

Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 8, 2010

CENAO-REG

Guidelines for Application of Nationwide Permits for Projects Involving Road Crossing Pipe/Culvert Maintenance

The Norfolk District Army Corps of Engineers announces the implementation of the following guidelines and requirements for maintenance of existing road crossing pipes/culverts. The purpose of this notice is to ensure that such projects comply with the intent of existing Nationwide Permit (NWP) General Conditions, specifically with respect to General Condition Numbers 2 and 9, and Regional Condition #4.

Background

The Norfolk District has regional conditions in place for the NWPs, to require that in all nontidal waters, road crossing pipes and culverts shall be countersunk, at both the inlet and outlet ends, unless otherwise directed by the Norfolk District on a case-by-case basis. These conditions remain applicable to all new and replacement road crossing pipes and culverts, and can be found at the following link:

<http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/NWP2007/2007%20Nationwide%20Permits%20Regional%20Conditions.pdf>

Guidelines for certain types of pipe maintenance

- 1) If a metal sleeve is being installed inside an existing pipe without any discharge of fill material, and the waterway is not navigable, the work does not require a Corps permit.
- 2) If a metal sleeve is being installed inside an existing pipe and rests on the bottom of the pipe, and a discharge of fill is needed for the project, and no concrete apron is constructed, the work may qualify for a NWP without notification to the Norfolk District.
- 3) Otherwise, if any discharge of fill material will occur in conjunction with the pipe maintenance, such as concrete being pumped into an existing deteriorated pipe for stabilization, then the following guidelines apply:
 - A) If the existing pipe or line of pipes are NOT currently countersunk:
 1. As long as the inlet and outlet invert elevations of at least one pipe located in the low flow channel are not being altered, then the work may proceed under a NWP for the other pipes, provided it complies with all other NWP General Conditions, including Condition #9 for Management of Water Flows. In such cases,

coordination with the Norfolk District is not required, unless specified in the NWP Conditions for other reasons.

2. Otherwise, the work must be coordinated with the Norfolk District to determine whether or not it meets the conditions of the NWPs. For all such projects, the following information should be provided:
 - a. Photographs of the existing inlet and outlet;
 - b. A measurement of the degree to which the work will raise the invert elevations of both the inlet and outlet of the existing pipe;
 - c. The reasons why other methods of pipe maintenance are not practicable (such as metal sleeves or a countersunk pipe replacement);
 - d. Depending on the specific case, the Norfolk District may discuss potential fish usage of the waterway with the Virginia Department of Game and Inland Fisheries (DGIF)
3. If the Norfolk District determines that the work qualifies for a NWP, the applicant must install stone at the inlet and/or outlet of the pipe, to ensure the appropriate stream bottom slope relative to the existing bottom upstream and downstream of the pipe. Concrete aprons are not acceptable for this purpose, as they tend to exacerbate erosion and provide no habitat value.
4. If the Norfolk District determines that the work does NOT qualify for a NWP, the applicant will be directed to apply for either an LOP-1 permit (applicable only for VDOT projects) or an individual permit. However, it is anticipated that the applicant will still be required to perform the work such that the waterway is not blocked or restricted to a greater degree than its current conditions.

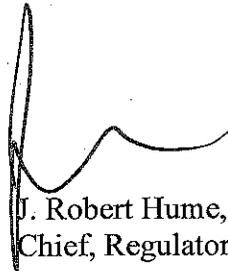
- B) If the existing pipe or at least one pipe in the line of pipes IS countersunk and at least one pipe located in the low flow channel will continue to be countersunk, and no concrete aprons are proposed: No coordination with the Norfolk District is required, unless specified in the NWP Conditions for other reasons.
- C) If the existing pipe or at least one pipe in the line of pipes IS countersunk and no pipe will continue to be countersunk in the low flow channel: The work cannot be performed under the NWPs. The applicant will be directed to apply for either an LOP-1 permit (applicable only for VDOT projects) or an individual permit. However, it is anticipated that the applicant will still be required to perform the work such that the waterway is not blocked or restricted more so than its current conditions.
- D) Emergency situations: In the case of an emergency situation, a permittee is encouraged to follow the above guidelines at the time of repair. However, if conditions or timeframes do not allow for compliance with the procedure outlined herein, then the pipe can be repaired as it was before the washout, but the permittee will have to come back and replace or reconstruct the

pipe/culvert in accordance with these guidelines. In other words, the repair of the pipe is viewed as a temporary fix, and an appropriate repair should be made at the earliest possible date. The Norfolk District must be notified of all pipes/culverts that are repaired without compliance with these guidelines at the time that the repair occurs, even if it is an otherwise non-reporting activity, and must provide the permittee's planned schedule for following these procedures and constructing an appropriate repair (it is acceptable to submit such notification by email).

Nothing in this notice should be construed to assume that the Norfolk District does not support or will not allow needed maintenance and repair of existing pipe crossings. It is the applicant's responsibility to determine whether or not a road crossing needs maintenance or repair, and/or to close unsafe roads to traffic.

Questions regarding these guidelines may be directed either to Ms. Kathy Perdue at (757) 201-7218 (Kathy.S.Perdue@usace.army.mil), or Ms. Alice Allen-Grimes at (757) 201-7219 (Alice.W.Allen-Grimes@usace.army.mil).

FOR THE DISTRICT COMMANDER:

A handwritten signature in black ink, appearing to read 'J. Robert Hume, III', written over a vertical line.

J. Robert Hume, III
Chief, Regulatory Office