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May 20, 2024

Nevada Division of Environmental Protection
Attn: Zack Carter, Bureau of Water Quality Planning
901 South Stewart Street, Suite 4001
Carson City, NV 89701

Project name: Arlington Avenue Bridges

Subject: 401 Water Quality Certification Application Request

Dear Mr. Carter,

On behalf of Dale Keller (Deputy Director and Director of Engineering) with the Regional Transportation Commission of Washoe County, Jacobs Engineering Group Inc. (Jacobs) is submitting this application for a 401 Water Quality Certification associated with the Arlington Avenue Bridges Project within the Truckee River streambed. The project is proposing the replacement of the north and south bridge along Arlington Avenue over the Truckee River near downtown Reno, as well as improvements to the existing whitewater park structures in proximity to the north bridge.

Attached to this cover letter are the Clean Water Act Section 401 Water Quality Certification Application (Attachment A), a project location figure and impact overview figure (Attachment B), draft 100 percent design plans (Attachment C), and representative photographs (Attachment D). Below is a description of the proposed activity to supplement the 401 Water Quality Certification Application.

Proposed Activity

Bridge Replacements

The project includes the replacement of two Arlington Avenue bridges over the Truckee River and replacement of the pavement and sidewalks on Arlington Avenue between Island Avenue and West First Street. The north bridge (B-1532) was constructed in 1921, and subsequently modified in 1939, 1967, and 1998. The south bridge (B-1531) was constructed in 1939. The bridges are structurally deficient and need to be replaced. Currently, the north bridge is a three-span (2 bridge piers) concrete tee beam superstructure, 122 feet long by 76 feet wide, with its largest span measuring 40 feet. The north bridge would be replaced with a two-span (1 bridge pier) bridge that is 125 feet long by 71 feet wide. Pedestrian overlooks on each side would be provided at the center pier. The single-pier concept maintains a roadway elevation similar to existing conditions. The bridge deck is designed with precast concrete box beam girders. The two existing bridge piers and rock slope protection (riprap) around those piers would be removed entirely. Currently, the northernmost bridge pier and riprap has a footprint within the river of approximately 1,374 square feet (171 cubic yards of material), while the southernmost bridge pier and riprap has a footprint of approximately 1,687 square feet (242 cubic yards of material). The new north bridge pier would be at the approximate center-point of the north channel and would have a small area of rock slope protection at the upstream end of the pier. In total, the new pier with rock protection of the north bridge would have a footprint of approximately 760 square feet. These areas are displayed on the impact overview figure in Attachment B.

Currently, the south bridge is a rigid frame structure with a clear span of 48 feet and a width of 60 feet. The south bridge would be replaced with a clear-span bridge that is 53 feet long by 72 feet wide. The design concept maintains a roadway elevation similar to existing conditions.

Consistent with existing conditions, 5-foot-wide bicycle lanes would be provided in both directions along Arlington Avenue. In addition, a 2-foot-wide buffer would be added between bicycle lanes and travel lanes. The existing dedicated right-turn lane at West First Street will be eliminated to make room for a continuous bicycle lane in the northbound direction. Existing sidewalks on both sides of Arlington Avenue range from approximately 6 to 7 feet wide. The sidewalks would be widened to a consistent 8 feet wide and the existing concrete railing at the bridges would be replaced with upgraded bridge railing to meet current design standards. All existing access to Wingfield Park would be preserved and pedestrian overlooks would be added on both sides of the north bridge. A crosswalk with pedestrian activated rectangular rapid flashing beacons would be added across Arlington Avenue at the north side of Island Avenue to improve pedestrian access across Arlington Avenue for Wingfield Park visitors.

Whitewater Park – North Channel

Because the pier configuration at the north bridge would change from 2 piers to 1 pier, in addition to the sediment deposition that has occurred around the north bridge (see photo below), some work in the north channel is needed to maintain the safety and functionality of the whitewater park for kayakers and other river users as they approach the new north bridge. As part of the Arlington Avenue Bridges project, the north channel of the Truckee River would undergo some regrading and reconstruction of some Whitewater Park features. This work would start at the first drop structure immediately upstream of the North Bridge and continue to just prior to the drop structure immediately downstream of the North Bridge. This work is



necessary for two main reasons: (1) The current upstream drop structure directs users into the center of the channel, pushing users into the new proposed pier location; (2) the current upstream drop structure creates an eddy current that results in deposition of material. This material has formed an island over time that needs to be removed per direction from Carson-Truckee Water Conservancy District.

To correct the functional issues of the current Whitewater Park features, the upstream drop structure would be removed and replaced, and the channel would be regraded. The drop structure downstream of the north bridge is not proposed to receive any changes. Replacement of the upstream drop structure would consist of building a new concrete drop structure that has a crest (top of structure) that sits at an elevation of 4488.5 feet (about 1.1 feet higher than the existing). The new layout would be slightly

reoriented from its current position and incorporates grouted riprap wings that guide water and boaters onto the concrete drop structure and the northern grouted riprap wing incorporates a fish passage channel to help aid in fish movement, particularly during lower flows. This new structure would generally direct river users north of the new bridge pier and would eliminate the eddy effect of the current structure, reducing future sediment deposition. Portions of the existing rock slope protection and grouted rock along the river edges and surrounding the drop structure would also be replaced and reset.

Just downstream of the new drop structure would be a pool that has a bottom elevation of 4,483 feet (the same elevation as the original 2003 design). It should be noted that there has been some sediment build-up since the pool was originally constructed. This sediment is being removed to achieve the re-grade. This pool would extend for about 70 feet downstream at a constant depth. From the downstream end of the pool there will be two different grades used to control water flow direction. Under the northern span of the new bridge, the channel would slope up from an elevation of 4,483 feet to an elevation of 4,483.5 feet (the same elevation as the original 2003 design). Under the southern span of the new bridge, the channel would slope up from an elevation of 4,483 feet to a level plateau at an elevation of 4,486 feet (the same elevation as the 2003 design).

The cobble island just upstream of the north bridge would be removed as part of the channel regrade and a small rock island along the upstream nose of the pier would be installed to help guide debris away from the pier in lower flows. As the channel gets beyond the new bridge, the grading would conform to the existing grading and the downstream drop structure would remain as-is. The regrade is designed to force a little more water to the northern span of the bridge than the southern span under normal conditions. This will help to ensure that there is no eddy effect and will help ensure that users of the facility are not pushed into the pier. Approximately 720 cubic yards of material would be removed from the sediment deposition across approximately 5,670 square feet.

The intent of the whitewater upgrades and methods of the work to be conducted (such as, channel grading, riprap and scour protection, and drop structure installation) would be similar to the activities performed when the whitewater park was originally constructed. Overall, the reconstruction would occur to whitewater park structures that are currently in place within the existing footprint of the river which would not reduce the channel width or capacity. The whitewater design details are provided in Attachment C (page 26 – page 35).

River Access Ramp

The City of Reno requested a maintenance access to the river which will include replacing the existing wheelchair ramp with a larger ramp at the same location that could accommodate maintenance access vehicles and still meet Americans with Disabilities Act requirements. This ramp is located on the southern side of the Truckee River upstream of the south bridge. The current ramp runs parallel between Island Avenue and the river and then has a 90 degree turn to enter the river. The new ramp would be located in the same area but would be slightly wider and approach the river at closer to a 45-degree angle to provide easier river access (see Attachment C, page 152).

Construction Methods

One bridge would be constructed at a time. To facilitate construction and removal of the substructure for each bridge, the water beneath the bridge would be diverted to the other channel of the Truckee River to create a “dry” work zone. The river diversion for each channel would be in place for up to 4 months (July 1

through October 31) to avoid the Truckee River flood season as established through the Carson-Truckee Water Conservancy District. The Carson-Truckee Water Conservancy District has indicated that with written approval from the Board, work can occur up until November 30 depending on weather and river conditions. The Board typically grants the request on the condition that the permittee stops construction and demobilizes from the channel if an event of 8,000 cubic feet per second (cfs) is anticipated. Based on the current project schedule, work in the river channel for reconstruction of the two bridges would occur between July 1 and October 31, 2025, extending until November 30 if necessary and if approved. However, if work within the channels cannot be completed in 2025, additional work would occur again between July 1 and October 31, 2026. Consequently, water would be diverted to one channel or the other for four to five months in 2025, and under a worst-case scenario, four to five months in 2026. Over the duration of the project, the diversions would be in place for a total maximum of 8 to 10 months.

During the 4-month in-channel work window for each bridge, the contractor would first divert flows by installing the temporary river diversions, excavate the channel around the bridge's substructures, demolish the bridge (the existing bridges will be removed entirely including the footings), construct replacement substructure (south bridge abutments and north bridge abutments and center pier), replace and recontour the channel bed, place precast bridge girders and overhang formwork, then remove the river diversions. For the precast concrete girder and beam options, the contractor would be able to continue its operations with superstructure construction after demobilizing from the river channel. Riverbed material excavated from the river channel for the demolition and construction of the new bridge structures would be temporarily stored in the diverted portion of the river channel and then be put back in place. During the demolition and construction of the south bridge, it is expected that 961 cubic yards of native earthen material would be excavated and temporarily stored within the dry area of the river. After completion of the south bridge abutments, the south channel would be recontoured to the existing conditions and no modification of the south channel is proposed. For north bridge, it is expected that 2,658 cubic yards of native earthen material would be excavated and temporarily stored within the dry area of the river. Additionally, it is expected that 1,326 cubic yards of grouted riprap around the bridge piers and abutments would be removed and temporarily stored within the dry area of the river. The intent is to salvage and reuse as much of the riprap as possible; however, any of the riprap deemed not suitable for reuse would be removed entirely from the river and disposed of off-site. In total, during construction of the north bridge, approximately 3,984 cubic yards of material would be temporarily stored in the dry channel.

Bridge structures would be removed with excavators equipped with hydraulic hammers. All demolished material will be loaded out via the designated ingress and egress locations and will be stockpiled in the approved laydown area on the east side of Wingfield Park. Once the material has dried out, it will be loaded out and hauled to the contractor's facility for proper disposal. The temporary river access points (shown on the river diversion plans) would be constructed ramps made of washed drain rock and sediment fabric. This allows for seamless access to the river for construction equipment and helps prevent damage to any existing riverbank structures. Each access ramp would have roughly 100 square feet of sediment fabric and washed rock below the OHWM accounting for approximately 185 cubic yards of temporary fill. The ramps would be built at about a 10% slope and change in size based on constructability and landscape. Two ramps would be installed for north bridge construction, two ramps would be installed for south bridge construction, and one ramp during the river access ramp construction. In total, it is estimated that approximately 925 cubic yards of washed rock would be temporarily placed within the dry channels to construct the ingress and egress ramps. When access into the river is no longer required, the project team will remove all materials used to construct the access point ramps and restore the riverbank to the existing condition.

The proposed river diversion plans for the south and north channels are included in Attachment C (page 87 and 131 respectively). These exhibits show the estimated limits of the river diversions upstream and downstream of the bridges. The river water diversion structure would consist primarily of an aqua dam and a combination of sand and gravel filled supersacks, and precast structures (k-rail). A layer of 10-millimeter plastic sheeting secured with smaller sandbags would be used over the supersacks and precast structures to help prevent river water infiltration to the designated work area. A downstream diversion barrier may be necessary to block back flow from the river. This is dependent on river flow volumes at the time of construction. The primary (upstream) aqua dams for both the north and south channel diversions are currently sized at a 16-foot height by 30-foot width and 250 feet in length from bank to bank. The secondary (downstream) aqua dams would be smaller in size, approximately 4-foot high by 9-foot width and approximately 100 feet in length from bank to bank. Because only one diversion (north or south) would be in place at a time, the temporary fill associated with the river diversion would be approximately 8,400 square feet. For the north diversion, it is estimated that 4,800 sand and gravel bags would be temporarily placed in the channel, accounting for 89 cubic yards. For the south diversion, it is estimated that 1,200 sand and gravel bags would be temporarily placed in the channel, accounting for 23 cubic yards. The bags are used to create a level surface for the aqua dam and to fill any small gaps. More gravel bags are estimated during the north diversion as that portion of the river is deeper and is the main channel so flows will likely be greater. All the sand and gravel bags used for the temporary diversions will be removed with the aqua dam structure.

The primary aqua dam would be installed first to allow the work area to dry out, then the secondary aqua dam would be installed. The diversion structures would be built by an excavator with material fed by forklifts to minimize the amount of equipment tracking within the river to prevent excess disturbance. The contractor would remove the river diversion structures opposite of the installation. This means, the lower and smaller secondary diversion structure would be removed first and then the primary diversion structure would be removed slowly to allow water to enter the completed work area. This will allow for the river to fill the previously occupied work area slowly without eroding the riverbed or banks.

Temporary best management practices (BMP's) for the in-river work installed at the beginning of construction will remain in place during the diversion structure removal and will be the last items to be taken away when construction activities in the river are complete. Potential temporary BMP's may include a turbidity curtain, clear water diversion, outlet protections/velocity dissipation, and a temporary stream crossing and would be determined at the time of construction. All project temporary BMP's outside of in-river work will be detailed in the Storm Water Pollution Prevention Plan (SWPPP) and maintained throughout the duration of the project.

To help limit passive flows during construction, a series of dewatering wells would be installed to the riverbed within the designated work area to eliminate groundwater saturation from the river.¹ During construction of the north bridge, an estimated 15 dewatering wells would be installed upstream from the north bridge in the northern channel (see page 131 of design plans – Attachment C), as this scheduled to be the first location of bridge work to occur on the project. After the completion of work on the north bridge, the dewatering pumps and wells would be removed from the river and then the diversion structures would also be removed. During construction of the south bridge, it is estimated 7 dewatering wells would be installed upstream from the south bridge working area in the southern channel (see page 87 of design plans – Attachment C). Each dewatering well would be 3 feet in diameter (7 square feet) and

¹ The dewatering well driller will be a certified well driller with the Nevada department of water resources.

would temporarily excavate 8 cubic yards of material. Therefore, during the north channel diversion (15 dewatering wells), 105 square feet (120 cubic yards) of riverbed material would be temporarily excavated, while during the south channel diversion (7 dewatering wells), 49 square feet (56 cubic yards) of riverbed material would be temporarily excavated.

The use of dewatering pumps is anticipated to control nuisance water and thus to help to keep the designated work area dry and prevent sediment discharge into the river. All dewatering wells and pumps would go through the series of baker tanks and then a series of filtration socks to help protect water quality. The series of baker tanks provide time for any suspended solids and sediments to settle out and water to meet water quality standards before getting discharged from the system. Water quality would continually be monitored for turbidity to ensure all outflows discharged from the treatment systems meet permitted requirements. The baker tanks would be located in the designated laydown yard on the east end of Wingfield Park. If additional treatment of the pumped water is required, the contractor would use activated carbon filter tanks to help improve water quality. It is unlikely at this time that additional treatment is needed, however the second treatment system could be used during dewatering.

A majority of the project is located within the regulatory responsibility of the Carson-Truckee Water Conservancy District, 14,000 cfs delineation. Removal of any/all river diversion to the south channel is required when Truckee River flows are 1,600 cfs and rising. River diversion removals shall include all river diversion materials, equipment, and personnel. Removal of any/all river diversion to the north channel is required when Truckee River flows are 8,000 cfs and rising. River diversion removals shall include all river diversion materials, equipment, and personnel.

Anticipated construction equipment within the river channels includes:

- Two 330 class excavators – one with hydraulic hammer for demolition work
- D6 Dozer
- 966 Loader
- Crane Drill Rig and Oscillator plus associated Hydraulic Package
- 90 Ton Rough Terrain Crane
- Concrete Pump Truck
- Smooth Pad Drum Vibratory Roller
- 10-Wheeler Dump Trucks

All equipment will be cleaned prior to arrival on the jobsite. Equipment working in or near the water will be inspected at the beginning of each shift and throughout the day to prevent spills/leaks from entering the river. A spill kit will remain onsite in case a spill event occurs. Administrative BMPs will be utilized by all staff on-site, such as "Stop Work Authority" if any environmental issues or risks arise. The in-river work is scheduled during the typical low flow season.

Impact Summary

- North Bridge
 - The two existing north bridge piers and rock slope protection account for 3,061 square feet (414 cubic yards) of permanent fill below the OHWM. The proposed new pier and rock slope protection would account for 760 square feet (106 cubic yards) of permanent fill. By reducing the number of piers and amount of riprap in the river, permanent fill in would be reduced by 2,301 square feet (308 cubic yards). It is expected that 2,658 cubic yards of native earthen

material would be excavated and temporarily stored within the dry area of the river. Additionally, it is expected that 1,326 cubic yards of grouted riprap around the bridge piers and abutments would be removed and temporarily stored within the dry area of the river.

- South Bridge
 - The south bridge would be a replace in kind and no permanent fill below the OHWM is proposed. Once the new abutments are completed, the riverbed will be recontoured back to the pre-construction elevations. From the excavation of the existing abutments, there would be approximately 961 cubic yards of riverbed material temporarily stored in the channel.
- River Access Ramp
 - The current ramp has 35 square feet of permanent fill below the OHWM, accounting for approximately 0.4 cubic yards of concrete fill material. The updated access ramp would have 189 square feet of permanent fill below the OHWM, accounting for approximately 3.5 cubic yards of concrete fill material.
- Temporary River Diversions
 - Impacts due to temporary diversions would be located upstream and downstream of the existing bridge replacements where the river splits into two distinct channels west of Wingfield Park (see page 87 and 131 of the design plans – Attachment C). Both primary (upstream) diversions would involve the placement of a temporary aqua dam approximately 30-feet wide and 250 feet in length. The secondary (downstream) aqua dams would be approximately 9-foot wide and 100 feet in length. Therefore, the temporary fill associated with the river diversions would be approximately 8,400 square feet for the north diversion and the south diversion. So, while over the course of the project there would be a total of 16,800 square feet of temporary fill associated with the diversions, only 8,400 square feet of temporary fill would be in place at a time because only one set of diversions (north or south) would be installed. For each of the diversions – when water flow is interrupted for the corresponding channel – approximately 645 linear feet (58,042 square feet) of the north channel would be temporarily impacted, and approximately 815 linear feet (47,582 square feet) of the south channel would be temporarily impacted. For the north diversion, it is estimated that 4,800 sand and gravel bags would be temporarily placed in the channel, accounting for 89 cubic yards. For the south diversion, it is estimated that 1,200 sand and gravel bags would be temporarily placed in the channel, accounting for 23 cubic yards.
- Temporary Ingress and Egress Ramps
 - In total, it is estimated that 500 square feet (925 cubic yards) of washed rock would be temporarily placed within the diverted channels to construct the ingress and egress ramps.
- Dewatering Wells
 - During the north channel diversion (15 dewatering wells), 105 square feet (120 cubic yards) of riverbed material would be temporarily excavated, while during the south channel diversion (7 dewatering wells), 49 square feet (56 cubic yards) of riverbed material would be temporarily excavated.

Table 1 summarizes the proposed temporary and permanent fills associated with the project.

Table 1. Total Anticipated Impacts to Waters of the U.S

Project Component	Temporary Fill Open Waters	Permanent Fill Open Waters	Linear Feet
North Bridge	2,658 cubic yards of riverbed 1,326 of riprap	760 sq. ft. (0.02 acre) 106 cubic yards of fill	--
South Bridge	961 cubic yards of riverbed	--	--
River Access Ramp	--	189 sq. ft. (0.004 acre) 3.5 cubic yards of fill	--
North Diversion	8,400 sq. ft. (0.2 acre) 89 cubic yards of sand & gravel bags	--	645
South Diversion	8,400 sq. ft. (0.2 acre) 23 cubic yards of sand & gravel bags	--	815
Temporary ingress/egress ramps	500 sq. ft. (0.01 acre) 925 cubic yards of washed rock		
Dewatering Wells (North Bridge)	105 sq. ft. 120 cubic yards of riverbed		
Dewatering Wells (South Bridge)	49 sq. ft. 56 cubic yards of riverbed		
Cumulative Impacts	3,795 cubic yards of riverbed 1,326 of grouted riprap 112 cubic yards of sand & gravel bags 925 cubic yards of washed rock	949 sq. ft. (0.02 acre) 109.5 cubic yards of fill	1,460

- Whitewater Park Northern Channel
 - The intent of the whitewater upgrades and methods of the work to be conducted (such as channel grading, riprap and scour protection, and drop structure installation) would be similar to the activities performed when the whitewater park was originally constructed. The reconstruction would occur to whitewater park structures that are currently in place within the existing footprint of the river which would not reduce the channel width or capacity. To address the sediment deposition, approximately 720 cubic yards of sediment would be removed within a 5,670 square foot section of the river. The whitewater park improvement would slightly shift one drop structure and include some replacement of the grouted riprap, but the impact area would be a replace in kind.

Attached to this letter are the Clean Water Act Section 401 Water Quality Certification Application (Attachment A), a project location figure and impact overview figure (Attachment B), draft 100 percent design plans (Attachment C), Nationwide Permit 14 Summary (Attachment D), and representative photographs (Attachment E).

A Pre-construction Notification (PCN) is being submitted concurrently to the U.S. Army Corps of Engineers to obtain Section 404 authorization under Nationwide Permit (NWP) 14 – Linear Transportation Projects. An application for flood channel 408 encroachment was submitted to the U.S. Army Corps of Engineers on

April 26, 2023. The Corps sent an incompleteness letter on May 25, 2023 – responses to the incompleteness letter have occurred and coordination with the Department of the Army is ongoing.

Sincerely,



Dan Soucy
Senior Biologist

303-905-1419
dan.soucy@jacobs.com

Copies to: Dale Keller, RTC Deputy Director and Director of Engineering
Amanda Callegari, RTC Engineering Manager
Bryan Byrne, RTC Project Manager
Abdelmoez Abdalla, FHWA
Andrea Gutierrez, FHWA
Kaci Stansbury, Jacobs Project Manager
Laura Meyer, Jacobs Environmental Manager

Attachment A – Clean Water Act Section 401 Water Quality Certification Application
Attachment B – Project Location Figure and Impact Overview Figure
Attachment C – Draft 100 Percent Design Plans
Attachment D – Nationwide Permit 14 Summary
Attachment E – Representative Photographs

Subject: 401 Water Quality Certification Application Request



Attachment A –Clean Water Act Section 401 Water Quality Certification Application



ENVIRONMENTAL PROTECTION

Clean Water Act Section 401 Water Quality Certification Application

Please refer to the "Clean Water Act Section 401 Water Quality Certification Application Guidance" document for assistance with completing this application.

A. Pre-Filing Meeting	
Please provide the date that a pre-filing meeting was requested from Nevada Division of Environmental Protection (NDEP) Bureau of Water Quality Planning (BWQP).	October 2, 2023
<i>Note: If a pre-filing meeting has not been requested, please schedule a pre-filing meeting with NDEP BWQP.</i>	

B. Contact Information	
Project Proponent Information	
Company Name: Regional Transportation Commission of Washoe County	Address: 1105 Terminal Way
Applicant Name: Dale Keller	City: Reno
Phone: (775) 335-1827 Fax:	State: Nevada
Email: DKeller@rtcwashoe.com	Zip Code: 89502
Agent Information	
Company Name: Jacobs	Address: 50 West Liberty St. Suite 205
Agent Name: Dan Soucy	City: Reno
Phone: (303) 905-1419 Fax:	State: Nevada
Email: dan.soucy@jacobs.com	Zip Code: 89501

C. Project General Information	
Project Location	
Project/Site Name: Arlington Avenue Bridges	Name of receiving waterbody: Truckee River
Address: 100 S. Arlington Avenue	Type of waterbody present at project location (<i>select all that apply</i>): <input checked="" type="checkbox"/> Perennial River or Stream <input type="checkbox"/> Intermittent River or Stream <input type="checkbox"/> Ephemeral River or Stream <input type="checkbox"/> Lake/Pond/Reservoir <input type="checkbox"/> Wetland <input type="checkbox"/> Other: _____
City: Reno	
County: Washoe	
State: Nevada	
Zip Code: 89502	
Latitude (UTM or Dec/Deg): North Bridge: 39.524605° South Bridge: 39.523665°	Longitude (UTM or Dec/Deg): North Bridge: -119.816705° South Bridge: -119.816234°

Township: 19 North	Range: 19 East	Section: 11	¼ Section: SE
Project Details			
Project purpose:		<p>The project proposes to replace the two Arlington Avenue bridges (north and south bridge) that cross the Truckee River, providing the only vehicular transportation link to the three-acre Wingfield Park island, and implement multi-modal improvements along Arlington Avenue between Island Avenue and West First Street. The bridges are structurally deficient and need to be replaced. The project will address the deteriorating condition of the bridge structures, improve safety for pedestrians, bicyclists, transit riders, and drivers on Arlington Avenue around Wingfield Park, and provide sufficient hydraulic capacity for the Truckee River during flood events.</p> <p>The project would also replace a portion of the existing whitewater park including the drop structure upstream of the north bridge. Due to sediment deposition that has occurred between the drop structure and the north bridge, channel regrading would occur. This work is necessary for two main reasons: (1) The current upstream drop structure directs users into the center of the channel, pushing users into the new proposed pier location; (2) the current upstream drop structure creates an eddy current that results in deposition of material. This material has formed an island over time that needs to be removed per direction from Carson-Truckee Water Conservancy District.</p> <p>A new river access ramp would also be installed on the south side of the river to replace the existing ramp. The current ramp runs parallel between Island Avenue and the river and then has a 90 degree turn to enter the river. The new ramp would be located in the same area but would be slightly wider and approach the river at closer to a 45-degree angle to provide easier river access.</p>	
Describe current site conditions: Attachments can include, but are not limited to, relevant site data, photographs that represent current site conditions, or other relevant documentation.		The project is located along a developed roadway within an urbanized environment, little native vegetation or non-disturbed areas remain. Development along the banks of the river both upstream and downstream of the Project has eliminated the historic riparian ecosystem. Throughout the Project limits, the river is contained within concrete and riprap-grouted floodwalls and spillways. Site photographs are included in Attachment D of this application package.	
Describe the proposed activity including methodology of each project element:		Please see Cover Letter: Proposed Activity	
Estimate the nature, specific location, and number of discharge(s) expected to be authorized by the proposed activity:		Discharges may occur on the north and south channels below the temporary diversion structures.	

Provide the date(s) on which the proposed activity is planned to begin and end and the approximate date(s) when any discharge(s) may commence:	The project is scheduled to begin in March 2025. However, no in-water work would occur until July 1. Work within the Truckee River would only occur between July 1 and October 31, in 2025, although may extend to November 30, with approval from the Carson-Truckee Water Conservancy District. However, if work within the channels cannot be completed in 2025, additional work would occur again between July 1 and October 31, 2026.	
Provide a list of the federal permit(s) or license(s) required to conduct the activity which may result in a discharge into regulated waters (see mandatory attachments):	<ul style="list-style-type: none"> • Section 408 Permit • Section 404 Nationwide Permit 14 – Linear Transportation Projects • Working in Waters Permit • City of Reno Encroachment and Excavation Permit • Nevada State Lands Authorization to use State-owned Submerged Lands • Construction Stormwater Permit • Northern NV Public Health Air Quality Dust Permit 	
Provide a list of all other federal, state, interstate, tribal, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization:	<ul style="list-style-type: none"> • NEPA Categorical Exclusion – Completed • Section 7 Consultation – Completed • Section 106 Clearance – Completed 	
Total area of impact to regulated waterbodies (acres):	Approximately 2.25 acres	
Total distance of impact to regulated waterbodies (linear feet):	North Channel: 645 linear feet South Channel: 815 linear feet	
Amount excavation and/or fill discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:
	North Diversion: 0.2 acre – 89 cubic yards South Diversion: 0.2 acre – 23 cubic yards See cover letter for summary of impacts	North Bridge Pier: 760 sq. ft. - 106 cubic yards River Access Ramp: 189 sq. ft - 3.5 cubic yards See cover letter for summary of impacts
Amount of dredge material discharged within regulated waters (acres, linear feet, and cubic yards):	Temporary:	Permanent:
	See cover letter for summary of impacts	See cover letter for summary of impacts
Describe the reason(s) why avoidance of temporary fill in regulated waters is not practicable (if applicable):	River diversions (temporary fill) are being implemented to avoid active construction within flowing water which will help avoid and minimize discharges during construction. The temporary fill of the diversions eliminates long-term work within the active river channel. Diverting the river to the north and south channels is not possible without the use and installation of temporary diversion within the river.	

Describe the Best Management Practices (BMPs) to be implemented to avoid and/or minimize impacts to regulated waters:

Examples include sediment and erosion control measures, habitat preservation, flow diversions, dewatering, hazardous materials management, water quality monitoring, equipment or plans to treat, control, or manage discharges, etc.

Work within the Truckee River, below the ordinary high water mark, is being scheduled during the low-flow period of the year (July 1 through October 31, potentially extending to November 30) to avoid the flood season. Based on the current project schedule, work in the river channel for reconstruction of the two bridges would occur between July 1 and October 31, 2025, extending until November 30 if necessary and if approved. However, if work within the channels cannot be completed in 2025, additional work would occur again between July 1 and October 31, 2026. Consequently, water would be diverted to one channel or the other for four to five months in 2025, and under a worst-case scenario, four to five months in 2026. Over the duration of the project, the diversions would be in place for a total maximum of 8 to 10 months.

To facilitate construction of the substructure for each bridge and the whitewater park construction, the river would be diverted to the other (north and south) channel of the Truckee River to create a "dry" work zone. Limiting work within the Truckee River for this period will help minimize impacts to the federally listed Cui-ui and Lahontan cutthroat trout, plus reduce the likelihood of sediment transport as no work would occur within active flows.

The use of dewatering is anticipated during the river diversions to control nuisance water flows and thus to help to keep the designated work area dry and prevent sediment discharge into the river. All dewatering wells and pumps would go through the series of baker tanks and then a series of filtration socks to help protect water quality. The series of baker tanks provide time for any suspended solids and sediments to settle out and water to meet water quality standards before getting discharged from the system. Water quality would continually be monitored for turbidity to ensure all outflows discharged from the treatment systems meet permitted requirements. The baker tanks would be located in the designated laydown yard on the east end of Wingfield Park. If additional treatment of the pumped water is required, the contractor would use activated carbon filter tanks to help improve water quality. It is unlikely at this time that additional treatment is needed, however the second treatment system could be used during dewatering.

The project will also prepare a stormwater pollution prevention plan and utilize stormwater BMPs during construction to help avoid and minimize erosion and sediment transport. Per the diversion plans, all construction equipment entering the river channels must be steam cleaned off-site to eliminate any pollutants (i.e., grease, oil, gasoline, etc.) that may be present on vehicles or equipment. All fueling will also be conducted in designated areas at least 50 feet from the river.

All demolished material will be loaded out via the designated ingress and egress locations and will be stockpiled in the approved laydown area on the east side of Wingfield Park. Once

	<p>the material has dried out, it will be loaded out and off hauled to the contractor's facility for proper disposal.</p>
<p>Describe how the activity has been designed to avoid and/or minimize adverse effects, both temporary and permanent, to regulated waters:</p>	<p>Using temporary river diversions will help avoid and minimize potential water quality impacts to the Truckee River as the north bridge pier removals and north channel work would not occur in or directly adjacent to flowing water. The reduction of one bridge pier on the north bridge would also reduce the amount of permanent fill/structure in the river.</p> <p>The temporary river diversions have been designed to avoid impacting wetlands.</p>
<p>Describe any compensatory mitigation planned for this project (if applicable):</p>	<p>No compensatory mitigation is planned as there would be no permanent wetland impacts.</p>

D. Signature		
Name and Title (Print): Dale Keller	Phone Number: (775) 335-1827	Date: May 22, 2024
<div style="display: flex; align-items: center;"> <div style="font-size: 2em; margin-right: 10px;">X</div> <div style="border-left: 1px solid black; padding-left: 5px;"> <p style="font-size: 0.8em; margin: 0;">DocuSigned by:</p> <p style="font-size: 0.7em; margin: 0;">34A1800C54C142E...</p> </div> </div> <p style="margin-top: 5px;">Signature of Responsible Official</p>		

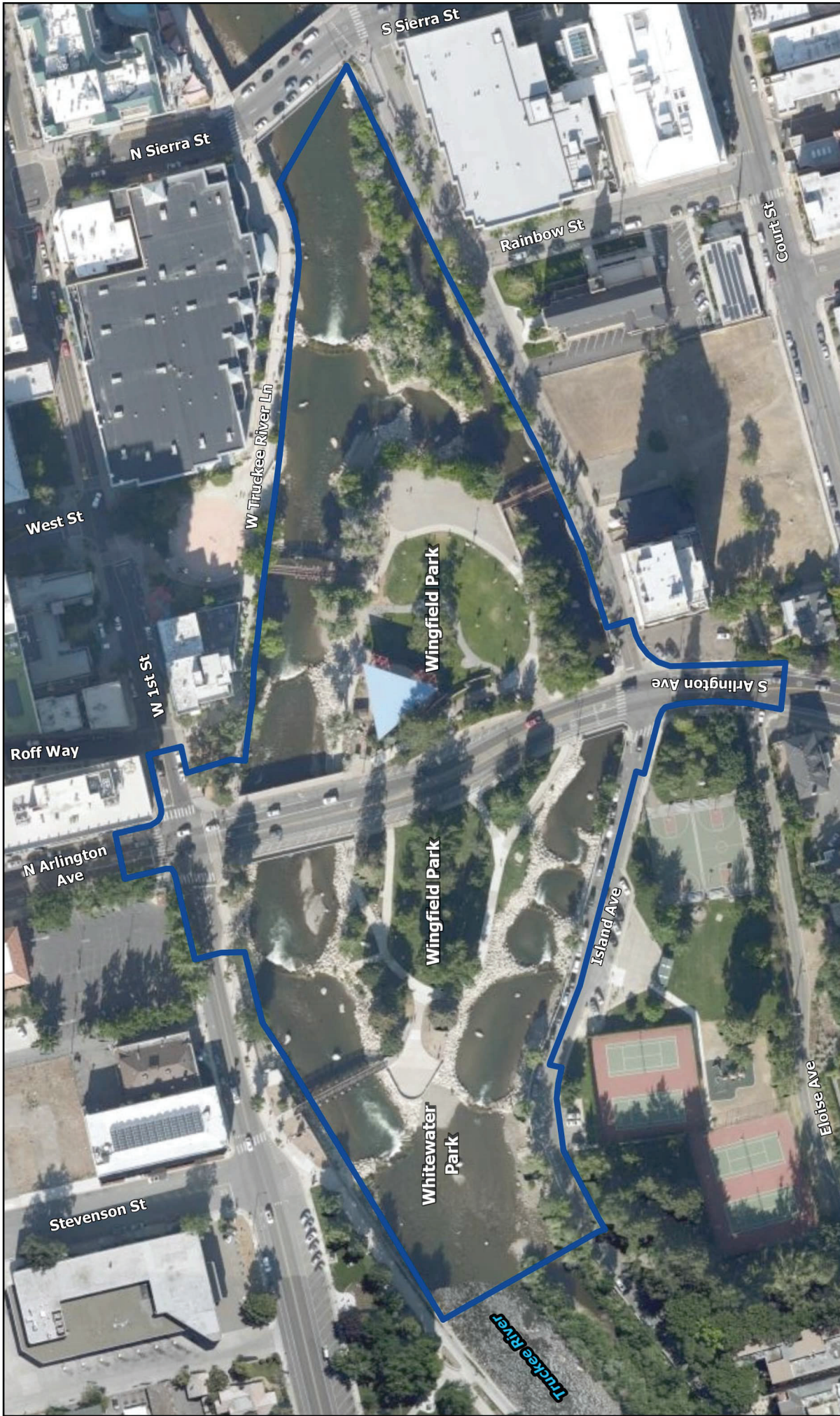
Mandatory Attachments:

- **Federal Permit or License Identification:**
 - Project proponents seeking a federal general permit or license must include a copy of the draft federal license or permit and any readily available water quality-related materials that informed the development of the draft federal license or permit, or;
 - Project proponents seeking a federal individual permit or license must include a copy of the federal permit or license application and any readily available water quality-related materials that informed the development of the federal license or permit application.
- **Site Map** - A map or diagram of the proposed project site including project boundaries in relation to regulated waters, local streets, roads, and highways.

- **Engineered Drawings** - Engineered drawings are preferred to be submitted at the 70% design level. If only conceptual designs are available at the time of application, plans for construction should be submitted prior to the start of the project. Specific locations of the proposed activities and details of specific work elements planned for the project should be identified (e.g., staging areas, concrete washouts, perimeter controls, water diversions, or other BMPs).

Submit the completed application materials to NDEP (ndep401@ndep.nv.gov) with the appropriate U.S. Army Corps of Engineers Regulatory Office copied on the communication (<http://www.spk.usace.army.mil/Missions/Regulatory/Contacts/Contact-Your-Local-Office/>).

Attachment B – Project Location Figure and Impact Overview Figure



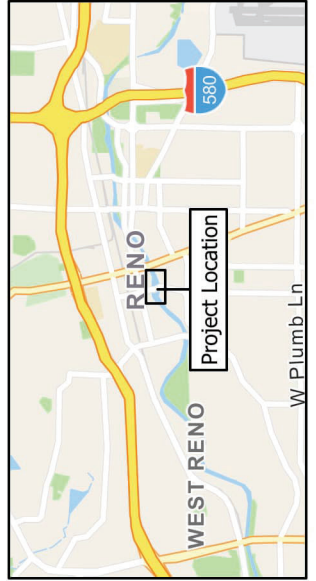
Legend

— Proposed Construction Limits



Basemap Source: Bing Aerial

R:\CityOfReno\ArlingtonAveBridges\MapFiles\Proj\AAD_Formal_ProjLoc.aprx



Project Location
 Arlington Avenue Bridges Project
 Washoe County, Nevada



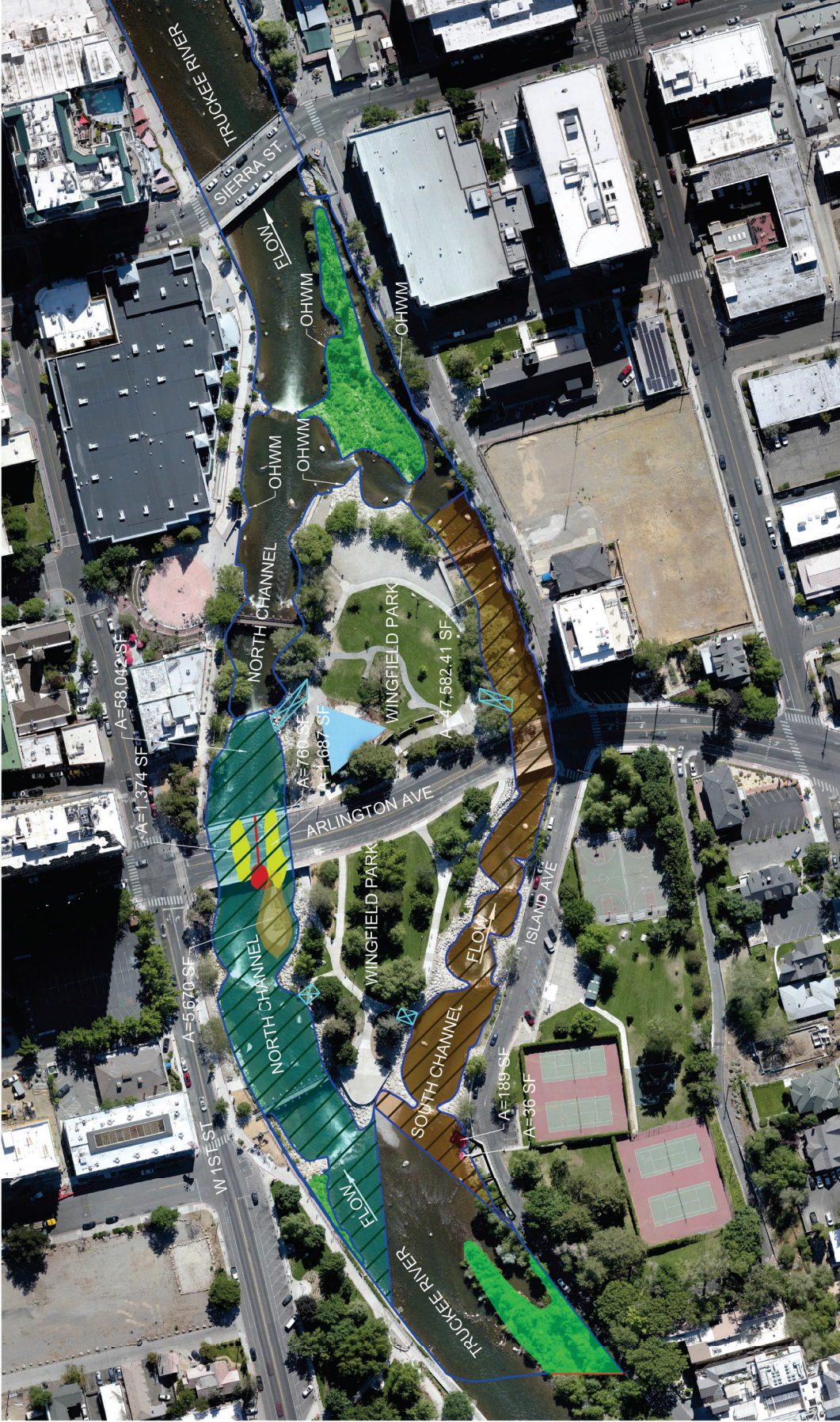


NO.	DATE	REVISION	BY	APPD.

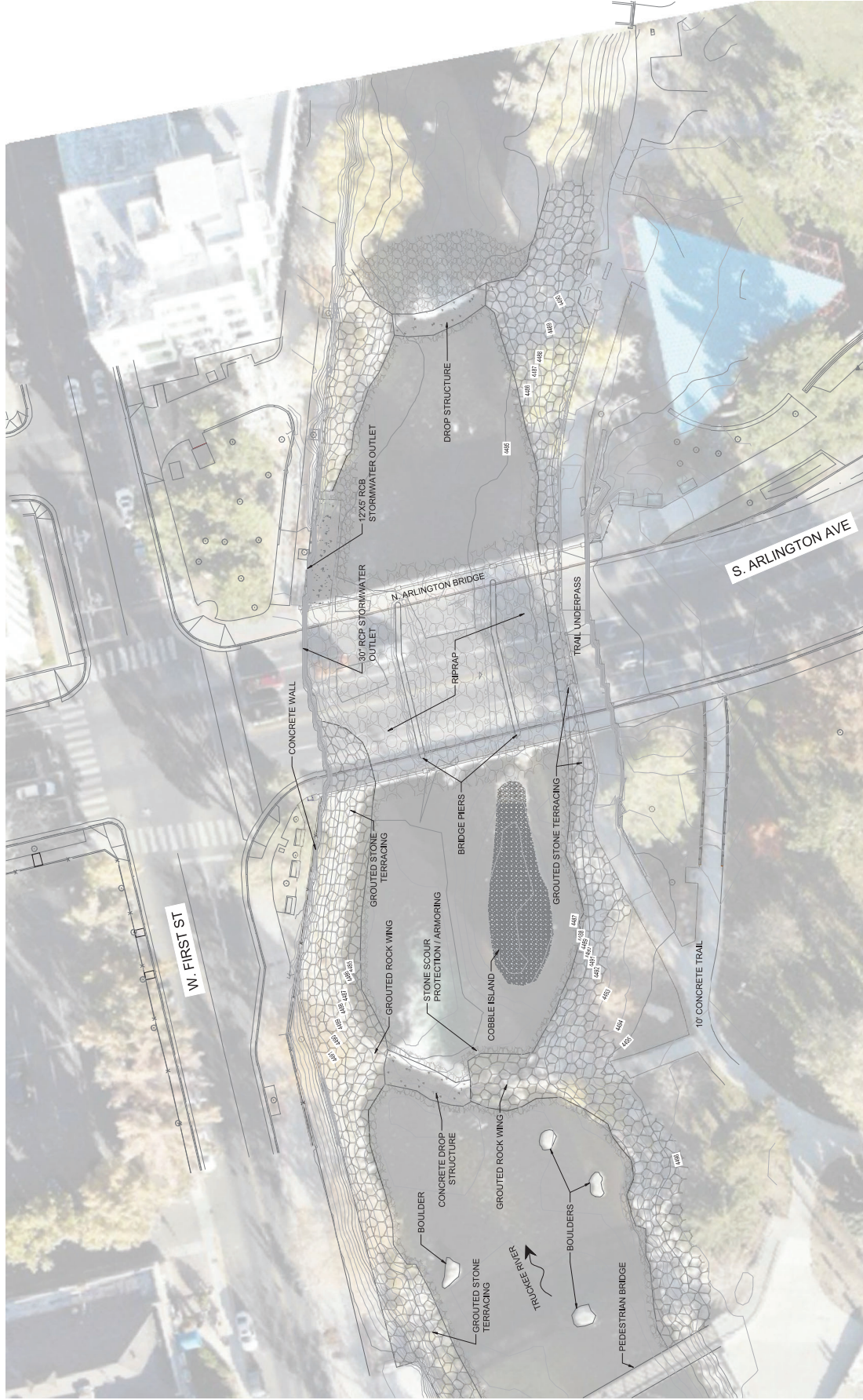
REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY
 PMP-WA-2024-208 FHWA PIN-STB-003-1(149) NDOT EA: 61149 / 74386
 ARRLINGTON BRIDGES FINAL DESIGN
FIGURE
IMPACTS OVERVIEW

PROJECT NO. 2024-003-1(149)
 PROJECT NAME: WINGFIELD PARK
 PROJECT LOCATION: 50 WEST LIBERTY STREET, SUITE 205
 RENO, NV 89501
 PHONE: (775) 329-7300
 PROJECT MANAGER: JACOBSON
 PROJECT ENGINEER: JACOBSON
 DATE: MAY 2024
 DRAWING NO: W742480
 SHEET: 1 OF 10

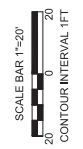
- LEGEND:**
- OHWM
 - WETLAND
 - AREA AFFECTED BY TEMPORARY CLOSURE TO NORTH CHANNEL
 - AREA AFFECTED BY TEMPORARY CLOSURE TO SOUTH CHANNEL
 - RIVER INGRESS / EGRESS
 - FILL REMOVED BELOW OHWM WITH REMOVAL OF EXISTING BRIDGE PIERS
 - REMOVALS WITHIN THE OHWM
 - PERMANENT FILL BELOW OHWM WITH INSTALLATION OF NEW BRIDGE PIER
 - SEDIMENT ISLAND REMOVAL



1 2 3 4 5 6



NOTE: EXISTING CONTOUR LINES ARE BASED ON DATA FROM AN EXISTING CTVCD HYDRAULIC MODEL OF THE REACH AS WELL AS MULTIPLE BATHYMETRIC SURVEYS COMPLETED IN 2022 AND 2023 BY JACOBS ENGINEERING. EXTENTS OF EXISTING IN-RIVER MATERIAL ARE ESTIMATED USING MULTIPLE SITE VISITS, AERIAL PHOTOS, AND THE ORIGINAL DESIGN PLANS.



THESE PLANS REFERENCE VERTICAL DATUM NAVD 88 AND HORIZONTAL COORDINATE SYSTEM NEVADA STATE PLANE, NAD 83/84, WEST ZONE, MODIFIED BY A GRID TO GROUND COMBINED SCALE FACTOR OF 1.000197939.

0 20 40
SCALE BAR 1"=20'
CONTOUR INTERVAL 1 FT

REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY
PWP-WA-2024-208 FHWA PIN:STBG-0031-(149)
NORTH CHANNEL EXISTING
ARLINGTON BRIDGE

VERIFY SCALE
ORIGINAL DESIGN
DATE: MARCH 2024
PROJ: W7724801
DWG: REP-01
SHEET: 26 OF 201

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Engineering & Planning

NO.	DATE	REVISION	CHK	APP'D

DRAFT 100%
PRELIMINARY
NOT FOR
CONSTRUCTION

1 2 3 4 5 6



PLAN

DIVERSION NOTES:

- ONE BRIDGE SHALL BE CONSTRUCTED AT A TIME. THE NOTES BELOW PERTAIN TO CONSTRUCTION OF THE SOUTH BRIDGE.
- DIVERSION OF THE RIVER INTO THE NORTH CHANNEL SHALL BE COMPLETED PRIOR TO ANY DEMOLITION WORK. DIVERSION CANNOT BE INSTALLED EARLIER THAN JULY 1ST.
- MAINTAIN A MINIMUM FLOW OF 15 CFS AND A MAXIMUM FLOW OF 50 CFS INTO THE VIRGINIA LAKE DIVERSION STRUCTURE WHILE THE SOUTH CHANNEL IS CLOSED. FLOW IS EXPECTED TO BE PUMPED. NO ADDITIONAL DIVERSION STRUCTURES MAY BE INTRODUCED OUTSIDE OF THIS PLAN.
- THE DIVERSION MUST BE REMOVED BY OCTOBER 31ST UNLESS THE IN-WATER WORK PERIOD IS EXTENDED BY THE CARSON TRUCKEE WATER DISTRICT. THE DIVERSION MUST BE REMOVED BY THE LAST BUSINESS DAY OF THE MONTH OF REMOVAL. THE DIVERSION MUST BE REMOVED BY SEPTEMBER 15TH, NOVEMBER 30TH IS THE LATEST THAT THE DIVERSION COULD REMAIN IN PLACE WHEN AN EXTENSION IS GRANTED.
- EXACT REQUIREMENTS FOR HAZARDOUS MATERIALS HANDLING AND GROUND WATER PUMPING TO BE PER NEPE TEMPORARY AUTHORIZATION TO DISCHARGE PERMITS.
- IMPORTED ROCK AND SAND, INCLUDING SANDBAG FILLER, MUST BE CLEANED BEFORE BEING BROUGHT ON-SITE AND PLACED. CLEANED IS DEFINED AS BEING FREE OF PARTICLES (I.E. SILT, ORGANICS, ETC.) LESS THAN 1/8 INCHES IN DIAMETER.
- THE CONTRACTOR SHALL SUBMIT THE SOURCE AND SIZES OF ROCK TO BE USED FOR THE VISIBLE PORTION OF THE WORK. ROCK SHALL BE SALVAGED FROM RIVER EXCAVATION AREAS AND STOCKPILED ON-SITE FOR USE. ROCK MAY BE STOCKPILED DOWNSTREAM IN THE DRY PORTION OF THE RIVER CHANNEL. ANY IMPORTED ROCK MATERIAL SHALL MATCH THE COLOR AND CHARACTER OF THE EXISTING ROCK IN THE RIVER CHANNEL AND CONFORM TO SECTION 637.62.01 OF THE SPECIAL PROVISIONS.

LEGEND:

- AQUA DAM
- DEWATERING WELL
- BAKER TANK
- LAYDOWN YARD
- RIVER INGRESS/EGRESS

- ANY IMPORTED GRAVELS USED WITHIN THE RIVER CHANNEL AS PART OF THE TEMPORARY DIVERSION SHALL RANGE FROM 3/8 INCHES TO 3 INCHES IN DIAMETER AND BE OF A ROUNDED NATURE.
- ALL CONSTRUCTION VEHICLES MUST BE STEAM CLEANED OFF-SITE TO ELIMINATE ANY POLLUTANTS (I.E. GREASE, OIL, GASOLINE, ETC.) THAT MAY BE INTERCEPTING AND CONTAINING ANY SPILLED OR LEAKED POLLUTANTS OR OFF-SITE SOAS TO MINIMIZE CONTAMINATION FOR STATIONARY EQUIPMENT (I.E. GENERATORS, PUMPS, ETC.) A CONTAMINATION PAD SHOULD BE CONSTRUCTED BENEATH THEM TO CONTROL SPILLS AND LEAKS OF POLLUTANTS.
- ANY TREE OR BRUSH CLEANED FOR THE INSTALLATION OF THE RIVER DIVERSION SHALL BE COMPLETELY REMOVED AND DISPOSED OF OUTSIDE THE RIVER CHANNEL.
- UPON COMPLETION OF THE PROJECT, ALL ELEMENTS OF THE DIVERSION SYSTEM SHALL BE REMOVED FROM THE RIVER AND RETURNED AND DISPOSED OF OUTSIDE THE RIVER CHANNEL.
- THE DETAILS AND NOTES ARE FOR GENERAL GUIDANCE PURPOSES. DIVERSION AND DEWATERING SHOULD REFER TO ENVIRONMENTAL PERMIT CONDITIONS FOR ADDITIONAL GUIDANCE AND REQUIREMENTS.
- ACCESS RAMPS WILL BE FIELD FIT AND ADJUSTED TO AVOID TREES AND OTHER OBSTACLES.

NO.	DATE	DR	CHK	APVD

DRAFT 100%
PRELIMINARY
NOT FOR
CONSTRUCTION

REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY

PWP-WA-2024-208 FHWA PIN:STBG-003-1(149) NDOT EA: 74386

ARLINGTON BRIDGES FINAL DESIGN

SOUTH BRIDGE (B-335)

50 WEST LIBERTY STREET, SUITE 205
RENO, NV 89501
PH (775) 329-7300

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VERIFIED SCALE

DATE: MARCH 2024

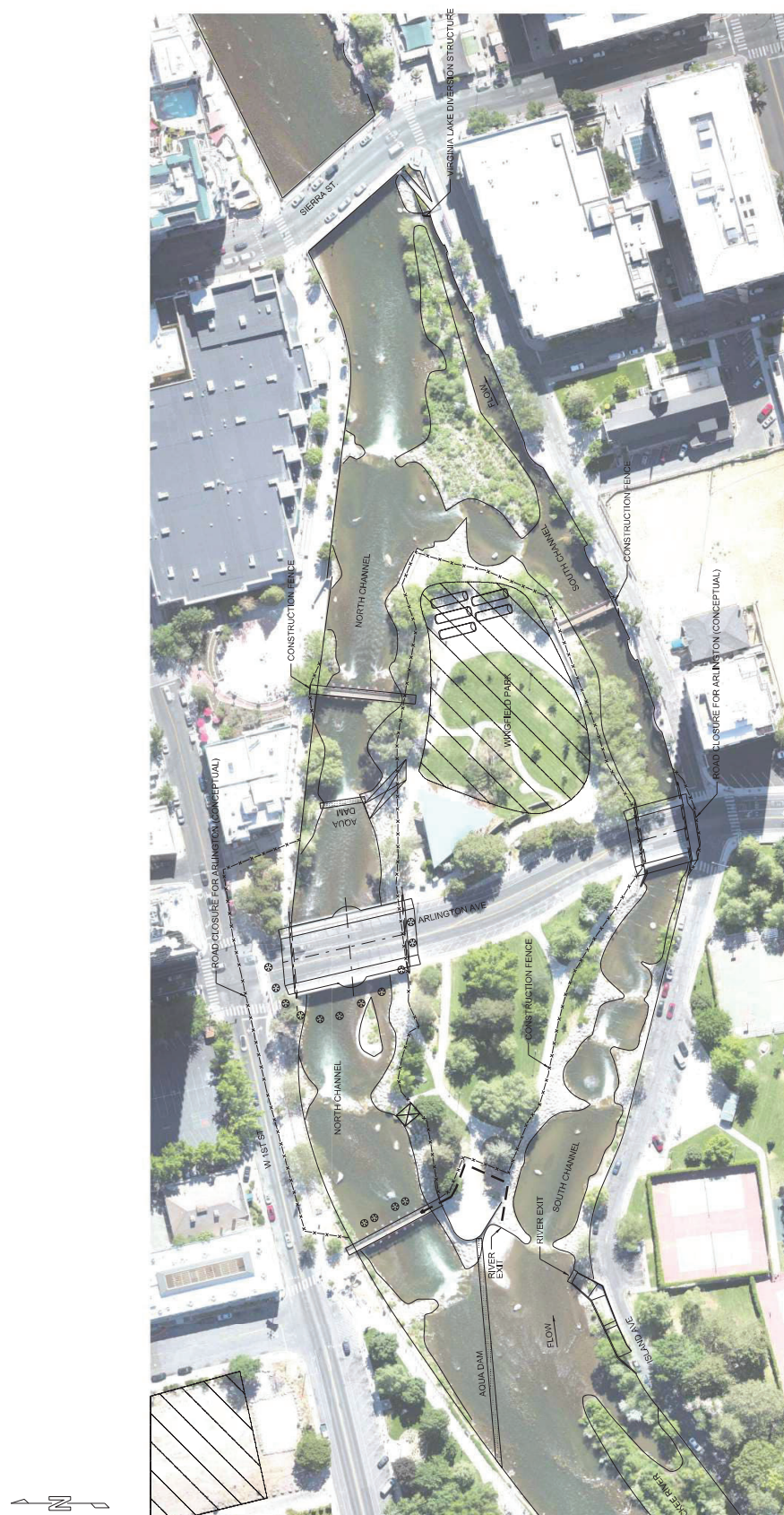
PROJ: W7Y24801

DWG: ST-137

SHEET: 87 OF 200

PLOT TIME: 10:26:44 AM

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PLAN

- LEGEND:**
- AQUA DAM
 - DEWATERING WELL
 - BAKER TANK
 - LAYDOWN YARD
 - RIVER INGRESS/EGRESS
- DIVERSION NOTES:**
1. ONE BRIDGE SHALL BE CONSTRUCTED AT A TIME. THE NOTES BELOW PERTAIN TO CONSTRUCTION OF THE NORTH BRIDGE.
 2. DIVERSION OF THE RIVER INTO THE SOUTH CHANNEL SHALL BE COMPLETED PRIOR TO ANY DEMOLITION WORK. DIVERSION CANNOT BE INSTALLED EARLIER THAN JULY 1ST.
 3. THE DIVERSION MUST BE REMOVED BY OCTOBER 31ST UNLESS THE IN-WATER WORK PERIOD IS EXTENDED BY THE CARSON/TRUCKEE WATER CONSERVANCY DISTRICT (CTWCD). ANY REQUEST TO EXTEND THE IN-WATER WORK PERIOD MUST BE SUBMITTED TO CTWCD NO LATER THAN SEPTEMBER 15TH. NOVEMBER 30TH IS THE LATEST THAT THE DIVERSION COULD REMAIN IN PLACE WHEN AN EXTENSION IS GRANTED. IF THE FLOWRATE OF THE RIVER REACHES 1,600 CFS AND MORE WATER IS EXPECTED DURING THE IN-WATER WORK WINDOW, THE CONTRACTOR SHALL REMOVE ALL EQUIPMENT, MATERIALS, AND PERSONNEL FROM THE DIVERSION AREA AND RELOCATE THE DIVERSION.
 4. EXACT REQUIREMENTS FOR HAZARDOUS MATERIALS HANDLING AND GROUND WATER PUMPING TO BE PER NREP TEMPORARY AUTHORIZATION TO DISCHARGE PERMITS.
 5. IMPORTED ROCK AND SAND, INCLUDING SANDBAG FILLER, MUST BE CLEANED BEFORE BEING BROUGHT ON-SITE AND PLACED. CLEANED IS DEFINED AS BEING FREE OF PARTICLES (I.E. SILT, ORGANICS, ETC.) LESS THAN 1/8 INCHES IN DIAMETER.
 6. THE CONTRACTOR SHALL SUBMIT THE SOURCE AND SIZE OF ROCK TO BE USED FOR THE VISIBLE PORTION OF THE WORK. ROCK SHALL BE SAVED FROM RIVER EXCAVATION AREAS AND STOCKPILED FOR REUSE FOR THE VISIBLE PORTION OF THE DIVERSION. THE VISIBLE PORTION OF THE RIVER CHANNEL, ANY IMPORTED ROCK MATERIAL SHALL MATCH THE COLOR AND CHARACTER OF THE EXISTING ROCK IN THE RIVER CHANNEL AND CONFORM TO SECTION 637.02.01 OF THE SPECIAL PROVISIONS.
- VERIFICATION NOTES:**
7. ANY IMPORTED GRAVELS USED WITHIN THE RIVER CHANNEL AS PART OF THE TEMPORARY DIVERSION SHALL RANGE FROM 3/8 INCHES TO 3 INCHES IN DIAMETER AND BE OF A ROUNDED NATURE.
 8. ALL CONSTRUCTION VEHICLES MUST BE STEAM CLEANED OFF-SITE TO ELIMINATE ANY POLLUTANTS (I.E. GREASE, OIL, GASOLINE, ETC.) THAT MAY BE INTERCEPTING AND CONTAINING ANY SPILLS OR LEAKED POLLUTANTS, OR OFF-SITE SOAS TO MINIMIZE CONTAMINATION FOR STATIONARY EQUIPMENT (I.E. GENERATORS, PUMPS, ETC.) A CONTAINMENT PAD SHOULD BE CONSTRUCTED BENEATH THEM TO CONTROL SPILLS AND LEAKS OF POLLUTANTS.
 9. ANY TREE OR BRUSH CLEARED FOR THIS INSTALLATION OF THE RIVER DIVERSION SHALL BE COMPLETELY REMOVED AND DISPOSED OF OUTSIDE THE RIVER CHANNEL.
 10. UPON COMPLETION OF THE PROJECT, ALL ELEMENTS OF THE DIVERSION SYSTEM SHALL BE REMOVED FROM THE RIVER AND RETURNED AND DISPOSED OF OUTSIDE THE RIVER CHANNEL.
 11. THE DETAILS AND NOTES ARE FOR GENERAL GUIDANCE PURPOSES. DIVERSION AND DEWATERING SHOULD REFER TO ENVIRONMENTAL PERMIT CONDITIONS FOR ADDITIONAL GUIDANCE AND REQUIREMENTS.
 12. ACCESS RAMPS WILL BE FIELD FIT AND ADJUSTED TO AVOID TREES AND OTHER OBSTACLES.

PLOT TIME: 6:07:48 PM

FILENAME: W7Y24804-ST-227.dgn

PLOT DATE: 3/13/2024

<p>JACOBS</p> <p>50 WEST LIBERTY STREET, SUITE 205 RENO, NV 89501 PH (775) 329-7200</p>	<p>ARLINGTON BRIDGES FINAL DESIGN NORTH BRIDGE (B-3336) DIVERSION PLAN</p>
<p>REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY PWP-WA-2024-208 FHWA PIN:STBG-003-1(149) NDOT EA: 74386</p>	
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DATE	MARCH 2024	PROJ	W7Y24804	SHEET	ST-237
DESIGNED BY	CHK	APVD	BY	APVD	
<p>REVISION</p>					
<p>DRAFT 100% PRELIMINARY NOT FOR CONSTRUCTION</p>					

Attachment D – Nationwide Permit 14 Summary



U S Army Corps of
Engineers
Sacramento District

2021 Nationwide Permit Summary

33 CFR Part 330; Issuance of Nationwide
Permits – February 25, 2022

14. Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404).

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes

of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include 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 that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

A. Regional Conditions

1. [Regional Conditions for California](#)
2. [Regional Conditions for Nevada and Utah](#)

B. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

- 1. **Navigation.**
 - (a) No activity may cause more than a minimal adverse effect on navigation.
 - (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on

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www.twitter.com/USACESacramento

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authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. **Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. **Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with a applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. **Removal of Temporary Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with a applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. **Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. **Wild and Scenic Rivers.**

(a) No NWP activity may 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, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity 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 permittee must submit a pre-construction notification (see general condition 32). The

district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer 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.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <https://www.rivers.gov/>.

17. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. **Endangered Species.**

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of

the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA

section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether an additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <https://www.fws.gov/> or <https://www.fws.gov/ipac/> and <https://www.fisheries.noaa.gov/topic/endangered-species-conservation> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties.

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then an additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties 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. For such activities, the pre-

construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or a diverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110(k) of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps,

after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer 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.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer 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. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss.

concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal

agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety

criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage

limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with a associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or 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 (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification.

(a) **Timing.** Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or

that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) **Contents of Pre-Construction Notification:** The PCN must be in writing and include the following information:

(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)

(i) 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.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, 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 (including those single and complete crossings authorized by an

NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) 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) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the 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 or 3/100-acre of stream bed 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 species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) 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, 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;

(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, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, 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, or review by, the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete

PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

C. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings

of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed

compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

□ 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for a authorization under the NWP and instruct the applicant on the procedures to seek a authorization under an individual permit; (b) that the activity is a authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is a authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be a authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with a activity-specific conditions that state the mitigation requirements. The a authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

D. Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or a authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

E. Nationwide Permit Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s) but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in an aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in an aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gauges, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high-water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required, and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of an aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in an aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in an aquatic resource function but does not result in a gain in an aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in an aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23).

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high-water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high-water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island,

artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or a agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).