

**APPENDIX 3: PRE-CONSTRUCTION NOTIFICATION (PCN) FORM
FOR CATEGORY III ACTIVITIES AUTHORIZED BY THE
CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD REGIONAL GENERAL PERMIT
(Bay TMDL RGP)**

The Bay TMDL RGP is applicable in nontidal waters and nontidal wetlands in the Chesapeake Bay watershed within the State of Maryland, District of Columbia, and military installations in northern Virginia within the regulatory jurisdiction of the Baltimore District (i.e., Fort Belvoir, Fort Myer, and the Pentagon). A single and complete project under the terms of the Bay TMDL RGP, including all attendant features, both temporary and permanent, cannot result in more than 1 acre of impact, both direct and indirect, to waters of the US including wetlands. Of this, no more than 2,000 linear feet of streams, rivers, and other open water, or a combination thereof may be impacted. In addition, the overall project may not exceed the conversion thresholds set forth in the Bay TMDL RGP (See Section IV of the Bay TMDL RGP).

Activities requiring individual authorization by the Bay TMDL RGP (Category III) cannot commence without written notification from the Corps. An application must be submitted with this PCN form and information listed within the Bay TMDL RGP using the established Corps of Engineers permit application procedures. Please note: This PCN form may be edited or updated during implementation of the Bay TMDL RGP to provide additional clarification or guidance. Before completing this form, please ensure that you are using the most current version posted on the Baltimore District Regulatory website at:

<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcesses.aspx>

1. Applicant: _____
Project Coordinates should be entered in decimal degrees to at least three decimal points
Project Latitude: _____ Project Longitude: _____

2. If you answer **No** to any question below your project does not qualify for the Bay TMDL RGP. Skip this form and you must submit an application for processing under another permit type in accordance with the established Corps of Engineers permit application procedures for Maryland, Virginia, and the District of Columbia.:
 - a. Are the activities in waters of the U.S. part of an approved watershed strategy, such as a Chesapeake Bay Watershed Implementation Plan (WIP), whose purpose is to identify implementation activities needed to meet nutrient and sediment load reduction targets under the Chesapeake Bay TMDL? Y N
Provide a statement identifying the watershed strategy, attach additional sheets if necessary:

 - b. For stream and wetland restoration and enhancement projects, was a function-based assessment used to project the restoration potential for functional lift at the project site? Y N Please see Section X of the Bay TMDL RGP for when as-built and post construction reporting, including documentation of the function-based assessment, is required for activities authorized by the Bay TMDL RGP.
 - c. If you are proposing a stream and wetland restoration and enhancement project, does the project result in restoration of functions that support and/or enhance aquatic biological resources AND sediment and nutrient reduction at the project site? Y N
 - d. Does the project protect riparian and wetland vegetation from unnecessary clearing and disturbance to the maximum extent practicable? Y N

3. If you answer **Yes** to any question below your project does not qualify for the Bay TMDL RGP and you must submit an application for review and processing under another permit type:
 - a. Will the project result in any stream channelization or stream piping? Y N

- b. Does your project impact tidal waters or wetlands? Y N
 - c. Does the activity result in total temporary and permanent impacts greater than 1 acre of waters of the U.S.? Y N
 - d. Does the activity result in total temporary and permanent impacts greater than 2,000 linear feet of stream, rivers, and other open waters? Y N
 - e. Does the activity involve the construction of a new stormwater management facility or an earthen or stone cofferdam or causeway in aquatic resources, including streams or wetlands? Y N
 - f. Does the activity convert a stream to a permanent impoundment and block aquatic life movements? Y N
 - g. Is the project designed primarily to protect public infrastructure using bank armoring or riprap or to primarily improve aquatic habitat functions and services? Y N
 - h. Is the activity proposed for the purpose of restoring streams damaged by acid mine drainage or to compensate or mitigate for an impact to waters of the U.S.? Y N
 - i. Are any existing or proposed activities associated with an ongoing Corps or EPA enforcement action? Y N
4. For stream restoration and enhancement projects, the following stream degradation criteria must be met. If they are not met your project does not qualify for the Bay TMDL RGP and you must submit an application for review and processing under another permit type. Please provide the documentation indicating scores, attach additional sheets if necessary.
- a. The following biological condition criteria must be met based on stream type:
 - 1. Perennial Streams: Is the Benthic Index of Biotic Integrity (BIBI) scores of fair or worse (i.e., BIBI Score of 50% or less)? Y N .
 - Indicate measured score: Reach 1 _____; Reach 2 _____;
Reach 3 _____; Reach 4 _____
 - 2. Intermittent and Ephemeral Streams: Is the modified Environmental Protection Agency Rapid Bioassessment Protocol Habitat Assessment (EPA RBP)Habitat Assessment score in the "marginal to poor" range? Y N .
 - Indicate measured score for each Reach:

 - b. At least one of the following geomorphic/hydrologic criteria must be met:
 - 1. Is the Bank Erosion Hazard Index/ Near Bank Stress scores at minimum of moderate/moderate or higher or is there an annual bank erosion rate of greater than 0.1 ft/yr? Y N . Indicate measured score or rate: _____
 - 2. Is there evidence of floodplain disconnection throughout the majority of the reaches? Y N . Describe the measurement to validate why it was determined that there was floodplain disconnection on the majority of the reach:

 - 3. Other measurement demonstrated water quality impairment and stream degradation at the project reach? Y N . Provide description and information to validate your determination: _____

5. The Bay TMDL RGP may be used to authorize relocation of aquatic resources onsite. Relocation is defined as the in-kind replacement of any impacted resource within the project site provided there is a net increase in functions that support or enhance aquatic biological resources. Does the activity involve the relocation of nontidal waters, including nontidal wetlands and streams on the project site? Y N Plans must clearly show the impacted

aquatic resources and where they will be relocated to onsite. If resources are not relocated onsite, the impact is considered a conversion.

6. Does the activity involve the conversion of a stream or wetland to another aquatic habitat (e.g., stream to wetland or vice versa, stream to flooded state), or from an aquatic habitat to an upland habitat, or from one wetland plant community type to another wetland plant community type? Y N See Table 1 below.
7. If you answered “yes” to question #6 above, does the project exceed any of the conversion thresholds in Table 1 below? Y N Projects that exceed the conversion thresholds in Table 1 below do not qualify for the Bay TMDL RGP. You must submit an application for processing under another permit type in accordance with the established Corps of Engineers permit application procedures for Maryland, Virginia, and the District of Columbia.

Table 1: Conversion Thresholds under the Bay TMDL RGP ¹			
<i>The Bay TMDL RGP may be used to authorize multiple conversion types for an overall project provided ALL the following conversion thresholds are not exceeded.</i>			
	Total Conversion Limit for Overall Project	Conversion to Uplands Limit	Limit to Conversion Among Aquatic Habitat Types²
Wetlands (square feet)	5,000 sqft	5,000 sqft	5,000 sqft
Streams, rivers, and other open waters (square feet/linear feet)	10, 000 sqft/500 lf	5,000 sqft/200 lf	10,000 sqft/500 lf
All Waters of the U.S. (square feet)	10,000 sqft	5,000 sqft	10,000 sqft
¹ Impacted aquatic resources that are replaced in-kind and onsite (i.e., relocated) do not count against conversion thresholds provided there is a net increase in aquatic resource functions and services at the project site.			
² Re-establishment or rehabilitation of aquatic habitat types in areas where these habitat types can be determined to have previously existed at the project site do not count against conversion thresholds. Historical evidence and documentation that the proposed habitat type previously existed at the site is required. Historical evidence collected from aerial photographs, prior delineations, historical maps, forensic soil analysis, and local nearby reference sites may provide details of the former extent and conditions of the aquatic habitat that previously existed on the site.			

8. Are Federally protected endangered or threatened species or their critical habitat in the project area? Y N
Provide the correspondence from the U.S. Fish and Wildlife Service regarding any Federally-listed threatened or endangered species that may be affected by the proposed activity.
9. Are cultural or historic resources located on or near your project area? Y N
Provide the correspondence from State Historic Preservation Office regarding cultural and historic resources that may be affected by the proposed project.
10. Does the activity comply with all of the Bay TMDL RGP terms and conditions, including avoidance and minimization, aquatic life movements, endangered species, single and complete project, and cultural resources? Y N

- I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief.
- I certify that I will provide to the Corps the 5-Year Project Monitoring Report for Category III Stream Restoration and Enhancement Projects in accordance with General Condition 6 outlined in the Bay TMDL RGP.
- The activities proposed in waters of the U.S. are part of an appropriate watershed strategy such as a Chesapeake Bay WIP for the purpose of meeting nutrient and sediment load reduction targets in accordance with the Chesapeake Bay TMDL.
- The activity complies with the siting criteria and land use practice recommendations stated in Sections 1-3 of the Federal Aviation Administration Advisory Circular 150/5200-33. This document can be found at:
http://www.faa.gov/documentLibrary/media/advisory_circular/150-5200-33B/150_5200_33b.pdf

Your name and signature below, as permittee, confirms that your project: a) meets the Bay TMDL RGP and PCN criteria and b) that you accept and agree to comply with the applicable terms and conditions in the Chesapeake Bay Total Maximum Daily Load Regional General Permit.

Permittee Printed Name: _____

Permittee Signature: _____ Date: _____