



Documentation Standard

USACE Pre-Construction Notification (PCN)

This documentation standard (DS) is used by project sponsors to prepare a Pre-Construction Notification (PCN) for the U.S. Army Corps of Engineers (USACE). The PCN must include sufficient detail for the USACE to verify that the applicant meets Nationwide Permit (NWP) program permitting requirements under Section 404 of the Clean Water Act (CWA). The purpose and goal of Section 404 of the CWA is to restore and/or maintain the chemical, physical, and biological integrity of the nation's waters. This goal is achieved through a program administered by the USACE Chief of Engineers, Regulatory staff, using guidelines developed by the Administrator of the EPA, which require a USACE permit prior to discharge of dredged and/or fill material into waters of the U.S. (WOTUS), including wetlands (33 CFR 323).

Organize the PCN using the sections outlined in this DS, below. As a component of any PCN being submitted to the USACE, a cover letter is required. Although the PCN may be prepared by a consultant and reviewed by the Environmental Affairs Division (ENV), the TxDOT district is the permit applicant, as well as the party responsible for conducting all necessary coordination with the USACE and compliance with permitting requirements.

The PCN must comply with the standards outlined in the TxDOT Brand Guidelines and Publications Style Guide. For questions about or assistance applying these standards, contact the TxDOT district representative or ENV's Natural Resources Management Section at env-water@txdot.gov.

For reference, the four USACE districts in Texas include:

- Galveston (SWG), lead district in Texas
- Fort Worth (SWF)
- Tulsa (SWT)
- Albuquerque (SPA)

PCN Application Cover Letter and Attachments:

Cover Letter

The PCN cover letter must be written on TxDOT letterhead and signed by the district engineer. The cover letter must introduce the proposed project and list all components of the PCN identified as attachments to the cover letter. Each PCN component/attachment must include a cover sheet, and if any are not applicable, they must be removed, and the remaining components/attachments renumbered accordingly. Please refer to **Appendix A** of this DS for an example of a TxDOT PCN cover letter and **Appendix B** for associated example cover sheets. The following elements must be included in the cover letter:

- The assigned USACE Project Number/Action ID, if known
- Statement indicating whether a pre-application meeting was completed for this project and, if so, indicating the date of the meeting and USACE-assigned project manager
- If a Jurisdictional Determination (JD) has already been requested/received, a statement referencing the USACE Project Number/Action ID (must match that associated with the pre-application meeting), type of JD requested/received, and status of JD
- If a JD has not already been requested, a statement indicating whether the applicant is pursuing a Preliminary Jurisdictional Determination (PJD), Approved Jurisdictional Determination (AJD), joint



PJD/AJD, or No Jurisdictional Determination (NJD), including the level of detail sufficient to differentiate between the PJD and AJD areas, if requesting a joint PJD/AJD

- Type of Applicant (i.e., federal, or non-federal) for which TxDOT is seeking authorization, based upon funding source and/or NEPA assignment from FHWA (of the lack of NEPA assignment)
- If TxDOT is a federal applicant because the project is being cleared under NEPA assignment, the following statement must be included in the PCN cover letter: “The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019 and executed by the Federal Highways Administration (FHWA) and TxDOT.”
- Statement regarding the status of environmental clearance for the project, regardless of funding source, and the date of administrative approval by TxDOT, if applicable
- Statement indicating TxDOT is requesting an expedited review under the Water Resources Development Act (WRDA) Section 214 funding agreement process, if applicable within SWG
- If TxDOT is requesting expedited review under the WRDA Section 214 funding agreement, include the date by which the district is requesting the permit decision
- List of all PCN components identified as attachments to the cover letter

SWG Only: QA/QC Cover Sheet for SWG Permit Applications

In addition to a cover letter, any PCN that is being submitted to SWG must include a completed QA/QC cover sheet for SWG permit applications, which can be found on TxDOT’s Environmental Compliance Toolkits page under [Natural Resources – Water Resources](#).

Attachment I – USACE NWP PCN Application Materials

Application materials consist of the following templates, forms, and format:

- 1) For all PCNs in SWG, SWT and SPA, use USACE ENG Form 6082 found on the SWG website <https://www.swg.usace.army.mil/Missions/Regulatory/Permits/Permit-Application/>
- 2) For all PCNs in SWF, use the NWP templates found on the SWF website at <https://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Application-Submittal-Forms/>.

If there is not a template available on their website that is specific to the NWP you are requesting a verification for, simply use the template designed for NWP 14, cross out the number 14, and handwrite the applicable NWP number as a replacement to the number 14.

When requesting an NWP verification, use the appropriate form or template and complete per the included instructions. The following stipulations must be adhered to when completing the PCN:

- The project must meet the conditions and requirements of the NWP for which the verification is being requested, including those requirements listed as general and regional conditions
- The applicant’s name must be that of the individual District Engineer, the title must be identified as “District Engineer,” and the company must be identified as the TxDOT district applying for authorization (i.e., the applicant) and presented in the following format: “Texas Department of Transportation – [Example] District.”



- The project location must include the legal description (i.e., latitude/longitude) for both the starting and ending locations of the project, if applicable. Otherwise, it must include the legal description for the center point of the project
- Ensure that any reason for discharge is consistent with the purpose and need statement presented throughout all applicable components of the PCN
- Ensure that any avoidance, minimization, and compensation details are consistent with the attached mitigation plan, if applicable
- Ensure all acreages of impacts and crossings are identified

Attachment 2 – Delineation Report

The final TxDOT approved delineation report should be included as an attachment to the PCN application. Delineation must follow delineation documentation standard and template provided on the TxDOT toolkit.

Attachment 3 – Section 404/10 Impacts Table

The Section 404/10 Impacts Table must detail the proposed impacts on each water feature in acres and in linear feet, as indicated, and on each single and complete crossing. For projects with multiple single and complete crossings, the table must indicate which individual water features are combined to constitute each single and complete crossing (for purposes of 404/10 permitting), as well as the cumulative impact totals on those single and complete crossings, and which would and would not require notification as outlined in General Condition 32. The Section 404/10 Impacts Table, along with the Instructions – Preparing a Section 404/10 Impacts Table, can be found on TxDOT's Environmental Compliance Toolkits page under [Natural Resources – Water Resources](#). When attaching the Section 404/10 Impacts Table to the PCN, do not include the associated instructions.

Attachment 4 – Jurisdictional Determination (JD) Request Form (if applicable)

The PCN must include a JD request, including the type of JD being requested, unless a JD has already been requested/received for the project, in which case the JD letter, associated action ID (e.g., USACE project/permit number), and the type of JD received must be included in the PCN cover letter.

A JD request attached to the PCN must include documentation sufficient to support the determination requested. JDs that may be requested include the following:

- Preliminary JD (PJD) – Typically requested when 1) a water feature is believed to be jurisdictional or 2) a water feature is believed to be potentially non-jurisdictional but having the USACE make that determination would not save TxDOT time or money (e.g., in the form of a compensatory mitigation requirement)
- Approved JD (AJD) – Typically requested when 1) a water feature is believed to be non-jurisdictional and 2) having the USACE make that determination would save TxDOT money (e.g., in the form of a decreased or an eliminated compensatory mitigation requirement)
- Joint PJD/AJD – Typically requested when 1) it is appropriate to request a PJD for one portion of the project area and an AJD for another portion or 2) TxDOT has partial right-of-entry (ROE) to the project area, where it is appropriate to request an AJD, and does not have ROE to another portion of the project area, where it will save time to request a PJD
- No JD – Typically requested in SWF when a PJD would have been the chosen route except for there being a clearly non-jurisdictional water feature (e.g., a stock pond) within the project area,



and impacts on that water feature, if assumed jurisdictional, would unnecessarily cost TxDOT time and money (e.g., in the form of going through the lengthy AJD process, or in the form of a compensatory mitigation requirement, respectively)

According to the Special Public Notice on Jurisdictional Determinations published by SWG on January 11, 2017, the following applies to PJD and AJD requests:

Preliminary Jurisdictional Determinations: PJDs document the location and boundaries of all aquatic features within a project area and assume that all aquatic features are jurisdictional. PJDs may not be appealed and do not expire; however, they are valid only in response to a specific requested action. PJDs treat all potentially jurisdictional aquatic resources within the project area as jurisdictional and are used to determine appropriate compensatory mitigation, if necessary. PJDs cannot be used to determine non-jurisdictional status of any waters within the project area.

Approved Jurisdictional Determinations: AJDs document the presence or absence of jurisdictional waters and wetlands. AJDs are considered final federal agency actions, and they are appealable. AJDs may require coordination with the EPA, and they remain valid for five (5) years from the date of finalized notification. AJDs are posted on the SWG website, as well as on EPA's interactive map of AJDs located at <https://watersgeo.epa.gov/cwa/CWA-JDs/>.

Attachment 5 – Drawings/Figures

Included drawings/figures must be provided in 8.5 x 11-inch format. They must be fully legible and have all map features clearly identified when viewed and/or printed in black and white. They must each include a title box, legend, and scale. The title box must contain the project name, project CSJ, USACE project number (if available), figure number, figure name, figure date, and sheet number (if applicable). The legend must include all symbols or other identifiers (e.g., color, shading, etc.) depicting all relevant map features that are not labeled on the map itself. The following figures must adhere to the additional requirements listed:

- **Vicinity map** – The vicinity map must include the following:
 1. Identifiable landmarks (e.g., county, city, named water features, etc.) that ensure the project can be easily located on another map or on the ground
 2. Latitude and longitude of the project location
 3. North arrow
 4. Names of all landmarks, major roadways, and all referenced features
 5. Project area
 6. Identified areas where ROE is pending, if applicable
 7. Locations of all water features listed in the impact table
 8. Separation between PJD and AJD areas and/or identification of No JD features, if requesting a joint PJD/AJD and/or No JD, respectively
- **Plan view(s)** – The plan view(s) must include the following:
 1. Project area, as well as detail panel(s), if necessary
 2. Lines denoting the location of each cross-section
 3. Locations of all water features listed in the impacts table, as well as each associated impact in acres and/or linear feet, and/or cubic yards of excavation/fill

4. North arrow
 5. Aerial background images, if used, that do not obscure identified features
- **Elevation and/or cross-section view(s)** – For each type of unavoidable impact (i.e., acres, linear feet, and/or cubic yards of excavation/fill), a typical cross-section view map should be included to illustrate the amount of fill within potentially jurisdictional WOTUS. The map(s) must include the following:
 1. Project boundaries
 2. Any water features that are found at the location
 3. Labels for each feature not identified in the legend
 4. Water elevation, if applicable
 5. Existing and proposed ground levels
 6. Dimensions of the proposed impacts in acres and/or linear feet, and/or cubic yards of excavation/fill per water feature impacted
 7. Each crossing and associated impacts must be identified

Attachment 6 – Proposed, Threatened, and Endangered Species Documentation

This attachment must include 1) TxDOT's Species Analysis Spreadsheet that provides effect/take determinations for federally listed proposed, threatened, and endangered species and is available on the TxDOT Environmental Compliance Toolkits webpage under [Natural Resources State and Federal Protected Species](#), as well as 2) any agency consultation documentation associated with compliance with the Endangered Species Act (ESA). For federal projects that may affect listed species, including but not limited to those found in Karst Zones 1 and 2, this consultation documentation must include the Biological Evaluation for informal consultations or Biological Assessment for formal consultations and/or the section 7 concurrence letter/Biological Opinion.

This attachment must also include any pre-application meeting documentation and/or consultation documentation with federal agencies (i.e., U.S. Fish and Wildlife Service and/or National Marine Fisheries Service). Per General Condition 18 for Endangered Species within the current NWP as applicable.

Attachment 7 – Historic Properties Documentation

This attachment must include 1) documentation that provides details on the completed cultural resources assessment (including both archeological and non-archeological (historic resources), as well as 2) any agency coordination documentation associated with compliance with Section 106 of the National Historic Preservation Act and/or Antiquities Code of Texas. For Federal Highway Administration (FHWA) projects, this must include documentation of Section 106 consultation with the State Historic Preservation Office (SHPO)/Texas Historical Commission (THC) carried out under the TxDOT and SHPO programmatic agreement according to the appropriate appendix (in some cases, this may be a just a reference to the programmatic agreement).

For non-FHWA projects with potential to affect historic properties listed on the National Register of Historic Places (NRHP), this must include documentation of coordination with the THC under the TxDOT and THC memorandum of understanding. For non-FHWA projects without the potential to



affect historic properties on the NRHP, include documentation that illustrates the project has no potential to affect historic properties.

This attachment must also include any applicable pre-application meeting documentation and/or consultation documentation with federal, state, and/or tribal agencies (i.e., SHPO, THC, and/or local or affected Tribal governments, respectively.)

Attachment 8 – Section 401 Tier 1 Water Quality Certification (Optional)

TxDOT complies with Section 401 of the Clean Water Act by implementing TCEQ's conditions for NWP. Accordingly, this attachment is optional and may include the completed Attachment 2 (checklist) of the TCEQ 401 Water Quality Certification Best Management Practices (BMPs) for Nationwide Permits available at https://www.tceq.texas.gov/permitting/401certification/401certification_nationwide.html, which details the use of soil erosion control, sediment control, and post-construction total suspended solids (TSS) control measures (collectively, BMPs) for 401 water quality certification under use of a NWP.

Attachment 9 – Texas Coastal Management Program Consistency Statement (if Applicable)

This attachment is applicable only to those projects located within the Coastal Zone Boundary, as depicted via Shapefile and KMZ found on the Texas General Land Office (GLO) website at <http://www.glo.texas.gov/land/land-management/gis/index.html>. If applicable, include a completed CMP Consistency Statement form for upper coast or lower coast that can be found on the [Texas GLO website for coastal management forms](#).

For more information, please see the Coastal Zone Management and Texas Coastal Management Program chapter of TxDOT's Environmental Handbook for Water Resources, available in TxDOT's Environmental Compliance Toolkits under Natural Resources – Water Resources.

Attachment 10 – Conditional/Functional Assessment and Mitigation Plan (if Applicable)

This attachment is applicable only to those projects that require mitigation and, of those, only projects that do not have access to the appropriate number and type of available credits from a legacy bank.

If applicable, the following must be included with the PCN:

1. Conditional/functional assessment (in report form) suitable for use in determining the best value mitigation option according to one or both of the following standard operating procedures, available in TxDOT's Environmental Compliance Toolkits under Natural Resources – Water Resources:
 - a. ENV's Standard Operating Procedure: Purchasing Mitigation Credits for Section 404 Permits
 - b. ENV's Standard Operating Procedure: Section 404 Compensatory Mitigation via Permittee Responsible Mitigation (PRM)

The conditional/functional assessment must be performed and reported according to the appropriate, USACE district-specific procedure/guidance for the applicable assessment methodology/ies. The assessment report must include a discussion of the existing conditions, the methodologies used for determining condition/function, the results of the assessment, and a conclusion that summarizes the findings.



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Proposed mitigation must follow the [U.S. EPA and USACE's 2008 Compensatory Mitigation for Losses of Aquatic Resources; Final Rule](#) for all projects, and the [Fort Worth District Stream Mitigation Method](#) for all applicable projects within the USACE Fort Worth District. The mitigation plan must include a discussion of the proposed compensatory mitigation strategy in the format of a 12-step mitigation plan, per 33 CFR 332.4(c).

Attachment 11 – USACE Operations and Maintenance Business Information Regulatory Module

This attachment must include the USACE Operations and Maintenance Business Information MBIL Regulatory Module (ORM), which can be found on TxDOT's Environmental Compliance Toolkits page under [Natural Resources – Water Resources](#). Both the AqResources and the Impacts tabs within the ORM spreadsheet must be filled out. The ORM Excel spreadsheet itself, in native form, must be included as the Attachment and not moved into Word or combined as a PDF with the rest of the PCN. Rather, the ORM Excel spreadsheet must be submitted as a stand-alone file with the PCN package to ensure the integrity of the Excel file remains intact.

Example data for AqResources tab

Waters_Name	State	Cowardin_Code	HGM_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude	Local_Waterway
W-1A	TEXAS	PEM	DEPRESS	Area	0.01	ACRE	DELINEATE	30.35520800	-94.05864800	
W-1B	TEXAS	PFO	DEPRESS	Area	0.73	ACRE	DELINEATE	30.35508800	-94.05747000	
W-2	TEXAS	PEM	DEPRESS	Area	0.47	ACRE	DELINEATE	30.35536700	-94.05778600	
W-3	TEXAS	PEM	DEPRESS	Area	1.04	ACRE	DELINEATE	30.35467300	-94.05107500	
W-4	TEXAS	PEM	DEPRESS	Area	0.03	ACRE	DELINEATE	30.35507500	-94.05341300	
W-5	TEXAS	PEM	DEPRESS	Area	0.14	ACRE	DELINEATE	30.35503100	-94.05270600	
W-6	TEXAS	PEM	DEPRESS	Area	0.07	ACRE	DELINEATE	30.35484200	-94.04985800	
W-7	TEXAS	PEM	DEPRESS	Area	0.03	ACRE	DELINEATE	30.35476100	-94.04863400	
W-8	TEXAS	PEM	RIVERINE	Area	0.08	ACRE	DELINEATE	30.35435600	-94.04175400	
W-9A	TEXAS	PEM	RIVERINE	Area	0.01	ACRE	DELINEATE	30.35413500	-94.04204000	
W-9B	TEXAS	PFO	RIVERINE	Area	0.01	ACRE	DELINEATE	30.35408800	-94.04203300	
W-10	TEXAS	PEM	RIVERINE	Area	0.22	ACRE	DELINEATE	30.35423700	-94.04009900	

Example data for Impacts tab

Activity	Resource_Type	Permanent_Loss	Impact_Duration	Amount_Type	Amount_Units	Initially_Proposed_Length	Initially_Proposed_Width	Initially_Proposed_Amount	Proposed_Length	Proposed_Width	Proposed_Amount	Authorized_Length	Authorized_Width	Authorized_Amount	Debits	Notes
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	Non-Tidal Wetland	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		
Discharge of fill material	River/Stream	YES	Permanent	Fill Area	Acres			0.01			0.01			0.01		

Included in this DS are the following two appendices that provide an example cover letter and example cover sheets for PCN attachments.

Appendix A - Example Cover Letter

Appendix B - Example Cover Sheets for PCN Attachments

Appendix A

Example Cover Letter



ADDRESS | CITY, STATE ZIP | MAIN PHONE NUMBER | WWW.TXDOT.GOV

November 19, 2021

Mr. Mark Garza Regulatory Division Galveston District (SWG)
U.S. Army Corps of Engineers 2000 Fort Point Road Galveston, Texas 77550

Re: Pre-Construction Notification for NWP 14 – SWG-2021-12345 – Ocean Drive Widening Project (CSJ 1234-56-789) in Coastal County, Texas.

Dear Mr. Garza:

Texas Department of Transportation (TXDOT) – Houston District is submitting this Nationwide Permit (NWP) 14 Pre-Construction Notification (PCN) with attachments for the Ocean Drive Widening Project on a 5.56-mile-long section of Ocean Drive in Coastal County, Texas. With the PCN, TxDOT is submitting a request for an Approved Jurisdictional Determination (AJD) for the waterbodies/wetlands located within the roadway right-of-way (ROW).

The project was presented to Mr. Mark Garza during a pre-application meeting on September 16, 2021, at the USACE Galveston District office. The project is anticipated to receive CE-level environmental clearance. It has a Letter of Authority (LOA) of December 5, 2022 and a scheduled let date of January 5, 2023.

TxDOT is submitting this PCN and AJD request for expedited review under the *Agreement between The United States Army Corps of Engineers, Galveston District and the Texas Department of Transportation for the Provision of Funding to Expedite Reviews of Transportation Projects*, dated October 22, 2021 (214 Agreement). Per the 214 Agreement, please let TxDOT know within 10 days 1) that the submittal is complete, or 2) what is needed to complete the submittal via an additional information (AI) request. TxDOT is requesting a permit decision by November 3, 2022. If there is a workload or other issue that could preclude SWG from adhering to the requested decision date, please contact TxDOT's 214 point -of-contact (POC) upon receipt of this submittal to discuss potential re-ordering of TxDOT priorities that may be appropriate and/or necessary to accommodate this request. **[NOTE: TxDOT MUST be the permit applicant to use the WRDA Section 214 agreement. If the permit applicant is anyone other than TxDOT (ex. local government or contractor), the WRDA Section 214 agreement cannot be used.]**

TxDOT is requesting a Nationwide Permit as a federal permittee. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

If you have any questions regarding this PCN and AJD request, please contact Ms. Gloria Wright (Environmental Specialist, Houston District) as the POC for all application correspondence (Gloria.Wright@TxDOT.gov; (123) 456-7899).

Sincerely,

[Name]
District Engineer TXDOT
Houston District

CC: [Key personnel on the project]

Attachments

- USACE NWP PCN Application Materials
- Delineation Report
- Section 404/10 Impacts Table
- JD Request Form (if applicable)
- Drawings/Figures
- Threatened and Endangered Species Documentation
- Historic Properties Documentation
- Section 401 Tier I Water Quality Certification (optional)
- Texas Coastal Management Program Consistency Statement (if applicable)
- Conditional/Functional Assessment and Mitigation Plan (if applicable)
- USACE OMBIL Regulatory Module

Appendix B

Example Cover Sheets for PCN Attachments

EXAMPLE

Attachment 1

USACE NWP PCN Application Materials

EXAMPLE

Attachment 2

Delineation Report

EXAMPLE

Attachment 3

Section 404/10 Impacts Table

EXAMPLE

Attachment 4

Jurisdictional Determination (JD) Request Form

EXAMPLE

Attachment 5

Drawings/Figures

EXAMPLE

Attachment 6

Threatened and Endangered Species Documentation

EXAMPLE

Attachment 7

Historic Properties Documentation

EXAMPLE

Attachment 8

Section 401 Tier I Water Quality Certification (Optional)

EXAMPLE

Attachment 9

Texas Coastal Management Program Consistency Statement (if Applicable)

EXAMPLE

Attachment 10

Conditional/Functional Assessment and Mitigation Plan (if Applicable)

EXAMPLE

Attachment 11

USACE OMBIL Regulatory Module (ORM)

EXAMPLE

The following table shows the revision history for this document.

Revision History	
Effective Date Month, Year	Reason for and Description of Change
July 2022	Version 2. Updated to reflect new QA/QC Cover Sheet for SWG, FORM 6082 for SWG NWP applications, new language per GC 18 and RC 4b, and addition of the Section 404/10 Impacts Table and ORM table.
April 2020	Version 1 was released.