

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Referenced Standard Individual Permit Application

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, as applicable, Public Interest Review, and Statement of Findings for the subject application.

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 11 and findings are documented in Section 12 of this memorandum. Further, summary information about the activity including administrative history of actions taken during project evaluation is attached (ORM2 Summary) and incorporated in this memorandum.

1.1 Applicant: *Describe here*

1.2 Activity location: *Describe here*

1.3 Description of activity requiring permit: *Describe here*

1.3.1 Proposed avoidance and minimization measures: *Describe here*

1.3.2 Proposed compensatory mitigation: *Describe here*

1.4 Existing conditions and any applicable project history: *Describe here*

1.5 Permit Authority: *Select permitting authority.*

2.0 Scope of review for National Environmental Policy Act (i.e. scope of analysis), Section 7 of the Endangered Species Act (i.e. action area), and Section 106 of the National Historic Preservation Act (i.e. permit area)

2.1 Determination of scope of analysis for National Environmental Policy Act (NEPA):

The scope of analysis includes the specific activity requiring a Department of the Army permit. Other portions of the entire project *Select appropriate choice* included because the Corps *Select appropriate choice* have sufficient control and responsibility to warrant federal review.

Final description of scope of analysis: *Describe here*

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

2.2 Determination of the “Corps action area” for Section 7 of the Endangered Species Act (ESA): *Description of ESA scope of review with rationale here.*

2.3 Determination of permit area for Section 106 of the National Historic Preservation Act (NHPA):

The permit area includes *Select first option if the permit area includes uplands in addition to waters, and the second option 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 option if the permit area includes uplands, and the second option if the permit area includes only waters*

Final description of the permit area: *Final description of permit area with rationale here. Include in the rationale the specific upland areas that are determined to be included or excluded from the permit area.*

3.0 Purpose and Need

3.1 Purpose and need for the project as provided by the applicant and reviewed by the Corps: *Describe here.*

3.2 Basic project purpose, as determined by the Corps: *Select N/A or basic purpose here.*

3.3 Water dependency determination: *Select correct choice. If choice is either, not water dependent or water dependent please explain in further detail.*

3.4 Overall project purpose, as determined by the Corps: *Describe here.*

4.0 Coordination

4.1 The results of coordinating the proposal on Public Notice (PN) are identified below, including a summary of issues raised, any applicant response and the Corps' evaluation of concerns.

Were comments received in response to the PN? *Select Yes or No*

Were comments forwarded to the applicant for response? *Select Yes, No or N/A*

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Was a public meeting and/or hearing requested and, if so, was one conducted?
Select appropriate response Provide additional description/rationale here as needed.

Comments received in response to public notice:

Comment 1:

Agency/Person providing comment Summarize comment here.

Applicant's Response: *Select N/A or provide applicant's response as appropriate.*

Corps Evaluation: *Summarize Corps evaluation here.*

Comment 2: *Agency/Person providing comment Summarize comment here.*

Applicant's Response: *Select N/A or provide applicant's response as appropriate.*

Corps Evaluation: *Summarize Corps evaluation here.*

Additional discussion of submitted comments, applicant response and/or Corps' evaluation: *Select N/A or provide discussion as appropriate.*

4.2 Were additional issues raised by the Corps including any as a result of coordination with other Corps offices? *Select Yes or No*
If yes, provide discussion including coordination of concerns with the applicant, applicant's response and Corps' evaluation of the response: *Select N/A or provide discussion as appropriate.*

4.3 Were comments raised that do not require further discussion because they address activities and/or effects outside of the Corps' purview? *Select Yes or No*

If yes, provide discussion: *Select N/A or provide discussion as appropriate.*

5.0 Alternatives Analysis (33 CFR Part 325 Appendix B(7), 40 CFR 230.5(c) and 40 CFR 1502.14). An evaluation of alternatives is required under NEPA for all jurisdictional activities. An evaluation of alternatives is required under the Section 404(b) (1) Guidelines for projects that include the discharge of dredged or fill material. NEPA requires discussion of a reasonable range of alternatives, including the no action alternative, and the effects of those alternatives; under the Guidelines, practicability of alternatives is taken into consideration and no alternative may be permitted if there is a less environmentally damaging practicable alternative.

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

5.1 Site selection/screening criteria: In order to be practicable, an alternative must be available, achieve the overall project purpose (as defined by the Corps), and be feasible when considering cost, logistics and existing technology.

Criteria for evaluating alternatives as evaluated and determined by the Corps:
Describe evaluation criteria here.

5.2 Description of alternatives

5.2.1 No action alternative: *Description of No Action alternative*

5.2.2 Off-site alternatives

Off-site alternative 1: *Description of off-site alternative 1*

Off-site alternative 2: *Description of off-site alternative 2*

5.2.3 On-site alternatives

On-site alternative 1 (applicant's preferred alternative): *Description of on-site alternative 1*

On-site alternative 2: *Description of on-site alternative 2*

5.3 Evaluate alternatives and whether or not each is practicable under the Guidelines or reasonable under NEPA *Provide appropriate discussion here.*

5.4 Least environmentally damaging practicable alternative under the 404(b)(1) Guidelines (if applicable) and the environmentally preferable alternative under NEPA:
Identify the least damaging/environmentally preferred alternative. If more than one alternative is practicable based on the analysis above, include discussion of environmental effects of each and rationale for selecting the least damaging one.

6.0 Evaluation for Compliance with the Section 404(b)(1) Guidelines. *Select appropriate choice.*

6.1 Practicable alternatives to the proposed discharge consistent with 40 CFR 230.5(c) are evaluated in Section 5. The statements below summarize the analysis of alternatives.

In summary, based on the analysis in Section 5.0 above, the no-action alternative, which would not involve discharge into waters, is not practicable.

For those projects that would discharge into a special aquatic site and are not water dependent, the applicant has demonstrated there are no practicable alternatives that do not involve special aquatic sites.

It has been determined that there are no alternatives to the proposed discharge that would be less environmentally damaging. (Subpart B, 40 CFR 230.10(a)). *Select appropriate response.*

- 6.2 Candidate disposal site delineation (Subpart B, 40 CFR 230.11(f)). Each disposal site shall be specified through the application of these Guidelines:

Discussion: *Provide appropriate discussion here.*

- 6.3 Potential impacts on physical and chemical characteristics of the aquatic ecosystem (Subpart C 40 CFR 230.20). See Table 1:

Table 1 – Potential Impacts on Physical and Chemical Characteristics						
Physical and Chemical Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Substrate						
Suspended particulates/ turbidity						
Water						
Current patterns and water circulation						
Normal water fluctuations						
Salinity gradients						

Discussion: *Provide discussion of the above factors as appropriate.*

- 6.4 Potential impacts on the living communities or human uses (Subparts D, E and F):

- 6.4.1 Potential impacts on the biological characteristics of the aquatic ecosystem (Subpart D 40 CFR 230.30). See Table 2:

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Table 2 – Potential Impacts on Biological Characteristics						
Biological characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Threatened and endangered species						
Fish, crustaceans, mollusk, and other aquatic organisms						
Other wildlife						

Discussion: *Provide discussion of the above factors as appropriate.*

6.4.2 Potential impacts on special aquatic sites (Subpart E 40 CFR 230.40). See Table 3:

Table 3 – Potential Impacts on Special Aquatic Sites						
Special Aquatic Sites	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Sanctuaries and refuges						
Wetlands						
Mud flats						
Vegetated shallows						
Coral reefs						

Discussion: *Provide discussion of the above factors as appropriate*

6.4.3 Potential impacts on human use characteristics (Subpart F 40 CFR 230.50). See Table 4:

Table 4 – Potential Impacts on Human Use Characteristics						
Human Use Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Municipal and private water supplies						

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

Table 4 – Potential Impacts on Human Use Characteristics						
Human Use Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Recreational and commercial fisheries						
Water-related recreation						
Aesthetics						
Parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves						

Discussion: *Provide discussion of the above factors as appropriate*

6.5 Pre-testing evaluation (Subpart G, 40 CFR 230.60):

The following has been considered in evaluating the biological availability of possible contaminants in dredged or fill material. See Table 5:

Table 5 – Possible Contaminants in Dredged/Fill Material	
Physical characteristics	
Hydrography in relation to known or anticipated sources of contaminants	
Results from previous testing of the material or similar material in the vicinity of the project	
Known, significant sources of persistent pesticides from land runoff or percolation	
Spill records for petroleum products or designated (Section 331 of CWA) hazardous substances	
Other public records or significant introduction of contaminants from industries, municipalities, or other sources	
Known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by man-induced discharge activities	

Discussion: *Provide discussion of the above factors as appropriate*

It has been determined that testing *Select* required because *Select*

6.6 Evaluation and testing (Subpart G, 40 CFR 230-61):

Discussion: *Provide discussion of the above factors in Table 5 as appropriate*

6.7 Actions to minimize adverse impacts (Subpart H). The following actions, as appropriate, have been taken through application of 40 CFR 230.70-230.77 to ensure minimal adverse effects of the proposed discharge. See Table 6:

Table 6 – Actions to Ensure Adverse Effects are Minimized	
Actions concerning the location of the discharge	
Actions concerning the material to be discharged	
Actions controlling the material after discharge	
Actions affecting the method of dispersion	
Actions affecting plant and animal populations	
Actions affecting human use	

Discussion: *Provide discussion of the above factors as appropriate.*

6.8 Factual Determinations (Subpart B, 40 CFR 230.11). The following determinations are made based on the applicable information above, including actions to minimize effects and consideration for contaminants. See Table 7:

Table 7 – Factual Determinations of Potential Impacts						
Site	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Physical substrate						
Water circulation, fluctuation and salinity						
Suspended particulates/turbidity						
Contaminants						
Aquatic ecosystem and organisms						
Proposed disposal site						
Cumulative effects on the aquatic ecosystem						

Table 7 – Factual Determinations of Potential Impacts						
Site	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Secondary effects on the aquatic ecosystem						

Discussion: *Provide discussion of the above factors as appropriate*

6.9 Findings of compliance or non-compliance with the restrictions on discharges (40 CFR 230.10(a-d) and 230.12). Based on the information above, including the factual determinations, the proposed discharge has been evaluated to determine whether any of the restrictions on discharge would occur. See Table 8:

Table 8 – Compliance with Restrictions on Discharge		
Subject	Yes	No
1. Is there a practicable alternative to the proposed discharge that would be less damaging to the environment (any alternative with less aquatic resource effects, or an alternative with more aquatic resource effects that avoids other significant adverse environmental consequences?)		
2. Will the discharge cause or contribute to violations of any applicable water quality standards?		
3. Will the discharge violate any toxic effluent standards (under Section 307 of the Act)?		
4. Will the discharge jeopardize the continued existence of endangered or threatened species or their critical habitat?		
5. Will the discharge violate standards set by the Department of Commerce to protect marine sanctuaries?		
6. Will the discharge cause or contribute to significant degradation of waters of the U.S.?		
7. Have all appropriate and practicable steps (Subpart H, 40 CFR 230.70) been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem?		

Discussion: *Provide discussion of the above factors as appropriate*

7.0 General Public Interest Review (33 CFR 320.4 and RGL 84-09)

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its

intended use on the public interest as stated at 33 CFR 320.4(a). To the extent appropriate, the public interest review below also includes consideration of additional policies as described in 33 CFR 320.4(b) through (r). The benefits which reasonably may be expected to accrue from the proposal are balanced against its reasonably foreseeable detriments.

7.1 All public interest factors have been reviewed and those that are relevant to the proposal are considered and discussed in additional detail. See Table 9 and any discussion that follows.

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
1. Conservation: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
2. Economics: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
3. Aesthetics: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
4. General Environmental Concerns: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
5. Wetlands: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
6. Historic Properties: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
7. Fish and Wildlife Values: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
8. Flood Hazards: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
9. Floodplain Values: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
10. Land Use: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
11. Navigation: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
12. Shoreline Erosion and Accretion: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
13. Recreation: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
14. Water Supply and Conservation: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
15. Water Quality:: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
16. Energy Needs: <i>Select option, enter discussion here or delete if explanation is not warranted</i>						
17. Safety: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
18. Food and Fiber Production: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
19. Mineral Needs: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
20. Consideration of Property Ownership: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						
21. Needs and Welfare of the People: <i>Select option, enter discussion here or delete if explanation is not warranted.</i>						

Additional discussion of effects on factors above: *Select N/A or describe the above factors as appropriate.*

7.1.1 Climate Change. The proposed activities within the Corps federal control and responsibility likely will result in a negligible release of greenhouse gases into the atmosphere when compared to global greenhouse gas emissions. Greenhouse gas emissions have been shown to contribute to climate change. Aquatic resources can be sources and/or sinks of greenhouse gases. For instance, some aquatic resources sequester carbon dioxide whereas others release methane; therefore, authorized impacts to aquatic resources can result in either an increase or decrease in atmospheric greenhouse gas. These impacts are considered de minimis [If **Compensatory Mitigation is Required ADD** “and are negated through compensatory mitigation.” **otherwise delete this text**]. Greenhouse gas emissions associated with the Corps federal action may also occur from the combustion of fossil fuels associated with the operation of

construction equipment, increases in traffic, etc. The Corps has no authority to regulate emissions that result from the combustion of fossil fuels. These are subject to federal regulations under the Clean Air Act and/or the Corporate Average Fuel Economy (CAFE) Program. Greenhouse gas emissions from the Corps action have been weighed against national goals of energy independence, national security, and economic development and determined not contrary to the public interest. **ADD, if determined appropriate, otherwise delete:** The applicant voluntarily provided the Corps with an analysis of greenhouse gas emissions that they produced for other local, state, and/or federal requirements, entitled *[INSERT NAME]*, dated *[Insert DATE]*. The portions of that document pertaining to the actions within the Corps federal control and responsibility are incorporated by reference.

- 7.2 The relative extent of the public and private need for the proposed structure or work:

Describe here

- 7.3 If there are unresolved conflicts as to resource use, explain how the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure or work was considered.

Discussion: *Select option or provide discussion as appropriate.*

- 7.4 The extent and permanence of the beneficial and/or detrimental effects that the proposed work is likely to have on the public and private use to which the area is suited:

Detrimental effects are expected to be *Select the appropriate determination.*

Beneficial effects are expected to be *Select the appropriate determination.*

Provide rationale here as needed to support the determinations above.

- 8.0 Mitigation**(33 CFR 320.4(r), 33 CFR Part 332, 40 CFR 230.70-77, 40 CFR 1508.20 and 40 CFR 1502.14)

- 8.1 Avoidance and Minimization: When evaluating a proposal including regulated activities in waters of the United States, consideration must be given to avoiding and minimizing effects to those waters. Avoidance and minimization measures are described above in Sections 1 and 3.

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Were any other mitigative actions including project modifications discussed with the applicant implemented to minimize adverse project impacts? (see 33 CFR 320.4(r)(1)(i)) *Select Yes or No*

Describe here.

8.2 Is compensatory mitigation required to offset environmental losses resulting from proposed unavoidable impacts to waters of the United States? *Select Yes or No*

Provide rationale: *Describe here*

8.3 Type and location of compensatory mitigation

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

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

8.3.2 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*

8.3.3 Selected compensatory mitigation type/location(s). See Table 10:

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	

8.3.4 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 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)): *Select N/A or provide rationale here*

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8.4 Amount of compensatory mitigation: *Enter amount here*

Rationale for required compensatory mitigation amount: *Provide discussion here*

8.5 For permittee responsible mitigation identified in 9.3.3 above, the final mitigation plan must include 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 requirements in the applicant's mitigation plan is indicated by "Yes" in Table 11. "No" indicates absence or insufficient information in the plan, in which case, additional rationale must be provided below on how these requirements will be addressed through special conditions or why a special condition is not required:

Requirement	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 here*

9.0 **Consideration of Cumulative Impacts**

(40 CFR 230.11(g) and 40 CFR 1508.7, RGL 84-9) Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor direct and indirect but collectively significant actions taking place over a

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period of time. A cumulative effects assessment should consider how the direct and indirect environmental effects caused by the proposed activity requiring DA authorization (i.e., the incremental impact of the action) contribute to cumulative effects, and whether that incremental contribution is significant or not. .

9.1 Identify/describe the direct and indirect effects caused by the proposed activity: *Describe here.*

9.2 The geographic scope for the cumulative effects assessment is: *Describe here.*

9.3 The temporal scope of this assessment covers: *Describe here.*

9.4 Describe the affected environment: *Describe here.*

9.5 Determine the environmental consequences: *Describe here.*

9.6 Discuss any mitigation to avoid, minimize or compensate for cumulative effects: *Provide discussion here.*

9.7 Conclusions regarding cumulative impacts:

When considering the overall impacts that will result from the proposed activity, in relation to the overall impacts from past, present, and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the area described in section 9.2, are not considered to be significant . Compensatory mitigation *Select will or will not* be required to help offset the impacts to eliminate or minimize the proposed activity's incremental contribution to cumulative effects within the geographic area described in Section 9.2. Mitigation required for the proposed activity is discussed in Section 8.0.

10.0 Compliance with Other Laws, Policies, and Requirements

10.1 **Section 7(a)(2) of the Endangered Species Act (ESA):** Refer to Section 2.2 for description of the Corps action area for Section 7.

10.1.1 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:

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If yes, identify agency and provide description here. Select appropriate conclusion.

10.1.2 Are there listed species or designated critical habitat present or in the vicinity of the Corps' action area? *Select appropriate option.*

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

10.1.3 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 here as needed to describe consultation(s) with the Service(s)* Based on a review of the above information, 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.

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

10.2.1 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 the 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 the EFH provisions.

Identify agency and provide description here Select appropriate conclusion.

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

10.2.3 If yes, EFH species or complexes considered: *Enter EFH species or complexes considered here*

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

10.2.4 Consultation with the National Marine Fisheries Service was initiated and completed as required (see the attached ORM2 Summary sheet for consultation type, begin date, end date and closure method of the consultation). *Enter additional discussion here as needed.* Based on a review of the above

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information, the Corps has determined that it has fulfilled its responsibilities under EFH provisions of the Magnuson-Stevens Act.

10.3 Section 106 of the National Historic Preservation Act (Section 106): Refer to Section 2.3 for permit area determination.

10.3.1 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.

Identify agency and provide description here . Select appropriate conclusion.

10.3.2 Known historic properties present? *Enter Yes or No and provide discussion as appropriate Select appropriate conclusion.*

Effect determination and basis for that determination: *Provide determination and rationale here.*

10.3.3 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 consultation type, 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.

10.4 Tribal Trust Responsibilities

10.4.1 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.

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

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

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

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

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

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

10.7 **Wild and Scenic Rivers Act**

10.7.1 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 here as needed.* The Corps has determined that it has fulfilled its responsibilities under the Wild and Scenic Rivers Act.

10.8 **Effects on Corps Civil Works Projects (33 USC 408)**

10.8.1 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 that decision was made and whether permission was granted or denied : *Enter date received or delete this box if no 408 is required.*

Provide additional discussion here as needed or delete.

10.9 **Corps Wetland Policy (33 CFR 320.4(b))**

10.9.1 Does the project propose to impact wetlands? *Select Yes or No*

10.9.2 Based on the public interest review herein, the beneficial effects of the project outweigh the detrimental impacts of the project.

10.10 **Other (as needed):** *Provide discussion here as needed.*

11.0 **Special Conditions**

11.1 Are special conditions required to protect the public interest, ensure effects are not significant and/or ensure compliance of the activity with any of the laws above? *Select Yes or No*

If no, provide rationale: *Describe rationale*

11.2 Required special condition(s)

Special condition(s): *Enter specific condition(s)*

Rationale: *Enter rationale here*

12.0 Findings and Determinations

12.1 Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

12.2 Presidential Executive Orders (EO):

12.2.1 EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians: *Select response or provide discussion here*

12.2.2 EO 11988, Floodplain Management: *Select response or provide discussion here*

12.2.3 EO 12898, Environmental Justice: *Select response or provide discussion here*

12.2.4 EO 13112, Invasive Species: *Select response or provide discussion here*

12.2.5 EO 13212 and EO 13302, Energy Supply and Availability: *Select response or provide discussion here*

12.3 Findings of No Significant Impact: Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an environmental impact statement will not be required.

12.4 Compliance with the Section 404(b)(1) Guidelines: Having completed the evaluation above, I have determined that *Choose one of the following*

12.5 Public interest determination: Having reviewed and considered the information above, I find that the proposed project is not contrary to the public interest.

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

PREPARED BY:

Project Manager

Date:_____

REVIEWED BY:

Enter name of appropriate level reviewer

Date:_____

APPROVED BY:

Enter name of appropriate level approver

Date:_____