

Honolulu District

U.S. Army Corps of Engineers



Nationwide Permit Pre-Construction Notification (PCN)

This PCN template integrates requirements of the U.S. Army Corps of Engineers (Corps) Nationwide Permit (NWP) Program with the Honolulu District (POH) NWP Regional Conditions. Boxes 1-10 should be completed to include all information required by NWP General Condition 32. Boxes 11 and 12 (or other sufficient information to show compliance with all NWP General and POH Regional Conditions) is also recommended to be completed for proposed activities seeking verification under the NWP Program. If additional space is needed, please provide as a separate attachment. Please refer to the *Instructions for the Honolulu District Nationwide Permit Pre-Construction Notification (PCN)* (Instructions) for instructions on completing the PCN.

To be completed by the Corps – do not fill-in

Application Number:	Date Received:	Date Complete:
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1. Prospective Permittee and Agent Contact Information (see Instructions)

a. Prospective Permittee

First - _____ Middle - _____ Last - _____

Company - _____ Email Address - _____

Address - _____ City - _____ State/Territory - _____ Zip - _____

Phone (Residence/Mobile) - _____ Phone (Business) - _____

b. Agent (if applicable)

First - _____ Middle - _____ Last - _____

Company - _____ Email Address - _____

Address - _____ City - _____ State/Territory - _____ Zip - _____

Phone (Residence/Mobile) - _____ Phone (Business) - _____

c. Statement of Authorization: I hereby authorize _____, to act on my behalf as my agent for the proposed activity. (Optional, see instructions)

Signature of Applicant

Date

2. Name and Location of the Proposed Activity (see Instructions)

The proposed work would involve multiple-single and complete projects. See attachment for the information required in Boxes 2 through 12, as applicable.

a. Project Name or Title:	b. City, County, Island, State/Territory:
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c. Name of Impacted Waterbody(ies):

d. Coordinates (in decimal format):

Unknown (please provide other location descriptions below)

Latitude - _____ Longitude - _____

e. Other Location Description (optional, see instructions):

f. Directions to the site (optional, see instructions):

3. Specific NWP(s) you want to use to authorize the proposed activity (see Instructions)

4. Description of the Proposed Activity (see Instructions)

a. Complete description of the Proposed Activity:

b. Purpose of the Proposed Activity:

c. Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure:

d. Description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity:

e. Any other NWP(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity including other separate and distant crossings for linear projects that require Department of the Army authorization:

f. Have sketches been provided containing sufficient detail to show that the activity complies with the terms of the NWP and provide an illustrative description of the proposed activity? Yes, Attached No

5. Aquatic Resource Delineation (see Instructions)

a. Has a delineation of aquatic resources (wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams) been conducted in accordance with the current method required by the Corps? Yes No

If yes, please attach a copy of the delineation

Note: If no, your PCN is not complete. In accordance with General Condition 32, you may request the Corps delineate the special aquatic sites and other waters on the project site, but there may be a delay. In addition, the PCN will not be considered complete until the delineation has either been submitted to or completed by the Corps, as appropriate.

b. If a delineation has been submitted, would you like the Corps to conduct a jurisdictional determination (preliminary or approved)? Yes No

If yes, please complete, sign and return the attached *Appendix 1 – Request for Corps Jurisdictional Determination (JD)* sheet or provide a separate attachment with the information identified in Appendix 1.

6. Compensatory Mitigation (see Instructions)

a. Will the proposed activity result in the loss of greater than 1/10-acre of wetlands? Yes No

If yes, describe how you propose to compensate for the loss of each type of wetland:

Note: For the loss of less than 1/10 acre of wetlands, or if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.

b. Will the proposed activity result in the loss of streams or other open waters of the U.S.? Yes No

If yes, provide a description of any proposed compensatory mitigation for the loss of each type of stream or other open water:

Note: If no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.

7. Endangered Species Act (ESA) Compliance (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there any Federally-listed endangered or threatened species or designated critical habitat that might be affected or is in the vicinity of the activity? Yes No Unknown

(2) Is the activity located in designated critical habitat for Federally-listed endangered or threatened species? Yes No

If yes to either (1) or (2), include the name(s) of those endangered or threatened species that might be affected by the proposed activity or might utilize the designated critical habitat that might be affected by the proposed activity:

- | | |
|----|-----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |
| 7. | 8. |
| 9. | 10. |

If no to both (1) and (2), proceed to Box 8.

Note: If yes to either (1) or (2), note per General Condition 18(c), you shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

b. For Federal permittees, you must provide documentation demonstrating compliance with ESA as a separate attachment. Documentation provided, see attached.

8. Historic Properties (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there a known historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that your proposed activity may have the potential to affect? Yes No

If yes to (1), state which historic property may have the potential to be affected by the proposed activity:

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

OR

A vicinity map indicating the location of the historic property is enclosed

(2) If no to (1), describe the potential for the proposed work to affect a previously unidentified historic property:

Note: If yes to (1), note per General Condition 20(c), you shall not begin the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the National Historic Preservation Act (NHPA) has been completed.

b. For Federal permittees, you must provide documentation demonstrating compliance with NHPA in a separate attachment. Documentation provided, see attached.

9. National Wild and Scenic Rivers (see Instructions)

a. Will the proposed activity occur in a component of the National Wild and Scenic River System or a river officially designated by Congress as a “Study River” for possible inclusion in the system while the river is in an official study status? Yes, in a component of a National Wild and Scenic River System; Yes, in a “study” river No

If yes, identify the Wild and Scenic River or the “study river”:

Note: Per General Condition 16(b), you shall not begin the NWP activity until notified by the Corps that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. If you have received written notification from the Federal agency, please attach the correspondence.

10. Section 408 Permissions (see Instructions)

a. Will the proposed activity also require permissions from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project? Yes No

If yes, have you received Section 408 permission to alter, occupy, or use the Corps project? Yes No

If yes, please attach the Section 408 permission

Note: If yes, note per General Condition 31, an activity that requires Section 408 permission is not authorized by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.

11. Compliance with NWP General Conditions (see Instructions)

Check	General Condition	Rationale for Compliance with General Condition
<input type="checkbox"/>	1. Navigation	
<input type="checkbox"/>	2. Aquatic Life Movements	
<input type="checkbox"/>	3. Spawning Areas	
<input type="checkbox"/>	4. Migratory Bird Breeding Areas	
<input type="checkbox"/>	5. Shellfish Beds	
<input type="checkbox"/>	6. Suitable Material	
<input type="checkbox"/>	7. Water Supply Intakes	
<input type="checkbox"/>	8. Adverse Effects from Impoundments	
<input type="checkbox"/>	9. Management of Water Flows	
<input type="checkbox"/>	10. Fills Within 100-Year Floodplains	

<input type="checkbox"/>	11. Equipment	
<input type="checkbox"/>	12. Soil Erosion and Sediment Controls	
<input type="checkbox"/>	13. Removal of Temporary Fills	
<input type="checkbox"/>	14. Proper Maintenance	
<input type="checkbox"/>	15. Single and Complete Project	
<input type="checkbox"/>	16. Wild and Scenic Rivers	
<input type="checkbox"/>	17. Tribal Rights	
<input type="checkbox"/>	18. Endangered Species	See Box 7 above.
<input type="checkbox"/>	19. Migratory Bird and Bald and Golden Eagle Permits	
<input type="checkbox"/>	20. Historic Properties	See Box 8 above.
<input type="checkbox"/>	21. Discovery of Previously Unknown Remains and Artifacts	
<input type="checkbox"/>	22. Designated Critical Resource Waters	
<input type="checkbox"/>	23. Mitigation	See Boxes 4(d) and 6 above.
<input type="checkbox"/>	24. Safety of Impoundment Structures	
<input type="checkbox"/>	25. Water Quality	
<input type="checkbox"/>	26. Coastal Zone Management	

<input type="checkbox"/>	27. Regional and Case-by-Case Conditions	
<input type="checkbox"/>	28. Use of Multiple Nationwide Permits	
<input type="checkbox"/>	29. Transfer of Nationwide Permit Verifications	
<input type="checkbox"/>	30. Compliance Certification	
<input type="checkbox"/>	31. Activities Affecting Structures or Works Built by the United States	See Box 10 above.
<input type="checkbox"/>	32. Pre-Construction Notification	

12. Compliance with NWP Regional Conditions (see Instructions)

Check	Regional Condition	Rationale for Compliance with Regional Condition
<input type="checkbox"/>	1. Revoked Permits	
<input type="checkbox"/>	2. Limited Use Areas	
<input type="checkbox"/>	3. Acreage Limitation	
<input type="checkbox"/>	4. Stream Channelization and Impoundment Restriction	
<input type="checkbox"/>	5. NWP Verification	
<input type="checkbox"/>	6. Pre-Construction Notification	
<input type="checkbox"/>	7. Additional PCN Information	
<input type="checkbox"/>	8. Best Management Practices	
<input type="checkbox"/>	9. Bank Stabilization	

Instructions for the Honolulu District Nationwide Permit Pre-Construction Notification (PCN):

This PCN template integrates requirements of the U.S. Army Corps of Engineers (Corps) Nationwide Permit (NWP) Program with the Honolulu District (POH) NWP Regional Conditions for regulated activities located within POH's area of responsibility. The POH Regulatory Branch recommends this PCN template be used by prospective permittees who are seeking verification under the 2017 NWPs. Should you choose to submit your PCN using an alternate format, it must contain all information requirements identified at NWP General Condition 32(b) and Regional Condition 7 (Attachment 1).

Boxes 1-10 should be completed to include all information required by NWP General Condition 32. Boxes 11 and 12 (or other sufficient information to show compliance with all NWP General and POH Regional Conditions) should also be completed to facilitate

If additional space is needed, provide as an attachment to the PCN template.

Box 0: This box is to be completed by the Corps. Skip to Box 1.

Box 1: Box 1 must be completed to provide the contact information of the prospective permittee, as required by General Condition 32.

Box 1(a): As identified in General Condition 32(b)(1), the PCN must contain the name, address, and telephone number of the prospective permittee. The email address of the prospective permittee is not required, but is recommended.

Box 1(b): If the prospective permittee chooses to have an agent, the contact information for the agent may be provided here. The prospective permittee may designate an agent in this box who will correspond with the Corps and acting on behalf of the prospective permittee to obtain a permit from the Corps.

Box 1(c): Completion of this box is optional if the prospective permittee would like the Corps to contact the agent with any question regarding the PCN submittal or the proposed activity. If Box 1(c) is not completed, the Corps will contact the prospective permittee directly with any questions. The individual identified in Box 1(c) must match the individual identified in Box 1(b)

Box 2: Box 2 must be completed to provide the location of the proposed activity, per General Condition 32(b)(2). If the proposed work would involve multiple single and complete projects, check the box, and provide the location information identified in Boxes 2-10, and 11-12, as applicable, in a separate attachment.

For multiple single and complete projects, a table identifying the location of each project is recommended, which may be done by creating a table or similar format. For activities with multiple single and complete projects, submittal of the GIS shapefiles with the location of each project is recommended, but is not required. *Single and Complete Linear Project* and *Single and Complete Non-Linear Project* are defined in the *Definitions* section of the 2017 NWP. For questions regarding the definition of single and complete project, please contact the POH Regulatory Office.

Box 2(a): Provide the name of the proposed activity. For example: Makai Harbor Pier A Repair, Mauka Stream Bank Stabilization, Aina Residential Development Project.

Box 2(b): Provide the City, County, Island and State/Territory where the proposed activity is located.

Box 2(c): Provide the name of the nearest waterbody to the proposed activity or the waterbody proposed for impact, if known.

Box 2(d): Provide the coordinates of the proposed activity if known. The coordinates should be provided using NAD 83, and in decimal degrees.

Box 2(e): This box should be completed if the coordinates of the proposed activity are not known, and should be sufficient for the Corps to determine the location of the proposed activity. This may include the project physical address, TMK number, etc. If there is an existing Corps' file or identification number for the site, please provide that information here.

Box 2(f): This box should be completed if the coordinates of the proposed activity are not known, and should be sufficient for the Corps to determine the location of the proposed activity.

Box 3: Per General Condition 32(b)(3), the prospective permittee must identify the specific NWP requested to authorize the proposed activity. Please note the Corps will make the final determination on the evaluation of the appropriate NWP to be used, whether the proposed activity meets the terms and conditions of the NWP, and whether the effects of the proposed activity would result in no more than minimal adverse environmental effects, individually and cumulatively.

Box 4: General Condition 32(b)(4) requires the PCN contain the following:

a description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of

measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

If the proposed activity would involve multiple single and complete projects, provide the information identified in Boxes 4(a) – (e) for each single and complete project in a separate attachment. For multiple single and complete projects, a table identifying the impacts to waters of the U.S. for each single and complete linear project should be submitted, which may be done by creating a table or similar format. Single and Complete Linear Project and Single and Complete Non-Linear Project are defined in the *Definitions* section of the NWPs. For questions regarding the definition of single and complete project, please contact your District regulatory office.

Box 4(a): This box should include a complete description of the proposed activity. Information submitted should include the type of project proposed to be constructed, portions of proposed activity that require a Corps permit, materials used, dates of construction, equipment, pilings, etc. For discharges of dredged and/or fill material, identify the amount (in cubic yards) and type (e.g. soil, gravel, 32" rip-rap) of dredged and/or fill material that would be discharged. The proposed extraction site for any fill material proposed to be placed in waters of the U.S. should also be identified.

Box 4(b): This box should describe the purpose of the proposed activity. For example: To construct a residential and commercial development; To rehabilitate 13 acres of seasonal wetlands; To construct a temporary staging area for upland development; To stabilize 500 linear feet of stream bank; etc.

Box 4(c): This box should describe the direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of each type of

water of the U.S. expected to result from the NWP activity. “Loss of waters of the U.S.” and “loss of stream bed” are defined in the *Definitions* section of the 2017 NWPs. For questions regarding the definition “loss of waters of the U.S.” or “loss of stream bed,” please contact the POH Regulatory Branch. For activities that would result in the discharge of dredged and/or fill material into waters of the U.S. subject to Section 404 of the Clean Water Act, include in this box the acreage (and linear feet for streams or other linear aquatic resources) of each aquatic resource type that would be filled.

Your discussion of direct and indirect adverse environmental effects should reflect your consideration of the anticipated impacts the proposed activity could have on the resources identified in Box 12, Regional Condition 7. If you are proposing measures to avoid and/or minimize impacts to such resources, you may discuss the avoided or minimized impacts in Box 4(d).

Identify for each discharge whether the fill would be permanent or temporary (i.e. fill would be removed following construction and the fill area would be restored to pre-activity contours and conditions). For temporary fills, identify when the fill in waters of the U.S. is proposed to be removed, and the methods proposed to remove the fill/restore the area to pre-activity contours and conditions. In addition, identify the adverse environmental effects outside of the direct impact area that would occur, including the acreage of each type of water.

For activities that would result in work or the placement of structures in a navigable water of the U.S. subject to Section 10 of the Rivers and Harbors Act, include a description of the proposed work and the adverse environmental effects, including the acreage of the navigable water(s) that would be directly affected and the adverse effects cause by this activity. Identify for each structure, whether use in navigable waters would be permanent or temporary (i.e. structure would be removed from navigable waters following construction or structure is permanent). In addition, identify the indirect effects that would occur to the navigable waterway outside of the direct impact area.

Box 4(d): Include in this box any proposed mitigation measures intended to reduce adverse environmental effects caused by the proposed activity. Measures may include, a description of any best management practices (BMPs) proposed to minimize effects to downstream waters of the U.S., avoidance and/or preservation of waters of the U.S. on the project site; installation and maintenance of erosion control measures; and any other measures proposed. Do not include compensatory mitigation proposed to compensate for the loss of waters of the U.S., as this will be identified in Box 6.

Box 4(e): Identify any other NWP(s), Regional/Programmatic General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity. If the proposed activity is part of a larger overall project

that would require authorization under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act, identify the other permits proposed to be used here. This includes other separate and distant crossings for linear projects that require DA authorization but do not require pre-construction notification.

Box 4(f): Identify if sketches have been provided containing sufficient detail to provide an illustrative description of the proposed activity. Please note that specific requirements for drawings are required by the POH and are available at the POH website at <http://www.poh.usace.army.mil/Missions/Regulatory/>.

Box 5: Regional Condition 32(b)(5) requires the PCN include a delineation of wetlands, other special aquatic sites, and other waters.

Box 5(a): Identify whether a delineation of aquatic resources has been conducted in accordance with the current method required by the Corps. Wetland delineations must be conducted in accordance with the technical procedures and guidance described in the 1987 *Corps of Engineers Wetlands Delineation Manual* (Technical Report Y-87-1) and the 2012 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Hawai'i and Pacific Islands Region*, Version 2.0. If a delineation of aquatic resources has been completed, a copy should be attached. If a delineation of aquatic resources has not been completed, the PCN is not complete. You may request the Corps delineate the special aquatic sites and other waters on the project site, but there may be a delay. In addition, the PCN will not be considered complete until the delineation has either been submitted to or completed by the Corps, as appropriate.

Box 5(b): If a delineation of aquatic resources has been submitted, identify whether you would like the Corps to conduct a jurisdictional determination (preliminary or approved). If yes, you must complete, sign, and return the enclosed *Appendix 1 – Request for Corps jurisdictional Determination (JD)* sheet, or provide a separate attachment with the information identified in Appendix 1 (Attachment 2). For questions regarding jurisdictional determinations, please contact the POH Regulatory Branch.

Box 6: General Condition 32(b)(6) requires, if the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee submit a statement describing how the mitigation requirements of General Condition 23 will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

If the proposed activity would involve multiple single and complete projects, provide the information identified in 6(a) and 6(b) for each single and complete project in a separate attachment. For multiple single and complete projects, a table identifying the

proposed compensatory mitigation for each single and complete project should be submitted.

Box 6(a): Identify whether the proposed activity would result in the loss of greater than 1/10-acre of wetlands. The definition of “loss of waters of the U.S.” may be found in the *Definitions* section of the 2017 NWP.

If the proposed activity would result in the loss of greater than 1/10-acre of wetlands, provide a statement describing the proposed compensatory mitigation for the loss of each type of wetland. The information submitted should include the type of compensatory mitigation (e.g. purchase of mitigation bank or in-lieu fee credits) or permittee responsible establishment, re-establishment, rehabilitation, enhancement or preservation for each wetland type (e.g. marsh, seasonal wetland, riparian wetland)). If no compensatory mitigation is proposed, explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. If preservation is proposed as compensatory mitigation, identify how the proposed preservation meets the 5 criteria listed in 33 CFR 332.3(h)). Note that for the loss of less than 1/10-acre of wetlands, or if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

Box 6(b): Identify whether the proposed activity would result in the loss of streams or other open waters of the U.S. The definition of “loss of waters of the U.S.” and “loss of stream bed” may be found in the *Definitions* section of the 2017 NWP. If the proposed activity would result in the loss of streams or other open waters of the U.S., provide a description of any proposed compensatory mitigation for the loss of each type of stream or other open water. This includes the type of compensatory mitigation (e.g. purchase of mitigation bank or in-lieu fee credits) or permittee responsible establishment, re-establishment, rehabilitation, enhancement or preservation for each stream or open water type (e.g. intermittent drainage, pond, lake). If preservation is proposed as compensatory mitigation, identify how the proposed preservation meets the 5 criteria listed in 33 CFR 332.3(h). Note that if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.

Box 7: General Condition 32(b)(7) requires that for non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered

Species Act (ESA). For questions regarding federally-listed species, critical habitat, or ESA, please contact the local NOAA Fisheries office, U.S. Fish and Wildlife Service, or the POH Regulatory Office Branch.

If the proposed activity would involve multiple single and complete projects, provide the information identified in Boxes 7(a) – (d) (as applicable) for each single and complete project in a separate attachment.

Box 7(a): For non-Federal permittees, identify (1) if there are any Federally-listed endangered or threatened species or critical habitat that might be affected or is in the vicinity of the activity; (2) if the activity is located in designated critical habitat for Federally-listed endangered or threatened species; and (3) if yes to (1) or (2), identify the name(s) of those endangered or threatened species that might be affected by the proposed activity or might utilize the designated critical habitat that might be affected by the proposed activity. If no to both (1) and (2), proceed to Box 8.

Note that if the answer to (1) or (2) is yes, per General Condition 18(c), the non-Federal permittee shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

Box 7(b): Federal permittees should provide documentation demonstrating compliance with ESA as a separate attachment. Per General Condition 32(b)(7), if documentation showing compliance with the ESA is not submitted by the federal permittee, the PCN will not be complete.

Box 8: General Condition 32(b)(8) requires that, for non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act. For questions regarding historic properties or the NHPA, please contact the POH Regulatory Branch.

If the proposed activity would involve multiple single and complete projects, provide the information identified in Boxes 8(a) – (d) (as applicable) for each single and complete project in a separate attachment.

Box 8(a): For non-Federal permittees, identify (1) if there is a known historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that the NWP may have the potential to affect. If yes, state which historic property(s) may have the potential to be affected by

the proposed activity, or check the box and provide a vicinity map of the location of the historic property. If no to (1), describe the potential for the proposed work to affect a previously unidentified historic property, if known.

Note that if the answer to (1) is yes, per General Condition 20(c), the non-Federal permittee shall not begin work on the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the National Historic Preservation Act (NHPA) has been completed.

Box 8(b): Federal permittees should provide documentation demonstrating compliance with NHPA as a separate attachment. Per General Condition 32(b)(8), if documentation showing compliance with the NHPA is not submitted by the federal permittee, the PCN will not be complete.

Box 9: General Condition 32(b)(9) requires that, for an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river.”

If the proposed activity would involve multiple single and complete projects, provide the information identified in 9(a) for each single and complete project in a separate attachment.

Box 9(a): Identify whether the proposed activity will occur in a component of the National Wild and Scenic River System or a river officially designated by Congress as a “Study River” for possible inclusion in the system while the river is in an official study status. If yes, identify the Wild and Scenic River or the “study river.”

Note per General Condition 16(b), the prospective permittee shall not begin the NWP activity until notified by the Corps that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. If the prospective permittee has received written notification from the Federal agency, this correspondence should be attached to the PCN.

Box 10: General Condition 32(b)(10) requires that For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that Corps project.

If the proposed activity would involve multiple single and complete projects, provide the information identified in 10(a) for each single and complete project in a separate attachment.

Box 10(a): Identify if the NWP will also require permissions from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project. If yes, identify if the prospective permittee has received Section 408 permission to alter, occupy, or use the Corps project, and attach the Section 408 permission.

Note per General Condition 31, an activity that requires Section 408 permission is not authorized by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.

Box 11: Box 11 contains a checklist to show compliance with General Conditions 1 through 32 of the NWPs. This information, as applicable, may be provided through completion of Box 11, or as a separate attachment. Completion of this information may assist the District in determining whether the proposed activity meets the General Conditions of the NWP and would result in no more than minimal adverse environmental effects.

If the proposed work would involve multiple single and complete projects, provide the information identified in Box 10 for each single and complete project in a separate attachment.

Box 12: Box 12 contains a checklist to show compliance with the POH Regional Conditions 1 through 9 issued by the Pacific Ocean Division Commander, effective March 19, 2017. This information, as applicable, may be provided through completion of Box 12, or as a separate attachment. Completion of this information may assist the District in determining whether the proposed activity meets the Regional Conditions of the NWP and would result in no more than minimal adverse environmental effects.

**DEPARTMENT OF THE ARMY NATIONWIDE PERMIT (NWP)
PRE-CONSTRUCTION NOTIFICATION (PCN) REQUIREMENTS**

(Reference Volume 82, Page 2003, General Condition 32(b) of the Federal Register)

In order for this office to evaluate eligibility of your project for authorization under a NWP, your PCN must be in writing (electronic or paper format) and must contain the following information to be considered complete:

- (1) Name, address and telephone numbers of the prospective permittee
- (2) Location of the proposed activity
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, your PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans)
- (5) Your PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method¹ required by the U.S. Army Corps of Engineers (Corps). The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the

mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, your PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, your PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, your PCN must identify the Wild and Scenic River or the “study river” (see general condition 16)

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project

To comply with NWP Regional Condition 7:

(7.1) For Federal permittees, your PCN must provide documentation demonstrating compliance with the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Management and Conservation Act. For non-Federal permittees, in addition to the requirements at GC #18, #20 and GC #32, your PCN must contain the following information to demonstrate your avoidance and minimization of adverse impacts to wetlands, other special aquatic sites and other waters, and if applicable, endangered species, essential fish habitat and historic properties, including cultural resources. The level of detail submitted in your PCN shall be commensurate with the anticipated degree of project-related impacts.

a. For activities where federally-listed or proposed threatened and endangered species or critical habitat, are known or likely to occur within the project area, the PCN must contain the following information:

i. A list of species, both listed and proposed for listing, and critical habitat, known to occur within and in the near vicinity of the project impact area. Information on the location of threatened and endangered species and their critical habitat and potential project-related impacts to these resources can be obtained directly from the Pacific Islands U.S. Fish & Wildlife Service Office and National Marine Fisheries Service Pacific Islands Regional Office.

ii. Best Management Practices (BMPs) proposed to be implemented throughout the duration of construction to avoid and/or minimize adverse impacts to threatened and endangered species.

b. For activities occurring in tidally-influenced nearshore and marine environments, the PCN must contain the following information:

- i. A list of Management Unit Species and associated Essential Fish Habitat (EFH) occurring within and in the near vicinity of the project impact area. Information on the location of EFH and potential project-related impacts to these resources can be obtained directly from your local National Marine Fisheries Service office.
- ii. A description of the existing environment within and in the near vicinity of the project impact area: characterization of the benthic substrate (seafloor or stream bed e.g., sand, cobbles, silt, etc.), water depth, distance from shore, tidal range (intertidal, subtidal, submerged), general characterization of water quality (temperature range, salinity, water circulation, turbidity).
- iii. Measures to avoid and/or minimize adverse impacts to EFH and proposed mitigation, if applicable.

c. For activities that might have the potential to cause effect to historic properties, including cultural resources, listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties, the PCN must contain the following information:

- i. A description of any associated upland activities proposed under the same project.
- ii. A list of any known historic properties within the project area and in the near vicinity listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic places. Information on the location of historic properties including cultural resources and potential project-related impacts to these resources can be obtained directly from your local State Historic Preservation Officer.
- iii. A list of any Native Hawaiian Organizations, community members, or other parties you think may have an interest in providing comment on the impact the proposed activity may have on cultural resources. Any information you may have related to historic or current cultural use or importance at or near the project site.
- iv. Copies of any correspondence from the State Historic Preservation Officer, any NHO, or other party consulted with regarding the potential impacts of the proposed activity on historic properties, including cultural resources.
- v. A list of resources, (e.g. published documents, assessments, surveys, etc.) reviewed to provide response to items i-iii, above.
- vi. BMP measures proposed to be implemented throughout the duration of construction to avoid and/or minimize adverse impacts to historic properties, including cultural resources.

(7.2) For non-Federal and Federal permittees, activities that would result in the permanent loss of wetlands, other special aquatic sites and other waters, you must provide a written discussion of the on-site design configurations that you considered to demonstrate avoidance and minimization of impacts was evaluated and that the proposed permanent loss is unavoidable. Submission of a plan-view sketch depicting the footprint of on-site design configurations overlaying such waters within the project area will assist in the Corps' review of your proposed activity.

Instructions:

You may submit your PCN to this office for review via email (preferred) to: CEPOH-RO@usace.army.mil OR via postal mail to:

U.S. Army Corps of Engineers
Honolulu District
Regulatory Office [CEPOH-RO], Building 230
Fort Shafter, Hawaii 96858-5440

This office will determine if your PCN is complete within 30-days of the date of receipt. If your PCN is determined to be incomplete, this office will notify the identified permittee within that 30-day period of information necessary to make your PCN complete. This office will not begin evaluating your project until we receive a complete PCN. Providing a complete PCN and ensuring your project is designed to comply with the attached NWP General and Honolulu District Regional Conditions will ensure efficient processing of your permit.

Before authorizing work under our statutory authorities, the Corps must ensure a project complies with applicable Federal laws and regulations, such as the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Section 401 of the Clean Water Act, Coastal Zone Management Act, and the National Historic Preservation Act. In most instances, the Corps will coordinate directly with the appropriate agencies, but we may require additional information from you to complete the coordination and consultation.

Notes:

¹Wetland delineations must be conducted in accordance with the technical procedures and guidance described in the 1987 *Corps of Engineers Wetlands Delineation Manual* (Technical Report Y-87-1) and the 2012 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Hawai'i and Pacific Islands Region*, Version 2.0

Appendix 1 - REQUEST FOR CORPS JURISDICIONAL DETERMINATION (JD)

To: Honolulu District, U.S. Army Corps of Engineers Regulatory Branch

- I am requesting a JD on property located at: _____
City: _____ County/Island: _____
State/Territory: HI AS GU CNMI Acreage of Parcel/Review Area for JD: _____ acres
Latitude (decimal degrees): _____ Longitude (decimal degrees): _____
(For linear projects, please include the center point of the proposed alignment.)
- Please attach a survey/plat map and vicinity map identifying location and review area for the JD.
- I currently own this property. I plan to purchase this property.
 I am an agent/consultant acting on behalf of the requestor.
 Other (please explain): _____
- Reason for request: (check as many as applicable)
 I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.
 I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
 I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
 I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.
 I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.
 A Corps JD is required in order to obtain my local/state authorization.
 I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does -not exist over the aquatic resource on the parcel.
 I believe that the site may be comprised entirely of dry land.
 Other: _____
- Type of determination being requested:
 I am requesting an approved JD.
 I am requesting a preliminary JD.
 I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.
 I am unclear as to which JD I would like to request and require additional information to inform my decision.

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

*Signature: _____ Date: _____

- Typed or printed name: _____
Company name: _____
Address: _____

Daytime phone no.: _____
Email address: _____

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USAGE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.