



## **APPENDIX D: PCN APPLICATION CHECKLIST**

The following information shall be submitted for all PCNs for USACE to properly evaluate your application. Some applications may require more information and this checklist is offered as a tool to assist applicants with submitting a complete application.

### **SECTION 1: GENERAL APPLICATION INFORMATION**

1.  Complete the Pre-Construction Notification document (Appendix B).
2.  Specify which local/state/federal authorizations are required for the project and if any have been obtained or applied for at the time of USACE application submittal.
3.  Identify all funding sources the project will receive or has received to date. Provide any relevant information in the application submission.
4.  Is this part of a larger project that is being implemented in phases? If so, describe the project schedule and how each phase will be implemented.
5.  Describe the existing conditions on the site and the general land use in the vicinity of the project at the time application submittal.
6.  Provide any historic information available that you may have of project area, e.g., existing USACE permit numbers, the names under which the permits were obtained if the permit numbers are unknown, construction dates and proof of prior existence (aerials, photos, town hall records, affidavits, state or local permits, etc.) to verify that the project predates regulation and is “vested”.<sup>19</sup>
7.  The anticipated start and end dates for construction.

### **SECTION 2: WETLAND DELINEATION**

8.  Data used to support aquatic resource boundary determinations (delineation forms, delineation map(s) that show the locations of each aquatic resource in the project area, aerial and ground photographs, LIDAR imagery, national wetland inventory maps, soil maps, national hydrography dataset maps, floodplain maps, historical imagery, etc.).
9.  Photographs of the wetland(s) and/or waterway(s) where impacts are proposed. Photos at low tide are preferred for work in tidal waters.
10.  Indicate the relationship of the project area to waters of the U.S., i.e., adjacent wetlands, tidal influence or hydraulic connectivity through culverts, or other conveyances, etc.
11.  At minimum the delineation map/figure should include the following:
  - a. Contour lines showing topography.
  - b. North arrow.
  - c. Bar and text scale.
  - d. Legend.
  - e. Drawn project boundary.
  - f. High tide line, mean high water, mean low water, ordinary high water mark, and/or wetland boundaries.
  - g. Captions with a unique name for each aquatic resource and the area or length of the aquatic resource within the project area.

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<sup>19</sup> Vested is exempt (someone or something) from a new law or regulation.

- h. Appropriate landmarks and features (e.g., culverts, special aquatic sites, etc.).
- i. Points showing the paired upland and wetland delineation locations for tidal and non-tidal wetlands only.

### **SECTION 3: AVOIDANCE & MINIMIZATION**

- 12.  Describe specific measures taken to avoid impacts to aquatic resources or describe why aquatic resources could not be avoided while achieving the project purpose and need.
- 13.  For impacts to aquatic resources that could not be avoided, describe specific considerations/ measures taken to minimize the area of proposed impacts to aquatic resources in designing the project.
- 14.  Describe specific measures taken to avoid and minimize the proposed direct, indirect, and secondary impacts to aquatic resources and their functions through construction techniques and timing.
- 15.  If applicable, provide a restoration plan that describes how all temporary fills and structures will be removed and the area restored to pre-impact conditions (see GC 22).
- 16.  If applicable, provide an Invasive Species Control Plan (see GC 29). For sample control plans, see [www.nae.usace.army.mil/missions/regulatory/invasive-species](http://www.nae.usace.army.mil/missions/regulatory/invasive-species).
- 17.  If applicable, describe how the proposed wetland/waterbody crossing is compliant with GC 31, Stream Work and Crossings, and Wetland Crossings.

### **SECTION 4A: PROJECT IMPACTS**

- 18.  Describe the overall project and the activities located in Waters of the U.S. (WOTUS) that you are seeking authorization for.
- 19.  Identify the following for project impacts in WOTUS:
  - a.  Direct, indirect, secondary impacts<sup>20</sup> within WOTUS.
  - b.  The size of each impact (square feet or acres, or linear feet).
  - c.  For discharges of fill material (§404), specify the volume of fill material to be discharged (cubic yards).
  - d.  The impact duration from each activity, permanent or temporary (X days).

### **SECTION 4B: PROJECT PLANS**

- 20.  Submit project plans that depict all impacts in WOTUS. On the project plans, applicants shall provide:

#### General Information

- a.  Plan view and typical cross-section view sheets that show the existing and proposed conditions. These illustrations should each be identified with a figure number, date of the map, the project title, the name of the applicant and the type of illustration (vicinity map, plan view, or cross section).
- b.  Drawings, sketches, or plans that are legible, reproducible (color is encouraged, but features must be distinguishable in black and white), drawn to scale, and no larger than 11"x17" and 10 MB when submitted in digital format. Numeric and graphic/bar scales must agree, and plan details must be measurable using a standard engineer's scale on printed plans. Reduced plans are not acceptable.
- c.  The north arrow and remove miscellaneous non-wetland or water project related features such as conduits, utility poles, guardrails, etc.

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<sup>20</sup> See definitions section for the definitions of direct, indirect, secondary impacts.

- d.  Clearly draw the overall limits of work, staging areas, disposal sites, access routes, and any permittee responsible mitigation sites. These areas may include both aquatic resources and upland areas.
- e.  Names or numbers of all roads in the site's vicinity and ownership and numbers of abutting parcels.
- f.  Datum in plan and elevation views. The horizontal datum shall be in the NAD 83 Massachusetts State Plane Coordinate System (INSERT) in U.S. survey feet. The vertical data in coastal projects shall be referenced to either MLLW or the North American Vertical Datum of 1988 (NAVD 88). Both the distance and depth units shall be U.S. survey feet and specified on the project plans.

**Aquatic Resources & Project Impacts**

- g.  Delineation of all aquatic resource types on site including salt marsh; other special aquatic sites (vegetated shallows, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges); other waters, such as lakes, ponds, vernal pools, natural rocky habitat (tidal only), and perennial, intermittent, and ephemeral streams.
- h.  Identify the substrate type (cobble/gravel, organic detritus, sand/shell, silt, mud) and the approximate percentage of each substrate type on site. Grain sizes shall be based on Wentworth grain size classification scale for granules, pebbles, cobbles, and boulders. Sediment samples with a content of 10% or more of pebble-gravel-cobble and/or boulder in the top layer (6-12 inches) should be delineated and material with epifauna/macroalgae should be differentiated from bare pebble-gravel-cobble and boulder.
- i.  The direction of ebb and flood in tidal waters and direction of flow in non-tidal waters.
- j.  In tidal waters, the project boundary distance from special aquatic sites identified in 20g above if within 25 feet from that resource.
- k.  USACE jurisdictional boundaries including ordinary high-water mark (OHWM), high tide line (HTL), mean high water (MHW). Other boundaries include mean low water (MLW), mean lower low water (MLLW), as applicable.
  - Non-tidal: OHWM and/or wetland boundaries.
  - Tidal (structures/work only): MHW, MLW.
  - Tidal (Fill and Structures/work): HTL, MHW, MLW.
  - Tidal (Dredging/Beach Nourishment): HTL, MHW, MLW, MLLW.
- l.  Identification of each aquatic resource with a unique name (ex. Wetland 1, Wetland 2, Tributary 1, Beaver Brook, Atlantic Ocean) and the size of each aquatic resource within the project area (square feet or acres).
- m.  Impacts to each aquatic resource with captions denoting the size of each impact (square feet, acres, or linear feet) and the duration of the impact (ex. Permanent, Temporary (X days)).

**SECTION 4C: PROJECT PLANS - SPECIFIC PROJECT INFORMATION**

- 21.  For projects involving Navigation, Structures, Dredging, and/or Beach Nourishment, the applicant shall also address the following:

**Navigation**

- a.  Identify the locations of adjacent Federal navigation project (FNP) and/or state/local navigation projects on the project plans.
- b.  Specify the distance between the FNP and proposed project boundary, the authorized depths of the FNP, and state plane coordinates of seaward end(s) of project structures near an FNP.

### Structures

- a.  Identification of the piling type (steel, timber, concrete) and diameter to be removed and/or installed.
- b.  Specify the minimal height of the structures' frame over saltmarsh. To meet the SV threshold, piers must be  $\leq 4$  feet in width and this minimal height must achieve a 1.5:1 ratio (i.e., a 4-foot-wide pier is 6 feet above a saltmarsh).
- c.  For floats, the methods of securing them (piles, bottom anchors) and for keeping them off substrate (skids, stops) at low water. To meet the SV threshold, a minimum depth of 18-inches of water should be maintained below a floating dock/structure at lower tide levels.

### Dredging

- a.  The area (SF, acre) and volume (CY) of material to be dredged waterward of MHW for each dredge location.
- b.  Dredge boundaries.
- c.  Bathymetry for existing, proposed, and historical (include dates and USACE permits) dredge depths.
- d.  The likely final angle of repose of the side cuts based on the physical characterization of the material to be dredged and based upon the high/ medium/low, wave or current energy of the location.
- e.  Label area whether the dredging is new, maintenance, improvement, or a combination.
- f.  Location of the disposal site (include location sheet). NOTE: For projects proposing open water, nearshore disposal, or beach nourishment, contact USACE as early as possible for sampling and testing protocols. Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing may be required. Sampling/testing of sediments without such contact should not occur and if done, will be at the applicant's risk.
- g.  The methods and areas used to retain or prevent dredged material from running back into the wetland or waterway. Provide the capacity of the storage area and points of runback, including the overflow route, into the aquatic system.
- h.  For open-water disposal, explain why inland or beneficial reuse sites are not practicable.
- i.  Show the finished top elevation of the disposal site.

### Beach Nourishment

- a.  For beach nourishment, identify the disposal footprint, existing and proposed nourishment profiles (multiple profiles are appropriate if the site is more than 150 feet long or non-contiguous), total fill area (SF) and volume (CY), fill area and volume waterward of the HTL, and delineation of dunes, banks, existing beach vegetation, and contours.
- b.  For beach nourishment identify the substrate type (fine sand, sand, cobble, boulder) and/or grain-size of existing material.

## **SECTION 5: STRUCTURES**

22.  For projects with the removal of existing pilings identify the number, type (steel, timber, concrete) and diameter of pilings to be removed and the methodology for removal (cut off at mud line, pulling, vibratory, etc.).
23.  For projects with the installation of new pilings identify the number, type (steel, timber, concrete) and diameter of pilings to be installed and the methodology for installation (vibratory hammer, impact hammer etc.).
24.  Identify any existing structures and moorings in waters adjacent to the proposed activity, their dimensions, and the distance to the limits and coordinates of any proposed mooring field or reconfiguration zone. For reconfiguration zone and mooring fields, provide the coordinates for all

- corners based on the Massachusetts State Plane Coordinate System. Specify the maximum number of slips and/or moorings within proposed reconfiguration zones or anchorage areas.
25.  The dimensions of the structure or work and extent of encroachment waterward of MHW and from affixed point on the shoreline or upland.
  26.  Shoreline of adjacent properties and property boundary offset for structures. In narrow waterbodies, the distance to opposite shoreline, waterway width, and structures across from proposed work.
  27.  For new commercial boating facilities, anchorage areas or reconfiguration zones, provide a description of the type of vessels that would use the facility, and any plans for sewage pump-out facilities, fueling facilities and contingency plans for oil spills.
  28.  See Sections 4A-C above.

## **SECTION 6: AQUACULTURE**

29.  Identify the coordinates for lease area corners and gear configuration area on the project plans.
30.  Identify the proposed aquaculture gear type (buoys, floats, racks, trays, nets, lines, tubes, cages, containers, and other structures). Provide the impacts for each aquaculture gear type (see Section 4A 19a-d).
31.  For a GP 18 to be valid, applicants must have (a) their MA DMF Aquaculture Certification letter for licensed shellfish aquaculture sites, (b) documentation that the applicant has coordinated with the U.S. Coast Guard regarding USCG Private Aids to Navigation standards, (c) their MEPA Certificate (if required), and (d) documentation that the applicant has contacted their local authorities (ex. harbormaster, select board, shellfish constable) for authorization of their facility.
32. Provide information on site the operation, maintenance, and access. Will the site be accessed via boat, kayak, etc.? Will cages be removed in the winter? How often will gear be checked on? Is there an operations plan for the proposed aquaculture area?
33.  See Sections 4A-C above.

## **SECTION 7: DREDGING**

34.  Sampling plan requests for new, improvement or maintenance dredging must submit completed [Dredged Material Evaluation checklist found at Dredged Material Evaluation Checklist, Sampling and Analysis Plan Requirements from Applicant \(army.mil\)](#) and identify the method of handling/transporting the dredged material.
35.  Identify grain-size of material to be dredged (e.g., silty sand) and provide any existing sediment grain size and bulk sediment chemistry data from the proposed project or nearby projects. Include information on any recent spills of oil and/or other hazardous materials and/or nearby outfalls. Document the information source, e.g., EPA database, the harbormaster or fire chief. If there are none, state "none".
36.  See Section 4A, 4B and 4C, Dredging 21(a-i) above.

## **SECTION 8: WETLAND/WATERBODY CROSSINGS**

37.  For the stream crossing, identify the crossing methodology on the project plan (e.g., dam and pump, dry, wet, etc.). Submit a waterway crossing sequencing plan with the application.
38.  If the project includes a permanent crossing of a tidal waterway, your project design should be modified to match the velocity, depth, cross-sectional area, and substrate of the existing waterbody adjacent to the crossing and provide documentation (hydraulic analysis including low lying property analysis) that the size of the crossing will not restrict tidal flow over the full natural tide range and will not adversely affect abutting infrastructure.

39.  If the work includes a permanent crossing of a non-tidal stream, your project design should be modified to match the culvert gradient of the existing stream channel profile, provide clearance for  $\geq 1.2$  times bank full width and conveyance should be embedded  $\geq 1-2$  feet for box culverts and pipe arches or  $\geq 1-2$  feet and at least 25 percent for rounded pipes/culverts in accordance with the Massachusetts Stream Crossing Standards. Provide the basis for any variation to this requirement.
40.  If the work includes a permanent crossing of a non-tidal stream, the structure should be designed to include a natural bottom substrate within the conveyance that matches the characteristics of the substrate in the natural stream channel and the character of the banks (mobility, slope, stability, confinement, grain and rock size). The conveyance should be designed with a minimum openness ratio  $\geq 0.82$ -feet (0.25-meters). For how to calculate openness ratio and stream simulation ecological approach for road and stream crossings, see <https://www.nae.usace.army.mil/Missions/Regulatory/Stream-and-River-Continuity/>.

### **SECTION 9: COMPENSATORY MITIGATION**

41.  Does the project require Compensatory Mitigation<sup>21</sup> for impacts to Waters of the U.S.? (See Section V in the 2023 Massachusetts General Permit)
42.  If the project requires mitigation, does the selected compensatory mitigation option (i.e., In-Lieu Fee, permittee-responsible mitigation) deviate from the order of the options presented in §332.3(b)(2)-(6)? If so, please explain why. <https://www.ecfr.gov/current/title-33/chapter-II/part-332/section-332.3>
43.  For any compensatory mitigation that involves preservation, the applicant must use a site protection instrument to preserve the parcel in perpetuity. (Conservation Easement, Deed Restriction, etc.) <https://www.mass.gov/service-details/conservation-restriction-review-program>.

### **SECTION 10: HISTORIC PROPERTIES & NOTIFICATIONS TO SHPO, THPOs, BUAR**

44.  Notify the SHPO, Massachusetts Historical Commission, of the Project via Certified Mail and include proof of delivery or receipt in the application package (See Appendix A).
45.  As applicable, notify the THPOs, Narragansett Indian Tribe, Wampanoag Tribe of Gay Head (Aquinnah), and Mashpee Wampanoag Tribe, of the Project via email OR mail and include proof of delivery or receipt in the application package (See Appendix A).
46.  As applicable, notify the BUAR via email (*strongly preferred*) OR mail and include proof of delivery or receipt in the application package (See Appendix A).
47.  Include responses to this notification in the permit application.
48.  As applicable, information on historic properties (Tribal and Archaeological) within the project area should be provided in the permit application.

### **SECTION 11: ENDANGERED SPECIES & ESSENTIAL FISH HABITAT**

49.  Provide a USFWS Information for Planning and Consultation (IPaC) Official Species List from <https://ecos.fws.gov/ipac> and the email of the individual who generated the list (see GC 10 of the 2023 Massachusetts General Permit for more information).
50.  Provide a species list from the NMFS Section 7 Endangered Species Act mapper at <https://noaa.maps.arcgis.com/apps/webappviewer/index.html>.
51.  Provide a species list from the NMFS Essential Fish Habitat Mapper at [https://www.habitat.noaa.gov/apps/efhmapper/?page=page\\_3](https://www.habitat.noaa.gov/apps/efhmapper/?page=page_3).

<sup>21</sup> Your mitigation proposal must be consistent with the December 29, 2020 Compensatory Mitigation Standard Operating Procedures at <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/Compensatory-Mitigation-SOP-2020.pdf> and 2008 Mitigation Rule.

52.  If the project will generate turbidity, describe the extent of turbidity and if erosion controls will be used to contain turbidity. If turbidity controls are not operationally feasible, explain the basis for your conclusion and identify any other measures that you will implement to minimize resuspension of sediment.
53.  Identify the substrate type and any aquatic resources that will be affected by the proposed action. (SAV, salt marsh, sand, silt/clay, rocky/hard bottom)
54.  For projects which will include the installation of pilings/sheet-piles, identify the substrate at the project site (sand, cobble, silt/mud/clay), the installation method (vibratory hammer, impact hammer, combination) and indicate whether the following “soft start” procedures at beginning of the workday and after a 30-minute period of rest will be deployed:
- a.  Vibratory Pile Installation: pile driving will be initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving, one-minute waiting period will be repeated two additional times, followed immediately by pile-driving at full rate and energy.
  - b.  Impact Pile Installation: pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one-minute wait period, then two subsequent 3-strike sets at 40% energy, with one-minute waiting periods, before initiating continuous impact driving.
55.  If the project involves dredging, describe any dredge history, number of dredge events to be covered by the permit, erosion/sediment controls, dredge type, intake structures (mesh screen size), dredged material disposal site.
56.  For project activities associated with structures, identify the number, type (drill barge, work boat, tugboat, etc.), and size of any temporary vessels that will be used. Specify measures that will be implemented to ensure vessels are not berthed in shallow water or will “ground out” at low tide.
57.  For aquaculture projects identify whether any component of the gear is seasonal (will be removed annually) or will be in place year-round. If gear will be present year-round and will be variably managed (e.g., floating in summer, bottom in winter) identify month/date for such configurations.
58.  For aquaculture projects identify whether the project will involve use of an existing vessel or new vessel. Identify the length for all work vessels and identify the distance round trip from vessel berthing location and aquaculture area.
59.  For project activities associated with docking structures (either commercial, industrial, or recreational) identify the number, type (motorized/non-motorized, jet-ski, sailboat, kayak, canoe, other that will be berthed there and the sizes of each.
60.  Information required for Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act:
- a. Results of an eelgrass survey completed per the INSERT.
  - b. Essential Fish Habitat Assessment to determine project-related impacts to essential fish habitat, using guidance developed by the National Marine Fisheries Service.
61.  A document containing the following information (requirements of 50 CFR §600.920(e)(3)):
- a. Description of proposed action.
  - b. Analysis of potential adverse effects on essential fish habitat.
  - c. Conclusions regarding the effects of the action on essential fish habitat.
  - d. If applicable, proposed mitigation.
  - e. Analysis of alternatives to the proposed action.
  - f. Other: