



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

REPLY TO
ATTENTION OF

December 5, 2013

2013 DEC 6 PM 1 05

WISCONSIN DOT PROJECT

Operations
Regulatory (2009-04659-JRS)

Mr. Andrew Fulcer
Wisconsin Department of Transportation
944 Vanderperren Way
Green Bay, Wisconsin 54304

Dear Mr. Fulcer:

We have completed our review of the Wisconsin Department of Transportation pre-construction notification to discharge fill material into 0.63 acre of wetland adjacent to the Fox River for the purpose of constructing the STH 96 Bridge in Wrightstown, Wisconsin (Project I.D. 4075-28-71). The project will also result in the discharge of fill material into 0.09 acre of the Fox River for bridge piers 2-6. The project also includes temporary impacts to 1.28 acres of wetland adjacent to the Fox River and 3.09 acres of the Fox River for construction access. The project site is in Section 2, T. 21N., R. 19E., Brown County, Wisconsin.

This work, shown on the attached drawings labeled: 2009-04659-JRS, 1 of 2 through 2 of 2, is authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act by category a.4 (Wisconsin DOT Projects) of Department of the Army General Permit (GP-003-WI) PROVIDED THE ENCLOSED CONDITIONS ARE FOLLOWED. Projects authorized under Section 404 of the Clean Water Act by GP-003-WI are not valid unless and until SECTION 401 WATER QUALITY CERTIFICATION or waiver is received from the Wisconsin Department of Natural Resources (WDNR).

You should contact **Jim Doperalski** of the WDNR office at (920) 662-5119, concerning water quality certification.

The following special conditions are part of this authorization:

1. The compensatory mitigation proposed pursuant to the WDNR/Wisconsin Department of Transportation cooperative agreement will satisfy the Corps compensatory mitigation requirements. The Corps requires a minimum of 1.35 acres of wetland credit be debited from the Peshtigo Brook Phase 2 mitigation bank located in Oconto County, Wisconsin.

2. All areas temporarily impacted (wetland and waterway) for construction access should be returned to pre-construction conditions upon completion of work. The impacted wetland areas shall be restored in accordance with the guidelines set forth in the applicable wetland restoration sections of the Special Provisions document provided in the application. The wetland areas should be monitored for two full growing seasons after removal of fill material. The applicant shall provide monitoring updates no later than December 31 following each monitored growing season.
3. The permittee shall insure that none of the work performed to construct, operate or maintain this project (including preparatory work, staging, site clean-up and restoration work) causes impacts (including non-jurisdictional impacts such as drainage or non-point source sedimentation) to other waters or wetlands except those impacts expressly allowed by this Corps permit. Prior to any land disturbance at the site, the wetland areas that are to remain undisturbed shall be clearly marked in the field so that boundaries are visible to equipment operators.
4. Temporary causeways within the Fox River shall be lighted to effectively alert any persons navigating the river of their location.
5. You are responsible for insuring that whoever performs, supervises, or oversees any portion of the physical work associated with the construction of the project has a copy of, is familiar with, and complies with all the terms and conditions of this permit.

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This General Permit is valid until December 31, 2017, unless reissued, or revoked. The time limit for completing the work described above ends on that date. It is the permittee's responsibility to remain informed of changes to the General Permit program. If this authorized work is not undertaken within the above time period, or the project specifications have changed, our office must be contacted to determine the need for further approval or re-verification.

It is your responsibility to ensure that the work complies with the terms of this letter and the enclosures **AND TO OBTAIN ALL REQUIRED STATE AND LOCAL PERMITS AND APPROVALS BEFORE YOU PROCEED WITH YOUR PROJECT.**

A preliminary jurisdictional determination (JD) has been prepared for the site of your project. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps representative identified in the final paragraph of this letter. You also may provide new information for further consideration by the Corps to reevaluate the JD. If this JD is acceptable, please sign and date both copies of the Preliminary Jurisdictional Determination form and return one copy to the address below within 15 days from the date of this letter.

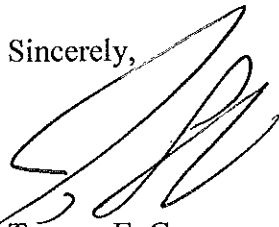
U.S. Army Corps of Engineers
St. Paul District
211 North Broadway, Suite 221
Green Bay, Wisconsin 54303

Operations
Regulatory (2009-04659-JRS)

- 3 -

If you have any questions, contact Joey Shoemaker in our Green Bay Field Office at (920) 448-2824. In any correspondence or inquiries, please refer to the Regulatory number shown above.

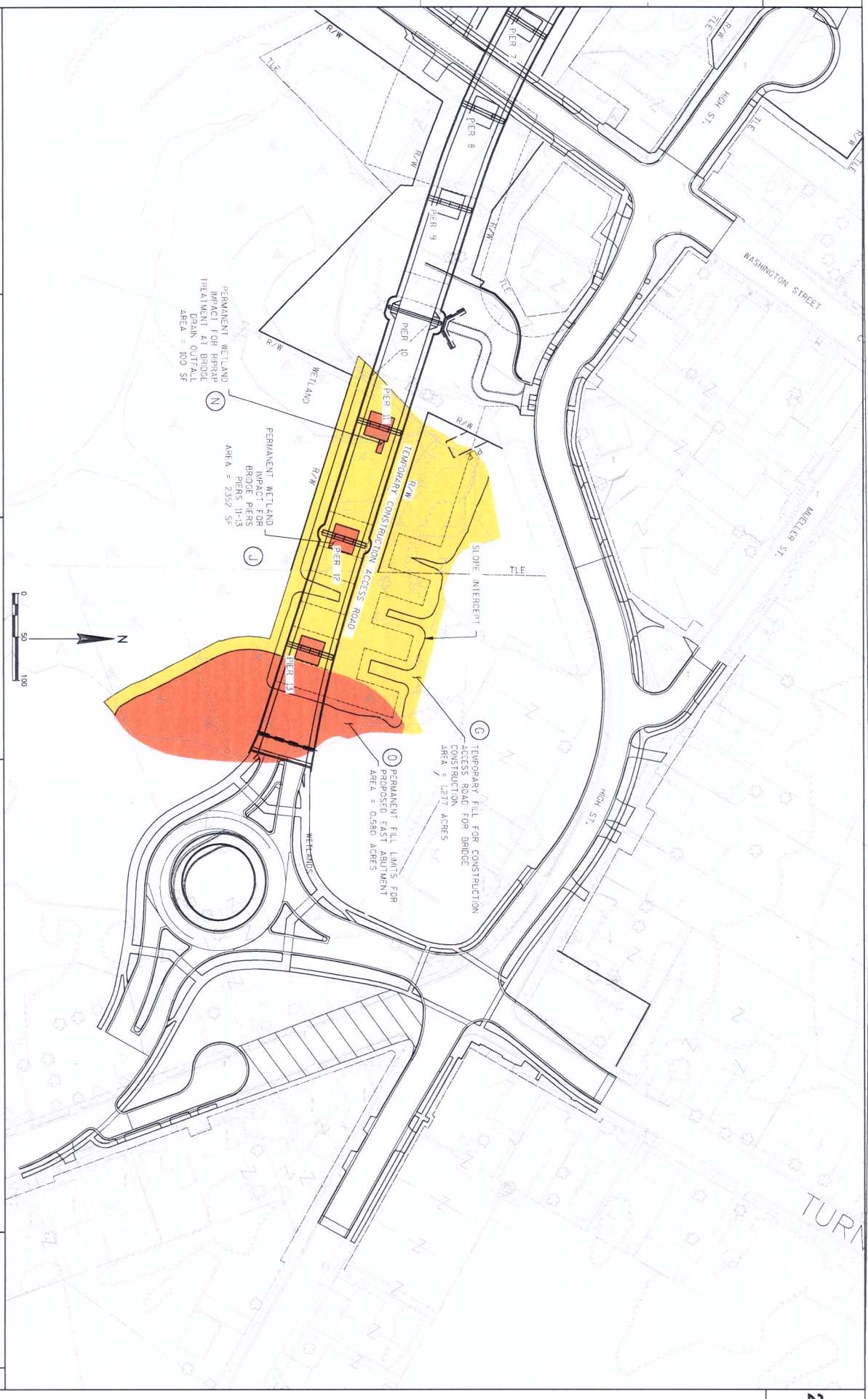
Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Enclosures

Copy furnished to:
Jim Doperalski, WDNR
Steven Popke, Mead & Hunt



PROJECT NO: 4075-28-71	HWY: STH 96	COUNTY: BROWN	TRAFFIC CONTROL: PERMITTED CONSTRUCTION AREAS	SHEET
FILE NAME : \\S:\023050\113859\DIVISION\CONVIL\CONVIL\30\4075\800\SHEET\PLAN\40752871_0250XX.TC.DWG PERMIT: 166				
PLOT DATE : 7/11/2013 1:58 PM PLOT BY : JACQUEA BOGELL PLOT NAME : PLOT SCALE : *****				
				E

MVP-2009-04659-JRS
Permit Drawings

GP-003-WI CONDITIONS

GENERAL INFORMATION

Persons proposing to do work should note that, in ALL cases, GP-003-WI requires that adverse impacts on water and wetland resources be avoided and minimized to the maximum extent practicable. Also, activities that would adversely affect federal endangered plant or animal species or certain cultural or archaeological resources, or that would impair reserved Native American tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights, are not eligible for authorization under GP-003-WI.

GP-003-WI applies to certain activities in waters of the United States, including wetlands, as described herein, in the state of Wisconsin except within the exterior boundaries of Indian Reservations. In general, GP-003-WI may be used for activities whose purpose is to construct, expand, modify, or improve transportation projects (e.g., roads, highways, railways, airport runways, and taxiways) in waters of the United States. Unless otherwise noted, GP-003-WI may be used to authorize these activities pursuant to the following authorities:

Section 404 of the Clean Water Act (33 U.S.C. 1344): for discharges of dredged or fill material into waters of the United States; and

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403): for work and structures that are located in, under or over any navigable water of the United States that affect the course, location, condition, or capacity of such waters, or the excavation from or deposition of material in such waters.

Further Information:

1. Bridges over navigable waters of the United States would also require authorization from the United States Coast Guard pursuant to a Memorandum of Agreement between the United States Army Corps of Engineers and the United States Coast Guard with regard to Section 9 of the Rivers and Harbors Act of 1899.
2. Limits of the GP-003-WI authorization:
 - (a) This GP does not obviate the need to obtain other federal, state, or local authorizations required by law.
 - (b) This GP does not grant any property rights or exclusive privileges.
 - (c) This GP does not authorize any injury to the property or rights of others.
 - (d) This GP does not authorize interference with any existing or proposed federal project.
3. In authorizing work using GP-003-WI, the Federal Government does not assume any liability, including damages to, and due to, the following:
 - (a) The permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - (b) The permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - (c) To persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - (d) Design or construction deficiencies associated with the permitted work.
 - (e) Claims associated with any future modification, suspension, or revocation of this permit.
4. The determination by this office that a confirmation of authorization is not contrary to the public interest will be made in reliance on the information provided by the applicant.
5. This office may reevaluate its decision on an authorization at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - (a) The applicant fails to comply with the terms and conditions of this general permit.
 - (b) The information provided by the applicant proves to have been false, incomplete, or inaccurate.
 - (c) Significant new information surfaces which this office did not consider in the original public interest decision.A reevaluation may result in a determination to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate.
6. This office may also reevaluate its decision to issue GP-003-WI at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following: significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7.

GP-003-WI CONDITIONS

Department of the Army Permit General Conditions:

1. Pre-Construction Notification (PCN). GP-003-WI requires project proponents notify the district engineer by submitting a PCN prior to beginning work. It is recommended that applicants use the joint state-federal application form that is available from the Corps and WDNR offices and on the websites of both agencies to submit PCN information. The PCN must be in writing, and must include the information described in section 1.a.3 above, as well as any applicable information identified in section 2.c. The Corps will determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request additional information necessary to make the PCN complete. The prospective permittee shall not begin the activity until either:

(a) He or she is notified in writing by the Corps that the activity may proceed under GP-003-WI with any special conditions imposed by the Corps; or

(b) 45 calendar days have elapsed from the Corps receipt of the complete PCN and the prospective permittee has not received written notice from the Corps. This deadline is only applicable to proposed projects otherwise eligible for authorization under category 2.a.1 of GP-003-WI, and is NOT applicable for projects otherwise eligible for authorization under categories 2.a.2 and 2.a.3 of GP-003-WI.

2. Duration of Authorization. GP-003-WI expires on December 31, 2017. Unless otherwise specified in the Corps letter confirming your project complies with the requirements of this GP, the time limit for completing work authorized by GP-003-WI ends upon the expiration, suspension, or revocation date of this GP-003-WI (2012-01422-DJM). Activities authorized without a Corps confirmation letter under category 2.a.1 that commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the GP-003-WI expiration, suspension, or revocation; whichever is sooner. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least three months before the expiration date is reached.

3. Special Conditions. The Corps may impose special conditions on projects authorized under categories 2.a.2 and 2.a.3 of GP-003-WI that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Such conditions will be specifically identified in any Corps confirmation letter. Failure to comply with all conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties, and/or restoration.

4. Maintenance and Transfer. You must maintain the activity authorized by GP-003-WI in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain an activity authorized by GP-003-WI, or abandon it without a good faith transfer; you must obtain a modification of the authorization from this office, which may require restoration of the area. If you wish to transfer responsibility for completion or maintenance of the project to another entity, please contact this office so we may document the transfer of the authorization.

5. Historic Properties, Cultural Resources. Project proponents shall notify the Corps if any historic properties listed, determined eligible, or which the project proponent has reason to believe may be eligible for listing on the NRHP, might be affected or is in the vicinity of the project. Information concerning the location and existence of cultural resources may be obtained by contacting the State Historic Preservation Office (SHPO) at (608) 264-6505, the NRHP, and the appropriate tribal government.

(a) No activity which may affect historic properties listed, or eligible for listing, on the NRHP is authorized by GP-003-WI, until the Corps has complied with the provisions of 33 CFR Part 325, Appendix C.

(b) If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the Corps, SHPO and/or Tribal Historic Preservation Office (THPO) must be contacted for further instruction. If you discover any previously unknown historic or archaeological remains while accomplishing any activity authorized by GP-003-WI, you must immediately stop work and notify this office of what you have found. The Corps will initiate the coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing on the NRHP.

6. Site Access. You must allow representatives from this office to inspect the project site and the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of GP-003-WI.

7. Navigation. The following conditions are part of all Corps authorizations under Section 10 of the Rivers and Harbors Act:

(a) No activity may cause more than a minimal adverse effect on navigation, and there shall be no unreasonable interference with navigation by use of the activity authorized herein.

(b) Any safety lights and signals prescribed by the United States Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

GP-003-WI CONDITIONS

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

8. Discretionary Authority. The Corps retains discretionary authority to require a standard individual permit review of any activity eligible for authorization under GP-003-WI based on concern for the aquatic environment or for any public interest factor.

9. Federal Trust Responsibility to Indian Tribes. Projects the Corps finds to have potential to affect tribal interests will be coordinated with the appropriate Indian Tribal governments. The Tribe's views and the federal trust responsibility will be considered in the Corps evaluation. Based on treaty rights, no activity or its operation may impair reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

10. Form and Confirmation of Authorization. All GP-003-WI authorizations under categories 2.a.2 and 2.a.3 must be verified in writing by the Corps. Any confirmation issued may include special conditions.

11. Avoidance and Minimization. Impacts to waters of the United States must be avoided and minimized to the maximum extent practicable (please see 1.a.10, above for the definition of practicable).

12. Water Quality Standards. All work or discharges to a watercourse resulting from GP-003-WI authorized construction activities, particularly hydraulic dredging, must meet applicable federal, state, and local water quality and effluent standards on a continuing basis. Water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse must be identified and sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality. Installation of intake structures that are not directly associated with an outfall structure or outfall structures that are not in compliance with regulations issued under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act) are not eligible for authorization under GP-003-WI.

13. Erosion and Siltation Controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved published practices as described in NR 216 of Wisconsin Administrative Code. Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion. Cofferdams shall be constructed and maintained so as to prevent erosion into the water. If earthen material is used for cofferdam construction, sheet piling, riprap or a synthetic cover must be used to prevent dam erosion. All non-biodegradable erosion controls must be removed within two weeks of site stabilization unless otherwise noted in the Corps GP-003-WI confirmation letter.

14. Removal of Temporary Fills. All temporary fills must be entirely removed and the affected areas returned to their preexisting elevation and hydrology. The timeframe for completing this removal shall be:

- (a) Not later than the timeframe stipulated in the activity description (unless modified in writing by our office);
- (b) Not later than the timeframe stipulated in our office's GP-003-WI confirmation letter; or
- (c) Not longer than two weeks from the date the temporary fill was placed in waters of the United States (condition (c) applies only if a timeframe is not otherwise established by applying (a) or (b) above).

15. Federal Threatened and Endangered Species. Prospective permittee's shall notify the Corps if any federal threatened and endangered (protected) species or critical habitat might be affected or is in the vicinity of the project. Information about protected species may be obtained by contacting the United States Fish and Wildlife Service (FWS) at (920) 866-1717. The Corps website (<http://www.mvp.usace.army.mil/regulatory/>) also contains a link to the FWS list of protected species for each Wisconsin county.

(a) No activity is authorized by GP-003-WI which is likely to jeopardize the continued existence of a protected species or a species proposed for such designation, as identified under the Endangered Species Act (ESA) or which is likely to destroy or adversely modify the critical habitat of such species, unless those activities are determined to comply with the applicable procedures of Section 7 of the ESA.

(b) Authorization of an activity under GP-003-WI does not authorize the take of a protected species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the FWS, both lethal and non-lethal takes of protected species are in violation of the ESA.

GP-003-WI CONDITIONS

16. Spawning Areas. Activities, including discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
17. Obstruction of High Flows. To the maximum extent practicable, activities authorized by GP-003-WI must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
18. Adverse Effects from Impoundments and Diversions of Water. If the activity authorized creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable. GP-003-WI may not be used to authorize all or any portion of a project that would divert more than 10,000 gallons/day of surface water or groundwater into or out of the Great Lakes Basin.
19. Waterfowl Breeding Areas. Impacts to breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
20. Aquatic Life Movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.
21. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
22. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering waters of the United States. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.
23. Disposal Sites. If dredged or excavated material is placed on an upland disposal site (above the ordinary high-water mark), the site must be securely diked or contained by an acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. Construction of containment areas, whether bulkhead or upland disposal site, must be complete prior to the placement of any dredged material.
24. Suitable Fill Material. All fill (including riprap), if authorized under this permit, must consist of suitable material (e.g. no trash, debris, car bodies, asphalt, etc.,) free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
25. Spill Contingency Plan. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the state Emergency Management Duty Officer at 1-800-943-0003 and the National Response Center at the United States Coast Guard at 1-800-424-8802.
26. Other Permit Requirements. A Corps GP-003-WI authorization does not eliminate the need for other local, state or federal authorizations, including but not limited to National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits.
27. State of Wisconsin Section 401 Water Quality Certification. The Wisconsin Department of Natural Resources has denied blanket issuance of water quality certification for GP-003-WI. Therefore, all projects authorized by GP-003-WI involving a discharge of dredged or fill material under Section 404 are provisional in nature and require the permittee obtain a Section 401 Water Quality Certification or waiver from the WDNR prior to starting work.
28. Wisconsin Coastal Management Program (WCMP) Conditions. The WCMP's Federal consistency determination for GP-003-WI provides that no GP-003-WI authorization for an activity taking place in coastal wetlands identified as ridge and swale complexes and/or wetlands adjacent to the Mink River (Door County), and the Kakagon and Bad Rivers (Ashland County) will be valid unless and until a Federal consistency determination is granted or waived by the WCMP. This requirement therefore is incorporated as a permit condition of GP-003-WI. Applicants will be notified of this condition in the Corps's GP confirmation letter for projects in these areas.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

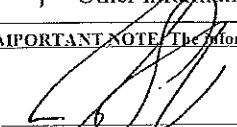
This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

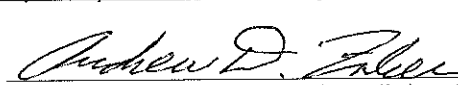
District Office	St. Paul District	File/ORM #	2009-04659-JRS	PJD Date:	Dec 5, 2013
State	WI	City/County	Wrightstown/Brown	Name/Address of Person Requesting PJD	Mr. Andrew Fulcer Wisconsin Department of Transportation 944 Vanderperren Way Green Bay, Wisconsin 54304
Nearest Waterbody:	Fox River	Location: TRS, LatLong or UTM:	Section 2, T. 21N., R. 19E.		
Identify (Estimate) Amount of Waters in the Review Area:			Name of Any Water Bodies Tidal: _____ on the Site Identified as _____		
Non-Wetland Waters: _____ Stream Flow: _____ _____ linear ft _____ width 10 acres _____ Perennial			Section 10 Waters: Non-Tidal: Fox River		
Wetlands: 3 acre(s) Cowardin Class: Palustrine, emergent			<input checked="" type="checkbox"/> Office (Desk) Determination <input type="checkbox"/> Field Determination: _____ Date of Field Trip: _____		

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Application Materials
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☐ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study: _____
- ☐ U.S. Geological Survey Hydrologic Atlas:
 - ☐ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite quad name: _____
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: _____
- ☐ National wetlands inventory map(s). Cite name: _____
- ☐ State/Local wetland inventory map(s): _____
- ☐ FEMA/FIRM maps: _____
- ☐ 100-year Floodplain Elevation is: _____
- ☐ Photographs: ☐ Aerial (Name & Date): _____
☐ Other (Name & Date): _____
- ☐ Previous determination(s). File no. and date of response letter: _____
- ☐ Other information (please specify): _____

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Signature and Date of Regulatory Project Manager
(REQUIRED) 12/5/2017


Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable) 12/8/2013

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.