Use this Pre-construction Notification Form (PCN) instead of the Joint Aquatic Resource Permit Application (JARPA) to apply for Clean Water Act Section 404 and Section 10 of the Rivers and Harbors Act permits for Washington State Department of Transportation (WSDOT) fish passage projects only.

In the PCN, replace all grey or [bracketed] text with the requested information.

**Type of permit applying for – NWP 14 versus 27**

Apply for coverage under NWP 14, Linear Transportation Projects, if the project has less than 0.5-acre loss of waters. Also apply under this NWP if any project impacts are from elements not related to the fish passage improvement, like lane widening.

If the project has more than 0.5 acres of impact or if it doesn’t involve transportation elements your project may be permitted under NWP 27, Aquatic Habitat Restoration, Enhancement, and Establishment Activities. Use this application to apply for a NWP 27 if you coordinated with the liaisons and get their approval to use NWP 27. The liaisons will let you know what additional information to submit for a NWP 27 application.

If the project will have greater than 0.5 acres loss of waters AND includes impacts to waters from elements not related to the fish passage improvement, use the traditional JARPA application to apply for coverage under another NWP or to apply for an Individual Permit.

Contact a Corps Liaison as soon as possible if you think your project may have more than 0.5-acre permanent impact.

**Purpose & need (Section 1)**

Insert the brief purpose & need statement where the template says [INSERT PURPOSE & NEED]. Make sure the need is described in terms of deficiencies of the existing structure.

*Example:*

The proposed project will improve fish passage and restore hydraulic functions and services at this crossing. The existing 12-inch diameter corrugated metal pipe is undersized and is perched by 3 feet at the outlet which prevents fish, especially juvenile salmonids from moving upstream.

**Project description (Section 2)**

Replace the template [INSERT PROJECT DESCRIPTION HERE] text with your project description. Make sure to include all dimensions of the existing and proposed structures. Explain how in-water work may be sequenced. Include work details for how the contractor may access the work areas.

The Corps uses a standard project description template for their Agency & Tribal Notice and permit decisions. Try to write your project description in a similarly formatted way to make it clearer and easier for the Corps to use in their documents. *Example:*

WSDOT proposes to replace a fish barrier culvert under SR XX at MP XX with a bridge. Work will include:

* Removing the existing XX-foot long, X-foot wide, X-foot high concrete box culvert.
* Constructing an XX-foot-long and XX-foot-wide single-span bridge with concrete abutment walls. The bottom of the bridge has X feet of vertical clearance above the OHWM.
* Widening and re-grading the stream channel.
* Installing large woody material.
* Constructing ditches to move and treat roadway and bridge runoff.
* Clearing and grading the work area as needed.

Temporary work to construct the new crossing will include:

* Constructing a temporary detour bridge with XX piles in the water.
* Constructing a temporary detour road by laying XX cubic yards of quarry spalls on X acres of wetlands.
* Using a pipe to divert the stream.

Other work that is part of the project but won’t impact wetlands or streams includes:

* Relocating utilities from the roadway embankment to the bridge/overhead/boring under the stream.
* Reconstructing the roadway, signing, and striping as needed.

**Impact summary (Section 4)**

Impacts are the quantified regulated area impacted by the work. Find guidance on evaluating project impacts in Chapter 3 of the 2021 update to Part 1 of the Wetland Mitigation in Washington State on Ecology’s [Interagency wetland mitigation guidance website](https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Interagency-guidance).

Make sure all work that may cause an impact is listed in the project description and impact tables consistently. Also, make sure the project drawings clearly show the same work as the impact tables and project description. Put impacts to ditches with the stream impacts and name the features as “ditch” to distinguish them from other waters.

Use Chapter 3.4.5.1: Determining the area of indirect impact of the 2021 update to Part 1 of the Wetland Mitigation in Washington State on Ecology’s [Interagency wetland mitigation guidance website](https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Interagency-guidance) to calculate the area of indirect impacts.

**Effect summary (Section 5)**

Effects are the qualitative changes to aquatic functions and services. Find guidance on evaluating project effects in Chapter 3 of the 2021 update to Part 1 of the Wetland Mitigation in Washington State on Ecology’s [Interagency wetland mitigation guidance website](https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Interagency-guidance).

Examples of direct effects:

* Modified flows through altered section of channel.
* Increased terrestrial noise and air pollution during construction due to operation of heavy equipment.
* Removal of or changes in vegetation in the waterbody.

Examples of indirect effects:

* A loss of shade, litter inputs, bank stabilization, and toxicant filtering due to removal or changes in vegetation in the riparian area or wetland buffer.
* Improved wildlife food sources upstream in the riparian corridor due to the increased presence of migratory salmon.
* Improved vegetative growth upstream in the riparian corridor due to increased nitrogen inputs from migratory salmon carcasses.

**Mitigation (Section 6)**

All projects must mitigate by avoiding and minimizing impacts. Fish passage projects do not usually need compensatory mitigation for unavoidable impacts.

*Example avoidance measures include:*

* + Pulling in the embankment slope.
  + Constructing a retaining wall.
  + Only grading where necessary to construct the new culvert.
  + Doing a single span bridge instead of putting piles in the water.
  + Staging in uplands.

*Example minimization measures include:*

* + Reducing the number of piles below ordinary high water.
  + Impacting lower quality instead of higher quality wetlands.
  + Go along, not through the middle, of a wetland.
  + Bridge instead of a culvert.
  + Marking construction limits and making sure the contractor stays inside of them.
  + Using the native excavated material as fill.
  + Restoring the disturbed areas.

Compensatory mitigation may be required if the functional benefits do not outweigh the functional loss (for example, removal of mature forested wetlands) or if elements of the work are not directly related to the fish passage improvement.

**Tribal Coordination (Section 7)**

Tribal issues or concerns are one of the leading causes of longer permit times for WSDOT projects. The Corps does not require a summary of tribal coordination in PCNs. However, the Corps is required to ensure that projects do not have more than a minimal impact on tribal rights and resources (National General Condition 17). Fill out the tribal coordination summary forms to provide the Corps context for any comments that may come from the tribes during the 10-day Agency & Tribal Notice. See the Seattle District Corps contact list sent to your Region or Mode for the tribes the Corps will send Agency & Tribal Notifications to.

**Section 401 Water Quality Certification (WQC) (Section 9)**

This form assumes that the Washington State Department of Ecology (Ecology) has 401 authority in the project area. If the Environmental Protection Agency (EPA) or a Tribe has 401 authority, contact them for their application requirements.

Answer the questions in this form to show that the project does or does not fit the programmatic WQCs for the NWPs and that the project will meet Water Quality Standards. See Ecology’s WQC for the NWPs for more details.

If you received prior confirmation from the Ecology liaisons that an Individual WQC is not needed, state when they made the decision in the transmittal email.

**Electronic signature (Section 10)**

Once you have entered all the information info the form, print to PDF. Use the PDF Electronic Signature tool to sign and lock the document for editing.

**Attachments (Section 11)**

Follow the file naming convention required by the Corps for all attachments. Find the naming conventions on the [Permitting liaisons webpage](https://wsdot.wa.gov/environment/environmental-technical/environmental-permits-approvals/permits-work-wetlands-streams) under “submitting permit applications”.

**Project drawings** – Use the resources on the [Permit application drawings webpage](https://wsdot.wa.gov/environment/technical/permits-approvals/wetlands-streams/application-drawings). Make sure all elements from the project description and impact summary are clearly marked on the drawings.

**Delineation of wetlands and other waters** – Send the Wetland & Stream Assessment Report.

**Impact tables** – Use the template tables in this document or fill in the document name and page number of where the impact details may be found. Delete the example rows of text from each table before entering the impacts for your project. If you put the impact tables in the drawings or another document, include the same information from the template tables.

**Restoration plan** – Work with a landscape architect to develop the plan and include it as a separate document or in the project drawings.

**Mitigation plan** – Only attach a wetland mitigation report if you propose to compensate for unavoidable impacts.

**Tribal coordination summary** - Use the template table in this document.

**Endangered Species Act & Essential Fish Habitat documentation** – Send the WSDOT No Effects memo, Biological Assessment (BA), or programmatic Project Notification Form (PNF) and the letter/form of concurrence from the Services. If you have not yet completed the consultation, provide a copy of the consultation request (BA/PNF).

**Section 106 documenta**tion – Send the WSDOT No Effects memo or Cultural Resources Report and the concurrence letter from the State Historic Preservation Officer (DAHP). The Section 106 consultation must be complete for the Corps to issue a permit decision.

**Section 401 WQC documentation** – If you have a monitoring plan, contamination data, or other documents to support the responses in Section 9. submit them as well.

**\*\*\*\*\*\*\*DELETE\*\*\*\*\*\*\***

Delete the instruction sheets

from the final PDF before you submit the application.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Project Name:** | Project name | | | | | |
| **Permit number:** | Permit number (if known) | | | **Date:** | MM/DD/YYYY | |
| **Authorized agent:**  (Coordinator or contact) | Name:  First Last | | | | Phone:  Phone number | |
| Address:  Street address  City, State, Zip | | | | | |
| **Applicant:**  (Manager or other responsible party) | Name:  First Last | | | | Email:  Email address | |
| **Location of proposed project:** | Closest city:  Closest city | | County:  County | | | |
| Lat:  Latitude | | Long:  Longitude | | | |
| Section:  Section | Township:  Township | | | | Range:  Range |

WSDOT is applying for coverage under:

NWP 14, Linear Transportation Projects

NWP 27, Aquatic Habitat Restoration, Enhancement, and Establishment Activities

# 1. Purpose & need

[INSERT PURPOSE & NEED]

# 2. Project description

[INSERT PROJECT DESCRIPTION: See the instructions for the recommended format and content.]

See the attached project drawings for work details.

The proposed project (RGC 5):

Does not involve new or maintenance bank stabilization activities.

Will involve new or maintenance bank stabilization activities. Explain:

1. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.
2. The type and length of existing bank stabilization within 300 feet of the proposed project.
3. A description of current conditions and expected post-project conditions in the waterbody.
4. A statement describing how the project incorporates elements avoiding and minimizing adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

The proposed project (RGC 6):

Is a bridge (as defined in the Washington State Department of Fish & Wildlife’s Water Crossing Design Guidelines [2013]).

Is not a bridge and was designed using the Washington State Department of Fish & Wildlife’s Water Crossing Design Guidelines (2013) and meets stream simulation.

Is not a bridge and does not meet stream simulation. Explain:

1. The existence of extraordinary site conditions.
2. How the proposed design will provide equivalent or better fish passage and fisheries habitat benefits than the stream simulation design method.

# 3. Environmental setting

## Land use & soils

[INSERT LAND USE DESCRIPTION: Use the Wetland & Stream Report (WASR) content to briefly describe land uses in the area, especially in and adjacent to jurisdictional waters and their buffers. If you reference the WASR, include the page number the information can be found on. Explain how land use affects the size and functions of the wetlands, streams, and their buffers.]

## Vegetation

[INSERT VEGETATION DESCRIPTION: Use the WASR content to briefly describe the general vegetation structures and types in the area, especially in and adjacent to jurisdictional waters and their buffers. If you reference the WASR, include the page number the information can be found on. Explain whether the area is forested and include the dominant species, general cover, and general size (i.e., saplings or mature trees).]

## Hydrology

[INSERT HYDROLOGY DESCRIPTION: Use the WASR and hydraulic reports content to briefly describe the general hydrology of the area, especially in and adjacent to jurisdictional waters and their buffers. If you reference the WASR or a hydraulic report, include the page number the information can be found on. State what wetlands and streams are in the area and affected by the project. What is the closest navigable water or where do the wetlands and streams in the area drain to? Explain the general categories, ratings, and functions of the wetlands and streams. What is the fish use potential and what types of fish? Explain other barriers upstream and downstream to the project. Identify any 303(d) listed impaired waters in or downstream of the project area.]

See the attached Delineation of wetlands & other waters (WASR), for details on the locations and ratings of wetlands, other special aquatic sites, and other waters in the project area.

Are any of the streams in the project area designated as a Section 10 Water by the Corps?

No Yes, List waters that are Section 10

\*For Section 10 waters, include details for all work in or over the water in the project description, impacts, and drawings.

Are any of the streams in the project area a component of a National Wild & Scenic River System?

No Yes, Identify the river and explain coordination with the US Forest Service.

# 4. Impact summary

The proposed project will have the following total direct impacts:

Wetlands: # acres of permanent

# acres of temporary

# acres converted to stream

Streams: # square feet and # linear feet of permanent

# square feet and # linear feet of temporary

# linear feet loss (feet of loss minus feet of new channel)

The proposed project will have the following total direct impacts to buffers:

Wetland buffer: # acres of permanent

# acres of temporary

Stream buffer: # acres of permanent

# acres of temporary

For a detailed breakdown of the project impacts, see:

The attached Impact tables.

The impact tables in Document name on page(s) #.

For a description of how disturbed areas will be revegetated (per RGC 13), see:

The attached Restoration plan.

The attached project drawings on page(s) #.

# 5. Effect summary

## Direct effects

[INSERT PERMANENT EFFECT DESCRIPTION: Briefly describe the overall project impacts. Explain what effects, if any, are from conversion. List restoration efforts in the mitigation section under “minimization”. If using NWP 27, explain why the loss of waters is necessary and how the loss will be fully offset by the beneficial elements of the project.]

## Indirect effects

[INSERT INDIRECT EFFECTS DESCRIPTION: Briefly describe the indirect impacts the project may have on other resources in the project area. Use similar language from the ESA consultation documents.]

# 6. Mitigation

## Avoidance

The project avoids impacts to wetlands and streams by:

* [AVOIDANCE MEASURES]

## Minimization

The project minimizes impacts to wetlands and streams by:

* [MINIMIZATION MEASURES]

## **Compensation** (>1/10-acre loss of wetlands or >3/100-acre loss of streambed)

The proposed project would:

Impact mature forested wetlands or other wetlands of high value where functions cannot be fully restored and proposes to compensate for unavoidable impacts. See the attached mitigation plan.

Includes transportation or other project elements not associated with the barrier replacement and proposes to compensate for unavoidable impacts. See the attached mitigation plan.

Result in a net increase in aquatic resource functions and services. No compensatory mitigation is proposed. Explain:

[NET BENEFIT – Explain how there will be a net increase in functions and services. Use the function details from the Wetland & Stream report to support your determination.]

# 7. Tribal Coordination

See the attached Tribal coordination summary, for details on which tribes the project coordinated with and how tribal concerns were resolved.

# 8. Other special purpose laws

Federal lead agency: Federal lead agency name

## Endangered Species Act & Essential Fish Habitat (EFH)

*US Fish & Wildlife Service (USFWS)*

Type of consultation:

No effect  Programmatic  Informal  Formal

Date consultation complete: MM/DD/YYYY. If not yet complete, leave blank.

*National Marine Fisheries Service (NMFS/NOAA)*

Type of consultation:

No effect  Programmatic  Informal  Formal  EFH only

Date consultation complete: Date. If not yet complete, leave blank.

See the attached Endangered Species Act & Essential Fish Habitat documentation for the consultation documents and a list of species in the area.

## Section 106 of the National Historic Preservation Act

Affect determination:

No historic properties affected  No adverse effect  Adverse effect

Date of SHPO/THPO concurrence: MM/DD/YYYY. If not yet complete, leave blank.

Memorandum of Agreement (MOA) needed for the project?

No Yes, the Corps provided language for the MOA.

See the attached Section 106 documentation.

## Corps Civil Works (33 USC 408)

There are no civil works projects in the project area.

The project involves work on a Corps civil works project and submitted a written request for section 408 permission from the Corps office.

# 9. Section 401 Water Quality Certification (WQC)

Will the project result in a loss of more than 300 linear feet of streambed?

No.  Yes.

Will the project include work in a known contaminated or a contaminated cleanup site?

No.  Yes; Site name & pollutant.

Will the project have temporary fill in wetlands or other waters for more than six months?

No.  Yes

Will the project need an extended area of mixing to meet temporary turbidity water quality standards?

No.  Yes, an Individual Section 401 WQC is required.

WSDOT will monitor water quality during in-water work:

Visually.  Physically.  Per the attached Water Quality Monitoring Plan.

If visual monitoring indicates physical monitoring is needed, physical monitoring will be performed. The equipment will be on hand during visual monitoring to take physical samples if needed. If monitoring at the compliance point shows an exceedance, work will be paused and additional BMPs will be implemented to resolve the compliance issue.

The contractor may protect water quality during on-site concrete pouring by:

[INSERT CONCRETE POURING BMP DESCRIPTION: Briefly explain how concrete process water will be contained and disposed of, how the work area will be isolated, and that the concrete will be fully cured.]

The contractor may manage turbidity during the dewatering and the installation and removal of any structures below the Ordinary High-Water Mark by:

[INSERT TURBIDITY BMP DESCRIPTION: Include a statement that the contractor will slowly and carefully reintroduce water to the stream channel. Include a statement that the contractor will prepare a TESC and SPCC plan if applicable. Explain if and how the stream will be bypassed and dewatered. Show the bypass on the project drawings.]

The project will impact wetlands that are: (select all that apply)

|  |  |
| --- | --- |
| None of the following. |  |
| Category I.  Wetlands with special characteristics (as defined by the wetland rating system). | Category II with a habitat score ≥ 8.  Fens, aspen-dominated, or camas prairie.  Eelgrass beds. |

The project team believes the work:

Is consistent with the programmatic general and NWP-specific conditions in the WQC for the NWPs and an Individual 401 WQC is not required.

Requires an Individual 401 Water Quality Certification.

See the attached Section 401 WQC documentation for supporting information.

# 10. Electronic signature

I certify that all the information in this application is complete, true, and accurate to the best of my knowledge and belief. I, the applicant, authorize the agent to act on my behalf on matters related to this application.

|  |  |  |
| --- | --- | --- |
|  |  | MM/DD/YYYY |
| Applicant signature (electronic) |  | Date |
|  |  |  |
|  |  | MM/DD/YYYY |
| Agent signature (electronic) |  | Date |

# 11. Attachments

The following documents are attached: (check all that apply)

|  |  |
| --- | --- |
|  | Project drawings |
|  | Delineation of wetlands and other waters |
|  | Impact tables |
|  | Restoration plan |
|  | Mitigation plan |
|  | Tribal coordination summary |
|  | Endangered Species Act & Essential Fish Habitat documentation |
|  | Section 106 documentation |
|  | Section 401 WQC documentation |
|  | Other(s): Other document names/types |

| **Wetland impacts** | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| **Type of work1** | **Purpose of work2** | **Wetland name3** | **Wetland type & rating4** | **Duration of impact5** | **Area of impact**  (acres) | **Amount of material**  (CY) |
| *EXAMPLE: Place fill material* | *Construction access* | *W 2.2* | *Cat II* | *Temporary* | *0.05* | *6. 7* |
| *EXAMPLE: Excavate channel & place streambed material* | *Conversion to new stream bed* | *W 2.2* | *Cat II* | *Permanent* | *Excavate: 0.01*  *Fill: 0.02* | *Excavate: 2*  *Fill: 4.5* |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| 1 Use the same language from the project description and drawings. Include verbs like excavate, place fill,clear and grub (mechanized), construct, and install. If two types of work are taking place in the same area, indicate in the description or area of impact column.  2 Give the reason(s) why the work is being performed.  3 If no official name for the wetland exists, create a unique name (such as “Wetland 1”).  The name should be consistent with other project documents, such as a wetland delineation report.  4Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System.  5 Permanent, Temporary provide the number of months of the temporary impact). | | | | | | |

| **Stream impacts** | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of work1** | **Purpose of work2** | **Waterbody name3** | **Impact**  **location4** | **Duration of impact5** | **Amount of material**  (CY) | **Area**  **of impact**  (acres) | **Length**  **of impact**  (linear ft) |
| *EXAMPLE: Place new streambed mix* | *Line new channel* | *Water Creek* | *Channel bed* | *Permanent* | *7.4* | *0.02* | *200* |
| *EXAMPLE: Excavate and place fill* | *Construct wingwalls* | *Water Creek* | *In-stream* | *Permanent* | *Excavate: 2.3*  *Fill: 3.5* | *0.04* | *22* |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 1 Use the same language from the project description and drawings. Include verbs like excavate, place fill,clear and grub (mechanized), construct, and install.  2 Give the reason(s) why the work is being performed.  3If no official name for the waterbody exists, create a unique name (such as “Stream 1”) The name should be consistent with other documents provided.  4Indicate whether the impact will occur in or adjacent to the waterbody.  If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.  5Permanent, Temporary, Long-Term Temporary (if long-term temp, give number of months of impact). | | | | | | | |

The tables below summarize tribal coordination efforts. This information supports the Corps determination that the permitted activity will not cause more than a minimal adverse effect on tribal rights per Nationwide Permit general condition 17, Tribal Rights.

It is WSDOTs understanding that the Corps will use the information below to make their permit decision and that the information below will not be shared with tribes, agencies, or others without first coordinating with WSDOT.

Applicant, add new copies of the table or delete unused tables as necessary.

|  |  |  |  |
| --- | --- | --- | --- |
| **Tribe:** |  | **U&A: \*** |  |
| **Contact name:** |  | **Contact phone:** |  |
| **Coordination efforts** – Briefly explain how and when you coordinated with the tribe. | | | |
|  | | | |
| **Issues/concerns** – Explain the issues or concerns the tribe had with the proposed project. | | | |
|  | | | |
| **Resolution** – For each issue or concern listed above, explain how they were resolved. If not resolved, explain why. | | | |
|  | | | |
| \* Does the tribe have usual and accustomed (U&A) treaty rights in the project area? If yes, state “U&A”. If no but the tribe is on the Seattle District Corps contact list because they have U&A rights in the county, state “Corps list”. It you included the tribe for other reasons, state “other” and explain in the coordination efforts space provided. | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **Tribe:** |  | **U&A: \*** |  |
| **Contact name:** |  | **Contact phone:** |  |
| **Coordination efforts** – Briefly explain how and when you coordinated with the tribe. | | | |
|  | | | |
| **Issues/concerns** – Explain the issues or concerns the tribe had with the proposed project. | | | |
|  | | | |
| **Resolution** – For each issue or concern listed above, explain how they were resolved. If not resolved, explain why. | | | |
|  | | | |
| \* Does the tribe have usual and accustomed (U&A) treaty rights in the project area? If yes, state “U&A”. If no but the tribe is on the Seattle District Corps contact list because they have U&A rights in the county, state “Corps list”. It you included the tribe for other reasons, state “other” and explain in the coordination efforts space provided. | | | |