

**U.S. Army Corps of Engineers - Charleston District
Checklist for 2017 Nationwide Permit Review
Nationwide Permit 27**

**Aquatic Habitat Restoration, Establishment,
and Enhancement 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.

Complete Sections I, II and III.

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. 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)

4. 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/)

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

5. 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

6. 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

7. Will the discharge of dredged or fill material into waters of the United States, associated with the proposed activity 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* (PCN required)** No

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

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

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

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

10. 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

11. 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).

12. 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

13. Is the proposed activity the construction of a living shoreline?

Yes No

14. If the proposed activity involves construction of a living shoreline project AND the proposed activity requires a PCN, does the PCN include the following information:

- a. Habitat type along the shoreline;
- b. The presence of stabilization structures in the vicinity of the project;
- c. Cause/s, extent, and approximate rate of erosion (if known);
- d. Site specific information which may include: shoreline orientation, slope, bank height, tidal range, nearshore bathymetry, fetch, substrate stability, etc.;
- e. Rationale for selecting the preferred stabilization technique;
- f. A statement that structural materials toxic to aquatic organisms will not be used and if stone is proposed, a statement that only clean stone, free of exposed rebar, asphalt, plastic, soil, etc., will be used; and
- g. A statement that filter fabric will be used as appropriate when stone or other heavy material is proposed?

N/A Yes No (Incomplete PCN)

15. Is the proposed activity for the construction of an oyster restoration project?

Yes No

16. If the proposed activity involves the construction of a living shoreline and/or and oyster restoration project AND the proposed activity requires a PCN, does the PCN include ALL of the following information:

- a. A plan view project sketch that shows the proposed project footprint; the Mean High Water (MHW) Line; the Mean Low Water (MLW) Line; marsh line (if applicable); shoreline; width of the waterway at the project location; location of adjacent structures, such as docks and boat ramps (if applicable); distance of the project footprint from the MHW line; distance of the project footprint from adjacent structures; and proposed location of informational or navigation markers. Refer to c. and d. below, if applicable. Note: Refer to Regional Condition #11 if the proposed project is located in or adjacent to an authorized Federal Navigation project for the additional information that will be required.
- b. A cross-section sketch that shows the height of the proposed project above substrate and the water depth at MHW Line and MLW Line in relation to the proposed project.

N/A Yes No (Incomplete PCN)

17. If the proposed activity involves the construction of a living shoreline and/or and oyster restoration project, if the proposed activity requires a PCN, if the proposed activity

is 18 inches or less in height above substrate AND if the proposed activity consists of hard structures or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell and wooden sills, does the PCN include a depiction and description of the proposed informational signs?

N/A Yes No (Incomplete PCN)

18. If the proposed activity involves the construction of a living shoreline and/or oyster restoration project and if the proposed activity requires a PCN, has Regional Condition #53 (c) and/or (d), as appropriate, been added as special conditions to the Nationwide Permit verification letter?

N/A Yes

II. 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 these 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, which is described in NWP 27.

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; 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?

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)

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

III. 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, AND #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 III, 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 III 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: _____