U.S. Army Corps of Engineers (USACE)



Fort Worth District

Nationwide Permit (NWP) Pre-Construction Notification (PCN) Template

This application template integrates requirements of the Nationwide Permit Program within the Fort Worth District, including General and Regional Conditions. Please consult instructions included at the end prior to completing this template.

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**DESCRIPTION OF NWP 58 – UTILITY LINE ACTIVITIES FOR   
WATER AND OTHER SUBSTANCES**

Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil or natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and telecommunications activities may be authorized by NWPs 12 or 57, respectively. This NWP also authorizes associated utility line facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

**Utility lines:** This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A “utility line” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this NWP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term “utility line” does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

**Utility line substations:** This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground utility lines: This NWP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.

**Access roads:** This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. 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. After construction, 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.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) a section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

**Note 1:** For utility line activities 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. Utility line activities must comply with 33 CFR 330.6(d).

**Note 2:** Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

**Note 3:** Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

**Note 4:** This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

**Note 5:** For 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).

Part I: NWP Conditions and Requirements Checklist

**To ensure compliance with the General Conditions (GC), in order for an authorization by a NWP to be valid, please answer the following questions:**

1. Navigation (Applies to Section 10 waters [i.e. navigable waters of the U.S.], see instruction 4 for link to list):

**a.** Does the project cause more than a minimal adverse effect on navigation?

Yes  No  N/A

**b.** Does the project require the installation and maintenance of any safety lights and signals prescribed by the U.S. Coast Guard on authorized facilities in navigable waters of the U.S.?  Yes  No  N/A

**c.** Does the Applicant understand and agree that if future operations by the U.S. 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 authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Applicant will be required, upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S.; and no claim shall be made against the U.S. on account of any such removal or alteration?

Yes  No  N/A

If you answered yes to question a. or b. above, or if you answered no to question c. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

2. Aquatic Life Movements:

**a.** Does the project 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?  Yes  No

**b.** Is the project's primary purpose to impound water?  Yes  No

**c.** Will culverts placed in streams be installed to maintain low flow conditions to sustain the movement of those aquatic species?  Yes  No  N/A

If you answered yes to question a. or b. above, or if you answered no to question c. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

3. Spawning Areas:

a. Does the project avoid spawning areas during the spawning season to the maximum extent practicable?  Yes  No  N/A

b. Does the project result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area?

Yes  No  N/A

If you answered no to question a. above, or if you answered yes to question b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

4. Migratory Bird Breeding Areas:

**a.** Does the project avoid waters of the U.S. that serve as breeding areas for migratory birds to the maximum extent practicable?  Yes  No  N/A

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

5. Shellfish Beds:

a. Does the project occur in areas of concentrated shellfish populations?  Yes  No

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

6. Suitable Material:

a. Does the project use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.)?

Yes  No

b. Is the material used for construction or discharged in a water of the U.S. free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act)?  Yes  No

If you answered yes to question a. above, or if you answered no to question b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

7. Water Supply Intakes:

**a.** Does the project occur in the proximity of a public water supply intake?  Yes  No

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

8. Adverse Effects From Impoundments:

**a.** Does the project create an impoundment of water?  Yes  No

**b.** If you answered yes to question a. above, are the adverse effects (to the aquatic system due to accelerating the passage of water, and/or restricting its flow) minimized to the maximum extent practicable?  Yes  No  N/A

If you answered no to question b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

9. Management of Water Flows:

a. Does the project maintain the pre-construction course, condition, capacity, and location of open waters to the maximum extent practicable, for each activity, including stream channelization and storm water management activities?  Yes  No

b. Will the project be constructed to withstand expected high flows?  Yes  No

c. Will the project restrict or impede the passage of normal or high flows?  Yes  No

If you answered no to question a. or b. above, or if you answered yes to question c. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

10. Fills Within 100-Year Floodplains:

a. Does the project comply with applicable FEMA-approved state or local floodplain management requirements?  Yes  No  N/A

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

11. Equipment:

a. Will heavy equipment working in wetlands or mudflats be placed on mats, or other measures be taken to minimize soil disturbance?  Yes  No  N/A

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

12. Soil Erosion and Sediment Controls:

a. Will the project use appropriate soil erosion and sediment controls and maintain them in effective operating condition throughout construction?  Yes  No

b. Will all exposed soil and other fills, as well as any work below the ordinary high water mark, be permanently stabilized at the earliest practicable date?  Yes  No

c. Be aware that if work will be conducted within waters of the U.S., Applicants are encouraged to perform that work during periods of low-flow or no-flow.

If you answered no to question a. or b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

**13. Removal of Temporary Fills:**

**a.** Will temporary fills be removed in their entirety and the affected areas returned to pre-construction elevations?  Yes  No  N/A

**b.** Will the affected areas be revegetated, as appropriate?  Yes  No  N/A

If you answered no to question a. or b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

**14. Proper Maintenance:**

**a.** Will any authorized structure or fill be properly maintained, including maintenance to ensure public safety?  Yes  No

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

**15. Single and Complete Project:**

**a.** Does the Applicant certify that the project is a “single and complete project” as defined below?  Yes  No

**Single and complete project:**   
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.

**Independent utility:** Defined as 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.

**16. Wild and Scenic River:**

There are no Wild and Scenic Rivers within the geographic boundaries of the Fort Worth District. Therefore, this GC does not apply.

17. Tribal Rights:

a. Will the project or its operation impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights?  Yes  No  N/A

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

18. Endangered Species (see also Box 8 in Part III):

**a.** Is the project 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 will the project directly or indirectly destroy or adversely modify the critical habitat of such species?  Yes  No

**b.** Might the project affect any listed species or designated critical habitat?  Yes  No

**c.** Is any listed species or designated critical habitat in the vicinity of the project?

Yes  No

**d.** If the project “may affect” a listed species or critical habitat, has Section 7 or Section 10(a) ESA consultation addressing the effects of the proposed activity been completed?  Yes  No  N/A

If you answered yes to question a. or b. or c. above, or if you answered no to question d. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

19. Migratory Birds and Bald and Golden Eagles:

**a.** Does the project have the potential to impact nests, nesting sites, or rookeries of migratory birds, bald, or golden eagles?  Yes  No  N/A

If you answered yes to question a. above, you are responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to obtain any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act.

20. Historic Properties (see also Box 9 in Part III):

**a.** Does the project have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties?

Yes  No  N/A

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

21. Discovery of Previously Unknown Remains and Artifacts:

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, **you must immediately notify the district engineer of what you 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:

**a.** Will the project impact critical resource waters, which include NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment? Yes  No

If you answered yes to question a. above, be aware that discharges of dredged or fill material into waters of the U.S. are not authorized by NWP 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

23. Mitigation (see also Box 10 in Part III):

**a.** Will the project include appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal?  Yes  No

If you answered no to question a. above, please include an explanation in Box 10 of why no mitigation would be necessary in order to be in compliance with this GC or be aware that the project would require an individual permit application.

24. Safety of Impoundment Structures:

**a.** Has the impoundment structure been safely designed to comply with established state dam safety criteria or has it been designed by qualified persons?  Yes  No  N/A

If you answered yes to question a. above, non-federal applicants may be required to provide documentation that the design has been independently reviewed by similarly qualified persons with appropriate modifications to ensure safety. If you answered no, please include an explanation in Box 10 of why the structure is exempt from state dam safety criteria or be aware that the project may require an individual permit application.

25. Water Quality (see also Box 11 in Part III):

a. If in Texas, does the project comply with the conditions of the TCEQ water quality certification for NWP 58?  Yes  No N/A

b. If in Louisiana, does the project comply with the conditions of the LDEQ water quality certification for NWP 58?  Yes  No N/A

c. Does the project fall under the jurisdiction of the Railroad Commission of Texas (RCT), and if so, will it result in any mechanized land clearing within forested wetlands?   
 Yes  No  N/A

If you answered no to question a. or b. above, please be aware that the project would require an individual permit application. Additionally, if you answered yes to question c. above, please be aware that the project would require individual 401 Water Quality Certification through RCT.

26. Coastal Zone Management:

The Fort Worth District does not cover any Coastal Zone; therefore, this GC does not apply.

27. Regional and Case-By-Case Conditions:

See the Regional Conditions checklist to ensure compliance with this GC.

28. Use of Multiple Nationwide Permits:

**a.** Does the project use more than one NWP for a single and complete project?  Yes  No

**b.** If you answered yes to question a. above, be aware that unless the project’s acreage loss of waters of the U.S. authorized by the NWPs is below the acreage limit of the NWP with the highest specified acreage limit, no NWP can be issued and the project would require an individual permit application.

If you answered yes to question a. above, please explain how the project would be in compliance with this GC and what additional NWP number you intend to use:

**29. Transfer of Nationwide Permit Verifications:**

**a.** Does the Applicant agree that if he or she sells the property associated with the nationwide permit verification, the Applicant may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate USACE district office to validate the transfer?

Yes  No

30. Compliance Certification:

**a.** Does the Applicant agree that if he or she receives the NWP verification from the USACE, they must submit a signed certification regarding the completed work and any required mitigation (the certification form will be sent by the USACE with the NWP verification letter)?

Yes  No

31. Activities Affecting Structure or Works Built by the United States

a. Does the project temporarily or permanently alter and/or occupy a USACE federally authorized Civil Works project?  Yes  No

If you answered yes to question a. above, notification is required in accordance with general condition 32, for any activity that requires permission from the Corps. The district engineer may authorize activities under these NWPs only after a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

32. Pre-Construction Notification:

a. Reason for notification:

Require a Section 10 permit.

The loss of waters of the U.S. exceeds 1/10-acre of wetlands and/or 3/100-acre of stream bed.

Potential endangered species.

Potential historic properties.

Required by Texas or Louisiana Regional Conditions.

Other:

**To ensure compliance with the NWP 58-specific requirements please answer the first question regarding all utility line activities and then answer the other questions as they apply to your project.**

All utility line activities for water and other substances:

1. Does the project cause the loss of greater than 1/2-acre non-tidal waters of the U.S. at any crossing considered a single and complete project?  Yes  No

If you answered yes to question 1. above, be aware that the project would not be authorized by a NWP 58 and would require an individual permit application or the use of regional general permit CESWF-19-RGP-11 (see USACE Fort Worth District website for information on conditions and requirements).

2. Does each activity/crossing considered a single and complete project have independent utility?  Yes  No  N/A

If you answered no to question 2. above, be aware that the project may require an individual permit application.

**3.** **a.** Will any temporary structures, fills, and work necessary to construct the project meet the criteria for maintaining flows, minimizing flooding, and withstanding high flows?

Yes  No  N/A

**b.** Will temporary structures and fills be removed in their entirety and the affected areas be returned to pre-construction elevations and revegetated, as appropriate?

Yes  No  N/A

If you answered no to question a. or b. above, be aware that the project would not be authorized by a NWP 58 and would require an individual permit application.

Utility lines:

4. Does the project involve a change in pre-construction contours?  Yes  No

If you answered yes to question 4. above, be aware that the project would not be authorized by a NWP 58 and may require an individual permit application.

5. Does the project include activities that drain a water of the U.S., such as drainage tile or french drains?  Yes  No

If you answered yes to question 5. above, be aware that the project is not considered a “utility line” and would not be authorized by a NWP 58 and may require an individual permit application. Note: Pipes that convey drainage from another area are considered a “utility line.”

6. a. Does the project involve leaving sidecasts from trench excavation in waters of the U.S. for more than three months?  Yes  No

b. Does the project involve placing sidecasts from trench excavation in waters of the U.S. in such a manner that the sidecasts are dispersed by current or other forces?  Yes  No

If you answered yes to question a. above, be aware that the district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate, and otherwise an individual permit application may be required. If you answered yes to question b. above, be aware that the project would not be authorized by a NWP 58 and may require an individual permit application.

7. In wetlands, does the project involve backfilling the top 6 to 12 inches of the trench with topsoil from the trench?  Yes  No  N/A

If you answered no to question 7. above, please explain how the project would be in compliance with this requirement and be aware that the project may not be authorized by a NWP 58 and may require an individual permit application:

8. Does the project involve constructing or backfilling a trench in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a french drain effect?

Yes  No

If you answered yes to question 8. above, be aware that the project would not be authorized by a NWP 58 and may require an individual permit application.

9. Will the project, upon completion of the utility line crossing of each waterbody, immediately stabilize exposed slopes and stream banks?  Yes  No  N/A

If you answered no to question 9. above, be aware that the project would not be authorized by a NWP 58 and may require an individual permit application.

Foundations for overhead utility line towers, poles, and anchors:

12. If the project includes construction or maintenance of foundations for overhead utility line towers, poles, and/or anchors in waters of the U.S., are these the minimum size necessary and are separate footings for each tower leg (rather than a larger single pad) used where feasible?

Yes  No  N/A

If you answered no to question 12. above, be aware that the project would not be authorized by a NWP 58 and may require an individual permit application.

Access Road(s):

13. Will the access road(s) be used for the construction and maintenance of utility lines, including overhead power lines and utility line substations, and, for a single and complete project, cause the loss of no greater than 1/2-acre of non-tidal waters of the U.S.?  Yes  No  N/A

If you answered no to question 13. above, be aware that the project would not be authorized by a NWP 58 and may require an individual permit application.

14. a. Will the access road(s) in waters of the U.S. be the minimum width necessary?  Yes  No

b. Will the access road be constructed so that the length of the road minimizes any adverse effects on waters of the U.S.?  Yes  No

If you answered no to question a. or b. above, be aware that the project would not be authorized by a NWP 58 and may require an individual permit application.

15. a. Will the access road(s) be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy road or geotextile/gravel road) so as to minimize any adverse effects on waters of the U.S.?  Yes  No

b. Will access roads constructed above pre-construction contours and elevations in waters of the U.S. be properly bridged or culverted to maintain surface flows?  Yes  No

If you answered no to question a. or b. above, be aware that the project may not be authorized by a NWP 58 and may require an individual permit application.

16. Will access roads used solely for construction of the utility line be removed upon completion of the work, in accordance with the requirement for temporary fills?  Yes  No

If you answered no to question 17. above, be aware that the project may not be authorized by a NWP 58 and may require an individual permit application.

**REGIONAL CONDITIONS CHECKLIST**

**To ensure compliance with the Regional Conditions within the Fort Worth District, in the State of Texas, in order for an authorization by a NWP to be valid, please answer the following questions (for projects in Texas only):**

1. Does the project involve a discharge into any of the following habitat types?:

Pitcher plant bogs ((*Sarracenia* spp.) and/or sundews (*Drosera* spp.) and/or Bald Cypress/Tupelo swamps ((*Taxodium distichum*) and/or water tupelo (*Nyssa aquatica*))?

Karst Zones 1 and 2 located in Bexar, Travis and Williamson Counties (see <https://www.fws.gov/southwest/es/AustinTexas/Maps_Data.html>).

Caddo Lake and associated areas that are designated as “Wetland of International Importance” under the Ramsar Convention (see <http://caddolakedata.us/media/145/1996caddolakeramsar.pdf> or <http://caddolakedata.us/media/144/1996caddolakeramsar.jpg>).

Reaches of rivers (and their adjacent wetlands) that are included in the Nationwide Rivers Inventory (see <https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm)/>

If you answered yes to any of the above choices, notification of the District Engineer is required in accordance with NWP GC 32, and the USACE will coordinate with other resource agencies as specified in NWP GC 32(d).

1. Is the activity located at a site approved as a compensatory mitigation site (either permittee-responsible, mitigation bank and/or in lieu fee) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899?

Yes  No

If you answered yes to question 2. above, notification of the District Engineer is required in accordance with NWP GC 32.

To ensure compliance with the Regional Conditions within the Fort Worth District, in the State of Louisiana, in order for an authorization by a NWP to be valid, please answer the following questions (for projects in Louisiana only):

1. Does the activity cause the permanent loss of greater than 1/2 acre of seasonally inundated cypress swamp and/or cypress-tupelo swamp?  Yes  No

If you answered yes to question 1. above, be aware that the project would not be authorized by a NWP 58 and would require an individual permit application.

**2.** Does the activity cause the permanent loss of greater than 1/2 acre of pine savanna and/or pitcher plant bogs?  Yes  No

If you answered yes to question 2. above, be aware that the project would not be authorized by a NWP 58 and would require an individual permit application.

**3.** Has the activity been determined to have an adverse impact upon a federal or state designated rookery and/or bird sanctuary?  Yes  No

If you answered yes to question 3. above, be aware that the project would not be authorized by a NWP 58 and would require an individual permit application.

**4.** To the best of the applicant’s knowledge, is any excavated and/or fill material to be placed within wetlands free of contaminants?  Yes  No  N/A

If you answered no to question 4. above, be aware that the project would not be authorized by a NWP 58 and would require an individual permit application.

**5.** *Regional Condition 5 applies to work within the Louisiana Coastal Zone and/or the Outer Continental Shelf off Louisiana, and therefore does not apply in the USACE Fort Worth District. Work in these areas may require coordination with the USACE Galveston or New Orleans districts.*

**6.** Does the activity adversely affect greater than 1/10 acre of wetlands, and/or adversely impact a designated Natural and Scenic River, a state or federal wildlife management area, and/or refuge?  Yes  No

If you answered yes to question 6. above, notification of the District Engineer is required in accordance with NWP GC 32.

**7.** For activities involving the installation of a culvert, will the culvert be sufficiently sized to maintain expected high water flows, and installed at a sufficient depth to maintain low flows to sustain the movement of aquatic species?  Yes  No

If you answered no to question 7. above, be aware that the project would not be authorized by a NWP 58 and would require an individual permit application.

**8**. NWP GC 18(g) provides links to information about threatened and endangered species and their critical habitat from FWS and NMFS. Within the State of Louisiana, additional information regarding the state protection status of rare, threatened and endangered species and compliance with state threatened and endangered species laws and regulations can be obtained from LDWF at their world wide web pages at <https://www.wlf.louisiana.gov/page/request-wildlife-diversity-project-review-or-digital-data>.Proponents of regulated activities are reminded that NWPs only authorize activities from the perspective of the U.S. Army Corps of Engineers and state permits, approvals and authorizations may also be required.

Additional Discussion:

Part II: Project Information (*Project No. SWF-*       )

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| --- | --- | --- | --- |
| Box 1. Project Name: | | Applicant Name/Person of Contact | |
| Applicant Title | | Applicant Company, Agency, etc. | |
| Mailing Address | | Applicant’s internal tracking number (if any) | |
| Work Phone with area code | Cell Phone with area code | | E-mail Address |
| Relationship of applicant to property:  Owner  Purchaser  Lessee  Other: | | | |
| Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a USACE nationwide permit or permits as described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agency to which this application is made the right to enter the above‑described location to inspect the proposed, in-progress, or completed work. I agree to start work only after all necessary permits have been received. | | | |
| Signature of applicant | | | Date (mm/dd/yyyy) |

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| Box 2. Authorized Agent/Operator Name and Signature:  (If an agent is acting for the applicant during the permit process) | | |
| Agent/Operator Title | Agent/Operator Company, Agency, etc. | |
| Mailing Address | Agent’s internal tracking number (if any) | |
| E-mail Address | | |
| Work Phone(s) with area code | Cell Phone with area code | |
| I hereby authorize the above-named agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent, and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit. | | |
| Signature of applicant | | Date (mm/dd/yyyy) |
| I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. | | |
| Signature of authorized agent | | Date (mm/dd/yyyy) |

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| Box 3. Name of property owner, if other than applicant:    Multiple Current Owners (If multiple current property owners, check here and include a list as an attachment) | |
| Owner Title | Owner Company, Agency, etc. |
| Mailing Address | |
| Work Phone with area code | Home Phone with area code |
| Box 4. Project location, including street address, city, county, state, and zip code where proposed activity will occur: | |
| Nature of Activity (Description of project; include all features; see instructions): | |
| Project Purpose (Description of the reason or purpose of the project; see instructions): | |
| Are there any other Federal Permits or Federal Agencies associated with this project?  Yes If yes, list the agency(ies)  No | |
| Has a lead Federal Agency been identified?  Yes If yes, provide the agency name, agency POC, address, phone number, and email address.  No | |
| Has a delineation of waters of the U.S., including wetlands, been completed? (see instructions)  Yes, Attached  No  If a delineation has been completed, has it been verified in writing by the USACE?  Yes, Date of approved or preliminary jurisdictional determination (mm/dd/yyyy):  USACE project:  No | |
| Are color photographs of the existing conditions available?  Yes, Attached  No  Are aerial photographs available?  Yes, Attached  No | |
| Multiple Single and Complete Crossings  (If multiple single and complete crossings, check here and complete the table in Attachment D) | |
| Waterbody(ies) (if known; otherwise enter “an unnamed tributary to”):  Tributary(ies) to what known, downstream waterbody(ies): | |
| Latitude & longitude (Decimal Degrees): | |
| USGS Quad map name(s): | |
| Watershed(s) and other location descriptions, if known: | |
| Directions to the project location: | |

Part III: Project Impacts and Mitigation

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| Box 5. Reason(s) for Discharge into waters of the U.S.: |
| Type(s) of material being discharged and the amount of each type in cubic yards: |
| Total surface area (in acres) of wetlands or other waters of the U.S. to be filled: |
| Indicate the proposed impacts to **waters of the U.S.** in ACRES (for all aquatic resources) and LINEAR FEET (for rivers and streams) and identify the impact(s) as permanent and/or temporary for each waterbody type listed below. For projects with multiple single and complete crossings, the table below should indicate the *cumulative totals* of those single and complete crossings that require notification as outlined in Part I, GC question 32, and would not determine the threshold for whether a project qualifies for a NWP. The table below is intended as a tool to summarize impacts by resource type for planning compensatory mitigation and does not replace the summary table of single and complete crossings in Attachment D for those projects with multiple single and complete crossings.   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | |  | Permanent | | | Temporary | | | | Waterbody Type | Acres | Linear feet in length | Linear feet in width | Acres | Linear feet in length | Linear feet in width | | Emergent wetlands |  |  |  |  |  |  | | Scrub/Shrub wetlands |  |  |  |  |  |  | | Forested wetlands |  |  |  |  |  |  | | Perennial streams |  |  |  |  |  |  | | Intermittent streams |  |  |  |  |  |  | | Impoundments |  |  |  |  |  |  | | Other: |  |  |  |  |  |  | | Total: |  |  |  |  |  |  | |
| Potential indirect and/or cumulative impacts of proposed discharge (if any): |
| **Required drawings** (see instructions):  Vicinity map:  Attached  To-scale plan view drawing(s):  Attached  To-scale elevation and/or cross section drawing(s):  Attached |
| Is any portion of the work already complete?  Yes  No  If yes, describe the work: |

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| Box 6. Authority: (see instructions)  Is Section 10 of the Rivers and Harbors Act for projects affecting navigable waters applicable?  Yes  No **(see Fort Worth District Navigable Waters list)**  Is Section 404 of the Clean Water Act applicable?  Yes  No |

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| Box 7. Larger Plan of Development:  This information is not applicable for Nationwide Permit 58. |

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| Box 8. Federally Threatened or Endangered Species (see instructions)  Please list any federally-listed (or proposed) threatened or endangered species or critical habitat potentially affected by the project (use scientific names (i.e., genus species), if known): |
| Have surveys, using U.S. Fish and Wildlife Service (USFWS) protocols, been conducted?  Yes, Report attached  No (explain): |
| If a federally-listed species would potentially be affected, please provide a description and a biological evaluation.  Yes, Report attached  Not attached |
| Has Section 7 ESA consultation been initiated by another federal agency?  Yes, Initiation letter attached  No |
| Has Section 10 ESA consultation been initiated for the proposed project?  Yes, Initiation letter attached  No |
| Has the USFWS issued a Biological Opinion?  Yes, Report attached  No  If yes, list date Opinion was issued (mm/dd/yyyy): |

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| Box 9. Historic properties and cultural resources  Please list any historic properties listed (or eligible to be listed) on the National Register of Historic Places which the project has the potential to affect: |
| Has an archaeological records search been conducted?  Yes, Report attached  No (explain): |
| Are any cultural resources of any type known to exist on-site?  Yes  No |
| Has an archaeological pedestrian survey been conducted for the site?  Yes, Report attached  No (explain): |
| Has Section 106 or SHPO consultation been initiated by another federal or state agency?  Yes, Initiation letter attached  No |
| Has a Section 106 MOA been signed by another federal agency and the SHPO?  Yes, Attached  No  If yes, list date MOA was signed (mm/dd/yyyy): |

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| Box 10. Proposed Conceptual Mitigation Plan Summary (see instructions) | |
| Measures taken to avoid and minimize impacts to waters of the U.S. (if any): | |
| Applicant proposes combination of one or more of the following mitigation types:  Mitigation Bank  On-site  Off-site (Number of sites:      )  None | |
| Applicant proposes to purchase mitigation bank credits:  Yes  No  Mitigation Bank Name:  Number of Credits: | |
| Indicate in ACRES (for all aquatic resources) and LINEAR FEET (for rivers and streams) the total quantity of waters of the U.S. proposed to be created, restored, enhanced, and/or preserved for purposes of providing compensatory mitigation. Indicate mitigation site type (on- or off-site) and number. Indicate waterbody type (emergent wetland, scrub/shrub wetland, forested wetland, perennial stream, intermittent stream, impoundment, other) or non-jurisdictional (uplands1).   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Mitigation Site Type and Number | Waterbody Type | Created | Restored | Enhanced | Preserved | | *e.g., On-site 1* | *Forested wetland* | *0.5 acre* |  |  |  | | *e.g., Off-site 1* | *Intermittent stream* |  | *500 LF* | *1000 LF* |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  | Totals: |  |  |  |  |   1 For uplands, please indicate if designed as an upland buffer. | |
| Summary of Mitigation Work Plan (Describe the mitigation activities listed in the table above): | |
| If no mitigation is proposed, provide a detailed explanation of why no mitigation would be necessary to ensure that adverse effects on the aquatic environment are minimal: | |
| Has a conceptual mitigation plan been prepared in accordance with the USACE regulations and guidelines?  Yes, Attached  No (explain): | |
| Mitigation site(s) latitude & longitude  (Decimal Degrees): | USGS Quad map name(s): |
| Other location descriptions, if known: | |
| Directions to the mitigation location(s): | |

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| Box 11. Water Quality Certification (see instructions):  For Texas:  Does the project meet the conditions of the Texas Commission on Environmental Quality (TCEQ) Clean Water Act Section 401 certification for NWP 58?  Yes  No  Does the project include soil erosion control and sediment control Best Management Practices (BMPs)?  Yes  No List the BMPs for soil erosion control and sediment control to be used, or explain why they aren’t necessary for the project:  Does the project include controls for post-construction total suspended solids control?  Yes  No  List the controls for post-construction total suspended solids control, or explain why it isn’t necessary for the project:  Does the project require individual Water Quality Certification through the Railroad Commission of Texas (RCT)?  Yes, attached  No  N/A |
| For Louisiana:  Does the project meet the conditions of the Louisiana Department of Environmental Quality (LDEQ) Clean Water Act Section 401 certification for NWP 58?  Yes  No  Is fill placed in a manner which would avoid impeding natural watercourses?  Yes  No  N/A |

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| Box 12. List of other certifications or approvals/denials received from other federal, state, or local agencies for work described in this application:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Agency | Approval Type2 | Identification No. | Date Applied | Date Approved | Date Denied | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |   2 Would include but is not restricted to zoning, building, and floodplain permits. |

Part IV: Attachments

Included

A. Delineation of Waters of the U.S., Including Wetlands

B. Color Photographs

C. Summary Table of Single and Complete Crossings

D. Required Drawings/Figures

E. Threatened or Endangered Species Reports and/or Letters

F. Historic Properties and Cultural Resources Reports and/or Letters

G. Conceptual Mitigation Plan

H. Other:      

End of Template

Attachment D: Summary Table of Single and Complete Crossings

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Waterbody ID*1*** | **Latitude and Longitude (Decimal Degrees)** | **Resource Type*2*** | **Acres in Project Area** | **Impact Type*3*** | **Average Length of Impact** | **Average Width of Impact** | **Acres of Impact** | **Cubic Yards of Material to be Discharged** | **PCN Required** | **Reason*4*** |
| *e.g. W-1* | *32.755°N,*  *-97.755°W* | *FW* | *0.25* | *D-P* | *-* | *-* | *0.15* | *1210* | *Y* | *E* |
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*1* Waterbody ID may be the name of a feature or an assigned label such as “W-1” for a wetland.

*2* Resource Types: EW – Emergent Wetland, SW – Scrub/Shrub Wetland, FW – Forested Wetland  
PS – Perennial Stream, IS – Intermittent Stream, ES – Ephemeral Stream, I – Impoundment

*3* Impact Types: D/P – Direct\* and Permanent, D/T – Direct and Temporary, I/P – Indirect\*\* and Permanent, I/T – Indirect and Temporary

\* Direct impacts are here defined as those adverse effects caused by the proposed activity, such as discharge or excavation.

\*\* Indirect impacts are here defined as those adverse effects caused subsequent to the proposed activity, such as flooding or effects of drainage on adjacent waters of the U.S.

*4* Reasons for PCN requirement:

A – Requires a Section 10 permit.

B – The loss of waters of the U.S. exceeds 1/10-acre of wetlands and/or 3/100-acre of stream bed.

C – Potential endangered species.

D – Potential historic properties.

E – Required by Texas or Louisiana Regional Conditions.

F – Other

Instructions: [please do not include these pages when submitting template]

1. The Fort Worth District accepts paperless/electronic submittals as the primary means of accepting applications. All initial application materials should be sent to [CESWF-Permits@usace.army.mil](mailto:CESWF-Permits@usace.army.mil).
2. Complete Part I of the template first to determine if the project meets the conditions and requirements of NWP 58, including the General and Regional Conditions as well as the notification requirements. Additional information on the general conditions is available at the following website:

<http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits.aspx>

1. Boxes 1 to 3: Provide contact information for the Applicant, Agent, Owner, etc.
2. Box 4:
   1. Nature of Activity: Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach a separate sheet marked “Box 4 Nature of Activity.”
   2. Proposed Project Purpose: Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project.
   3. Delineation of waters of the U.S.:

Waters of the U.S. are defined under 33 CFR part 328.3 (a) as:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
   1. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
   2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
   3. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the U.S. under the definition;
5. Tributaries of waters identified in paragraphs (a) (1) through (4) of this section;
6. The territorial seas;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

In addition, 33 CFR part 328.3 (b) states: The term wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, the ordinary high water mark, as well as any adjacent wetlands, demarcate the limits of non-tidal waters of the U.S. Wetlands are identified and delineated using the methods and criteria established in the USACE *Wetlands Delineation Manual* (1987 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils, and wetland hydrology) as well as any applicable interim regional supplements.

Applicants should follow the USACE Fort Worth District procedures for jurisdictional determinations found at the following website:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/juris_info/>

* 1. Multiple Waters of the U.S.: If the project impacts multiple waters of the U.S., include information for each water in the table in Attachment D.

1. Box 5:

**Required drawings (see examples in separate file):** Submit one legible copy of all drawings (8 1/2 x 11-inch or 11 x 17-inch) with a 1-inch margin around the entire sheet. The title box shall contain the title of the proposed project, date, and sheet number.

i. **Vicinity map:** Cover an area large enough so the project can be easily located; include arrow marking the project area, identifiable landmarks (e.g., named waterbody, county, city), name or number of roads, north arrow, and scale.

ii. **Plan view:** Include features such as existing bank lines, ordinary high water mark line(s), average water depth around the activity, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, north arrow, and scale.

iii. **Elevation and/or cross-section views:** Include features such as water elevation as shown on plan view drawing, existing and proposed ground level, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, and scale.

1. Box 6: A list of navigable waters in the Fort Worth District can be found at the following website:

<https://swf-apps.usace.army.mil/pubdata/environ/regulatory/introduction/navlist.pdf>

Under Section 404 of the Clean Water Act, the USACE regulates the discharge of dredged or fill material into waters of the U.S. More information on regulated activities can be found at the following website:

<http://www.swf.usace.army.mil/Missions/Regulatory/RegulatedActivities.aspx>

1. Box 8: Information on federally threatened or endangered species may be found on the U.S. Fish and Wildlife Service website and the Texas Parks and Wildlife Department website. Include an attachment if additional space is required for listing species or critical habitat potentially affected by the project.

<https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=TX&stateName=Texas&statusCategory=Listed>

<https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=LA&stateName=Louisiana&statusCategory=Listed>

<http://www.tpwd.state.tx.us/huntwild/wild/species/endang/index.phtml>

<http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/index.phtml>

1. Box 10: When completing this box, be aware that the USACE will consider if the project has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site when determining appropriate and practicable mitigation necessary to ensure that adverse effects to the aquatic environment are minimal. The USACE may also require compensatory mitigation at a minimum one-for-one ratio for losses of wetlands, streams, and open waters to ensure that the project results in minimal adverse effects on the aquatic environment. See the USACE Fort Worth District Regulatory Branch website for a mitigation plan template and requirements.

<http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Mitigation.aspx>

1. Box 11: Projects in Texas should meet the conditions of the Texas Commission on Environmental Quality (TCEQ) Clean Water Act Section 401 certification for NWP 58. Additionally, projects that are under the jurisdiction of the Railroad Commission of Texas (RCT) should meet the conditions of the RCT Clean Water Act Section 401 certification for NWP 58. The TCEQ and RCT conditions of Section 401 certification for NWP 58 as well as a description of Best Management Practices can be found at the following website:

<https://www.swf.usace.army.mil/Portals/47/docs/regulatory/Permitting/General%20Permitting/TX_401_cert.pdf?ver=rIe8wttu6MRCA2s6Q4QQMg%3d%3d>

Projects in Louisiana require water quality certification from the Louisiana Department of Environmental Quality (LDEQ). Information about water quality certification from LDEQ can be found at the following website:

<https://www.swf.usace.army.mil/Portals/47/docs/regulatory/Permitting/General%20Permitting/LA_401_Cert.pdf?ver=ngbtr2e_QEGvADQ9cCTLNg%3d%3d>

1. Attachments: Check the boxes in Part IV for those attachments that are included and place a cover sheet or tab with each attachment behind the last page of the template. If Attachment D is not needed, discard this page, but if more room is necessary, include an additional table.