



Sacramento District
Nationwide Permit Program

Regional Conditions Checklist for California

U.S. ARMY CORPS OF ENGINEERS

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On March 18, 2012, the U.S. Army Corps of Engineers' South Pacific Division approved 26 regional conditions for the 2012 Nationwide Permits (NWP) in California, excluding the Lake Tahoe Basin, within the Sacramento District. This checklist is intended to assist applicants with completing the South Pacific Division Pre-Construction Notification Checklist and to ensure compliance with the regional conditions. This checklist does not include the full text of each regional condition.

Please refer to the *Final Sacramento District Nationwide Permit Regional Conditions for California, excluding the Lake Tahoe Basin* (http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2012_nwps/2012-NWP-RC-CA.pdf) and the *List of Additional Information Required for Complete Pre-Construction Notification for California, Nevada and Utah*, when completing this checklist.

Please check the box to indicate you have read and have/will comply with the regional condition and provide a rationale on how you have/will comply with the condition.

Check	Regional Condition	Compliance Rationale
<input type="checkbox"/>	1. <u>Pre-construction Notification.</u> PCN must include: <input type="checkbox"/> Avoidance & minimization statement. <input type="checkbox"/> Plan & cross-section drawings. <input type="checkbox"/> Pre-project photos.	
<input type="checkbox"/>	2. <u>Pre-construction Notification.</u> PCN must be submitted for: <input type="checkbox"/> Activities in a vernal pool. <input type="checkbox"/> Activities in the Primary or Secondary Zone of the Legal Delta, Sacramento River, and San Joaquin River, and immediate tributaries. <input type="checkbox"/> Crossings of perennial or intermittent waters. <input type="checkbox"/> Activities within 100 feet of a natural spring. <input type="checkbox"/> Activities located in areas designated as EFH.	
<input type="checkbox"/>	3. <u>Recordation.</u> Permittee will record the NWP verification.	
<input type="checkbox"/>	4. <u>Avoided Waters.</u> Permittee shall: <input type="checkbox"/> Establish & maintain a preserve. <input type="checkbox"/> Place avoided waters & buffers into a separate parcel; and <input type="checkbox"/> Establish permanent legal protection.	
<input type="checkbox"/>	5. <u>Temporary Fill.</u> PCN must include: <input type="checkbox"/> Avoidance practicability statement. <input type="checkbox"/> Description of the fill. <input type="checkbox"/> Plan for restoration and/or revegetation. Permittee will: <input type="checkbox"/> Use clean & washed gravel, <input type="checkbox"/> Place a horizontal marker. <input type="checkbox"/> Remove all temporary fill within 30 days.	

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<input type="checkbox"/>	6. Stream Crossings. <input type="checkbox"/> For Federally-listed fish species habitat, span the stream or river, or use bottomless arch culvert. <input type="checkbox"/> Ensure only minor impacts would occur to fish and wildlife passage or expected high flows. <input type="checkbox"/> No work within standing or flowing waters. <input type="checkbox"/> Dewatering plans must be approved by the Corps. <input type="checkbox"/> Will comply with Regional Condition 19; <input type="checkbox"/> Will not result in a reduction of bankfull width or depth of streams or negatively alter the flood control capacity.	
<input type="checkbox"/>	7. Lead Federal Agency. Must submit documentation pertaining to the Corps Permit Area for ESA and Area of Potential Effect for NHPA.	
<input type="checkbox"/>	8. Compliance Certificate. Must submit: <input type="checkbox"/> As-built drawings. <input type="checkbox"/> Post-construction photographs.	
<input type="checkbox"/>	9. Permittee Responsible Mitigation. Must submit a final compensatory mitigation & monitoring plan.	
<input type="checkbox"/>	10. Mitigation. Must complete mitigation construction before or concurrent with commencement of project construction and/or submit proof of mitigation bank or ILF payment.	
<input type="checkbox"/>	11. Contractor Awareness. Responsible for awareness and shall ensure permit & drawing availability.	
<input type="checkbox"/>	12. Limits of Disturbance. Must clearly identify & ensure no work takes place outside of limits.	
<input type="checkbox"/>	13. Notification. Must notify 10 days prior to initiation of project construction.	
<input type="checkbox"/>	14. Inspections. Must allow inspection of activity(s).	
<input type="checkbox"/>	15. Mather Core Recovery Area (Sacramento County). NWP's (see list) revoked from use in vernal pools.	
<input type="checkbox"/>	16. Legal Delta. NWP's (see list) revoked.	
<input type="checkbox"/>	17. Secondary Zone. Impacts must be mitigated within the Secondary Zone of the Legal Delta.	
<input type="checkbox"/>	18. NWP 12 (Utility Lines). <input type="checkbox"/> Activity will not drain wetlands or waters. <input type="checkbox"/> Permittee will stockpile top 6-12" of topsoil. <input type="checkbox"/> Permittee will replace topsoil, and then re-seed. PCN a i ghbe submitted when a utility line: <input type="checkbox"/> Results in a discharge of fill into perennial or intermittent waters, or special aquatic sites <input type="checkbox"/> Results in a discharge of fill into greater than 100 linear feet of ephemeral waters; <input type="checkbox"/> Includes construction of an access road, substation or foundation within waters; or <input type="checkbox"/> Does not involve restoration of trenches to pre-project contours and conditions.	

Check	Regional Condition	Compliance Rationale
<input type="checkbox"/>	<p>19. NWPs 13 & 14. For bank stabilization activity(s):</p> <p><input type="checkbox"/> Activity will use native vegetation, bioengineering design techniques, or a combination thereof.</p> <p>PCN a i ghbe submitted when stabilization:</p> <p><input type="checkbox"/> Involves hard-armoring or non-vegetated/non-bioengineered technique.</p>	
<input type="checkbox"/>	<p>20. NWP 23 (Categorical Exclusions).</p> <p><input type="checkbox"/> Submit a PCN for all activities.</p> <p><input type="checkbox"/> Include a copy of the CE.</p> <p><input type="checkbox"/> Include final agency determinations for ESA, EFH, and NHPA.</p>	
<input type="checkbox"/>	<p>21. NWP 27 (Aquatic Habitat Restoration). PCN must be submitted when the activity:</p> <p><input type="checkbox"/> Results in a discharge of fill into perennial or intermittent waters, or special aquatic sites; or</p> <p><input type="checkbox"/> Results in a discharge of fill into greater than 100 linear feet of ephemeral waters.</p>	
<input type="checkbox"/>	<p>22. NWPs 29 and 39 (Residential & Commercial Development). Channelization or relocation of intermittent or perennial drainages is not authorized, except when relocation would result in a net increase in functions.</p>	
<input type="checkbox"/>	<p>23. Waivers (300 & 500 linear foot): PCN must include:</p> <p><input type="checkbox"/> A narrative description;</p> <p><input type="checkbox"/> An analysis of the proposed impacts;</p> <p><input type="checkbox"/> Measures taken to avoid and minimize losses to waters; and</p> <p><input type="checkbox"/> A compensatory mitigation plan.</p>	
<input type="checkbox"/>	<p>24. NWPs 29, 39, 40, 42, and 43: Must establish and maintain upland vegetated buffers.</p>	
<input type="checkbox"/>	<p>25. NWP 46 (Discharge in Ditches): Will not cause the loss of greater than 0.5 acres of waters or the loss of more than 300 linear feet of ditch.</p>	
<input type="checkbox"/>	<p>26. All NWPs. All NWPs except (see list) are revoked for activities in histosols, fens, bogs and peatlands, and in wetlands contiguous with fens.</p>	