

**U.S. Army Corps of Engineers - Charleston District
Checklist for 2012 Nationwide Permit Review
Nationwide Permit 39**

**Commercial and Institutional Developments
(10/404)**

SAC #: _____

Applicant Name: _____

Waterway/Location: _____

Project Name: _____

***A Pre-Construction Notification (PCN) is required for all activities authorized by NWP 39**

1. Does the activity involve the discharge of dredged or fill material into non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters, for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures? Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, stormwater management facilities such as playgrounds and playing fields.

Yes* No

2. Is the project a new golf course or ski area?

Yes No*

3. Does the discharge cause the loss of greater than ½ acre of non-tidal waters of the U.S.?

Yes No*

4. Does the discharge cause the loss of greater than 300 linear feet of streambed?

Yes No*

5. Will the NWP 39 be used in conjunction with NWP 12, 14, 29, 43, 51 and/or 52 for an activity that is considered a *single and complete project*?

Yes No*

6. Is the activity proposed in designated critical resource waters or their adjacent wetlands?
(Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves)

Yes No*

7. Are all of the applicable NWP General or Regional Conditions satisfied, including mitigation, endangered species, and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?

Yes No

8. Does the PCN include appropriately sized and positioned culverts that meet the requirements of General Conditions 2, 9 and 10 for each individual crossing of waters of the U.S.?

Yes* No

9. Does each individual stream crossing accommodate bankfull* flows by a maintained existing bankfull channel cross sectional area AND/OR are flows that exceed bankfull accommodated by additional culverts above bankfull elevation?.

Yes* No

10. Is the discharge of dredged or fill material for the construction of a stormwater management facility in a perennial stream?

Yes No*

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

* - REQUIRES A PRE-CONSTRUCTION NOTIFICATION (PCN) TO THE DISTRICT ENGINEER. **SEE SEPARATE PCN CHECKLIST TO INSURE APPLICANT SUBMITS REQUISITE INFORMATION, INCLUDING COMPENSATORY MITIGATION.**

Remember, determination of completeness must be made within 30 days of the date of receipt. If all required information is not provided, the prospective permittee will be notified that the preconstruction notification (PCN) is still incomplete and the review will not commence until all requested information has been received. If the applicant has not received any written notice from the DE within **45 days** of the date of receipt of the PCN, **the verification is issued by default.**

Reviewed by: _____

Date: _____