The PCN form is required for applicants seeking the following approvals: Corps 404 or Section 10 Permit, or DWQ 401 Certification, Buffer Authorization, Isolated/non-404 Wetlands Permit.

i. PURPOSE FOR THE PCN:

The PCN – Pre-Construction Notification form helps regulators from the state and federal agencies in North Carolina better understand and evaluate the impacts of activities that you propose to do in or around streams, wetlands, or other waters that may affect water quality, the health of the aquatic ecosystem, or water access or flow, in the immediate or nearby drainage area.

The PCN is a combined effort by the US Army Corps of Engineers (USACE- known as the "Corps") and the NC Division of Water Quality (DWQ) to coordinate regulatory requirements for work in (or affecting) wetlands, streams, riparian buffers, and waters within North Carolina. By accurately completing the PCN form, we can determine if you meet requirements to proceed with your project as proposed. We can evaluate the measures you propose to take to avoid or mitigate for any damage to the environment. Our review of your completed form will provide us with necessary information about your project to determine if we can allow you to begin your project without the time, expense or uncertainty involved in going through a major permit process.

Many Corps Nationwide permits and some general permits require the applicant to complete and submit a PCN form before starting any work in an area that may impact streams, wetlands or other waters. Activities that require a NC General Water Quality Certification, a stormwater permit, or a buffer permit within protected watersheds, use the PCN form. The responsible state or federal agencies will review your application for completeness within 30 days of receipt. We will notify you if we need additional information to process your request. You may not begin work until your application is complete. Once your application is complete, the Corps will process it within 45 days for a Nationwide or General Permit, and the NC DWQ will process your 401 Certification within 60 days.

How do I know if I need to complete a PCN?

Many nationwide permits require completion of a PCN prior to starting work. Some routinely require PCNs and all may require PCNs if special regional conditions are met. Please read the nationwide permit and all conditions to determine specific requirements. The following chart provides a list of nationwide permits with PCN requirements:

Note: Do not use the PCN form if you are requesting a Corps Individual Permit or NC DWQ Individual Water Quality Certification. The Corps Individual Permit application form is available online at http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Permits.aspx.

Which nationwide permits require a PCN?

(Asterisk *and bold is a more commonly used NWP in the Wilmington District; gray is a NWP presently not used in District)

NWP 1 – Aids to navigation: rarely (see regional conditions)

* **NWP 3 – Maintenance: usually**

NWP 4 – Fish & wildlife devices: rarely (see regional conditions)

NWP 5 – Scientific devices: rarely (see regional conditions)
NWP 6 – Surveys: rarely (see regional conditions)
NWP 7 – Outfall Structures: always
NWP 8 – Offshore Oil & Gas structures: always
* **NWP 12 – Utility line structures: usually**
* **NWP 13 – Bank stabilization: usually**
* **NWP 14 – Linear transportation projects: usually**
NWP 16 – Return water from disposal: usually (see regional conditions)
NWP 17 – Hydropower projects: always
* **NWP 18 – Minor discharges: usually**
NWP 19 – Minor dredging: usually (see regional conditions)
NWP 21 – Surface coal mining: always
NWP 22 – Removal of vessels: usually (see regional conditions)
NWP 23 – Approved categorical exclusions: sometimes (see RGL)
NWP 27 – Aquatic restoration: usually
* **NWP 29 – Residential developments/ individual residences: always**
NWP 31 – Flood control maintenance: always
* **NWP 33 – Temporary construction: always**
NWP 34 – Cranberry production: always
NWP 35 – Maintenance dredging: sometimes (see regional conditions)
NWP 36 – Boat ramps: sometimes (see regional conditions)
NWP 37 – Emergency protection: always
NWP 38 – Hazmat clean up: always
* **NWP 39 – Commercial, institutional developments: always**
NWP 40 – Agricultural activities: always
NWP 41 – Reshaping ditches: usually
NWP 42 – Recreational facilities: always
NWP 43 – Stormwater Management: always (see regional conditions)
NWP 44 – Mining: always
NWP 45 – Repair of uplands: always
NWP 46 – Discharges in ditches: always
NWP 48 – Commercial aquaculture: usually
NWP 49 – Coal re-mining: always
NWP 50 – Underground coal mining: always
NWP 51 – Land-Based Renewable Energy Generation Facilities - always
NWP 52 – Water-Based Renewable Energy Generation Pilot Projects - always

ii. INFORMATION WE NEED TO KNOW

We need to know details about how to contact you, where you propose to work, what you will be doing, and how you will compensate for impacts to streams, wetlands or other waters as a result of your work. All information is required unless otherwise stated as optional. Incomplete applications cannot be accepted for review and will be returned to the applicant. You can obtain help in completing each question on the form through the instructions in this document.

iii. FEES:

DWQ Water Quality Certifications - North Carolina requires fees for processing water quality certifications and buffer permits.

Checks should be made out to the "NC Division of Water Quality", with the specific name of the project or applicant identified on the check. Please staple your check to the front of the application package.

The required fees are as follows:

Major water quality applications: Greater than or equal to one acre of wetlands/waters AND/OR Greater than or equal to 150 feet of streams (whether intermittent or perennial)	$570.00
Minor water quality applications: Less than one acre of wetlands/waters AND Less than 150 feet of streams (whether intermittent or perennial)	$240.00

For more information on the required NC DWQ fees, see the DWQ Application Fees document at http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/apply/fees
Note: If the project is sponsored by a federal agency, the DWQ requires the name of project printed on the US Treasury check and the project application fee mailed to: NC DWQ, 401/Wetlands Unit, 1650 Mail Service Center, Raleigh, NC, 27699-1650

DWQ Buffer Permits - If written approval is sought solely for Buffer Rules, the application fee does not apply, and the applicant should clearly state (in a cover letter) that only Buffer Rule approval is sought in writing.

Corps Permits - There is no fee for Nationwide or General Permits processed by the Corps of Engineers.

iv. WHERE TO SEND YOUR COMPLETED PCN FORM:

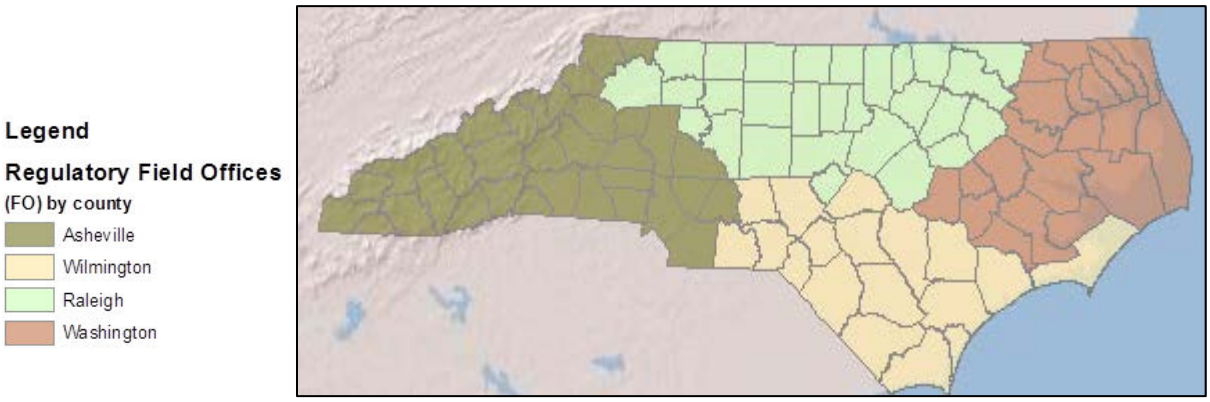
Copies of your completed PCN with all required attachments must be sent to the Corps of to DWQ, or both agencies, depending on the approval sought. Additionally, review the specific reporting requirements for your project as some conditions of approval require you to send a copy of your PCN to coordinating agencies.

DWQ Certifications: All PCN Forms processed by NC DWQ must be sent to:

Mailing Address (if sending by first class mail via the US Postal Service)	Physical Address (if sending by delivery service, UPS, FedEx, etc.)
NC DWQ, WBSCP Unit 1650 Mail Service Center Raleigh, NC 27699-1650	NC DWQ, WBSCP Unit 512 North Salisbury Street Raleigh, NC 27604

Number of Copies Required for DWQ: Provide five (5) complete and collated copies of the PCN Application and supporting documentation (instead of providing 5 copies of the _full size_ plans you may provide two copies of _full size_ plans along with three copies of 11 X 17 inch size plans)

Corps Permits – PCN Forms are processed at each Corps Field Office for the counties in which the



activity is proposed. The map and list shows the counties that are served by each Corps field office.

US Army Corps of Engineers
Wilmington District
Regulatory Program Contacts

Corps Field Office	Counties Served				
Asheville Regulatory Field Office US Army Corps of Engineers 151 Patton Avenue - Room 208 Asheville, NC 28801-5006 Telephone: (828) 271-7980 Fax: (828) 281-8120	Alexander Alleghany Ashe Avery Buncombe Burke Cabarrus	Caldwell Catawba Cherokee Clay Cleveland Gaston Graham	Haywood Henderson Iredell Jackson Lincoln Macon Madison	McDowell Mecklenburg Mitchell Polk Rowan Rutherford Stanley	 Swain Transylvania Union Watauga Yancey
Raleigh Regulatory Field Office US Army Corps of Engineers 3331 Heritage Trade Drive - Suite 105 Wake Forest, NC 27587 Telephone: (919) 554-4884 Fax: (919) 562-0421		Alamance Caswell Chatham Davidson Davie Durham Edgecombe	Franklin Forsyth Granville Guilford Halifax Johnston Lee	Nash Northampton Orange Person Randolph Rockingham Stokes	Surry Vance Wake Warren Wilkes Wilson Yadkin
Washington Regulatory Field Office US Army Corps of Engineers 2407 West 5th Street Washington, NC 27889 Telephone: (252) 975-1616 Fax: (252) 975-1399	 Beaufort Bertie Camden Chowan Craven	Currituck Dare Gates Green Hertford Carteret*	Hyde Jones Lenoir Martin Pamlico *Croatan National Forest Only	Pasquotank Perquimans Pitt Tyrrell	Washington Wayne

Wilmington Regulatory Field Office US Army Corps of Engineers 69 Darlington Avenue Wilmington, NC 28403 Telephone: (910) 251-4511 Fax: (910) 251-4025	Anson Bladen Brunswick Carteret Columbus Cumberland	Duplin Harnett Hoke Montgomery Moore New Hanover	Onslow Pender Richmond Robeson Sampson Scotland

Number of Copies Required for Corps: Provide one complete PCN Application and supporting documentation. Copies of all plans and attachments for the administrative record must be no larger than 11 x 17 inches. Please contact the Corps project manager for the county in which the work is proposed to see if materials can be sent electronically or if "working copies" of oversized maps are requested to assist the project manager to help process the application.

Specific Reporting Requirements: There are specific reporting requirements for projects located in counties that have trout waters, coastal counties, and western NC counties, as well as specific drainage basins covered by state riparian buffer rules.

Counties with "Trout Waters" Require Additional Coordination: The NC Wildlife Resources Commission can help determine if your project may impact trout waters. If your project is within a trout county listed below, you must send a copy of your PCN to WRC to assess potential impacts to trout waters.

If your project is in a trout county: Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes County, or Yancey County, send a copy of your PCN to:

Mr. David McHenry Mountain Region Coordinator
20830 Great Smoky Mtn. Expressway
Waynesville, NC 28786
Telephone: (828) 452-2546
Fax: (828) 452-7772

Coastal Counties with "Areas of Environmental Concern" Require Additional Coordination: If your proposed project is in a coastal county, you need to check to see if the work is in an "Area of Environmental Concern" and requires a CAMA permit. If the project occurs in any of North Carolina's twenty coastal counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Currituck, Craven, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell or Washington counties, you need to determine if a CAMA permit is required for your project.

Contact the North Carolina Division of Coastal Management (DCM) for help. DCM will determine if the project is within a designated Area of Environmental Concern, in which case you must apply directly to DCM for a CAMA permit. DCM and the Corps share a joint permit application for CAMA permits. Many CAMA permits do not require completing a PCN.

NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421

Telephone: (252) 808-2808
Fax: (252) 247-3330

Projects within river basins with NC Riparian Buffer protection: If your project is located within the Neuse, Tar-Pamlico, Catawba, or Randleman River Basins you must ensure you are meeting the requirements for diffuse flow provisions set out in the North Carolina Administrative Code. Specific requirements for each river basin are located at the following website (see "River Basin Reports": http://portal.ncdenr.org/web/wq/ps/csu/rules

Western counties with US FWS designated critical aquatic watersheds:
All Corps permits require you to check to ensure that no state or federally protected plant, animal or ecological community is adversely impacted by your proposed project.

If your project is in the following counties: Avery, Cherokee, Forsyth, Graham, Haywood, Henderson, Jackson, Macon Mecklenburg, Mitchell, Stokes, Surry, Swain, Transylvania, Union and Yancey, you must send an advance copy of your PCN to the Asheville Field Office of the US Fish and Wildlife Center for review to ensure there will be no adverse impacts to critical aquatic habitats as a result of your project.

Send your PCN package to:
The US Fish and Wildlife Service
160 Zillicoa Street
Asheville, North Carolina 28801
Telephone: (828) 258-3939

Section A. Applicant Information Instructions

1. Processing – By completing these fields accurately, we can determine how your application will be reviewed.
1a. Type(s) of approval sought from the Corps:

How do I know if my parcel has wetlands or waters on it that are regulated by the Corps?
Not all waters or wetlands are regulated by the Corps. To find out how this process is done, and to learn about how to survey your property for waters and wetlands, visit the Corps web site section on Jurisdictional Determinations.

Section 404 Permit - the discharge of dredged or fill material into all waters of the United States, including wetlands, as regulated under the Clean Water Act. Typical activities requiring Section 404 permits are: Depositing of fill or dredged material in waters of the US or adjacent wetlands, site development fill for residential, commercial, or recreational developments, construction of revetments, culvert placement, groins, breakwaters, levees, dams, dikes, and weirs, or placement of riprap and road fills.

Section 10 Permit - the construction of any structure in or over any navigable water of the United States, as regulated under the Rivers and Harbors Act. Activities such as dredging, construction of docks and bulkheads and placing navigation aids require review under Section 10 to ensure that they will not cause an obstruction to navigation. Typical activities requiring Section 10 permits are: construction of piers, wharves, bulkheads, dolphins, marinas, ramps, floats intake structures, and cable or pipeline crossings or dredging and excavation.

1b. Specify Corps Nationwide Permit (NWP) number or General Permit (GP) number:

To review the requirements for the use of Nationwide, Regional or General permits, and to determine which permit applies to your project, go to the Corps website.

Need more information on nationwide permits?
http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Permits/NationwidePermits.aspx
Need more information on general permits?
http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Permits/RegionalGeneralPermits.aspx

You may also use the Corps website to obtain the name, email and phone number for a Corps project manager for each county in North Carolina and provides additional information regarding the identification and regulation of wetlands, streams and other waters.
http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Contact/CountyLocator.aspx

The DWQ issues a corresponding Certification (General or Individual) based on the permit type issued by the Corps. Until a Corps permit type can be determined, DWQ will not be able to tell you what type of Water Quality Certification will be required. The DWQ's 401/Wetlands Unit website details the current requirements for the 401 Water Quality Certification Program and also whether or not Riparian Buffer Rules are applicable. You should read the full text of the General Certification (GC) matching the specific 404 Permit requested. In some cases, you will not have to get written approval for General Certifications, provided that you meet all of the conditions of the GC. Website link:
http://portal.ncdenr.org/web/wq/swp/ws/401

1c. Has the NWP or GP number been verified by the Corps?
The Corps determines which Nationwide, Regional, or General Permit is required. If you have verified with the Corps which permit will be used for your project then check the appropriate box. If you have not confirmed with the Corps, contact the local field office representative to ensure you are applying for the appropriate permit. For DWQ submittals, provide a copy of your 404 written approval from the Corps if it has been issued.

1d. Type(s) of approval sought from the DWQ (check all that apply):
If your project requires a Section 404 permit from the Corps, then it generally requires a 401 Water Quality Certification from the DWQ. Those applicants checking the Express 401 Water Quality Certification box are verifying that they have been accepted into Express Review (for Express review requirements and procedures refer to the following website:
http://portal.ncdenr.org/web/wq/swp/ws/401/express

Non-404 Jurisdictional General Permits are for jurisdictional Waters of the State (including wetlands and streams) that are not regulated under Section 404. Riparian Buffer Authorizations may be required for impacts to riparian buffers in the Catawba, Neuse, Tar-Pamlico, and any other River Basin approved for buffer protection in the NC Administrative Code (15A NCAC 02B).

1e. Is this notification solely for the record because written approval is not required?
If the “Yes” box has been checked (either for DWQ or the Corps), ensure that your project impacts are indeed under the threshold for the permit that is being applied for. If the applicant is unsure of which box to check after reviewing the NW or GC, call the DWQ Central Office at 919-733-1786 (for DWQ thresholds) or your local Corps field office (http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Contact.aspx) to avoid unnecessary

project delays. If the 401 Water Quality Certification box is checked in item A.1d, then it is assumed by DWQ that you are seeking written concurrence and are not simply submitting a notification for the record.

1f. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts?
If so, attach the acceptance letter from the mitigation bank or in-lieu fee program.
The Corps determines mitigation amounts and ratios (if applicable) for Section 404 jurisdictional features in all projects requiring a Section 404 permit.

The DWQ may determine mitigation amounts and ratios for features not regulated under Section 404 (in accordance with 15A NCAC 2H .0506 (h), compensatory mitigation may be required for losses of 150 linear feet or more of streams and/or one (1) acre or more of wetlands). For linear, public transportation projects, impacts equal to or exceeding 150 linear feet per stream shall require mitigation. Compensatory stream mitigation shall be required at a 1:1 ratio for all perennial and intermittent stream impacts in watersheds classified as ORW, HQW, Trout, WS-I and WS-II.
Buffer Mitigation may be required for any project with State Regulated Riparian Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "Allowable with Mitigation" within the Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. See DWQ's May 2007 "Red Book":
http://portal.ncdenr.org/c/document_library/get_file?p_l_id=38446&folderId=285750&name=DLFE-8513.pdf

The DWQ and Corps will accept permittee responsible mitigation, payments into an in-lieu fee program (for North Carolina, this program is the NCEEP program) or credit purchase from a mitigation bank. Mitigation design and monitoring protocols shall follow the most current Corps Wilmington District Stream Mitigation Guidelines. Compensatory mitigation plans shall be submitted for written DWQ and Corps approval as required in those protocols. See:
http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Mitigation.aspx

If mitigation is proposed through an in-lieu fee program (NCEEP) or a private mitigation bank, the acceptance letter from NCEEP or the mitigation bank must be included in the application package specifying that they have the appropriate number of credits that your project requires.
More information about NCEEP in-lieu fee program can be found at: http://portal.ncdenr.org/web/eep

1g. Is the project located in any of NC's twenty coastal counties?
A list of the 20 Coastal Counties can be found at: http://portal.ncdenr.org/web/cm/cama-counties

1h. Is the project located within a NC DCM Area of Environmental Concern (AEC)?
To learn more about AECs and CAMA permits, visit the NC Division of Coastal Management's web site:
http://dcm2.enr.state.nc.us/Permits/aecs.htm

2. Project Information - These fields will help us identify your project and direct it to the correct Corps or agency project manager for review and cataloguing.

2a. Name of project:
If your project has a formal name please use this. If your project does not have a formal name, please identify your project by the owner name and proposed activity (Jones Property Access Road, Smith Guest House, etc.) List in parenthesis any other names that have been used to identify the project in the past.

2b. County: List the county in which the project is located.

2c. Nearest municipality / town: Name of nearest city or town.

2d. Subdivision name: Identify if the applicable project is in a named subdivision.

2e. NCDOT only, T.I.P. or State project number: Only NCDOT projects must fill in this item.

3. Owner Information – Although the agencies will communicate with the individual(s) listed as applicant on the PCN, the owner receive the original of all communications. The permit/certification must be issued to the legal owner of the property.

3a. Name on Recorded Deed: A responsible individual must be identified for the proposed project, even if it is a corporate effort.

3b. Deed Book and Page Number: This field cannot be left blank unless this project is a municipal or NCDOT project.

3c. Responsible Party: You must identify an individual as the contact and responsible party for the proposed project, even if the land is owned by a corporation. A corporate officer with signing authority for the corporation must provide written authorization for the designated individual to represent the corporate interests. The authorization letter must be included with the PCN for the application to be considered complete by DWQ.

3d-3h. Address information (Self explanatory)

4. Applicant Information - You may choose to hire a consultant or agent to assist you with securing the necessary permits for your project; however, the agencies may not communicate with anyone other than the owner about your property or project unless the owner has provided written authorization for us to work with the applicant or agent/consultant. The Corps Agent Authorization Form will satisfy this requirement for both agencies. (sample form on web: http://www.saw.usace.army.mil/Portals/59/docs/regulatory/regdocs/Permits/SAMPLE_AGENT_AUTHORIZATION_FORM.pdf)

4a. Applicant is: Specify if the applicant is an agent or another party.

4b. Name of applicant: The owner of the property of the proposed project is a required field if the “owner” is different from the “applicant”.

A4c-4h. Address information (Self explanatory)

5. Agent/Consultant Information - If you list an agent or consultant as the applicant, you must include an agent authorization letter with your PCN application for it to be considered complete. A signed and dated copy of an Agent Authorization letter must be attached if the Agent has signatory authority for the owner/applicant.)

5a-5g. Address information (Self explanatory)

Section B. Project Information and Prior Project History Instructions

1. Property Identification

1a. Property identification no. (Tax PIN or parcel ID): List the identifying tax ID, parcel ID or PIN (whichever is the primary identifying information for real estate tax purposes in the county in which your property is located). This information can frequently be found online through your county tax records or on a real estate tax invoice for the property, or from the local County tax assessor's office or register of deeds. Some counties have interactive GIS maps that show the property identification numbers as well.
Web link to find tax parcel ID for your county: http://www.ncspo.com/gis/county.htm
Or from NCSU: http://www.lib.ncsu.edu/gis/counties.html

1b. Site coordinates (in decimal degrees): The site coordinates are necessary so the agencies can accurately locate and analyze impacts from your proposed project. For linear projects, such as roads or utility lines, attach a sheet that separately lists the coordinates for each crossing of a waterbody. For a single coordinate, clearly label the location in which this coordinate was taken on attached site maps. Site coordinates can be obtained from maps, surveys, or from GPS devices. Coordinates should be written as Latitude and longitude and expressed in decimal degrees.

About decimal degrees: Decimal degrees (DD) express latitude and longitude geographic coordinates as decimal fractions. The convention is to express decimal degrees of latitude first, and then decimal degrees of longitude.

> For example, the decimal degree representation of the location of the United States Capitol is "38.889722 latitude and -77.008889 longitude". The latitude coordinates for NC fall between 36.617520 on the north and 33.723370 on the southernmost border. All longitudinal coordinates in North Carolina are negative. The longitude coordinates for NC fall between -75.416567 on the east and -84.421925 on the western border.

Decimals must be carried out to enough places to correctly reflect the reported accuracy. In order to reflect accuracy within about 100 feet, latitude and longitude coordinates should be carried out to at least 4 places for decimal degrees. A coordinate stored with 6 decimal places reflects an accuracy of approximately 1 inch or better, and can only be obtained with a GPS or precise surveying tool.

There are many conversion programs available to convert from traditional "degrees/minutes/seconds" to decimal degrees. Here is one online site: http://www.fcc.gov/mb/audio/bickel/DDDMMSS-decimal.html

About "geocoding" : If you know the address of the proposed activity, you can "geocode" (which is converting street addresses or other locations to latitude and longitude) the address to coordinates. This link is to one of many online geocoding resources: http://www.gpsvisualizer.com/geocoding.html

1c. Property size: This information can be found on a property survey, plat, or from tax parcel records. List in acres (or fraction of an acre). If the project is a phased project, then list the acres by phase. For example if the permit is requested for Phase I of a two phase project, then the entry might read, "Phase 1 = 34.5 acres out of total project area of 74.5 acres".

2. Surface Waters

2a. Name of nearest body of water to proposed project: The nearest named body of water can be found by looking on the 1:24,000 USGS Topographic map for the project. USGS maps may be found at:

http://www.digital-topo-maps.com/. You may also consult other resources such as NC One Map http://data.nconemap.com/geoportal/dataexplorer/index.jsp.
If a creek or other waterbody does not have a known name, please identify it as an "Unnamed tributary to ____" and list the nearest named stream to which it drains.

2b. Water Quality Classification of nearest receiving water: Surface Water Classifications are designations applied to surface water bodies, such as streams, rivers and lakes, which define the best uses to be protected within these waters (for example swimming, fishing, drinking water supply) and carry with them an associated set of water quality standards to protect those uses. Surface water classifications are one tool that state and federal agencies use to manage and protect all streams, rivers, lakes, and other surface waters in North Carolina. Visit this web page to learn more about water classifications in North Carolina and look-up tools for waters in each major river basin.
http://portal.ncdenr.org/web/wq/ps/csu/classifications

2c. River basin: This must be one of NC's 17 designated major river basins, see:
http://portal.ncdenr.org/c/document_library/get_file?uuid=c6e928f7-5849-4f65-be27-c7d325de604a&groupId=38364.

3. Project Description

3a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: Use the land cover and use classifications adopted by North Carolina for mapping (A Standard Classification System for the Mapping of Land Use and Land Cover, State of North Carolina Governor's Office of State Planning, Center for Geographic Information and Analysis, January 1994). Select the most appropriate category (or multiple categories) that describes the property in its current state. This classification is available online: http://www.ncgicc.com/Portals/3/documents/nclulc.html#P2

Add any descriptions to the standard classification that will help the agencies understand more about the condition of the property.

3b.List the total estimated acreage of all existing wetlands on the property: (404 jurisdictional and non-404 jurisdictional) In order to estimate the wetland acreage on the site, a wetland delineation of the property should be conducted and submitted to the Corps. A jurisdictional determination (either preliminary or finalized) should list 404 and non-404 wetlands on property.

3c. List the total estimated linear feet of all existing streams (intermittent and perennial) on the property: If Corps determinations differ from DWQ determinations of the streams on the site, list the lengths for both agencies (e.g., DWQ: 1,050 linear feet intermittent, 200 linear feet perennial - Corps: 750 linear feet intermittent, 200 linear feet perennial).

3d. Describe the purpose of the proposed project: This can be a simple explanation, but it is critically important because the purpose dictates how alternatives to your proposed work are considered. Provide a clear, concise description of the primary goals of the proposed project (usually no more than one or two sentences); for example: build a driveway to access a new single family residence.

3e. Describe the overall project in detail, including the type of equipment to be used: Fully describe the project and what is planned to occur. Explain any site specific constraints that may exist on the property

that will affect how your project is built. Also list any special or unique equipment here that may be used on the project.

4. Jurisdictional Determinations

4a. Have jurisdictional wetland or stream determinations by the Corps or State been requested or obtained for this project (including all prior phases) in the past? Learn more about jurisdictional determinations by visiting the Corps web site at:
http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Jurisdiction.aspx

4b. If the Corps made the jurisdictional determination, what type of determination was made? In June 2008, Corps issued guidance on the use of preliminary jurisdictional determinations (JD), when a permit applicant may opt to receive a preliminary JD instead of an approved JD, and what must be done in each case. See RGL-08-02 Jurisdictional Determinations:
http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf

4c.If yes, who delineated the jurisdictional areas? Provide the name and organization of the person or persons who delineated the jurisdictional areas.

4d. If yes, list the dates of the Corps jurisdictional determinations or State determinations and attach documentation. Provide the dates and attach copies of the JD or DWQ letter.

5. Project History

5a.Have permits or certifications been requested or obtained for this project (including all prior phases) in the past? This includes 404 permits, 401 Certifications, Riparian Buffer Authorizations, Isolated Wetland (non-404 General) Permits, and State and local stormwater management plans.

5b. If yes, explain. Include the Corps Action ID Number, DWQ Project Number, application date, and dates permits and certifications were issued or withdrawn. Provide copies of previously issued permits, certifications or other useful information. Describe previously approved wetland, stream and buffer impacts, along with associated mitigation (where applicable). If this is an NCDOT project, list and describe permits issued for prior segments of the same T.I.P. project, along with construction schedules.

6. Future Project Plans

6a. Is this a phased project? Some construction and development projects are divided into smaller, manageable parts for logistical or economic reasons. If this application is for a phased project, the owner must get Corps approval in the context of how the project will be phased.

6b. If yes, explain. Clearly describe each phased project and provide a proposed timeframe for completion of each phase. Provide a site plan that clearly depicts the boundaries of each proposed phase. Include information if the project has undergone review through a master planning process for a municipality.

Section C. Proposed Impacts Inventory Instructions

1. Impacts Summary

1a. Which sections were completed below for your project (check all that apply): Identify if the proposed project will have an effect and you have completed the sections in part C on the PCN form on wetlands, open waters, streams, protected riparian (river) buffers, or if you propose to construct a pond.

2. Wetland Impacts - Are there wetland impacts proposed on the site? Complete this section if there are proposed impacts to wetlands complete the wetland impact table. (If no, continue to next question.) For each wetland impacted, complete a separate row on the table. If there are more than six wetlands impacted, attach a separate sheet containing all of the information requested.

2a. Wetland impact number / Permanent (P) or Temporary (T): Each wetland impacted must be identified on a location map (W1, W2, W3, etc.) and included in this table. If you have more than 6 wetlands impacted, submit an additional sheet with a table listing the additional impacts.

Permanent (P) or Temporary (T): Check the corresponding box (P) permanent or (T) temporary for each wetland impact.

- *Temporary impacts* – a change in the aquatic environment (generally during the construction of a project) that is of sufficiently short duration to have no (or only minimal) impacts to the ecology of the area, and within a reasonably short duration will restore to its original, pre-construction function.
- *Permanent impacts* - if the fill or alteration of the wetland will result in a post construction loss or change in ecosystem type. (For example, if a forested wetland is cleared for construction and is kept clear post-construction, it will still be a permanent impact because of the change in ecosystem type, even though the land cover may still be wetland.)

2b. Type of impact: The most common types of impacts are due to: fill, flooding, excavation, land clearing, drain, or culverts. If your project proposes another type of impact, please list.

2c. Type of wetland: (if known) Identify which type of wetland will be impacted for each wetland listed on your map. NC WAM recognizes 16 general wetland types for North Carolina (Bottomland Hardwood Forest, Riverine Swamp Forest, Headwater Wetland, Floodplain Pool, Pocosin, Hardwood Flat, Pine Flat, Pine Savanna, Small-Basin Wetland, Non-Riverine Swamp Forest, Mountain Bog, Seep, Non-Tidal Freshwater Marsh, Tidal Freshwater Marsh, Salt/Brackish Marsh, and Estuarine Woody Wetland)
More information can be found at: http://portal.ncdenr.org/web/wq/swp/ws/pdu/ncwam
This page contains links to documents and a key that can be used to classify wetland types.

2d. Forested: Please identify (Yes or No) - Identify (yes) if the wetland is currently forested.

2e. Type of jurisdiction: If it is a 404 wetland, check “Corps”. If it is a non-404 wetland, check “DWQ “.

2f. Area of impact (acres): Calculate to the nearest 0.01 (hundredth) acre.

2g. Total wetland impacts: Add all of the proposed impacts to calculate the total. Note: If impacts are separated into DWQ and Corps impacts, then specify the total impacts for each (e.g. Corps: 0.35 / DWQ: 0.41)

2h. Comments: Explain any items that may need clarification or that do not fit perfectly into the table.

3. Stream Impacts – Are there stream impacts proposed on the site? Complete this section if there are proposed impacts to perennial or intermittent streams (including temporary impacts). (If no, continue to question 4.) For each stream section impacted, complete a separate row on the table. If there are more than six distinct stream impacts, attach a separate sheet containing all of the information requested.

3a. List by Stream impact number: / Permanent (P) or Temporary (T): Each stream impacted must be identified on a location map (S1, S2, S3, etc.) and included in this table. If you have more than 6 stream impacts, submit an additional sheet with a table listing the additional impacts. For linear projects, such as roads or utility lines, attach a sheet that separately lists the coordinates for each crossing of a stream.

- *Temporary impacts* – a change in the aquatic environment (generally during the construction of a project) that is of sufficiently short duration to have no (or only minimal) impacts to the ecology of the area, and within a reasonably short duration will restore to its original, pre-construction morphology and function.
- *Permanent impacts* - if the fill or alteration of the stream will result in a post construction loss or change in stream morphology and function.

3b. Type of impact: The most common types of impacts to streams include, but are not limited to: Placement of fill, Culverts (& associated dissipation devices), Dam construction, Flooding, Excavation, Stabilization (specify type: cement walls, rip-rap, crib walls, gabions, etc.); Relocation (specify type: restoration, ditching, straightening, other) Note: If stream relocation is proposed, then attach plans and profiles showing the linear footprint for both the original and relocated streams.

3c. Stream Name: Identify if the stream impacted is a named stream. If the stream impacted is an unnamed tributary (UT) please identify this as UT1, UT2, etc. (e.g., UT1 to Swift Creek) to number the tributaries to the closest downstream named stream.

3d. Perennial or Intermittent: Identify if the proposed impact is in a perennial or intermittent stream. Note the difference between Corps and DWQ definitions. If the stream only meets one agency definition and not both, note this in the comments.

> DWQ Definitions:
> *A perennial stream* means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. 15A NCAC 02B .0233(2)(i)
> *An intermittent stream* means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water. 15A NCAC 02B .0233(2)(g)
>
> *Corps Definitions:*
> *A perennial stream* has a well-defined channel that contains flowing water year-round during a typical year of normal rainfall. The aquatic bed is located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries precipitation run off. Perennial streams support a diverse aquatic community of organisms year round and are typically the streams that support major fisheries. (65 FR 12898).

An intermittent stream has flowing water during certain times of the year, when ground water provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from precipitation is a supplemental source of water for stream flow. (65 FR 12898). The biological community of intermittent streams is composed of species that are aquatic during a part of their life history or move to perennial water sources

3e. Type of jurisdiction (Corps -404, DWQ – non-404, other): If it is a 404 jurisdictional stream, check the Corps box. If it is a non-404 jurisdictional stream (deemed not jurisdictional by the Corps, but considered a stream by DWQ – such as an isolated stream), check the DWQ box.

3f. Average stream width (feet): Average stream width should be measured across the channel at the ordinary high water mark or bank full bench. This should be field measured at the impact location.

3g. Impact length (linear feet): The stream impact length should be measured along the centerline of the stream. When proposing a culvert, the impact length is generally greater than the length of the culvert and associated dissipater since the existing stream usually has some sinuosity (curvature).

3h. Total stream and tributary impacts: Add all of the proposed impacts to calculate the total. (Note: if Corps and DWQ totals are different, note different totals in comments.)

3i. Comments: Explain any items that may need clarification or differences between DWQ and Corps requirements that were input into the table.

4. Open Water Impacts - Are there open water impacts proposed on the site? Examples of "open waters" are lakes, ponds, estuaries, tributaries, sounds, the Atlantic Ocean. Complete this section if there are proposed impacts to open waters, complete the open water impact table. (If no, continue to question 5.)

4a. Open Water Impact Number: Permanent (P) or Temporary (T) - Each open water impacted must be identified on a location map (O1, O2, O3, etc.) and included in this table. If you have more than 4 open waters impacted, submit an additional sheet with a table listing the additional impacts.

Permanent (P) or Temporary (T): Check the corresponding box (P) permanent or (T) temporary for each open water impact. Temporary impacts are a change in the open water (generally during the construction of a project) that is of sufficiently short duration to have minimal impacts to the ecology of the area, and within a reasonably short duration will restore to its original, pre-construction function. Permanent impacts occur if the fill or alteration of the open water will result in a post construction loss or change in ecosystem type.

4b. Name of waterbody: Enter the name of the waterbody as it is labeled on the USGS topographic map. If the open water impacted is unnamed, please use the label corresponding to the map or site plan.

4c. Type of impact: Examples of impact types are: fill, excavation, dredging, flooding, drainage, bulkheads, bridge, causeway, other (specify).

4d. Waterbody type: Waterbody types include: lake, pond, estuary, sound, bay, ocean, etc.

4e. Area of impact: The total area should be calculated to the nearest 0.01 (hundredth) acre.

4f. Total open water impacts: Add all of the proposed impacts to calculate the total.

4g. Comments: Explain any items that may need clarification or that do not fit perfectly into the table.

5. Pond or Lake Construction - Complete this section if the project involves proposed construction of a pond or impoundment. Note: If a pond is being constructed solely to meet *State* stormwater requirements, then this section does not need to be filled out and the "No" box should be checked. However*, if a local government is requiring the pond for a local stormwater requirement*, then this section *does* need to be completed. If construction of a pond or lake is proposed, all associated wetland and stream impacts must be included above in the wetland and stream impact sections. Also, the proposed pond should be described here and illustrated on any maps included with this application. The impact numbers should correspond with those on your impact maps.

5a. Pond Identification Number: The impact numbers should correspond with those on your impact maps. If you have more than two (2) constructed ponds or lakes, submit an additional sheet with a table listing the additional impacts. Note that the Corps has very stringent guidelines for any pond construction that will result in impacts to wetlands, streams or waters. Consult the 2009, Corps of Engineers Wilmington District irrigation pond guidance for the construction of ponds or impoundments on their web site.

5b. Proposed use or purpose of proposed work: Some example purposes of the proposed work include (e.g., livestock watering, irrigation, aesthetics, trout pond, local stormwater requirement, etc.).

5c. Wetland Impacts (acres) - Provide the total acreage to the nearest one-hundredth of an acre (eg. 0.26 impacts (acres) for flooded wetlands, filled wetlands and excavated wetlands requested to construct the lake or pond.) Provide the total acreage to the nearest one-hundredth of an acre (eg. 0.26 acres) when reporting flooded, filled or excavated wetlands. [Note that "Section C. 2. Wetlands Impacts" of the PCN form must also be completed if any wetlands are impacted.]

5d. Stream Impacts (feet): Provide the total length (to the nearest foot) of stream impact for flooded stream, filled streams, andor excavated streams requested to construct the lake or pond. [Note that "Section C. 3. Stream Impacts" of the PCN Form must also be completed if any streams are impacted.

5e. Upland Impacts (acres): Provide the total acreage to the nearest one-hundredth of an acre (eg. 0.26 acres) that will be flooded to construct the lake or pond. [Note: This information is for DWQ as the Corps does not regulate pond construction in uplands.]

5f. Total: Add all of the proposed impacts to calculate the total.

5g. Comments: Explain any items that may need clarification or that do not fit perfectly into the table.

5h. Is a dam high hazard permit required? - Check yes or no. If no, continue to next question.
If the dam height will exceed 15 feet and impounded water volume (at the dam crest) will exceed 10 acre-feet, or if the dam is deemed to be a high hazard structure that would cause significant property damage or loss of life upon failure, you are required to obtain two additional permits (one for construction and one for impoundment of water) from the North Carolina Department of Environment and Natural Resources

(DENR) Dam Safety Program. To ensure that your pond will conform to all state laws, contact the DENR Dam Safety Program (919-707-9220) or the nearest regional DENR office before beginning construction. Also check to see if local county or municipal ordinances require additional permits.

5i. Expected pond surface area (acres): This should be the combined total of the flooded wetland acres and flooded upland acres in the table (C.5.f) and identified to match project maps and plans.

5j. Size of pond watershed (acres): Provide the size of the pond watershed is the area (in acres) that will be draining into the proposed pond or lake, measured from the outlet or dam of the lake.

5k. Method of construction: Include dam, embankment, excavation, installation of draw-down valve or spillway, etc. in description.

6. Buffer Impacts - If the project will impact a State of North Carolina protected riparian buffer, then complete the chart below. If no, then continue to "Section D. Impact Justification and Mitigation" of the PCN Form. Some local municipalities have their own buffer protections on watersheds that are not protected by the State (the Corps does not administer riparian buffer rules). Local municipality buffer protections should not be listed.

6a. Project is in which protected State protected river basin? List the name of the corresponding river basin: Neuse, Tar-Pamlico, Catawba, Randleman, or Other: [there are no other basins at this time.]

6b. Buffer Impacts - Permanent or Temporary: The impact numbers should be labeled and correspond with those on your impact maps. Check the corresponding box (P) permanent or (T) temporary for each buffer impact.

> *Temporary:* The only use categories that allow temporary impacts are for temporary roads and temporary sediment and erosion control devices. These impacts must correspond with those categories listed in the respective river basin table of uses in the Red Book rule.

6c. Reason for impact: The reason for the impact should correspond with the categories in the river basin table of uses (if applicable) in the Red Rule Book.
Reference links to "Red Book":
http://portal.ncdenr.org/c/document_library/get_file?p_l_id=38446&folderId=285750&name=DLFE-8513.pdf

6d. Stream name: Enter the name of the stream adjacent to the buffer (i.e., the stream labeled on the USGS topographic map). If the stream has no name, then call it an unnamed tributary (UT) to the nearest named stream. If there are multiple unnamed tributaries to the same named stream on the site, then list them numerically (such as UT-1 to Swift Creek, UT-2 to Swift Creek, UT-1 to Davis Creek, etc.).

6e. Buffer mitigation required? Please refer to the table of uses to determine if riparian buffer mitigation is required. If you are unsure if mitigation is required or if the impacts are "allowable", please call the NC DWQ Buffer Coordinator (919) 715-6823.

6f. Zone 1 impact (square feet): Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water.

6g. Zone 2 impact (square feet): Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water. Ensure that the buffer impact is broken down by zones and is also enumerated by zone on your impact maps.

6h. Total buffer impacts: Add all of the proposed impacts to calculate the total.

6i. Comments: Explain any items that may need clarification or that do not fit perfectly into the table.

Section D. Impact Justification and Mitigation Instructions

By law, you must exhaust all reasonable measures to avoid impacts before you propose any impacts to protected aquatic environments, such as streams, wetlands, and open waters. In this section, you must provide a justification that explains how you minimized all proposed impacts. The justification must detail the design and proposed construction measures you took to avoid or minimize impacts. If the impacts are required by a local government or other agency, the claim must be supported with appropriate written documentation from the local government or other agency. Include relevant site constraints factors that shaped your design or construction choice, as such as topography, building ordinances, and accessibility.

1. Avoidance and Minimization

1a.Specifically describe measures taken to avoid or minimize the proposed impacts in designing the project: Minimizing and avoiding impacts should be a critical part of the design process. The following is a checklist of avoidance and minimization questions that DWQ Staff often look for in applications. If the answer is "yes" to any of the below questions then you should provide a specific justification addressing these issues as to why the impacts are necessary.

- Are there any stream crossings at angles less than 75 degrees or greater than 105 degrees?
- Are there any stream crossings that cross two streams above or at the confluence of those streams?
- Is any single stream crossed more than once?
- Can property access routes be moved or reduced to avoid stream, wetland, water, and buffer impacts?
- Can a building, parking lot, etc. be realigned to avoid impacts?
- Can the site layout be reconfigured to avoid impacts?
- Can headwalls or steeper side slopes be used safely to avoid/minimize impacts?
- Can a retaining wall be used safely to avoid/minimize impacts?
- Can cul de sacs be used in place of a crossing?
- Can lots be reshaped or have shared driveways to avoid impacts?

1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques: List all techniques and practices that you plan to use to avoid and minimize impacts from the construction of the project (e.g., scheduling issues to avoid certain time-specific impacts aquatic impacts, erosion control measures, hand clearing versus use of heavy equipment, site access from high ground, pre-fabrication of materials in high ground to minimize time in sensitive environments, building elevated structures over wetlands or streams to transport equipment, etc.)

2. Compensatory Mitigation for Impacts to Waters of the U.S. or Waters of the State
Both the Corps and DWQ can require compensatory mitigation for impacts to waters in North Carolina. The Corps determines the compensatory mitigation requirements for Waters of the US and DWQ has the authority to require additional mitigation requirements. The DWQ may also require compensatory mitigation on Waters of the State (that are not considered Waters of the US, such as isolated and other non-404 wetlands, isolated open waters, and isolated streams).

- Corps: Mitigation will be required when necessary to ensure that adverse effects to the environment are minimal. In addition, in the Wilmington District, as outlined in the NWP Regional Conditions, specific mitigation is required in special designation waters such as trout waters (section 2.7), and for streambed loss (see section D 3.1 & D 3.2). To learn more about Corps mitigation requirements, visit the Mitigation web site at: http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Mitigation.aspx

- DWQ: Generally, mitigation may be required for projects involving equal to or greater than one acre of wetlands or equal to or greater than 150 linear feet of stream.

2a.Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State? Contact your regional Corps and DWQ offices if you are unsure whether or not compensatory mitigation is required. An on-site meeting may be required to make this determination. For Corps permit applications, review the web links for nationwide permits and regional conditions (listed under section 2 instructions above) to determine if you need to propose mitigation measure for your project. Review the DWQ general certification you are applying for to determine if any project specific mitigation thresholds are stated: http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits

2b. If yes, mitigation is required by whom? Mitigation may be required by DWQ, the Corps, or by both agencies.

2c. If yes, which mitigation option will be used for this project? Applicants must propose the type of mitigation that will be done to offset impacts. Mitigation options in NC include mitigation banks, in-lieu fee (payment to NC Ecosystem Enhancement Program – EEP), or permittee-responsible mitigation. The Corps and DWQ will accept mitigation that is most appropriate for the proposed project and to best offset adverse impacts.

> [Important Note regarding 2008 changes to NC Mitigation laws: According to North Carolina Session Law 2008-152, Senate Bill 1885 (link listed below), applicants other than NCDOT may satisfy compensatory wetlands mitigation requirements by the following actions, if those actions meet or exceed the requirements of the United States Army Corps of Engineers:
> (1) Participation in a private wetlands mitigation bank. – This option is only available in a hydrologic area where there is at least one private wetlands mitigation bank that has been (i) approved by the United States Army Corps of Engineers and that has available mitigation credit or (ii) approved by the North Carolina Division of Water Quality for resources regulated under the Neuse and Tar Pamlico rules and that has available mitigation credit. For purposes of this subdivision, "hydrologic area" means the eight digit Hydrologic Unit Code where the mitigation bank is located.
> (2) Payment of a fee established by the Department into the Ecosystem Restoration Fund established in G.S. 143 214.12. – This option is only available to an applicant if the option under subdivision (1) of this subsection is not available as an option.
> (3) Donation of land to the Ecosystem Enhancement Program or to other public or private nonprofit conservation organizations as approved by the Department.

(4) Preparing and implementing a wetlands restoration plan.
http://www.ncleg.net/Sessions/2007/Bills/Senate/HTML/S1885v4.html
Note: Applicants must include the following documentation to support the answer checked on the PCN for proposed compensatory mitigation:

- Payment into an approved mitigation bank must include a receipt of payment and details of credits purchased. See section D.3 for detailed instructions and requirements regarding mitigation banks.
- In-lieu fee program (NC EEP, Riparian Buffer Restoration Fund, etc.) mitigation must include a written receipt and a confirmation document. See section D.4 for detailed instructions and requirements regarding in-lieu fee mitigation.
- Permittee-responsible mitigation must include a mitigation plan that accompanies this application. See section D.5 for detailed instructions and requirements regarding permittee-responsible mitigation.]

3. Mitigation Bank
If you are going to pay into a mitigation bank to meet your mitigation obligation, a copy of the banking receipt and credit description for your project must be attached to this PCN. Any application lacking a required mitigation documentation or payment shall be placed on hold as incomplete.

3a. Name of Mitigation Bank: The Corps mitigation web site, RIBITS, includes a Mitigation Bank locator for all Corps-approved banks.

3b. Credits Purchased: Attach receipt and letter from the Mitigation Bank, specifying the type and quantity of credits purchased.

3c. Comments: Explain any items that may need clarification or that do not fit perfectly into this Mitigation Bank section (extenuating circumstances, multiple types of credits and quantities, etc.).

4. In-lieu fee program (NC EEP)

Mitigation may be made by payment to the NC Ecosystem Enhancement Program. Please note that it is the applicant's responsibility to contact the NC EEP at (919) 715-0476 to obtain written approval indicating that the NC EEP is willing to accept payment for the mitigation associated with this project. That approval must be attached to this form.

If you select mitigation via an in-lieu fee program, a copy of the approval for your project and a receipt for payment must be attached to this PCN. Any application lacking a required confirmation documentation or NC EEP concurrence shall be placed on hold as incomplete.

[Note: If you elect to use the EEP or a private mitigation bank, DWQ recommends that you request the maximum possible mitigation amount that DWQ may require so that you will not have to get further approval from them on short notice.]

4a. Approval letter from in-lieu fee program (NC EEP) is attached. If you are proposing to use an in-lieu fee program to meet your mitigation obligation, you must check yes and include the approval letter, otherwise your application package is considered incomplete.

4b. Stream mitigation requested: Enter the linear feet of stream mitigation that is requested from NC EEP. This should be the length of stream after the multiplier ratio has been calculated. For example, 100 linear feet of stream is being impacted that needs to be mitigated at a 2:1 ratio – therefore, 200 linear feet of stream is the amount of stream mitigation that will be requested.

4c. If using stream mitigation, stream temperature: The required temperature should correspond with the impacted stream type (choose warm, cool, or cold). See the Corps web page on stream mitigation as it includes the NC Wildlife Commission River Basin Habitat Classifications Maps that are used to determine warm, cool, or cold status.

4d. Buffer mitigation requested (DWQ only): Enter the square footage of riparian buffer mitigation that is requested. This amount should be the result of using the multiplier ratio that corresponds with both Zone 1 and Zone 2 impacts

4e. Riparian wetland mitigation requested: This amount should be the result of using the multiplier ratio that corresponds with the acreage of riparian wetland impact.

4f. Non-Riparian wetland mitigation requested: This amount should be the result of using the multiplier ratio that corresponds with the acreage of non-riparian wetland impact.

4g. Coastal (tidal) wetland mitigation requested: This amount should be the result of using the multiplier ratio that corresponds with the acreage of coastal wetland impact.

4h. Comments: Explain any items that may need clarification or that do not fit perfectly into this in-lieu fee program section (extenuating circumstances, multiple types of mitigation methods, etc.).

5. Complete if Using a Permittee-Responsible Mitigation Plan

If you select permittee-responsible mitigation, a copy of the mitigation plan for your project must be attached to this PCN. Any application lacking a required mitigation plan shall be placed on hold as incomplete.

5a. If using a permittee responsible mitigation plan, provide a description of the proposed mitigation plan: In addition to a brief description here, attach a formal mitigation plan including maps, planting plan, and monitoring plan.

Provide a brief description of the proposed mitigation plan. The description should provide as much information as possible, including, but not limited to:

- Site location (attach direction and map, if offsite)
- Affected stream and river basin,
- Type of mitigation proposed (restoration, enhancement, creation or preservation),
- Amount of mitigation (acreage/linear feet),
- A plan view,
- Preservation mechanism (e.g., deed restrictions, conservation easement, etc.), and
- A description of the current site conditions and proposed method of construction.

Final mitigation plans must contain detailed plans, specifications, calculations and other supporting data that show that the appropriate mitigation will be achieved at the ratios required. Any means of permanent protection, such as a permanent conservation easement, must be finalized and supporting documentation attached.

6. Buffer Mitigation (State Regulated Riparian Buffer Rules)

If buffer mitigation is required, discuss what type of mitigation is proposed (e.g., riparian buffer restoration, payment into the riparian buffer restoration fund).
Attach all appropriate information as identified within 15A NCAC 2B .0242, .0244, or .0260.
If you elect to use the NC EEP or a private mitigation bank, DWQ recommends that you request the maximum possible mitigation amount that DWQ may require so that you will not have to get further approval from them on short notice.

> [Note: If the buffer is also a wetland (and you are mitigating for wetland losses on the site), then there is no need to "double-count" the buffer/wetland area affected. Compute the buffer mitigation needed first, and then subtract the buffer/wetland area from the wetland mitigation needed.]

6a. Will the project result in an impact within a protected riparian buffer that requires buffer mitigation?
Check "yes" or "no". To determine whether or not your project requires mitigation, check the appropriate section in the "DWQ Red Rule Book" for the subject river basin. Items in the respective "Table of Uses" where the "Allowable with Mitigation" box is checked require mitigation. Additionally, requests for minor variances or after-the-fact impacts always require mitigation.

6b. Zones of the Buffer - Zone 1 is measured from the stream top of bank to 30 feet landward on all sides of the surface water (measured horizontally on a line perpendicular to the surface water). Zone 2 extends horizontally 20 feet landward of Zone 1.

6c. Reason for impact – The reason should correspond with the use in the Table of Uses in the DWQ Red Rule book.

6d. Total impact (square feet) – This number should correspond with the square footage on your impact map that requires mitigation.

6e. Required mitigation (square feet) – Multiply the total impact for each Zone (listed in 6c) with the Multiplier number in the Multiplier column and enter the result here.

6f. Total buffer mitigation required: Add the required mitigation for Zones 1 and 2 in column 6d to determine the total mitigation required.

6g.If buffer mitigation is required, discuss what type of mitigation is proposed (e.g. payment to private mitigation bank, payment into the NC EEP riparian buffer restoration fund, or on-site riparian buffer restoration). If on-site riparian buffer restoration is proposed, a detailed restoration plan must be included in the application package following the most recent DWQ guidelines:
http://portal.ncdenr.org/web/wq/swp/ws/401/riparianbuffers

6h.Comments: Explain any items that may need clarification or that do not fit perfectly into this Buffer Mitigation section.

Section E. Stormwater Management and Diffuse Flow Plan (required by DWQ)

1. Diffuse Flow Plan

1a. Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules? As part of the on-site jurisdictional determination, DWQ staff field staff will determine if and where the NC Riparian Buffer Protection Rules apply on your project.

1b. If yes, then is a diffuse flow plan included? If yes to the above, then you must include a diffuse flow plan that shows that all stormwater from the project is either:

- Converted to diffuse flow outside of the protected riparian buffer through the correct design and implementation of a level spreader, OR
- Treated by an appropriately designed BMP that removes a minimum of 30% of total nitrogen and total phosphorus. A BMP must be provided if the slopes are too steep for a level spreader of if the flows are too large for a level spreader.

> Please see Chapter 8 of the DWQ BMP Manual, for detailed information on how to meet diffuse flow requirements. If level spreaders are being used, then one completed Level Spreader Supplement Form with all required items been submitted for each proposed level spreader. If another BMP is being used, make sure to include the appropriate BMP Supplement Form with all required items.

If you answered "yes" to one of the above questions, then complete the rest of Section E.

2. Stormwater Management Plan

2a. What is the overall percent imperviousness of this project? Does the project require a Non-404 Jurisdictional General Permit? Non-404 Jurisdictional General Permits require submittal of a stormwater management plan if the development is greater than 24% impervious or contains drainage areas that are greater than 24% impervious.

2b. Does this project require a Stormwater Management Plan? Is this project subject to a General Certification 3704 or 3705? These two General Certifications require submittal of a stormwater management plan if the development is greater than 24% impervious or contains drainage areas that are greater than 24% impervious.

> Note for both 2a and 2b: For the NCDOT, the stormwater management plan must comply with NCDOT's Individual NPDES permit NCS000250. For applicants other than the NCDOT, the plan must comply with the current version of Stormwater Management Plan Requirements for Applicants other than the NC Department of Transportation.

3. Certified Local Government Stormwater Review (DWQ Requirement)

3a. In which local government's jurisdiction is this project? In other words, which local government is responsible for reviewing and approving your development plans? This information can be obtained from the stormwater program map given in the link above but should be verified with the local jurisdiction's staff.

3b. Which of the following locally-implemented stormwater management programs apply (check all that apply):? Is this project subject to any of the following state-implemented stormwater management programs? If your project is subject to one of these programs, then you can submit the DWQ's approval letter and approved stormwater management plan and that will meet the stormwater management plan requirements associated with the 401 Certification Program.

3c. Has the approved Stormwater Management Plan with proof of approval been attached?

Is this local government certified to implement a state stormwater program?
A list of local governments that are certified to implement state stormwater programs is available at: http://h2o.enr.state.nc.us/ncwetlands/documents/JurisdictionsthatareCertified-2.pdf. Please note that for some jurisdictions, the certification only applies to certain areas, such as the Water Supply Watershed designated areas. If your project is subject to one of these programs, then you can submit the local government's approval letter and approved stormwater management plan and that will meet the stormwater management plan requirements associated with the 401 Certification Program.
If the project is not under the jurisdiction of either a certified local government or a state-implemented stormwater management program, then the DWQ 401 Unit will review the Stormwater Management Plan.

4. DWQ Stormwater Program Review

4a. What is the overall percent imperviousness according to the most current site plan?
Divide the total area of impervious surfaces (including building footprints, roads, driveways, sidewalks, gravel-surfaces areas, and amenity areas, etc.) by the total site area that is being developed at the time of permitting. If you are developing the site in phases, then do not include areas reserved for future development in the total site area.

4b. Does the site contain any areas that meet the criteria for "high density" per General Certifications 3704 and 3705?
General Certifications 3704 and 3705 require a stormwater management plan for any drainage area that is anticipated to contain impervious surface cover of equal to or greater than 24 percent. Per NCAC 2B 15A: 02H.1000, a "drainage area" is defined as "the entire area contributing surface runoff to a single point."
Provide an inventory of each drainage area on the site that includes all proposed building footprints, roads, driveways, sidewalks, gravel-surfaced areas, amenity areas, etc. The inventory should reflect the final built-out conditions, including the possibility of impervious surfaces that may be added in the future. If proposed percent impervious on any drainage area is more than 20 but less than 24 percent, then attach an accounting of impervious surfaces for that drainage area. A Stormwater Management Plan (SMP) must be provided for any drainage areas that exceed 24 percent imperviousness.

4c. Provide a brief narrative description of the stormwater management plan.
Describe the types, sizes and locations of the BMPs that will be used to treat the stormwater from the site. Refer to the Stormwater Policy for Applicants Other than the NCDOT to determine the BMP treatment requirements based on surface water classification.

4d. Has a completed BMP Supplement Form with all required items been submitted for each stormwater BMP?
BMP Supplement Forms are available on the DWQ web site: The stormwater management plan will NOT be reviewed until ALL of the required items have been submitted. Please note that on many of the BMP supplement forms, the required items checklist can be found at the bottom of the form in the second tab.

Section F. Supplementary Information

1. Environmental Documentation (DWQ requirement)

1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? If the "yes" box is checked, an environmental document (SEPA) may be required.

1b. Does the project require preparation of an environmental document pursuant to the requirements of the State (North Carolina) Environmental Policy Act (NEPA/SEPA)? The environmental documents that may be required are an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). This website also provides links to applicability, agency contacts, guidance documents and other useful information.

1c. Has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) If this document is required, your PCN application will not be considered complete without the final approval letter from the State Clearing House (SCH).

2. Violations (DWQ requirement)

2a. Is the site in violation of DWQ Wetland Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 2B .0200)? A Notice of Violation does not have to be issued for a site to be in violation of the aforementioned rules and/or standards. If your site has unauthorized fill in wetlands, streams, or riparian buffers then this box should be checked. If a Notice of Violation is issued for your site, then a copy of the Notice of Violation must be included in your application package or your application package will be considered incomplete.

2b. Is this an after-the-fact permit application? (This is also a Corps item of interest) Check "yes" if the impacts you are applying for have already been implemented.

2c. Provide an explanation of the violation(s): Describe the nature of the violation and any resolutions that have been discussed to get the site back into compliance.

3. Cumulative Impacts (DWQ requirement)

3a. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? Please refer to the web site for more information on DWQ's Cumulative Impacts Policy.

3b. Submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent DWQ policy. If you answered "no," provide a short narrative description. Please refer to DWQ's Cumulative Impact Policy referred to in 3a to determine whether the project requires a qualitative or a quantitative cumulative impact analysis.

4. Sewage Disposal (DWQ Requirement)

4a. Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge) of wastewater generated from the proposed project, or available capacity of the subject facility.
Any disposal method that suggests that further impacts may be required other than those shown must be clearly addressed on the site plans. If onsite septic is proposed, provide a copy of the septic permit and

show the septic layout as well as the proposed house and driveway footprint(s) on thea site plans (include repair areas if they are required).

5. Endangered Species and Designated Critical Habitat (Corps requirement)
The Corps, as authorized under General Condition 18 and 31 of the Nationwide Permits, requires that activities which may affect a listed species or critical habitat will not be authorized by any nationwide permit without completion of Section 7 Endangered Species Act consultation.
For activities that may affect (either adversely or beneficial) federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification (PCN) must include the name(s) of the endangered or threatened species that may be impacted by the proposed work or that utilize the designated critical habitat that may be impacted by the proposed work.

The District Commander determines whether the proposed activity "may affect" or will have "no affect" to listed species and designated critical habitat and notifies the applicant of the Corps' determination within 45 days of receipt of a complete PCN. Applicants shall not begin work until the Corps provides notification that the proposed activities will have "no affect" on listed species or critical habitat, or until section 7 consultation has been completed.

5a. Will this project occur in or near an area with federally protected species or habitat? The Corps has a web page explaining how to check your project vicinity for possible presence of federally protected species.

> [NOTE: If your project is anywhere within a designated FWS watershed of interest (maps are on web page), and your project is served by the FWS Asheville Field Office (see counties listed in 5b), you must provide a copy of your PCN to the Asheville FWS Field Office. The address is listed in instruction under section F.5b.]

5b. Have you checked with the USFWS concerning Endangered Species Act impacts? The US Fish and Wildlife Service field offices in NC are listed below.

Asheville FWS Field Office - All NC counties west of and including Anson, Stanly, Davidson, Forsyth and Stokes Counties:
US Fish and Wildlife Service
Asheville Field Office
160 Zillicoa Street
Asheville, NC 28801
Telephone: (828) 258-3939

Raleigh FWS Field Office: all counties east of and including Richmond, Montgomery, Randolph, Guilford, and Rockingham Counties:
The Raleigh Field Office
US Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, NC 27636-3726
Telephone: (919) 856-4520

5c. If yes, indicate the USFWS Field Office you contacted - Check the appropriate box.

5d. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? The Corps provides a web page with links to state and federal online tools to check for endangered species. Additionally, please indicate if a biological survey or other resources were used to make this check.

6. Essential Fish Habitat (Corps requirement)

The Corps, as stated in general condition 22 and 31 of the nationwide permits requires completion of a PCN form for identification of projects that require coordination involving "Essential Fish Habitat" (EFH). EFH are defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Available information should be interpreted with a risk-averse approach to ensure that adequate areas are protected as EFH for the managed species. In North Carolina, salt marshes, oyster reefs, and seagrass beds are designated EFH for red drum and penaeid shrimp, species managed cooperatively by state and federal authorities.

For questions about EFH in NC, contact:
Mr. Fritz Rohde
National Marine Fisheries Service
101 Pivers Island Road
Beaufort, North Carolina 28516

6a. Will this project occur in or near an area designated as essential fish habitat?

6b. What data sources did you use to determine whether your site would impact Essential Fish Habitat? List websites utilized, professionals contacted, publications resourced, etc.

7. Historic or Prehistoric Cultural Resources (Corps requirement)

The Corps, as stated in general condition 20 and 31 of the nationwide permits, requires completion of a PCN form for identification of projects that require coordination involving historic or pre-historic cultural resources. For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

7a. Will this project occur in or near an area that the State, Federal, or Tribal governments have designated as having historic or cultural preservation status (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)? The NC State Historic Preservation Office has a web site with links to resources about historic and pre-historic cultural resources within the state: http://www.hpo.dcr.state.nc.us Listed National Register sites can be downloaded, as well as information on archeological resources in the state.

7b. What data sources did you use to determine whether your site would impact historic or archeological resources? List websites utilized, professionals contacted, publications resourced, etc.

8. Flood Zone Designation (Corps Requirement)

The Presidents Executive Order No. 11988 states that federal agencies shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods. Additionally, Executive Order 11990, Protection of Wetlands, requires federal agencies to consider the need to mitigate flood and storm hazards in consideration of all actions. The Corps, as stated in general condition 10 and 31 of the nationwide permits, requires completion of a PCN form for identification of projects that require coordination involving work in FEMA designated 100-Year Floodplains. The proposed activity must comply with applicable FEMA approved state or local floodplain management requirements.

8a. Will this project occur in a FEMA-designated 100-year floodplain? The state of NC, in cooperation with FEMA, provides maps that show floodplain determination. These flood maps can be viewed or downloaded over the web at http://www.ncfloodmaps.com . To provide a national standard without regional discrimination, the 1% annual chance (100-year) flood has been adopted by FEMA as the base flood for floodplain management and flood insurance purposes. A 1% annual chance flood (or base flood) has a 1% annual chance of being equaled or exceeded in any given year. The 1% annual chance floodplain identifies areas that are expected to be inundated by the 1% annual chance flood. The 1% annual chance floodplain, shown on a Flood Insurance Rate Map, is also called a Special Flood Hazard Area, where the National Flood Insurance Program's floodplain management regulations must be enforced by the community as a condition of participation in the Program.
The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free from encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights. Minimum Federal standards limit such increases to 1.0 foot; however, communities can develop more stringent standards. Regulatory floodways are depicted on a Flood Insurance Rate Map and are presented to communities as a minimum standard that must be adopted.

8b. If yes, explain. Provide written explanation of specific situation, and any documentation provided to municipality regarding development in floodplains.

8c. What source(s) did you use to make the floodplain determination? FEMA flood insurance risk maps (FIRMs) are the definitive source for floodplain determination. These can be obtained online, through your property survey, municipality or mortgage bank.

Applicant/Agent's Signature and Date – The applicant should print their name in the first block, then sign and date. NC 15 NCAC 2H .502(f) reads as follows: "Who Must Sign Applications. The application shall be considered a "valid application" only if the application bears the signature of a responsible officer of the company, municipal official, partner or owner. This signature certifies that the applicant has title to the property, has been authorized by the owner to apply for certification or is a public entity and has the power of eminent domain. Said official in signing the application shall also certify that all information contained therein or in support thereof is true and correct to the best of his/her knowledge."
Note: The signature cannot be an electronic signature. If an agent is signing for the owner, an agent authorization letter must be attached. A sample authorization letter is available on the Corps web site.