

**U.S. Army Corps of Engineers - Charleston District
Checklist for 2021 Nationwide Permit Review
Nationwide Permit 27**

**Aquatic Habitat Restoration,
Enhancement, and Establishment 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 and/or if other actions that may be required during a PCN review.

A PCN may be required for all activities authorized by NWP 27. **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, 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

9. For NWPs 12, 14, 18, 21, 27, 29, 39, 40, 42, 43, 44, 50, 51, 52, 57, 58 and 59 would the activity cause the loss of greater than 0.05 acre of stream bed? (RC D.11)

Yes (The activity does not meet RC D.11 and does not qualify for use of the NWP) No N/A

C. Nationwide Permit 27

1. Are the proposed activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters AND do those activities result in net increases in aquatic resource function and services?

Yes **No (Activity does not qualify for use of NWP 27)**

2. Will the proposed aquatic habitat restoration, enhancement, or establishment activity be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference? (Note: As stated in NWP 27, “An ecological reference may be based on the characteristics of one or more intact aquatic habitats or riparian areas of the same type that existing in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area.

Yes **No (Activity does not qualify for use of NWP 27)**

3. Do the proposed activities include, but are not limited to, the following: The removal of accumulated sediments; release of sediment from reservoirs to maintain sediment transport continuity to restore downstream habitats; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, rehabilitation, or re-establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re-establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands

previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities.

Yes No

4. Will only native plant species be planted at the site?

N/A Yes **No (Activity does not qualify for use of NWP 27)**

5. Does the proposed activity involve the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site?

Yes No

6. If the activity involves the relocation of non-tidal waters, including non-tidal wetlands and streams on the project site, does the relocation provide net increases in aquatic resource functions and services?

N/A Yes **No (Activity does not qualify for use of NWP 27)**

7. Except for activities that include the relocation of non-tidal waters on the project site, does the proposed activity involve the conversion of a stream or natural wetland to another aquatic habitat (e.g., the conversion of stream to wetland or vice versa) or uplands? (Note: As stated in NWP 27, changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat resource type)

N/A **Yes (Activity does not qualify for use of NWP 27)** No

8. Does the proposed activity involve stream channelization?

Yes (Activity does not qualify for use of NWP 27) No

9. Does the proposed activity involve the relocation of tidal waters OR the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments?

Yes (Activity does not qualify for use of NWP 27) No

10. Does the proposed activity involve any future discharge of dredged or fill material associated with reversion of an area to its documented prior condition and use?

Yes No

11. If the proposed activity involves future discharge of dredged or fill material associated with reversion of an area to its documented prior condition and use, will the proposed activity involve the enhancement, restoration, and establishment activities be conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, or the applicable state agency?

N/A Yes **No (Activity does not qualify for use of NWP 27)**

12. Will the reversion occur within five years after the expiration of a limited term wetland restoration or establishment agreement or permit AND is authorized in these circumstances even if the discharge occurs after this NWP expires?

N/A Yes **No (Activity does not qualify for use of NWP 27, unless there are agreements without time limits were reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS USFS or an appropriate state cooperating agency)**

13. Does the proposed activity involve the discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies AND will the prior condition be documented in the original agreement or permit and the determination of return prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit?

N/A Yes **No (Activity does not qualify for use of NWP 27)**

14. If the proposed activity involves any reversion activity, has the permittee or the appropriate Federal or state agency notified the District Engineer AND was documentation of the prior condition included?

N/A Yes No (Activity does not qualify for use of NWP 27)

15. Does the proposed activity involve reversion activities that are NOT described in NWP 27?

N/A **Yes (Activity does not qualify for use of NWP 27)** No

16. Does the proposed activity involve development of compensatory mitigation projects, including mitigation banks and in-lieu fee projects?

Yes No

17. Does the proposed activity involve the reversion of an area used for a compensatory mitigation project to its prior condition?

N/A **Yes (Activity does not qualify for use of NWP 27)** No

C. Nationwide Permit 27 - Notification and Reporting Requirements

** A Pre-Construction Notification (PCN) is required for the proposed activity if “no” is checked for #1, #2, OR #3 below*

1. Will the proposed activity be conducted on non- Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the U.S. FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies?

Yes **No (PCN required)**

2. Is the proposed activity part of a voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards?

Yes **No (PCN required)**

3. Is the proposed activity for the reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency?

Yes **No (PCN required)**

4. If a “yes” box was checked for #1, #2, or #3 above in this Section C, has a copy of the following been submitted to the District Engineer: a) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; b) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; OR c) the SMCRA permit issued by OSMRE or the applicable state agency?

N/A Yes **No (Activity does not qualify for use of NWP 27)**

5. Does the report identified in #4 above in this Section C include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats AND was a copy of the report submitted to the District Engineer at least 30 days prior to commencing activities in waters of the U.S. authorized by this NWP?

Yes

No

N/A

Checklist Completed By: _____

Date: _____