APPENDIX D1 CHECKLIST - SECTION 404 & WETLAND INFORMATION

North Dakota Department of Transportation, Environmental & Transportation Services
DOT 00100 (9-2026)

Project Information

Project Control Number (PCN)	Project Number

Submittal Information

A PDF package of the wetland information is preferred. Please email a link to the MFT site or the design file where permit information is stored. Include the PCN in the subject for all emails.

The information below is needed from the plans (if applicable) for Wetland Information to Environmental which may need a Section 404 Permit Application. For Consultants, complete Part A and Part B (if needed) and submit information or questions to NDDOT Technical Support. For NDDOT Designers, complete Part A and submit information to Steve Kessler, ETS Division, Environmental Engineering Section, skessler@nd.gov. Only include information pertaining to wetlands, other waters, and mitigation.

Part A - For NDDOT Designers and Consultants

NOTE: Before providing the information, check the USACE Jurisdictional Determination letter received in response to the Jurisdictional Request to see if there are any jurisdictional wetlands. If there are no Jurisdictional wetlands, the letter will indicate a Section 404 Permit is not needed. The information below needs to be provided to the Environmental Section even if the wetlands are deemed non-jurisdictional for documentation of impacts to non-jurisdictional wetlands.

Nonreporting 404 Permit: Below is guidance for the two most common types of nonreporting Nationwide Permits used for DOT road projects. Nonreporting Permits are those that meet specific criteria to not have to submit a 404 Application to the USACE but must comply with the Nationwide Permit conditions. Skip to the Yes/No questions for report+ing permit.

An office delineation may also be needed for the temporary and permanent erosion control sheets (Section 76 and 77) for all locations if the project results in an acre or more (all work locations combined) of disturbance. Contact the Environmental Engineering Team Lead with questions.

Nonreporting NW3 404 Permit for Maintenance Work

1. A delineation is not needed for pipe lining/pipe replacements or jack and boring new pipe since they should not result in a significant change to the roadway footprint.
2. An office delineation is only needed for areas where work might result in permanent impacts such as: additional culvert footprint/ culvert extension or new riprap area (no riprap there before).
    a. The office delineation/wetland info, to be used for the NEPA document and serve as Final Wetland Information, would be a Map showing office delineated wetlands and permanent impact area on an aerial with a callout showing the acreage of permanent impact to wetlands/other waters and location for mitigation if needed.
    b. An office delineation would be a map only, a delineation report is not needed.
    c. The Map with the Wetland Info Checklist would be needed for the Section 404 and Wetland Information milestone activity and serves as final wetland info.
    d. Section 75 sheets are not needed for projects using a non-reporting NW permit.
    e. If no other permits are needed (i.e., floodplain), add PSP 1 Permits and Environmental Consideration to the plans. If other permits are needed, there will need to be a project-specific permit SP number. Contact skessler@nd.gov for the number.

Nonreporting NW57 404 Permit for Utility Work

1. A delineation is not needed for trenching.
2. An office delineation is only needed for areas where work might result in permanent impacts such as: fill to create platforms for lights or fill for a maintenance road.
    a. The office delineation/wetland info, to be used for the NEPA document and serve as Final Wetland Information, would be a Map showing office delineated wetlands and permanent impact area on an aerial with a callout showing the acreage of permanent impact to wetlands/other waters and location for mitigation if needed.
    b. An office delineation would be a map only, a delineation report is not needed.
    c. The Map with the Wetland Info Checklist would be needed for the Section 404 and Wetland Information milestone activity and serves as final wetland info.
    d. Section 75 sheets are not needed for projects using a non-reporting NW permit.
    e. If no other permits are needed (i.e., floodplain), add PSP 2 Permits and Environmental Consideration to the plans. If other permits are needed, there will need to be a project-specific permit SP number. Contact skessler@nd.gov for the number.

◯Yes ◯No	Will the work temporarily or permanently impact existing wetlands? If Yes, please give a brief description of what caused the impacts (for example: widening, culvert extension, temporary bypass, etc.) and proceed through the checklist and include the applicable information. If No, please give a brief explanation and proceed to the signature line.
Brief Explanation	

Cubic yards of fill in jurisdictional wetlands

Cubic yards of earthen fill	Cubic yards of riprap fill

◯Yes ◯No	Has Avoidance and Minimization of wetland impacts been incorporated into the design?
Explain how below	
◯Yes ◯No	Are there any construction easements or new right of way for the project?
◯Yes ◯No	If yes, are these areas within the original wetland delineation limits? If no, a field or office delineation will be needed to extend the wetlands/other waters. Contact your NDDOT Technical Support person or ETS Division Section 2. Environmental Engineering Section will work with the USACE to determine the type of delineation needed.
◯Yes ◯No	Are the wetlands in the construction easement outside the Right of Way (ROW) in a United States Fish and Wildlife Service Easement? If yes, see Appendix D - USFWS Special Use Permit Application to Environmental Checklist.
◯Yes ◯No	Are all impacts covered under the NEPA document?
◯Yes ◯No	Is the work on a reservation?
◯Yes ◯No	Is the work on United States Army Corps of Engineers (USACE) property?

Include the items below in the information submittal package:

- ☐ Wetland Information to Environmental Checklist (Completed)
- ☐ Title Sheet
- ☐ Scope of Work
- ☐ Existing Typical Section(s) that includes areas with wetlands
- ☐ Proposed Typical Section(s) that includes areas with wetlands
- ☐ Allowable Pipe List (if available)
- ☐ Section 75, 76, and 77 Sheets (only sheets pertaining to wetland impacts and on-site mitigation information)
    1. See CADD Manual for information needed on the Section 75 Sheet.
    2. Include temporary work such as bypasses or cofferdams.
    3. Sheets should be in color for the application (Section 75, 76, and 77).
    4. Onsite Wetland Mitigation (Section 75 sheets).
        a. Show and label bottom contour elevation of intended mitigation area.
        b. Include a typical section on the Section 75 sheet depicting slopes and mitigation limits if the cross sections do not show enough information such as transition slopes.
        c. Include X, Y coordinates of the mitigation area.
        d. Onsite mitigation should be based on survey and field delineation data. If a field delineation and/or survey is not completed, contact Technical Support or Environmental Engineering Section.
        e. Verify there are not utilities within the mitigation area.
        f. Include in the cross sections.
- ☐ Bridge or Box Culvert Detail Sheet
- ☐ Cross Sections (only sheets pertaining to wetlands and mitigation)
    1. Include the delineated wetland on the proposed cross sections.
    2. Include the onsite mitigation area (if applicable). Enough cross sections should be cut to clearly show beginning and end of the area along with the elevation. For example, cross sections should be cut at the beginning, center, and end of each mitigation site.
    3. Include existing water line for deep water areas. (Water greater than 6.6 feet deep)
- ☐ Additional sheets that show wetland impact details (i.e, culvert extension detail riprap detail, causeways, temporary bypass, and slope flattening detail.)

Part B - For NDDOT Consultants (if a USACE Section 404 Permit is required): Permit Application submittal should include only two attachments, a permit package (pdf) with no fly sheets and the editable 404 application form.

- ☐ Signed CATEX Form or signature page of NEPA document (if applicable)
- ☐ SHPO Concurrence
- ☐ ESA Compliance (ESA Table and any additional correspondence)
- ☐ USACE Permit Application. USACE Application Forms are found on the USACE website. The Nationwide permit application form is the most common and used for typical CATEX projects. The individual Permit Application form is usually for EIS and EA level environmental documents.

  See Appendix C for examples/templates.

Part B (Continued)

☐ 12 Components of Mitigation (if onsite mitigation is required for the USACE).

See Appendix C for 12 Component examples/templates.

1. Onsite mitigation area shown on an aerial photo. This should include north arrow, mitigation polygon, mitigation acreage, delineated wetlands, section, township, range, county, reference point, latitude, and longitude.
2. Onsite mitigation shapefiles should be submitted along with permit information. The shapefiles should be polygons and have Project Number, Project Control Number (PCN), and acreage attributes filled out (if applicable). See link for example attributes and ArcPad files.
3. Pre-construction photos of the onsite mitigation area. See last page of the checklist for template.

Below is guidance to aid in plan development for most cases but depending on the significance and size of impact other measures may be needed on a case-by-case basis.

Culvert Sinking: See current North Dakota Regional Conditions for culvert sinking requirements ***https://www.nwo.usace.army.mil/Missions/Regulatory-Program/North-Dakota/Nationwide-Permits***

Permanent Wetland Impact Description: Permanent wetland impacts change any of the existing wetland area into an upland area. For example, placing fill beyond the existing toe of slope. A cut that would cause a change in wetland class or draining a wetland can also be considered a permanent wetland impact.

Temporary Wetland Impact Description: Temporary impacts result from temporary fills placed in the wetland during construction. For example, temporarily stockpiling topsoil in the ditch bottom. All fills must be removed to original contour elevation. Examples: Temporary stockpiles, cofferdams, bypasses, etc. All temporary fills need to be removed to preconstruction contours to be considered temporary.

Onsite Mitigation: (Note that in most cases the USACE does not allow onsite mitigation when there are banks available.) Verify there is sufficient hydrology, and the soils are suitable to pond water (unless ground water is the hydrology source) to ensure that the creation is viable. A minimum of 10 acres of drainage area to support 1 acre of wetland can be used to determine hydrology.

The final elevation of the mitigation area should match the lowest elevation of the existing wetland or be set to 1' below invert elevation of the control structure in the wetland to pond water long enough to establish a wetland (consult with ETS for elevation). Wetland mitigation areas should be seeded with a wetland seed mix. The mitigation area acreage should only include the excavated bottom contour and should not include wetlands assumed to establish on the inslope transition.

Mitigation created at the same wetland impacted receives a Minimum 1:1 ratio. Mitigation not created at the same wetland impacted receives 2:1. If restoring a wetland, the ratio is 1:1. See Appendix B7 for additional mitigation information.

Ditch Shift: Ditch Shifts are areas where the ditch bottom is widened typically by excavating the backslope that allows the establishment of additional wetlands beyond what is existing. A ditch shift offsets wetland losses from the placement of fill within a jurisdictional ditch wetland or a ditch wetland that is part of a single complete and distant resource that triggers the mitigation thresholds. A ditch shift can only offset a created wetland loss and does not apply to the natural portion of a resource. A ditch shift will need to be labeled in the table and in the plan sheets, eg..Site 1, Site 2..etc..with the acreage noted in the ditch shift column of the wetland impact table. Ditch shifts do not require a 12 component mitigation plan, do not have future protections, but will need to be monitored once with a site photo to prove that it is functioning.

Inslope Wetland Guidance: Generally, wetlands which have developed on the roadway inslope do not require mitigation and should be removed (clipped) from the wetland shape. See Appendix B7, Roadway Footprint, for additional information.

Common Errors and Omissions: Below is a list of common errors in submittals of wetland information:

1. Guidance referenced above is not used.
2. Wetland tables are not added up correctly and wetland impact table example, Appendix A5, is not used. For example, the total in the wetland column for mitigation, temporary impacts, or permanent impacts do not match the summary tables.
3. Impacts per single and complete crossing concept are not applied. Plan for cumulative impact per resource, not total project impact, when determining mitigation.
4. Mitigation thresholds not applied correctly. Wetland mitigation threshold is greater than 0.1 acre and other water stream threshold is greater than 0.03 acre.
5. The milestone due dates of when final wetland/permit information is to be submitted are not adhered to.
6. QC/QA is not conducted prior to submittal. Consultants may be asked to provide QC/QA documentation (i.e. internal redlines or correspondence) prior to Department approval of final submittals.

Designer	Date
QC/QA Reviewer	Date
Consulting Firm	