

Information Needed for the Milestone Activity: Section 404 and Wetland Information

Project Number: _____

PCN: _____

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.

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, Section 2, 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.*

Yes No Will the work temporally 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 check list and include the applicable information. If No, please give a brief explanation and proceed to the signature line.

Cubic Yards of fill in jurisdictional wetlands _____ CY Earthen; _____ CY Riprap

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 this 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. ETS will work with the USACE to determine the type of delineation needed.

- Yes No Are the wetlands in the construction easement outside the ROW in a USFWS 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 USACE property?

Include the items below in the information submittal package:

Wetland Information to Environmental Check List (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 onsite mitigation information)

- See [CADD Manual](#) for information needed on the Section 75 Sheet.
- Include temporary work such as bypasses or cofferdams

When a temporary traffic bypass culvert(s) is required to maintain flows and provide aquatic species movement for an extended period of time (greater than two weeks) the following criteria will be used (if these requirements cannot be met, contact NDDOT Bridge Division - Hydraulics Section):

- Set culverts 4” below existing streambed elevation. If more than one culvert is installed, only one needs to be installed 4” below existing streambed elevation.
 - Size culvert for a 2 year peak discharge (Q2) event, and adjust size as needed to provide a velocity of 3 ft. /sec. or less at the Q2H discharge. Q2H will be calculated as $(0.2 \text{ to } 0.4) * Q2$. Typically, it is recommended that Q2H be calculated as $0.3 * Q2$.
 - Minimize streambed and streambank impacts to the extent practicable.
 - Riprap will be placed on the temporary bypass embankment below the water line upstream and downstream.
 - Other erosion and sediment controls will be used on the temporary bypass above the water line upstream and downstream.
- Sheets should be in color for the application (Section 75, 76 and 77).

- Onsite Wetland Mitigation (Section 75 Sheets):
 - Show and label bottom contour elevation of intended mitigation area.
 - 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.
 - Include X,Y coordinates of the mitigation area
 - Onsite mitigation should be based on survey and field delineation data. If a field delineation and/or survey is not completed for you project, contact Technical Support or ETS Division Section 2.
 - Include in the cross sections. See Cross Section below.
 - Verify there are no utilities within the mitigation area.

Cross Sections (only sheets pertaining to wetlands and mitigation)

- Include the delineated wetland on the proposed cross sections.
- 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.
- 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, temporary bypass, and slope flattening detail).

If cultural avoidance areas are required in the plans they need to be listed and stated in the Environmental Notes and clearly shown and labeled “Avoidance Area” in Section 60, 75, 76, 77 and 80 plan sheets. See Jeani Borchert jborchert@nd.gov for wording of the environmental note, and locations of fencing or other methods needed in the plans. Include the following from the final plan set as a separate pdf package titled Cultural Avoidance (only include sheets pertaining to cultural avoidance) and submit to Jeani:

- Section 6 - Environmental Notes
- Section 60 - Plan & Profile
- Section 75 – Wetlands, Mitigation and Environmental
- Section 76 – Temporary Sediment and Erosion Control
- Section 77 – Permanent Sediment and Erosions Control
- Section 80 - Fencing Layouts

Part B – For Consultants (if a USACE Section 404 Permit is required)

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](#) 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 used for EIS and EA level environmental documents.

See [Appendix C](#) for permit examples/templates.

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

See [Appendix C](#) for 12 component examples/templates.

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.

Onsite mitigation shape files should be submitted along with the permit information. The shape files should be polygons and have Project number, PCN, and acreage attributes filled out (if applicable). See [link](#) for example attributes and ArcPad files

Preconstruction 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: Regional Condition 6. Counter-Sinking Culverts and Associated Riprap requires culvert (round culverts and box culverts) located on intermittent and perennial streams be lowered using the criteria in the table of the Regional Condition 6. See Regional Condition 6 below.

Intermittent and perennial streams are delineated as Other Waters and will be in the Other Water table with “stream” listed as the other water type. Streams may also be delineated as a mosaic wetland and will be shown in the wetland table with “mosaic” listed as the wetland type.

When placing new culverts (round culvert or box culvert) the designer will look at the Other Water table for streams or the Wetland Table for mosaics supplied by Environmental Section to determine if that culvert is on a delineated Other Water Stream or a Mosaic Wetland. This should be straight forward for streams in the other water table. For mosaics contact the environmental section to determine if it meets the criteria of a stream or for any other questions or guidance on this condition.

Regional Condition 6:

6. Counter-Sinking Culverts and Associated Riprap – All Nationwide Permits

In streams with intermittent or perennial flow and a stable stream bed, culvert stream crossings shall be installed with the culvert invert set below the natural streambed according to the table below. This regional condition does not apply in instances where the lowering of the culvert invert would allow a headcut to migrate upstream of the project into an unaffected stream reach or result in lowering the elevation of the stream reach.

Riprap inlet and outlet protection shall be placed to match the height of the culvert invert.

Culvert Type	Drainage Area	Minimum Distance Culvert Invert Shall Be Lowered Below Stream Flow Line
All culvert types	≤ 100 acres	Not required
Pipe diameter <8.0 ft	100 to 640 acres	0.5 ft
Pipe diameter <8.0 ft	>640 acres	1.0 ft
Pipe diameter ≥ 8.0 ft	All drainage sizes	1.0 ft
Box culvert	All drainage sizes	1.0 ft

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 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. Temporary impacts may also depend on time. Any impacts lasting longer than 180 days may not be considered temporary and may require mitigation for the temporary loss of function.

Onsite Mitigation: 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 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.

Impacts Other Waters (OW) are measured parallel with the stream for streams and rivers or perpendicular to the roadway for a basin. Contact ETS for further guidance.

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

- Guidance referenced above is not used. For example, wetlands are shown in the cross sections and the inslope wetland guidance above is not used.
- 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.

Designer: _____ Date: _____

QC/QA Reviewer: _____ Date: _____

Consulting Firm: _____

Mitigation Site Photography

A representative number of photographs shall be taken depicting the onsite wetland mitigation site. Use following photo template to document preconstruction photo information.

	<p>Photo #: By: Adjacent wetland number (if applicable): Latitude: Longitude: Direction photo was taken: Date/Time Taken:</p>
	<p>Photo #: By: Adjacent wetland number (if applicable): Latitude: Longitude: Direction photo was taken: Date/Time Taken:</p>