

**U.S. Army Corps of Engineers - Charleston District
Checklist for 2017 Nationwide Permit Review
Nationwide Permit 44**

**Mining Activities
(10 and 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.

A PCN is required for all activities authorized by NWP 44.

Complete sections I and II.

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 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 (The proposed discharge does not qualify for use of a NWP) 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. If the proposed activity involves impacts to stream beds, are the impacts to the stream bed provided in both linear feet and acreage?

N/A Yes No (Incomplete PCN)

II. Nationwide Permit 44:

1. Does the proposed activity involve the discharge of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities?

Yes No (Activity does not qualify for use of NWP 42)

2. If the proposed activity involves the discharge of dredged or fill material into non-tidal wetlands, does the discharge cause the loss of greater than ½-acre of non-tidal wetlands?

N/A Yes (The proposed discharge does not qualify for use of NWP 44) No

3. If the proposed activity involves the discharge of dredged or fill material in non-tidal open waters (e.g., rivers, streams, lakes, and ponds) does the mined area, including permanent and temporary impacts due to discharges of dredged or fill material into jurisdictional waters, exceed ½-acre?

- N/A Yes (The proposed discharge does not qualify for use of NWP 44) No

4. Does the acreage loss under #2 (paragraph a in NWP 44) plus the acreage loss under #3 (paragraph b in NWP 44) exceed ½- acre?

- N/A Yes (The proposed discharge does not qualify for use of NWP 44) No

5. 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 (Agency coordination required. Refer to GC #32 (d) (2) (ii) and (3)) No

6. 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 NWP 44).

7. Does 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 NWP 44) No

8. If the discharge associated with the proposed activity involves impacts to stream bed, does the loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP exceed 1/2- acre?

- N/A Yes (Activity does not qualify for use of NWP 44) No

9. Does the discharge associated with the proposed activity occur within a non-tidal wetland adjacent to tidal waters?

- N/A Yes (Activity does not qualify for use of NWP 44) No

10. If reclamation is required by other statutes, has a copy of the final reclamation plan been submitted with the pre-construction notification?

- N/A Yes No (Incomplete PCN)

Checklist Completed By: _____

Date: _____