

**454104U.S. Army Corps of Engineers - Charleston District  
Checklist for 2021 Nationwide Permit Review  
Nationwide Permit 3 - Maintenance  
(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 3. 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-F, as applicable**

**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 3 paragraph (a) activities, has the prospective permittee submitted a PCN for the repair, rehabilitation or replacement of existing utility lines, which include electric lines and/or telecommunication lines, constructed over navigable waters of the United States (i.e., Section 10 waters), and existing utility lines, electric lines, telecommunication lines and/or pipelines routed in or under navigable waters of the United States (i.e., Section 10 waters), even if no discharge of dredged or fill material occurs? (RC D.1)

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

9. For NWP 3, is the proposed maintenance activity related to stormwater management AND would the activity occur in tidal waters, including tidal wetlands? (RC D.2)

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

10. 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

11. 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

12. 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)**

13. 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

14. 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

15. 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 3 paragraph (a)** *(Complete #1- 8 of this section C if paragraph (a) applies to the proposed activity)*

N/A -Skip to Sections D, E and/or F as appropriate.

1. Is the proposed activity for the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3?

Yes       **No (Activity does not qualify for use of NWP 3 (a). See below note for additional information)**

Note: "Previously authorized" structures or fills means that a Corps NWP was verified or a Department of the Army (DA) permit was issued for the initial construction/installation of the fill or structure that would be subject to the repair,

rehabilitation or replacement. If the structure or fill was not previously authorized by a NWP or a DA permit, then the structure or fill would then need to be authorized by 33 CFR 330.3 (Activities occurring before certain dates). 33 CFR 330.3 can be found at <https://www.ecfr.gov/current/title-33/chapter-II/part-330/section-330.3>. If the existing structure or fill does not meet 33 CFR 330.3, the repair, rehabilitation or replacement of the structure cannot be authorized by this NWP 3. However, the activity could be authorized by a different NWP.

2. Will the structure or fill be put to uses different from those specified or contemplated in the original permit or the most recently authorized modification?

**Yes (Activity does not qualify for use of NWP 3 (a) )**       No       N/A

3. Are any deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement that occur with the project considered minor?

N/A       Yes       **No (Activity does not qualify for use of NWP 3 (a) )**

4. Does the proposed activity involve the removal of previously authorized structures or fills?

Yes       No

5. For any stream modifications that are associated with the project, are they limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill AND are the modifications, including the removal of material from the stream channel, located immediately adjacent to the project or within the boundaries of the structure or fill?

N/A       Yes       **No (Activity does not qualify for use of NWP 3 (a) )**

6. Does the proposed activity involve the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill?

Yes       No

7. If the proposed activity involves the repair, rehabilitation, or replacement of structures

or fills that were destroyed or damaged by storms, floods, fire or other discrete events, has the work commenced or is under contract to commence within two years of the date of their destruction or damage?

N/A     Yes     No (This two year limit may be waived in cases of catastrophic events)

8. If the proposed activity involves the repair, rehabilitation, or replacement of structures or fills that were destroyed or damaged by storms, floods, fire or other discrete events, that are considered catastrophic events, such as hurricanes or tornadoes, and the work cannot commence or be under contract to commence, within two years of the date of their destruction, has the permittee demonstrated funding, contract, or other similar delays AND has the District Engineer waived the two-year limit?

N/A     Yes     No (Activity does not qualify for use of NWP 3 (a) )

**D. Nationwide Permit 3 (b)** (Complete #1- 4 of this section D if paragraph (b) applies to proposed activity) **NOTE: All Nationwide Permit 3 (b) activities require a Pre-Construction Notification (PCN)**

N/A -Skip to Section E or F as appropriate

1. Does the proposed activity involve the removal of accumulated sediments and debris outside the immediate of existing structures (e.g. bridges, culverted road crossings, water intake structures, etc.)

Yes     No

2 Is the removal of sediment limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built AND does the removal activities extend 200 feet or less in any direction from the structure?

N/A     Yes     No (Activity does not qualify for use of NWP 3 (b) )

3. Does the activity involve maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures AND/OR does the activity involve the maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures?

N/A     **Yes (The 200-foot limit does not apply)**     **No**

4. Will all dredged or excavated material be deposited and retained in an area that has no waters of the United States?

Yes     No     N/A

5. If the dredged or excavated material will be deposited and retained in an area that has waters of the United States, has a separate authorization approved by the District Engineers been issued?

N/A     Yes     No **(Activity does not qualify for use of NWP 3 (b) until a separate authorization is approved by District Engineer)**

6. For activities authorized by paragraph (b) of this NWP 3, has the prospective permittee submitted a PCN?

Yes     No **(A PCN is required)**

7. Does the PCN include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments and canals?

Yes     No **(Incomplete PCN. This information must be included with the PCN)**

**E. Nationwide Permit 3 (c)** *(complete #1- 4 if paragraph (c) applies to project)*

N/A *Skip to Section F as appropriate*

1. Does the proposed activity involve temporary structures, fills, and work, including temporary mats, necessary to conduct the maintenance activity?



Yes       **No (Activity does not qualify  
for use of NWP 3 (c) )**

2. Have appropriate measures been taken to maintain normal downstream flooding to the maximum extent practicable, when the temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites?

Yes       **No (Activity does not qualify  
for use of NWP 3 (c) )**

3. Do the temporary fills consist of materials, and will they be placed in a manner, that will not be eroded by expected high flows?

Yes       **No (Activity does not qualify  
for use of NWP 3 (c) )**

4. Will the temporary fills be removed in their entirety, the affected areas returned to pre-construction elevations, and the affected areas revegetated as appropriate?

Yes       **No (Activity does not qualify  
for use of NWP 3 (c) )**

**F. Nationwide Permit 3 (d)**

1. Does the proposed activity involve maintenance dredging for the primary purpose of navigation, beach nourishment, stream channelization OR stream relocation projects?

**Yes (Activity does not  
qualify for use of  
NWP 3 )**       No

**Checklist Completed By:** \_\_\_\_\_ -

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