vegetate from the replaced substrate, as long as the resulting vegetation is native:

N/A       Yes       No (Activity does not qualify for use of NWP 12).

23. If the proposed activity involves clearing of vegetation from stream banks, will stream banks be stabilized using bioengineering techniques and/or the planting of deep-rooted native species?

N/A       Yes       No (Activity does not qualify For use of NWP 12).

24. If the proposed activity involves utility lines buried in waters of the United States and construction techniques to prevent draining, such as anti-seep collars, will NOT be used, has appropriate documentation to support that such techniques are not required to prevent drainage of waters of the United States been provided by the prospective permittee?

N/A       Yes       No (Incomplete PCN)

25. Does the proposed activity involve temporary structures, fills, and/or work?

**Yes\* (PCN required)**       No

26. If the proposed activity involves temporary structures, fills, and/or work, does the PCN include specifications of how pre-construction contours will be re-established and verified after construction?

N/A       Yes       No (Incomplete PCN)

27. Does the proposed activity involve a maintained utility crossing?

**Yes \* (PCN required)**       No

28. If the proposed activity involves a maintained utility crossing, does the PCN include a justification for the proposed width of the maintained crossing that impacts waters of the United States?

N/A       Yes       No (Incomplete PCN)

29. Does the proposed activity involve the construction of a sub-station in waters of the United States?

**Yes \* (PCN required)**       No

30. If the proposed activity involves the construction of a sub-station in waters of the United States, does the PCN include a statement of avoidance and minimization for the loss of waters of the United States impacted by the utility line sub-station in waters of the United States?

N/A       Yes       No (Incomplete PCN)

31. Does the proposed activity involve the permanent conversion of forested wetlands to herbaceous wetlands?

**Yes \* (PCN required)**       No

32. If the proposed activity involves the permanent conversion of forested wetlands to herbaceous wetlands, does the PCN include the acreage of conversion impacts of waters of the United States AND a compensatory mitigation proposal OR a statement of why compensatory mitigation should not be required?

N/A       Yes       No (Incomplete PCN)

33. Will NWP 12 be used in conjunction with NWP 14, 29, 39, 43, 51 and/or 52 for an activity that is considered a single and complete project?

N/A       Yes (Activity does not  
qualify for use of  
NWP 12)       No

**II. Nationwide Permit #12**

1. Does the proposed activity involve the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States AND will the proposed activity result in no more than ½-acre of waters of the United States for each single and complete project?

Yes       No (Activity does not qualify for use of NWP 12)

2. Does the proposed activity involve the discharge of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines, including outfall and intake structures?

Yes       No (Activity does not qualify for use of NWP 12)

3. Does the activity meet the definition of a utility line, which includes any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio and television communication, or pipes that convey drainage from another area.?

Yes       No (Activity does not qualify for use of NWP 12)

4. Does the proposed activity involve activities that will drain a water of the United States, such as a drainage tile or French drain?

Yes (Activity does not qualify for use of a NWP 12)       No

5. If the proposed activity involves trench excavation and temporary sidelaying of material, will the sidelayed material be done so in a manner that it will be dispersed by currents or other forces?

N/A       Yes (Activity does not qualify for use of NWP 12)       No

6. If the proposed activity involves trench excavation, will the trench be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g. backfilling with extensive gravel layers, creating a French drain effect)?

N/A       Yes (Activity does not qualify for use of NWP 12)       No

7. If the proposed activity involves construction, maintenance, or expansion of substation facilities in non-tidal waters of the United States, does the activity, in combination with all other activities included in one single and complete project, result in the loss of greater than ½-acre of waters of the United States?

N/A       Yes (Activity does not qualify for use of NWP 12)       No

8. If the proposed activity involves construction, maintenance, or expansion of substation facilities, will the discharges associated with the substation facility occur in wetlands adjacent to non-tidal waters of the United States?

N/A       Yes (Activity does not qualify for use of NWP 12)       No

9. If the proposed activity involves the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, will the foundations be of the minimum size necessary AND be separate for each tower leg (rather than a larger single pad) when feasible?

N/A       Yes       No (Activity does not qualify for use of NWP 12)

10. Does the proposed activity involve the construction of access roads for the construction or maintenance of utility lines, including overhead power lines and utility line substations?

Yes       No

11. If the proposed activity involves the construction of access roads, does the activity, in combination with all other activities included in one single and complete project, result in the loss of greater than ½-acre of waters of the United States?

N/A       Yes (Activity does not qualify for use of NWP 12)       No

12. If the proposed activity involves construction of access roads, will the discharges associated with the substation facility occur in non-tidal wetlands adjacent to tidal waters of the United States?

N/A                       Yes (Activity does not  
qualify for use of NWP 12)                       No

13. If the proposed activity involves construction of access roads, will the access roads be of the minimum width necessary, be constructed so that the length of the road minimizes any adverse effects on waters of the United States, be as near as possible to pre-construction contours and elevations, AND/OR be properly bridged or culverted to maintain surface flow if above pre-construction contours?

N/A                       Yes                       No (Activity does not  
qualify for use of  
NWP 12)

14. Will the proposed activity occur in or affect navigable waters of the United States, with or without an associated discharge of dredged or fill material?

N/A                       Yes                       No

15. Does the proposed activity involve the construction of an overhead utility line constructed over section 10 waters AND/OR utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material?

N/A                       **Yes\* (PCN required)**                       No

16. Does the proposed activity include the construction/installation of temporary structure, fills, and work necessary for remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might have occurred during horizontal directional drilling activities conducted for the purposes of installing or replacing utility lines?

N/A                       Yes                       No

17. For proposed activities that involve temporary structures, fills, and/or work, including the use of temporary mats, will the appropriate measures be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites?

N/A       Yes       No (Activity does not qualify for use of NWP 12)

18. For proposed activities that involve temporary fills, will the temporary fills consist of materials AND be placed in a manner that will not be eroded by expected high flows?

N/A       Yes       No (Activity does not qualify for use of NWP 12)

19. For proposed activities that involve temporary structures, fills, and/or work, including the use of temporary mats, will the temporary fills be removed in their entirety, the affected areas returned to pre-construction elevations, AND the affected areas revegetated as appropriate?

N/A       Yes       No (Activity does not qualify for use of NWP 12)

20. Does the proposed activity involve mechanized land clearing in a forested wetland for the utility line right-of-way?

**Yes\* (PCN required)**       No

21. Will the proposed activity require a section 10 permit?

**Yes\* (PCN required - Corps PM will send a copy of the NWP verification to NOAA NOS for charting)**       No

22. Will the utility line constructed in waters of the U.S., excluding overhead lines, exceed 500 feet?

N/A       **Yes\* (PCN required)**       No

23. Will the activity line be placed within a jurisdictional area (i.e. water of the United States) AND does it run parallel to or along a stream bed that is within that jurisdictional area?

N/A       **Yes\* (PCN required)**       No

24. Will the discharges associated with the proposed activity result in a loss of greater than 1/10-acre of waters of the United States?

**Yes\* (PCN required)**       No

25. Does the proposed activity involve permanent access roads constructed above grade in waters of the United States for a distance of more than 500 feet in length?

N/A       **Yes\* (PCN required)**       No

26. Does the proposed activity involve permanent access roads constructed in waters of the United States with impervious materials?

N/A       **Yes\* (PCN required)**       No

27. For utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States, does the proposed utility line comply with the applicable minimum clearances specified in 33 CFR 322.5(i)?

N/A       Yes       No (Activity does not qualify for use of NWP 12)

28. If the proposed activity includes the construction of access roads and if the access roads will be used solely for construction of the utility line, will the access road be removed upon completion of work in accordance with the requirements for temporary fills?

N/A       Yes       No (Activity does not qualify for use of NWP 12)

29. Will the proposed activity involve pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States?

N/A       Yes (These activities are considered bridges and may required a permit from the USCG)       No

30. If the proposed activity involves pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States, will the work also involve a discharge of dredged or fill material into waters of the United States?

- N/A       Yes (A section 404 permit will be required for the discharge- see NWP 15)       No (These activities are considered bridges and may require a permit from the USCG)

31. Does the proposed activity involve utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures?

- Yes       No

32. For overhead utility lines authorized by this NWP, will a copy of the PCN and NWP verification be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities?

- N/A       Yes (Corps PM will send a copy of the PCN, drawings and NWP verification to DOD Siting Clearinghouse)

33. If the proposed NWP 12 activity requires a PCN AND additional activities will occur that require Department of the Army authorizations, does the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require PCN (see paragraph (b) of general condition 32).

- N/A       Yes       No (Incomplete PCN)

Checklist Completed By: \_\_\_\_\_

Date: \_\_\_\_\_