

Pre_Construction Notification Content Requirements

The pre-construction notification (PCN) must be in writing and include the following information:

- a. Name, address, and telephone numbers of the prospective permittee; (the [Joint Aquatic Resource Permits Application](#) form may be used).
- b. Location of the proposed project;
- c. Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permits(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (sketches usually clarify the project and when provided result in a quicker decision).

The contents of a Pre-Construction Notification must include the items listed in a. through c. above, and the following:

- For **NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43**, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));
- For **NWP 7, Outfall Structures and Maintenance**, the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed.
- For **NWP 14, Linear Transportation Crossings**, the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the United States and a statement describing how temporary losses of waters of the United States will be

MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE.

- For **NWP 21, Surface Coal Mining Activities**, the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing.
- For **NWP 27, Stream and Wetland Restoration**, the PCN must include documentation of the prior condition of the site that will be reverted by the permittee.
- For **NWP 29, Single-Family Housing**, the PCN must also include:
 - i. Any past use of this NWP by the individual permittee and/or the permittee's spouse;
 - ii. A statement that the single-family housing activity is for a personal residence of the permittee;
 - iii. A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring $\frac{1}{4}$ acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than $\frac{1}{4}$ acre in size, a formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));
 - iv. A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

- For **NWP 31, Maintenance of Existing Flood Control Projects**, the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:
 - i. Sufficient baseline information so as to identify the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;
 - ii. A delineation of any affected special aquatic sites, including wetlands; and
 - iii. Location of the dredged material disposal site.
- For **NWP 33, Temporary Construction, Access, and Dewatering**, the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources.
- For **NWPs 39, Residential, Commercial, and Institutional Developments, and NWP 43, Stormwater Management Facilities**, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization of losses of waters of the United States were achieved on the project site.
- For **NWP 39, Residential, Commercial, and Institutional Developments, and NWP 42, Recreational Facilities**, the PCN must include a compensatory mitigation proposal that offsets unavoidable losses of waters of the United States or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed.

- For **NWP 40, Agricultural Activities**, the PCN must include a compensatory mitigation proposal to offset losses of waters of the United States. This NWP does not authorize the relocation of greater than 300 linear-feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent non-tidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively.
- For **NWP 43, Stormwater Management Facilities**, the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with State and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the United States. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed.
- For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, the District Engineer may add species-specific regional endangered species conditions to the NWPs. For a list of species in your project area, contact both:
[U.S. Fish and Wildlife Service](#)

National Historic Properties

- For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.
 - For **NWPs 12, 14, 29, 39, 40, 42, and 43**, where the proposed work involves discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within 100-year floodplains (as identified on FEMA's Flood Insurance Rate Maps or FEMA-approved local floodplain maps), the notification must include documentation demonstrating that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.
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Point of Contact: Regulatory Reception or
Contact a Specific Staff Member

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