

CEXXX-XX *(This is your district abbreviation)*
Application XXX-XXXX-XXXXX *(ORM number)*

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Memorandum Documenting Nationwide Permit/Regional General Permit Verification

Applicant:

Project Location *(Waterway, Section, Township, Range, City, County, State):*

Pre-Construction Notification Receipt Date: **Complete?** ☐Yes ☐No

Additional Information Requested Date:

Pre-Construction Notification Complete Date:

Waters of the US:

*see Jurisdictional Determination form(s) and/or Preliminary JD letter(s) dated:

Authority: ☐Section 10 ☐Section 404 ☐Section 103

Project Description *(Describe activities in waters of the U.S. considered for verification):*

Type of Permit Requested: NWP # RGP #

Pre-construction Notification Required: ☐Yes ☐No

Waiver required to begin work *(see GC 27 (a)(2) as applied to appropriate NWP(s)):*

☐Yes ☐No

Rationale:

Coordination with Agencies/Tribes Needed: ☐Yes ☐No Date:

Resolution:

Commenting Agencies:

US Fish and Wildlife Service

US Environmental Protection Agency

National Marine Fisheries Service

State Agency (list commenting state agencies)

State Historic Preservation Office

Other:

Substantive Issues Raised and Corps Resolution *(Consideration of Comments):*

CEXXX-XX (*District abbreviation*) (Application XXX-XXXX-XXXXX (*ORM number*))

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Compliance with Other Federal Laws (*If specific law is not applicable write N/A*):

a) Endangered Species Act:

Name of species present:

Effects determination:

Date of Service(s) concurrence:

Basis for “no effect” determination:

Additional information (optional):

b) Magnuson-Stevens Act (Essential Fish Habitat):

Name of species present:

Effects determination:

Date of Service(s) concurrence: Basis for “no effect” determination:

Additional information (optional):

c) Section 106 of the National Historic Preservation Act:

Known site present: ☐ yes ☐ no

Survey required/conducted: ☐ yes ☐ no

Effects determination:

Rationale:

Date consultation complete (if necessary):

Additional information (optional):

d) Section 401 Water Quality Certification:

Individual certification required: ☐ yes ☐ no

☐ Issued ☐ Waived ☐ Denied

e) Coastal Zone Management Act:

Individual certification required: ☐ yes ☐ no

☐ Issued ☐ Waived ☐ Denied

Additional information (optional):

f) Wild and Scenic Rivers Act:

Project located on designated or “study” river: ☐ yes ☐ no

Managing Agency:

Date written determination provided that the project will not adversely affect the Wild and Scenic River designation or study status:

Additional information (optional):

g) Other

Special Conditions Required (*include rationale for each required condition/explanation for requiring no special conditions*): ☐ yes ☐ no

Compensatory Mitigation Determination: The applicant has avoided and minimized impacts to the maximum extent practicable.

- (1) Is compensatory mitigation required for unavoidable impacts to jurisdictional aquatic resources to reduce the individual and cumulative adverse environmental effects to a minimal level?
☐ yes ☐ no *[If “no,” do not complete the rest of this section and include an explanation of why not here]*
- (2) Is the impact in the service area of an approved mitigation bank? ☐ yes ☐ no
 - i. Does the mitigation bank have appropriate number and resource type of credits available? ☐ yes ☐ no
- (3) Is the impact in the service area of an approved in-lieu fee program? ☐ yes ☐ no
 - i. Does the in-lieu fee program have appropriate number and resource type of credits available? ☐ yes ☐ no
- (4) Check the selected compensatory mitigation option(s):
 - ☐ mitigation bank credits
 - ☐ in-lieu fee program credits
 - ☐ permittee-responsible mitigation under a watershed approach
 - ☐ permittee-responsible mitigation, on-site and in-kind
 - ☐ permittee-responsible mitigation, off-site and out-of-kind
- (5) If a selected compensatory mitigation option deviates from the order of the options presented in §332.3(b)(2)-(6), explain why the selected compensatory mitigation option is environmentally preferable. Address the criteria provided in §332.3(a)(1) (i.e., the likelihood for ecological success and sustainability, the location of the compensation site relative to the impact site and their significance within the watershed, and the costs of the compensatory mitigation project):

Determination (Reference General Condition 27(e)):

The proposed activity, with proposed mitigation (if applicable) would result in no more than minimal individual and cumulative adverse environmental effects and would not be contrary to the public interest. *[add in, if applicable: “provided the special conditions and/or modifications identified in the above are incorporated.”]* This project complies with all terms and conditions of NWP (add #)/RGP (add #)/GP (add #) including any applicable regional conditions.

CEXXX-XX (*District abbreviation*) (Application XXX-XXXX-XXXXX (*ORM number*))

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PREPARED BY:

_____ Date:
Project Manager

REVIEWED BY:

_____ Date
Chief, Regulatory XX District (*insert appropriate level reviewer*)

APPROVED BY:

_____ Date
Colonel, Corps of Engineers, Commanding (*insert appropriate level approver*)