

**U.S. Army Corps of Engineers - Charleston District  
Checklist for 2017 Nationwide Permit Review  
Nationwide Permit 33**

**Temporary Construction, Access and Dewatering  
(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 33. 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 NWP's 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 NWP's 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 NWP's 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

13. 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

14. For NWP 33 temporary construction, access, and dewatering activities, would the activities impact greater than 0.1 acre of non-tidal waters of the U.S., including wetlands? (RC D.13)

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

**C. Nationwide Permit 33**

1. Does the proposed activity involve 1) the temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites AND 2) Is the proposed temporary activity associated with a primary activity that is authorized by the Corps or Engineers or the U.S. Coast Guard OR 3) Is the proposed temporary activity necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements?

Yes       **No (Activity does not qualify for use of NWP 33)**

2. Have appropriate measures been taken to maintain near normal downstream flows and to minimize flooding?

Yes       **No (Activity does not qualify for use of NWP 33)**

3. If the proposed activity involves fill, does the fill consist of materials, and will it 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 33)**

4. If the proposed activity involves dredged material, has the District Engineer determined that it will not cause more than minimal adverse environmental effects

N/A       **Yes (A written determination from the DE is required and was obtained)**       **No (Activity does not qualify for use of NWP 33)**

5. If the proposed activity involves temporary fill, will 1) the temporary fill be entirely removed to an area that has no waters of the United, 2) if dredge material is used, will the dredged material be returned to its original location, AND 3) will the affected areas be restored to pre-construction elevations following completion of construction?

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

**NWP 33)**

6. Will the affected areas be revegetated, as appropriate?

N/A     Yes     **No (Revegetation was not appropriate)**

7. If the proposed activity involves the use of cofferdams, will the cofferdams be used to dewater wetlands or other aquatic areas to change their use?

N/A     **Yes (Activity does not qualify for use of NWP 33)**     No

8. If the proposed activity involves structures in navigable waters of the United States, will the structures be left in place after construction is completed?

N/A     **Yes (Activity requires a separate section 10 permit)**     No

9. Will the proposed activity be conducted in navigable waters of the United States (i.e. section 10 waters)?

N/A     **Yes (PCN required)**     No

12. If the proposed activity will be conducted in navigable waters of the United States, does the PCN include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions?

N/A     Yes     **No (Incomplete PCN)**

Checklist Complete By: \_\_\_\_\_

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