U.S. Army Corps of Engineers - Charleston District
Checklist for 2021 Nationwide Permit Review
Nationwide Permit 13

Bank Stabilization
(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 and/or if other actions that may be required during a PCN review.

A PCN may be required for all activities authorized by NWP 13. Each question in Section A and B of the checklist refers to a specific 2021 NWP Regional Condition (RC). The 2021 NWP Regional Conditions can be found at https://www.sac.usace.army.mil/Missions/Regulatory

Complete Sections A-C

A. Water Quality Certification (WQC) and/or Coastal Zone Consistency (CZC) required from SCDHEC

1. For proposed activities that are located within the Critical Area of the Coastal Zone, a Critical Area Permit (CAP), which also serves as the CZC, from SCDHEC is required. Has the prospective permittee obtained a CAP? (RC D.17 & AND F.3)

☐ **Yes (If WQC was issued or waived, if required, Corps can verify NWP)**

☐ **No (If WQC was issued or waived, if required, Corps can issue a provisional verification. CZC presumed concurrence or CAP is required prior to commencement of work).**

☐ N/A

B. Regional Conditions:

1. Does the prospective permittee understand that use of the nationwide permits does not preclude requirements to obtain all other applicable Federal, State, county, and local government authorizations? (RC C.1)

☐ Yes

2. Would the proposed activity occur in areas known or suspected to have sediment contamination? (RC C.2)

☐ **Yes (Activity cannot be authorized by a NWP)** ☐ **No**

3. Would the proposed activity, both temporary and permanent, be located in a FEMA designated floodway? (RC C.3)

☐ **Yes (PCN required)** ☐ No

4. Would the proposed activity be located in or adjacent to an authorized USACE Civil Works project, including Federal Navigation projects, as listed below? (RC C.4)

a. **USACE Civil Works projects:** Buck Creek in Horry County, Eagle Creek in Dorchester County, Kingstree Branch in Williamsburg County, Sawmill Branch in Berkeley and Dorchester Counties, Scotts Creek in Newberry County, Socastee Creek in Horry County and Turkey Creek in Sumter County, Wilson Branch in Chesterfield County, Edisto River in Orangeburg and Dorchester Counties, North Edisto River in Aitken and Orangeburg Counties, Folly Beach in Charleston County, Hunting Island Beach, waste water treatment plant and water line in Beaufort County, Myrtle Beach in Georgetown and Horry County, Pawleys Island Beach in Georgetown County, Edisto Island Beach in Charleston County, Crab Bank in Charleston County, Morris Island Lighthouse in Charleston County, Miller Corner Disposal area Phragmites Control in Georgetown County, Cape Marsh Management area (Santee Coastal Reserve) in Charleston County, Murphy Island in Charleston County, Pocotaligo River and Swamp in Clarendon and Sumter Counties, Pinopolis Dam in Berkeley County, Battery Pringle in

Charleston County, Castle Pinckney in Charleston County, Pompion Hill Chapel along the Cooper River in Berkeley County, Drayton Hall in Charleston County, Indian Bluff in Orangeburg County, Singleton Swash at Shore Drive in Horry County, Turkey Creek Bridge at Pineview Drive in Lancaster, Big Dutchman Creek Bridge at West Oak Drive in Rock Hill, SC, Calabash Branch Bridge at Tom Joye Road in Clover, Blue Branch Bridge at Fortanberry Road in Gaffney, Glenn Creek Bridge at Sulphur Springs Road in Spartanburg County, Cow Castle Creek (Bowman) in Orangeburg County, Cowpen Swamp at Simpson Creek in Horry County, Crabtree Swamp in Horry County, Saluda River (North, South, and Middle Fork) in Greenville County, Shot Pouch Creek in Sumter County, Simpson Creek in Horry County, and Todd Swamp in Horry County.

☐ **Yes (PCN required)** ☐ No

b. **Defined Federal Navigation projects:** Ashley River (0.5 miles east of Hwy 7 bridge downstream to the Atlantic Intracoastal Waterway (AIWW)), Atlantic Intracoastal Waterway ((AIWW) GA/SC line to SC/NC line), Brookgreen Garden Canal, Calabash Creek, Charleston Harbor (including the Cooper River, Town Creek, Shem Creek to Coleman Blvd and Mount Pleasant Channel), Folly River, Georgetown Harbor (Winyah Bay, Sampit River and Bypass Channel), Jeremy Creek, Little River Inlet, Murrells Inlet (Main Creek), Port Royal Harbor, Shipyard River, Savannah River (Below Augusta) and Town Creek McClellanville (i.e., Five Fathoms Creek, AIWW to Bulls Bay).

☐ **Yes (PCN required)** ☐ No

c. **Undefined Federal Navigation projects**: Adams Creek, Archers Creek (From intersection with Beaufort River for 2 miles), Edisto River (River mile 0.00 to 175.0), Great Pee Dee River (Waccamaw River via Bull Creek then to Smith Mills, then to Cheraw), Lynches River/Clark Creek (Clark Creek to Lynches River, River Mile 0.0 to 56.0), Mingo Creek (to Hemmingway Bridge), Salkehatchie River (5 miles above Toby's Bluff to Hickory Hill, River mile 20.4 to 62.3), Santee River (Closed to navigation at mile 87 (Santee Dam)), Waccamaw River (river mile 0.0 to 90 (state line)), Wateree River (Mouth to Camden), and Village Creek (Morgan River to Porpoise Fish Co., 2.2 miles).

☐ **Yes (PCN required)** ☐ No

5. If the proposed activity would be located in or adjacent to an authorized Federal Navigation project, as referenced in Regional Condition C.4.b, does the project

drawings include the following information: (1) State Plane Coordinates (NAD 1983) for a minimum of two corners of each structure or fill where it is closest to the Federal channel; (2) the distance from watermost edge of the proposed structure or fill to the nearest edge of the Federal channel; AND (3) Mean Low Water line and the Mean High Water line? (RC C.5)

☐ N/A ☐ **Yes (PCN required)** ☐ **No (Revise the drawings to include this information)**

6. For all NWPs requiring a PCN AND when the activity involves the discharge of dredged or fill material into waters of the U.S. associated with mechanized land clearing that results in the permanent conversion of forested or scrub-shrub wetlands to herbaceous wetlands, does the PCN include the following information: (1) a written description and/or drawings of the proposed conversion activity and (2) acreage of the permanent conversion? (RC C.6)

☐ Yes ☐ **No (The PCN should be revised to include this information)** ☐ N/A

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

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

8. For NWPs 3, 11, 12, 13, 14, 15, 20, 22, 33, 57, 58 and 59 does the proposed activity include temporary structures, fills and/or work, including the use of temporary mats? (RC D.3)

☐ Yes ☐ No

9. For NWPs 3, 11, 12, 13, 14, 15, 20, 22, 33, 57, 58 and 59, if the proposed activity includes temporary structures, fills and/or work, including the use of temporary mats, would the temporary activities exceed a period of 180 days? (RC D.3)

☐ **Yes (Additional Corps approval is required)** ☐ No

10. For NWPs 3, 11, 12, 13, 14, 15, 20, 22, 33, 57, 58 and 59, if the proposed activity includes temporary structures, fills and/or work, including the use of temporary mats, would the temporary structures, fills and/or work, including temporary mats, be removed as soon as the work is complete AND the disturbed areas be restored to pre-construction contours and conditions? (RC D.3)

☐ Yes ☐ **No (Activity does not qualify for use**

of the NWP)

11. For NWP 3, 11, 12, 13, 14, 15, 20, 22, 33, 57, 58 and 59, does the proposed activity involve the use of temporary mats, including timber mats, metal, synthetic and/or artificial mats, or other materials that may serve the purpose of mats? (RC D.3)

☐ Yes ☐ No

12. For NWPs 3, 11, 12, 13, 14, 15, 20, 22, 33, 57, 58 and 59 that require PCNs AND involve temporary structures, fills and/or work, including the use of temporary mats, or other materials that may serve the purpose of mats, does the PCN include the following information: (1) a written description and/or drawings of the proposed temporary activities that will be used during project construction; (2) the timeframe that the proposed temporary activities will be in place; and (3) specifications of how pre-construction contours will be re-established and verified after construction? (RC D.4)

☐ Yes ☐ **No (PCN should be revised to include this information)** ☐ N/A

16. For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38 and 54, activities, would the activities occur in the critical resource waters of the ACE Basin National Estuarine Research Reserve or the North Inlet Winyah Bay National Estuarine Research Reserve, including wetlands adjacent to these critical resource waters? (RC D.5)

☐ **Yes (A PCN is required)** ☐ No ☐ N/A

C. Nationwide Permit 13

1. Does the proposed activity involve bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques?

☐ Yes ☐ **No (Activity does not qualify for use of NWP 13)**

2. Will the proposed bank stabilization activity involve the placement of material in excess of the minimum needed for erosion protection?

☐ N/A ☐ **Yes (Activity does not qualify for use of** ☐ No

NWP 13)

3. Does the proposed bank stabilization activity exceed more than 500 linear feet in length?

☐ **Yes (PCN required- Agency coordination required. Refer to GC #32 (d) (2) (ii) and (3))** ☐ No

4. If the proposed bank stabilization activity involves more than 500 feet in length of stabilization, has the District Engineer waived this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects?

☐ N/A ☐ Yes ☐ **No (If the stabilization is a bulkhead and more than 500 feet, see below #5. Otherwise, the activity does not qualify for use of NWP 13)**

5. Does the bank stabilization activity involve greater than 1,000 feet in length of bulkhead along the bank?

☐ N/A ☐ **Yes (Activity does not qualify for use of NWP 13, a waiver cannot be issued for a bulkhead that is greater than 1,000 feet in length)** ☐ No

6. Does the proposed bank stabilization activity involve the discharge of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the ordinary high water mark or the high tide line?

☐ **Yes (PCN required- Agency coordination required. Refer to GC #32 (d) (2) (ii) and (3))** ☐ No

7. If the proposed bank stabilization activity involves more than an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, has the District Engineer waived

this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects?

☐ N/A ☐ Yes ☐ **No (Activity does not qualify for use of NWP 13)**

8. Does the proposed bank stabilization activity involve the discharge into a special aquatic site?

☐ **Yes (PCN required- Agency coordination required. Refer to GC #32 (d) (2) (ii) and (3))** ☐ No

9. If the proposed bank stabilization activity involves the discharge of dredged or fill material into special aquatic sites, has the District Engineer waived this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects?

☐ N/A ☐ Yes ☐ **No (Activity does not qualify for use of NWP 13)**

10. Will any of the material associated with the proposed bank stabilization activity be of the type of material or be placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States?

☐ **Yes (Activity does not qualify for use of NWP 13)** ☐ No

11. Will any of the material associated with the proposed bank stabilization activity be placed in a manner that will be eroded by normal or expected high flows?

☐ **Yes (Activity does not qualify for use of NWP 13)** ☐ No

12. If the material associated with the proposed bank stabilization involves native trees and treetops, are the trees and treetops properly anchored AND is the location a low energy area?

☐ Yes ☐ No

13. If the proposed bank stabilization activity involves bioengineering or vegetative bank stabilization, will native plants appropriate for the current site conditions, including salinity, be used?

☐ N/A ☐ Yes ☐ **No (Activity does not qualify for use of NWP 13)**

14. Is the proposed bank stabilization activity a stream channelization activity?

☐ **Yes (Activity does not qualify for use of NWP 13)** ☐ No

15. Will the proposed stabilization activity be properly maintained, which may require repairing it after severe storms or erosion events?

☐ Yes ☐ **No (Activity does not qualify for use of NWP 13)**

16. Does the proposed stabilization activity involve temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity?

☐ Yes ☐ No

17. If the proposed bank stabilization activity involves temporary structures, fills, and work, including the use of temporary mats, will appropriate measures be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary work, structures, 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 13)**

18. If the proposed bank stabilization activity involves temporary fills, will the temporary fill 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 13)

19. If the proposed bank stabilization activity involves temporary fills, will the temporary fill be removed in their entirety, the affected areas returned to preconstruction elevations, AND the areas affected by temporary fills be revegetated, as appropriate?

☐ N/A ☐ Yes ☐ **No (Activity does not qualify for use of NWP 13)**

Checklist Completed By:_____

Date:_____