

U.S. Army Corps of Engineers (USACE) Fort Worth District



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

This form 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 form.

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DESCRIPTION OF NWP 14 – LINEAR TRANSPORTATION PROJECTS

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States (U.S.). For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the U.S. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the U.S. 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, 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.

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: N/A

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: N/A

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: N/A

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:
N/A

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:
N/A

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: **N/A**

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:
N/A

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:
N/A

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:
N/A

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:
N/A

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:
The project does not anticipate heavy equipment working in wetlands. Wetlands will be avoided to the extent practicable. However, mats will be utilized if wetlands cannot be avoided during construction.

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 or high tide line, 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: **N/A**

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: **This project does not include temporary fills.**

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:
N/A

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:

N/A

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 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:

The project will implement BMPs to minimize impacts to potential species located within the project area. In addition, golden-cheeked warbler habitat mitigation will be utilized through the Williamson County Regional Habitat Conservation Plan.

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:

N/A

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 14 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 14? ☒ Yes ☐ No ☐ N/A
- b. If in "Indian Country," does the project comply with the conditions of the EPA water quality certification for NWPs? ☐ Yes ☐ No ☒ N/A
- c. If in Louisiana, does the project comply with the conditions of the LADEQ water quality certification for NWP 14? ☐ 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.

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 attached 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:

N/A

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. Notification:

- a. Reason for notification:
- ☐ involves discharges into special aquatic sites; or
 - ☐ is in excess of 500 feet in length; or
 - ☐ will involve the discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or high tide line.
- b. Does the Applicant agree that he or she will not begin the project 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 in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may 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 (see 33 CFR 330.4(g)) has been completed. ☒ Yes ☐ No

- c. Does the Applicant agree that if the district or division engineer notifies the Applicant in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the Applicant cannot begin the activity until an individual permit has been obtained?
☒ Yes ☐ No

NWP 14-specific requirements checklist:

1. Does the project involve the construction, expansion, modification, or improvement of a linear transportation project? ☒ Yes ☐ No

If you answered no to question 1. above, be aware that the project would not be authorized by a NWP 14 and may require an individual permit application.

2. 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 2. above, be aware that the project would not be authorized by a NWP 14 and would require an individual permit application.

3. If the project involves any stream channel modification, including bank stabilization, is it limited to the minimum necessary to construct or protect the linear transportation project, and are such modifications in the immediate vicinity of the project? ☒ Yes ☐ No ☐ N/A

If you answered no to question 3. above, be aware that the project would not be authorized by a NWP 14 and may require an individual permit application.

4. If the project involves non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars, would it use this NWP to authorize these features? ☐ Yes ☒ No

If you answered yes to question 4. above, be aware that the non-linear features of the project would not be authorized by a NWP 14 and may require an individual permit application.

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

If you answered no to question 5. above, be aware that the project may require an individual permit application.

6. 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 6a. or 6b. above, be aware that the project would not be authorized by a NWP 14 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 habitat types that are wetlands (typically referred to as pitcher plant bogs) that are characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* sp.), sundews (*Drosera* sp.), and sphagnum moss (*Sphagnum* sp.) or wetlands (typically referred to as bald cypress-tupelo swamps) comprised predominantly of bald cypress trees (*Taxodium distichum*), and/or water tupelo (*Nyssa aquatica*)?
☐ Yes ☒ No

If you answered yes to question 1. above, 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).

- 2.** Will the project include required compensatory mitigation at a minimum one-for-one ratio for all special aquatic sites that exceed 1/10 acre and require pre-construction notification, and for all losses to streams that exceed 300 linear feet and require pre-construction notification (unless the appropriate District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement)?
☐ Yes ☐ No ☒ N/A

If you answered no to question 2. above, be aware that the project would not be authorized by a NWP and would require an individual permit application.

- 3.** Is the project in the area of Caddo Lake within Texas that is designated as a "Wetland of International Importance" under the Ramsar Convention? ☐ Yes ☒ No

If you answered yes to question 3. above, notification of the District Engineer is required in accordance with NWP GC 32(d).

- 4.** Is there is the risk of transferring invasive plants to or from your project site? ☒ Yes ☐ No

If you answered yes to question 4. above, information concerning state specific lists of invasive species and threats can be found at: <http://www.invasivespeciesinfo.gov/unitedstates/tx.shtml>. Best management practices can be found at Information concerning state specific lists and threats can be found at: <http://www.invasivespeciesinfo.gov/unitedstates/tx.shtml>. Known zebra mussel waters within can be found at: <http://nas.er.usgs.gov/queries/zmbyst.asp>.

- 5.** Would your project meet the scope of work and conditions of NWPs 51 or 52? ☐ Yes ☒ No

If you answered yes to question 5. above, the Corps will provide the PCN to the US Fish and Wildlife Service as specified in NWP General Condition 32(d)(2) for its review and comments.

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 14 and would require an individual permit application.

- 2.** Does the activity cause the permanent loss of greater than 1/2 acre of pine savanna, pine flatwoods, 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 14 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 14 and would require an individual permit application.

- 4.** While Endangered Species Act Section 7 consultation is no longer required for the Louisiana black bear (which has been delisted due to recovery), permittees are advised that the Louisiana black bear is still protected under State of Louisiana law, and the Louisiana Department of Wildlife and Fisheries (LDWF) will continue to actively manage this subspecies. To learn more about State law requirements for Louisiana black bear protection and habitat conservation, permittees shall contact Maria Davidson (Louisiana Department of Wildlife and Fisheries - Large Carnivore Program Manager) at (337) 948-0255.

- 5.** Does the project involve instream activities in the following waterways: Abita River and tributaries; Amite River (LA Highway 37 at Grangeville to Port Vincent); Bayou Bartholomew in Morehouse Parish; Bayou Boeuf and Bayou Rapides Tributaries in Rapides Parish: (Bayou Clear, Brown Creek, Burney Branch, Castor Creek, Clear Creek, Haikey's Creek, Little Bayou Clear, Little Brushy Creek, Loving Creek, Little Loving Creek, Long Branch, Mack Branch, Patterson Branch, Valentine Creek, and Williamson Branch), Bayou Rigolette tributaries in Grant Parish (Beaver Creek, Black Creek, Chandler Creek, Clear Branch, Coleman Branch, Cress Creek, Cypress Creek, Glady Hollow, Gray Creek, Hudson Creek, James Branch, Jordon Creek, Moccasin Branch, and Swafford Creek); Bogue Falaya River and Tributaries, Bogue Chitto River and Tributaries, Lake Borgne, Lake Pontchartrain and its tributaries, Lake Saint Catherine, Little Lake, Tchefuncta River, Little Tchefuncta River, the Rigolets and West Pearl River? ☐ Yes ☐ No

If you answered yes to question 5. above, notification of the District Engineer is required in accordance with NWP GC 32 due to the occurrence of threatened or endangered species.

- 6.** 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 6. above, be aware that the project would not be authorized by a NWP 14 and would require an individual permit application.

- 7.** Regional Condition 7 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.

- 8.** 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 8. above, notification of the District Engineer is required in accordance with NWP GC 32.

- 9.** For activities involving the installation of a culvert, is twenty percent (20%) of the culvert diameter (20 percent of the height of elliptical culverts) installed below the natural grade of the stream. ☐ Yes ☐ No


If you answered no to question 9. above, be aware that the project would not be authorized by a NWP 13 and would require an individual permit application.

- 10.** Regional Condition 10 requires all linear transportation crossings to submit a PCN regardless of impact acreage, as defined in NWP GC 32. The U.S. Fish and Wildlife Service and National Marine Fisheries Service will be forwarded a copy of the PCN.

Additional Discussion:

BMPs will be implemented to minimize the risk of transferring invasive plants or species to the project area.

Part II: Project Information

Box 1 Project Name: Liberty Hill (SH 29) Bypass		Applicant Name Bill Gravell, Jr.	
Applicant Title Local Government		Applicant Company, Agency, etc. Williamson County	
Mailing Address 3151 S.E. Inner Loop, Suite B Georgetown, TX 78626		Applicant's internal tracking number (if any)	
Work Phone with area code (512) 943-3330	Home Phone with area code	Fax #	E-mail Address roads@wilco.org
Relationship of applicant to property: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> 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 <u>only</u> after all necessary permits have been received.			
Signature of applicant  <small>Bill Gravell (Nov 22, 2022 14:46 CST)</small>			Date (mm/dd/yyyy) Nov 22, 2022

Box 2 Authorized Agent/Operator Name and Signature: <i>(If an agent is acting for the applicant during the permit process)</i> David Najvar			
Agent/Operator Title Environmental Project Manager		Agent/Operator Company, Agency, etc. SWCA Environmental Consultants	
Mailing Address 4407 Monterey Oaks Boulevard Building 1, Suite 110 Austin, Texas 78749			
E-mail Address david.najvar@swca.com			
Work Phone with area code (512) 476-0891	Home Phone with area code	Fax #	Cell Phone # (512) 636-6196
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)

Box 3 Name of property owner, if other than applicant: <input checked="" type="checkbox"/> Multiple Current Owners <i>(If multiple current property owners, check here and include a list as an attachment)</i>

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:

From RM 1869 to CR 279, Liberty Hill, Williamson County, Texas, 78642

Nature of Activity (Description of project; include all features; see instructions):

The project includes construction of a new 1.2-mile-long roadway from RM 1869 to CR 279. This two-lane roadway will serve as a future frontage road when the construction of the final main lanes and additional frontage roads for the bypass is complete. The roadway includes two 12-foot wide lanes with 10-foot wide shoulders, as well as turn lanes at the project's intersections with RM 1869 and CR 279. Two sections of the roadway are elevated bridges designed to cross aquatic resources. The total footprint of project development will be approximately 9.6 acres (construction footprint).

Project Purpose (Description of the reason or purpose of the project; see instructions):

The purpose of the project is to provide a relief route for through traffic bypassing downtown Liberty Hill and alleviate roadway congestion.

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: SWF-2021-00170

☒ 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"): Four unnamed tributaries, one impoundment, and one upland constructed pond.

Tributary(ies) to what known, downstream waterbody(ies): South Fork San Gabriel River

Latitude & longitude (Decimal Degrees):

Latitude: 30.658662; Longitude: -97.927449

USGS Quad map name(s):

Liberty Hill, TX, 300097-FB

Watershed(s) and other location descriptions, if known:

The project area is located within the South Fork San Gabriel watershed of the Brazos River Basin.

Directions to the project location:

From Liberty Hill, travel west on RM 1869 for 0.57 mile. The project area is located on the southeast side of RM 1869 and extends to CR 279 across mixed developed parcels.

Part III: Project Impacts and Mitigation

Box 5 Reason(s) for Discharge into waters of the U.S.:

Concrete pilings for bridge construction to minimize impacts to an impoundment located within the ROW, placement of fill within ephemeral stream for road bed.

Type(s) of material being discharged and the amount of each type in cubic yards:

Concrete Pilings (2.09 cubic yards); Fill (71.55 linear feet)

Total surface area (in acres) of wetlands or other waters of the U.S. to be filled:

<0.01 acre

Indicate the proposed impacts to **waters of the U.S.** in ACRES (for wetlands and impoundments) 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.

Waterbody Type	Permanent		Temporary	
	Acres	Linear feet	Acres	Linear feet
Non-forested wetland				
Forested wetland				
Perennial stream				
Intermittent stream				
Ephemeral stream		71.55		
Impoundment	<0.01			
Other:				
Total:	<0.01	71.55		

Potential indirect and/or cumulative impacts of proposed discharge (if any):

N/A

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: N/A

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

Box 7 Larger Plan of Development:

Is the discharge of fill or dredged material for which Section 10/404 authorization is sought intended for a linear transportation project which is part of a larger plan of development?

☒ Yes ☐ No (If yes, please provide the information in the remainder of Box 7)

Does the linear transportation project have independent utility in addition to the larger plan of development (e.g., major arterial, through connection, etc.)? ☒ Yes ☐ No

If yes, explain:

The project will provide a relief route for through traffic bypassing downtown Liberty Hill between RM 1869 and CR 279. The two-lane roadway will ultimately serve as a frontage road when construction of the final bypass main lanes and additional frontage road are completed in future phases.

If discharge of fill or dredged material is part of development, name and proposed schedule for that larger development (start-up, duration, and completion dates):

N/A

Location of larger development (If discharge of fill or dredged material is part of a plan of development, a map of suitable quality and detail for the entire project site should be included):

N/A

Total area in acres of entire project area (including larger plan of development, where applicable):

53.94

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):

Dendroica chrysoparia, *Eurycea naufragia*

Have surveys, using U.S. Fish and Wildlife Service (USFWS) protocols, been conducted?

☐ Yes, Report attached ☒ No (explain): The Applicant will mitigate potential impacts to golden-cheeked warbler habitat in Williamson County under their Regional Habitat Conservation Plan (RHCP) and Incidental Take Permit, utilizing RHCP credits.

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 consultation been initiated by another federal agency?

☐ Yes, Initiation letter attached ☒ No

Has Section 10 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):

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:

N/A

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): 02/10/2021

Box 10 Proposed Conceptual Mitigation Plan Summary (see instructions)

Measures taken to avoid and minimize impacts to waters of the U.S. (if any):

The bridge will be designed to span WOTUS in the project footprint to minimize impacts.

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 wetlands and impoundments) 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 (non-forested wetland, forested wetland, perennial stream, intermittent stream, ephemeral stream, impoundment, other) or non-jurisdictional (uplands¹).

Mitigation Site Type and Number	Waterbody Type	Created	Restored	Enhanced	Preserved
<i>e.g., On-site 1</i>	<i>Non-forested wetland</i>	<i>0.5 acre</i>			
<i>e.g., Off-site 1</i>	<i>Intermittent stream</i>		<i>500 LF</i>	<i>1000 LF</i>	
	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):
N/A

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:
Impacts from the proposed project will fall beneath the 1/2-acre non-tidal waters threshold limit.

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): N/A

USGS Quad map name(s):
N/A

Other location descriptions, if known:
N/A

Directions to the mitigation location(s):
N/A

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 14? ☒ Yes ☐ NoDoes the project include soil erosion control and sediment control Best Management Practices (BMPs)? ☒ Yes ☐ No

Does the project include BMPs for post-construction total suspended solids control?

☒ Yes ☐ No

For Louisiana:

LDEQ has issued water quality certification for NWP 14 without conditions.

For Tribal Lands ("Indian Country"):

Does the project meet the conditions of the EPA water quality certification for NWPs?

☐ Yes ☐ No**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 Type ²	Identification No.	Date Applied	Date Approved	Date Denied
Texas Historical Commission	concurrence	9694		02/10/2021	

² Would include but is not restricted to zoning, building, and floodplain permits

Part IV: Attachments

	Included
A. List of Property Owners	<input checked="" type="checkbox"/>
B. Delineation of Waters of the U.S., Including Wetlands	<input checked="" type="checkbox"/>
C. Color Photographs	<input checked="" type="checkbox"/>
D. Summary Table of Single and Complete Crossings	<input checked="" type="checkbox"/>
E. Required Drawings/Figures	<input checked="" type="checkbox"/>
F. Threatened or Endangered Species Reports and/or Letters	<input checked="" type="checkbox"/>
G. Historic Properties and Cultural Resources Reports and/or Letters	<input checked="" type="checkbox"/>
H. Conceptual Mitigation Plan	<input type="checkbox"/>
I. Other:	<input type="checkbox"/>

End of Form
