

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Memorandum Documenting General Permit Verification

1.0 Introduction and overview: Information about the proposal subject to one or more of the Corps regulatory authorities is provided in Section 1, detailed evaluation of the activity is found in Sections 2 through 4 and findings are documented in Section 5 of this memorandum. Further, summary information about the activity including the administrative history of actions taken during project evaluation is attached (ORM2 summary) and incorporated into this memorandum.

1.1 Applicant name: *Enter name*

1.2 Activity location: *Enter location*

1.3 Description of activity requiring verification: *Provide description*

1.4 Permit authority: *Select permitting authority or authorities*

1.5 Applicable Permit: *Select NWP/RGP/PGP Select or enter GP number(s)*

1.6 Activity requires written waiver? *Select Yes or No Provide discussion*

2.0 Evaluation of the Pre-Construction Notification

2.1 Direct and indirect effects caused by the GP activity: *Provide discussion*

2.2 Site specific factors: *Provide discussion*

2.3 Coordination

2.3.1 Was the PCN coordinated with other agencies? *Select Yes or No*

2.3.2 Was the PCN coordinated with other business lines of the Corps? *Select Yes or No*

If yes, describe results including resolution of any concerns: *Summarize or enter N/A*

2.4 Mitigation

2.4.1 Provide brief description of how the activity has been designed on-site to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site: *Provide discussion*

CE *Select District* – *District abbreviation (e.g. RD, O-R)* (File Number, *Select District ORM File Number*)

2.4.2 Is compensatory mitigation required for unavoidable impacts to jurisdictional aquatic resources to reduce the individual and cumulative adverse environmental effects to a minimal level? *Select Yes or No.*

Provide rationale: *Provide rationale or select one of the choices if appropriate*

2.4.3 Type and location of compensatory mitigation

Is the impact in the service area of an approved mitigation bank? *Select Yes or No*

If yes, does the mitigation bank have the appropriate number and resource type of credits available? *Select Yes, No or N/A*

Is the impact in the service area of an approved in-lieu fee program? *Select Yes or No*

If yes, does the in-lieu fee program have the appropriate number and resource type of credits available? *Select Yes, No or N/A*

Selected compensatory mitigation type/location(s): See Table 1

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/or out of kind	

Does the selected compensatory mitigation option deviate from the order of the options presented in §332.3(b)(2)-(6)? *Select Yes, No or N/A*

If yes, provide the rationale for the deviation, including the likelihood for ecological success and sustainability, location of the compensation site relative to the impact site and their significance within the watershed, and/or the costs of the compensatory mitigation project (see 33 CFR §332.3(a)(1)): *Provide discussion or enter N/A*

2.4.4 Amount of compensatory mitigation: *Enter amount*

Rationale for required compensatory mitigation amount: *Provide discussion/rationale*

2.4.5 For permittee responsible mitigation identified in 2.4.3 above, the final mitigation plan must address the items described in 33 CFR 332.4(c)(2) through (c)(14) at a level of detail commensurate with the scale and scope of the impacts. As an alternative, the district engineer may determine that it would be more appropriate to address any of the items described in (c)(2) through (c)(14) as permit conditions,

instead of components of a compensatory mitigation plan. Presence of sufficient information related to each of these components in the applicant’s mitigation plan is indicated by “Yes” in Table 2. “No” indicates absence or insufficient information in the plan, in which case, additional rationale must be provided below on how these components will be addressed through special conditions or why a special condition is not required or why these components are not needed at all.

Table 2: Permittee-Responsible Mitigation Plan Components		
Included in the Mitigation Plan	Yes	No
Objectives		
Site selection		
Site protection instrument		
Baseline information		
Determination of credits		
Mitigation work plan		
Maintenance plan		
Performance standards		
Monitoring requirements		
Long-term management plan		
Adaptive management plan		
Financial assurances		
Other		

For any “no”, provide rationale on how the subject component(s) of the compensatory mitigation plan will be addressed as special conditions or why no special conditions are required: *Provide discussion or enter N/A*

3.0 Compliance with Other Laws, Policies and Requirements

3.1 Section 7(a)(2) of the Endangered Species Act (ESA)

3.1.1 ESA action area: *Describe the Corps ESA action area*

3.1.2 Has another federal agency been identified as the lead agency for complying with Section 7 of the ESA with the Corps designated as a cooperating agency and has that consultation been completed? *Select Yes or No*

If yes, identify that agency, the actions taken to document compliance with Section 7 and whether those actions are sufficient to ensure the activity(s) requiring DA authorization is in compliance with Section 7 of the ESA:

If yes, identify agency and provide discussion Select appropriate conclusion.

3.1.3 Are there listed species or designated critical habitat that may be present or in the vicinity of the Corps’ action area? *Select appropriate option*

CE *Select District* – *District abbreviation (e.g. RD, O-R)* (File Number, *Select District ORM File Number*)

Effect determination(s), including no effect, for all known species/habitat, and basis for determination(s): *Provide determination(s) and rationale*

3.1.4 Consultation with either the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service was initiated and completed as required, for any determinations other than “no effect” (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation) *Provide additional discussion as needed to describe consultation with Service(s), or delete if not needed* Based on a review of the information above, the Corps has determined that it has fulfilled its responsibilities under Section 7(a) (2) of the ESA. The documentation of the consultation is incorporated by reference.

3.2 **Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Stevens Act), Essential Fish Habitat (EFH)** *Select N/A if appropriate*

3.2.1 Has another federal agency been identified as the lead agency for complying with the EFH provisions of the Magnuson-Stevens Act with the Corps designated as a cooperating agency and has that consultation been completed? *Select Yes or No*

If yes, identify that agency, the actions taken to document compliance with the Magnuson-Stevens Act and whether those actions are sufficient to ensure the activity(s) requiring DA authorization is in compliance with the EFH provisions:

If yes, identify agency and provide discussion Select appropriate conclusion.

3.2.2 Did the proposed project require review under the Magnuson-Stevens Act? *Enter Yes or No, with discussion as needed*

3.2.3 If yes, EFH species or complexes considered: *Enter EFH species or complexes considered*

Effect determination and basis for that determination: *Provide determination(s) and rationale here*

3.2.4 Consultation with the National Marine Fisheries Service was initiated and completed as required (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation) *Provide additional discussion here as needed, or delete if not needed* Based on review of the above information, the Corps has concluded that it has fulfilled its responsibilities under the EFH provisions of the Magnuson-Stevens Act.

3.3 **Section 106 of the National Historic Preservation Act (Section 106)**

3.3.1 Section 106 permit area: The permit area includes *Select first choice if the permit area includes uplands in addition to waters, and the second choice if the permit area includes only waters* those areas comprising waters of the United States that will be directly affected by the proposed work or structures *Select first choice if the*

CE *Select District* – *District abbreviation (e.g. RD, O-R)* (File Number, *Select District ORM File Number*)

permit area includes uplands in addition to waters, and the second choice if the permit area includes only waters

Final description of the permit area: *Provide discussion*

- 3.3.2 Has another federal agency been identified as the lead federal agency for complying with Section 106 of the National Historic Preservation Act with the Corps designated as a cooperating agency and has that consultation been completed? *Select Yes or No*

If yes, identify that agency, and whether the undertaking they consulted on included the Corps undertaking(s). Briefly summarize actions taken by the lead federal agency:

If yes, identify agency and provide discussion . Select appropriate conclusion.

- 3.3.3 Known historic properties? *Enter Yes or No and provide discussion as appropriate*
Effect determination and basis for that determination: *Provide determination(s) and rationale here*

- 3.3.4 Consultation was initiated and completed with the appropriate agencies, tribes and/or other parties for any determinations other than “no potential to cause effects.” (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation) *Provide additional discussion here as needed or delete if not needed* Based on a review of the information above, the Corps has determined that it has fulfilled its responsibilities under Section 106 of the NHPA. Compliance documentation incorporated by reference.

3.4 **Tribal Trust Responsibilities**

- 3.4.1 Was government-to-government consultation conducted with Federally-recognized Tribe(s)? *Select Yes or No*

Provide a description of any consultation(s) conducted including results and how concerns were addressed. *Provide additional discussion here as needed or delete if not needed* The Corps has determined that it has fulfilled its tribal trust responsibilities.

- 3.4.2 Other Tribal including any discussion of Tribal Treaty rights? *Select N/A or provide discussion.*

3.5 **Section 401 of the Clean Water Act – Water Quality Certification (WQC)**

- 3.5.1 Is a Section 401 WQC required, and if so, has the certification been issued, waived or presumed? *Select appropriate option*

3.6 **Coastal Zone Management Act (CZMA)**

CE *Select District* – *District abbreviation (e.g. RD, O-R)* (File Number, *Select District ORM File Number*)

3.6.1 Is a CZMA consistency concurrence required, and if so, has the concurrence been issued, waived or presumed? *Select appropriate option*

3.7 Wild and Scenic Rivers Act

3.7.1 Is the project located in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system? *Select Yes or No*

If yes, summarize coordination and the determination on whether activity will adversely affect the Wild and Scenic River designation or study status. *Enter additional discussion as needed* The Corps has determined that it has fulfilled its responsibilities under the Wild and Scenic Rivers Act.

3.8 Effects on Corps Civil Works Projects (33 USC 408)

3.8.1 Does the applicant also require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project? *Select appropriate option*

If yes, provide date decision was made and whether permission was granted or denied: *Enter date received or delete this box if no 408 is required*

Provide discussion here as needed or delete

3.9 **Other (as needed):** *Select N/A or enter text*

4.0 Special Conditions

4.1 Are special conditions required to ensure minimal effects, protect the public interest and/or ensure compliance of the activity with any of the laws above? *Select Yes or No*

If no, provide rationale: *Select option as appropriate or provide discussion*

4.2 Required special condition(s)

Special condition: *Enter specific condition(s)*

Rationale: *Enter rationale here*

5.0 Determination

5.1 Waiver request conclusion, if required or select N/A: *Select appropriate conclusion or provide discussion as needed*

CE *Select District* – *District abbreviation (e.g. RD, O-R)* (File Number, *Select District ORM File Number*)

5.2 The activity *Select first choice if no mitigation is required and second choice if mitigation is required* will result in no more than minimal individual and cumulative adverse effects on the aquatic environment and will not be contrary to the public interest *Select first choice if no special conditions are required and second choice if special conditions will be attached to the verification* ,

5.3 This activity, as described, complies with all terms and conditions of the *Select one* identified in Section 1.5.

PREPARED BY:

Enter name of PM who prepared document

Date: _____

REVIEWED BY:

Enter name of appropriate level reviewer

Date: _____

APPROVED BY:

Enter name of appropriate level approver

Date: _____