

U.S. Army Corps of Engineers - Charleston District
Checklist for 2017 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, if a PCN is incomplete, and other actions that may be required during a PCN review.

Please complete Section I and all other applicable sections.

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 issued)

3. Is the proposed activity located in or adjacent to an authorized Federal Navigation project? These Federal Navigation areas include Adams Creek, Atlantic Intracoastal Waterway (AIWW), Ashley River, Brookgreen Garden Canal, Calabash Creek, Charleston Harbor (including the Cooper River and Town Creek), Folly River, Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Canal), Jeremy Creek, Little River Inlet, Murrells Inlet (Main Creek), Port Royal Harbor, Savannah River, Shem Creek (including Hog Island Channel & Mount Pleasant Channel), Shipyard Creek, Village Creek and the Wando River.

Yes* (PCN required, Corps PM will coordinate with CESAC-OP-N) No

4. 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)

5. 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

6. 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

7. 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

8. 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

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

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

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

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

11. If the proposed activity involves temporary structures, fills and/or work, including temporary mats, will the temporary structures, fill and/or work, including temporary mats, be in place for a period of more than 90 days per temporary impact area and/or phase of the overall project?

N/A **Yes* (A PCN is required and time extension is required from the District Engineer..)** No

12. If the proposed activity involves temporary structures, fills and/or work, including temporary mats, will the temporary structures, fill and/or work, including temporary mats, be in place for a period of more than 180 days per temporary impact area and/or phase of the overall project?

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

13. If the proposed activity requires a PCN and involves temporary structures, fills, and/or work, including the use of temporary mats, does the PCN include a written description and/or drawings of the proposed temporary activities that will be used during project construction?

N/A Yes No (Incomplete PCN)

14. **For NWP 3**, paragraph (a) and (c) activities, will the proposed discharge of dredged or fill material cause the loss of greater than 1/10-acre of waters of the United States OR is the proposed discharge of dredged or fill material located within a special aquatic site, which includes but is not limited to, wetlands, mudflats, vegetated shallows, riffle and pool complexes, sanctuaries, and refuges?

Yes* (PCN required) No

15. **For NWP 3**, paragraph (a) activities, does the proposed activity involve the repair, rehabilitation or replacement of existing utility lines constructed over navigable waters of the United States and existing utility lines routed in or under navigable waters of the United States, even if no discharge of dredged or fill material occurs?

Yes* (PCN required) No

16. **For NWP 3**, paragraph (b) activities, does the proposed activity involve the excavation of accumulated sediment or other material in the immediate vicinity of private or commercial dock facilities, piers, canals for boating access, marina, boatslips, etc.?

Yes (Activity does not
qualify for NWP 3) No

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

N/A -*Skip to Sections III, IV and/or V 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))

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

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

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))

III. Nationwide Permit 3 (b) *(Complete #1- 4 of this section III 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 IV or V 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 the maintenance dredging for removal of accumulated sediments that are blocking or restricting outfall and intake structures OR does the activity involve the maintenance dredging for removal of accumulated sediments from canals associated with outfall and intake structures? (The 200-foot limit does not apply).

Yes 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

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?

Yes No (Incomplete PCN)

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

Yes No (Incomplete PCN)

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

N/A Skip to Section V 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))

V. 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: _____