

# 404 Permit Application

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Environmental & Transportation Services  
North Dakota Department of  
Transportation

# 404 Permit Application Checklist

- **Design Manual - Reference and Forms:**
  - Appendix D1 and D2 – Environmental Information (Chapter 2 Section 4 Appendix)
- **Checklist:**
  - Outlines what is needed in the plan set and the 404 permit application.
  - Also functions as final wetland information to ETS when there are no jurisdictional impacts and a 404 permit is not required

For more information on environmental permitting and permit checklists:

<https://www.dot.nd.gov/divisions/environmental/permits.htm>

**Information Needed for the Milestone Activity:** *Wetland Information to Environmental and/or 404 Permit Application to Environmental*

**Project Number:** \_\_\_\_\_

**PCN:** \_\_\_\_\_

Below is a list of information needed from the plans (if available) for the Section 404 Permit application and/or Final Wetland Information to Environmental. Please complete and submit information to NDDOT Technical Support. Any questions on the information can be sent Technical Support. Only include information pertaining to wetlands, other waters, and mitigation.

- *A pdf of the wetland information is preferred. Please email a link to the ftp site or the design file where permit information is stored.*
- *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.*

**Y / N** 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.

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**Y / N** Has Avoidance and Minimization of wetland impacts been incorporated into the design?

**Y / N** Is there any construction easements or new right of way for this project?

**Y / N** If yes, are these areas within the wetland delineation area?

- If no, a field or office delineation will be needed to extend the wetlands.

**Y / N** Are the wetlands in the construction easement outside the ROW in a USFWS Easement?

- If yes, see USFWS General Special Use Permit / Easement Exchange Checklist.

**Y / N** Are all impacts covered under the NEPA document?

**Y / N** Is the work on a Reservation?

**Include the items below in the information submittal:**

\_\_\_ Wetland Information and 404 Permit Application 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 Sheets (only sheets pertaining to wetland impacts and onsite mitigation information)
  - Include and label limits of construction.
  - Include the delineated wetlands and other waters. (Delineations include wetlands and other special aquatic sites such as lakes and ponds, and perennial, intermittent, ephemeral streams, and other waters.)
  - Label named streams, rivers, sloughs, and lakes
  - Include deep water impact (fill placed in water greater than 6.6 feet below existing water line) hatching and other water hatching per CADD standards.
  - Include permanent and/or temporary wetland impact hatching per CADD standards. *See descriptions below.*
  - Include temporary and permanent impact acreage or linear feet.
  - Include permanent sediment and erosion control measures that will prohibit vegetative growth within an existing wetland (i.e. riprap, rock checks, hard armored ditches, etc.)
  - Include onsite mitigation per CADD standards (if applicable), contour elevations, typical section, and northings and eastings should be included to clearly show where and how to construct the mitigation. *See descriptions below.*
  - Include the wetland and other water numbers from the wetland impact table.
  - Include the north arrow.
  - Include the township, section, and range
  - Include existing right of way, proposed right of way, and construction easements.
  - Include existing and proposed pipes, box culverts, and bridges. Include the culvert labels indicating type, size, and length.
  - Include flow lines.
  - Include temporary work such as bypasses or cofferdams
    - If a temporary bypass or other method used to block stream flows for construction is needed, culvert(s) will need to be installed to maintain flow. If the culvert(s) is to be in place for greater than 2 weeks please use the sizing criteria below. If a velocity of 3 ft/sec at the QH discharge cannot be achieved, please contact the NDDOT technical support contact. Bridge Division and ETS Division will review any cases which can't be made to comply with these guidelines.
      - Set culverts 4" below existing stream bed 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 QH discharge. QH will be calculated as  $(0.2 \text{ to } 0.4) * Q2$ . Typically, it is recommended that QH be calculated as  $0.3 * Q2$ .
      - Riprap should be placed on the embankment upstream and downstream below the water line. Other erosion and sediment controls should be used on the temporary bypass above the water line upstream and downstream.

- Sheets should be in color for the application.
  - Cultural avoidance areas labeled “Avoidance Area” and hatched. (if applicable)
  - Onsite Wetland Mitigation:
    - Use CADD standards for line styles and hatching.
    - Show bottom contour elevation of intended mitigation area.
    - Include a typical section on the Section 75 sheet depicting slopes and mitigation limits.
    - Onsite mitigation should be based on survey and field delineations data. If a field delineation and/or survey is not completed for you project contact Technical Support.
    - Include in the cross sections. See Cross Section below.
    - Verify there are no utilities within the mitigation area.
  - Minimization: Lowering Box Culverts and Riprap:
    - Per agency agreement lowering a box culvert and riprap 1 foot below the channel elevation is considered minimization (a form or mitigation) since this practice allows for fish and invertebrates to pass in low flow situations. Therefore, compensatory mitigation will not be required for the box and riprap (up to 60 linear feet riprap total upstream and downstream) if lowered 1 foot. The box culvert and riprap impact area are permanent impacts but are not included in the mitigation needed at a bank or onsite. *This does not include box culvert extensions.*
- \_\_\_ Final wetland impact table and/or other waters table completed. The Environmental Commitments sheet from the plans is preferred.
- The commitments template can be found in the plan prep guide at the following link.  
<http://www.ugpti.org/dotsc/prepguide/plansheets/templates.php>
- \_\_\_ Sheets that show wetland impact details (i.e. culvert extension detail, riprap detail, temporary bypass, and slope flattening detail).
- \_\_\_ Cross Sections(only sheets pertaining to wetlands and mitigation)
- Include the delineated wetland on the proposed cross sections (if applicable).
  - 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)
- \_\_\_ Are wetlands jurisdictional based on the wetland jurisdictional determination letter received by the USACE? If yes, the following information also needs to be provided.
- Y/N Is the work on USACE property?
- Y/N Is the work on a Reservation?
- \_\_\_ NEPA Documentation signature page
- \_\_\_ SHPO Concurrence
- Y / N Are there cultural avoidance areas required in the plans? If yes, avoidance areas need to be listed and stated in the Notes and Commitments and clearly shown as a hatch pattern and labeled “Avoidance Area” in Section 60, 75, and 80 plan sheets. See Jeani Borchert [jborchert@nd.gov](mailto:jborchert@nd.gov) for wording of notes, wording in the commitments, and locations of fencing or other methods needed in the plans. Include the following from the

final plan set as a separate pdf titled Cultural Avoidance (only include sheets pertaining to cultural avoidance):

- Section 6 - Notes
- Section 6 - Environmental Commitments
- Section 60 - Plan & Profile
- Section 75 - Wetland Erosion Control and Seeding
- Section 76
- Section 77
- Section 80 - Fencing Layouts

- \_\_\_ ESA Compliance (ESA Table and any additional correspondence)
- \_\_\_ USACE Permit Application: NDDOT/USACE Short Form for most projects USACE 4345 Form for higher level projects. See Nationwide Permit General Condition 31 [Pre-Construction Notification] in the Nation Wide permit fact sheets on the USACE [website](#) for what is required for a complete Pre-Construction Notification (permit application). Submit the NDDOT/USACE short form as a word document.
- \_\_\_ 12 Components of Mitigation (If onsite mitigation is required for the USACE).
  - \_\_\_ 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, and latitude and longitude in decimal degrees.
  - \_\_\_ 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 that 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.***

***Mitigation Sequencing:*** *The process of avoiding impacts to wetlands, minimizing impacts that cannot be avoided and compensating for unavoidable impacts. Steps in mitigation sequencing include:*

- 1. Avoidance - Adverse impacts to wetland are to be avoided if there is a practicable alternative with less adverse impact.*
- 2. Minimization - If impacts cannot be avoided, appropriate and practicable steps to minimize adverse impacts must be taken.*
- 3. Compensation - Appropriate and practicable compensatory mitigation is required for unavoidable adverse impacts that remain after avoidance and minimization. The amount and quality of compensatory mitigation does not substitute for avoiding and minimizing impacts. For more information on mitigation sequencing go to <http://www.epa.gov/owow/wetlands/pdf/CMitigation.pdf>*

***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 or draining wetlands within and/or outside NDDOT ROW. A change in wetland class can also be considered a permanent wetland impact.*

***Temporary Wetland Impact Description:*** *Temporary impacts result from temporary fills placed in the wetland during construction. All fills must be removed to original contour. Examples: Fill placed on the existing inslope to the existing toe of slope within the wetland are also considered temporary since the new proposed inslope is expect to return to wetland vegetation. Cofferdams and bypasses and other fills need to be removed to original contours to be considered temporary. Temporary impacts also depend on time. Any impacts lasting longer than 180 days are not considered temporary and may require mitigation for loss of function.*

**[WETLAND INFORMATION AND/OR 404 PERMIT  
APPLICATION CHECK LIST]**

Information From  
Consultants

**Onsite Mitigation:** *Verify there is sufficient hydrology and soils 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 pipe in the wetland to ensure enough hydrology to establish (consult with ETS for elevation). If impractical to match the bottom of the wetland and no pipe exists, excavate to a minimum final elevation of 1 foot below the wetland perimeter elevation. Wetland topsoil from permanent impact areas should be stockpiled separately and placed in the mitigation area. The wetland will be seeded to the seed mix stated in the spec book and wetland plant vegetative plugs (typically prairie cord grass) can also be incorporated into the seeding plan.*

*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.*

*Permanent impacts to jurisdictional Other Waters (OW), excluding deep water, may require mitigation. Impacts greater than 300 linear feet may require mitigation. Mitigation would be required for the entire length of impact. Wetland creation may compensation for loss of OWs. Contact ETS for further guidance.*

**Submittal Information:**

A pdf of the above items to use as attachments in the application is preferred. The 404 application should also be included in its word format for USACE edits. Place final submittal on the ftp site. For additional information and guidance, see the NDDOT Design Manual.

NOTE: Before providing the above 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 not, the letter will indicate that a Section 404 Permit is not needed. The above information needs to be given to the Environmental Section even if the wetlands are deemed non-jurisdictional for documentation of impacts to Non-Jurisdictional Wetlands.

Designer: \_\_\_\_\_ Date: \_\_\_\_\_

Consultant Project Manager QC/QA: \_\_\_\_\_ Date: \_\_\_\_\_

Consulting Firm: \_\_\_\_\_

**[WETLAND INFORMATION AND/OR 404 PERMIT  
APPLICATION CHECK LIST]**

Information From  
Consultants

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>

# 404 Permit Application Package

- Main Components
  - Cover letter
  - Catex
  - Section 106 – SHPO Concurrence
  - Section 7 – ESA Table
  - Application Form
  - Wetland Impact Table
  - Plan Sheets
  - Mitigation Package - 12 Components (if JD mitigation is needed)

# 404 Permit Application Package

## **Cover letter**

- Summarizes impacts and proposed mitigation
- Summarizes the attachments

## **Section 106 – SHPO Concurrence**

- Satisfies the Section 106 compliance of the 404 Permit

# 404 Permit Application Package

## Section 7 – ESA Table

- Satisfies the USFWS Coordination requirement of the 404 Permit

## 404 Permit Application Form

- NDDOT/USACE or Consultant/USACE Application Form (short form)
  - Most commonly used
- USACE Form 4345
  - More significant impacts and higher level NEPA projects such as EA's and EIS's.

# NDDOT/USACE Application Form

## Corps of Engineers Nationwide Permit (NWP) Verification

### NORTH DAKOTA DEPARTMENT OF TRANSPORTATION (ND DOT) PROJECTS REQUEST FOR NWP DETERMINATION(S)

IMPACTED WATER RESOURCE NUMBER	PCN (DOT generated) HWY/Road Number	TYPE AND DIMENSIONS OF EXISTING STRUCTURE	ACTIVITY	STREAM IMPACTS BELOW OHWM (linear feet)			WETLAND IMPACTS (acres)		LOCATION LAT/LONG (NAD 83)		SEC-TWP-RGE, COUNTY	COE ID NUMBER (to be filled by COE)	NWP #
				TEMP (LF)	PERM (LF)	PERM (acre)	TEMP (acre)	PERM (acre)	LAT (Decimal Degrees)	LONG (Decimal Degrees)			

The U.S. Army Corps of Engineers verifies that the requested activity(s) meet the criteria of the listed NWPs.

Signed: \_\_\_\_\_ North Dakota Regulatory Office

Verification Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

\*This NWP verification is subject to the activity meeting all General and Regional Conditions applicable to the 2012 NWPs reissuance. For this authorization to remain valid, you must meet all Regional and General Conditions and Section 401 Water Quality Certification Requirements, identified in the applicable Nationwide Permit Fact Sheet. All Fact Sheets and Section 401 Water Quality Certification Requirements are provided on the North Dakota Regulatory Office's website at <https://www.nwo.usace.army.mil/html/od-rnd/factsheet.htm>.

\*\***Project Compliance Certification.** In compliance with General Condition 26, you are required to submit the following project compliance certification within thirty (30) days of project completion. [Please check all applicable statements]

- I certify that I have completed the project as permitted.
- I certify that I have completed a modified version of the project.
- I certify that I have completed all required mitigation.

Permittee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\* **Special Conditions.**

# NDDOT/USACE Application Form

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION (ND DOT) PROJECTS  
REQUEST FOR NWP DETERMINATION(S)

IMPACTED WATER RESOURCE NUMBER	PCN (DOT generated) HWY/Road Number	TYPE AND DIMENSIONS OF EXISTING STRUCTURE	ACTIVITY	STREAM IMPACTS BELOW OHWM			WETLAND IMPACTS		LOCATION LAT/LONG (NAD 83)		SEC-TWP-RGE, COUNTY	COE ID NUMBER (to be filled by COE)	NWP #
				TEMP (LF)	PERM (LF)	PERM (acre)	TEMP (acre)	PERM (acre)	LAT (Decimal Degrees)	LONG (Decimal Degrees)			

## Application Form can be found:

- Design Manual - Reference and Forms - Environmental Information - Appendix D 11 and D 12 (*Chapter 2 Section 4 Appendix*)

## 2 forms available

- **NDDOT** – to use when submitting to ETS
- **Local Government (Consultant)** – to use when submitting for Local Government

# Impact Determination

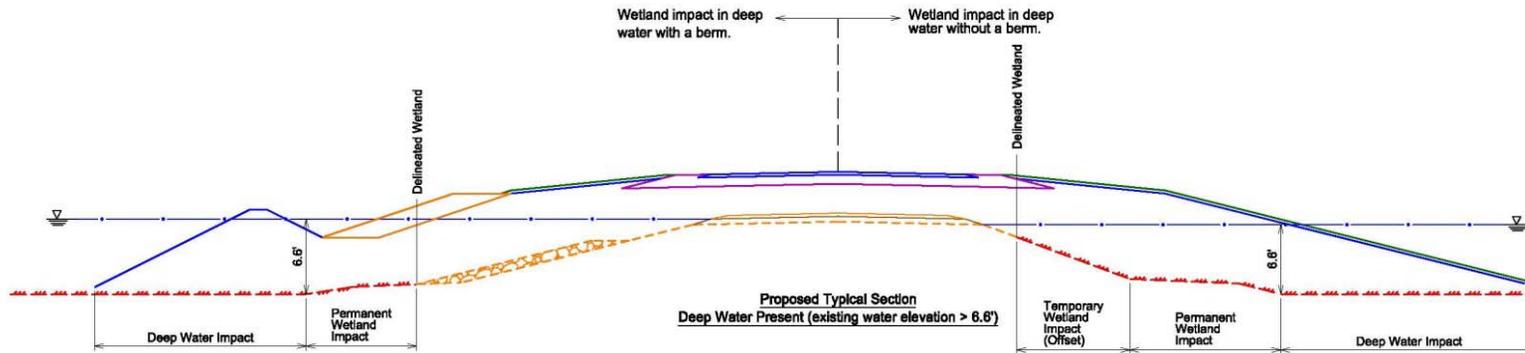
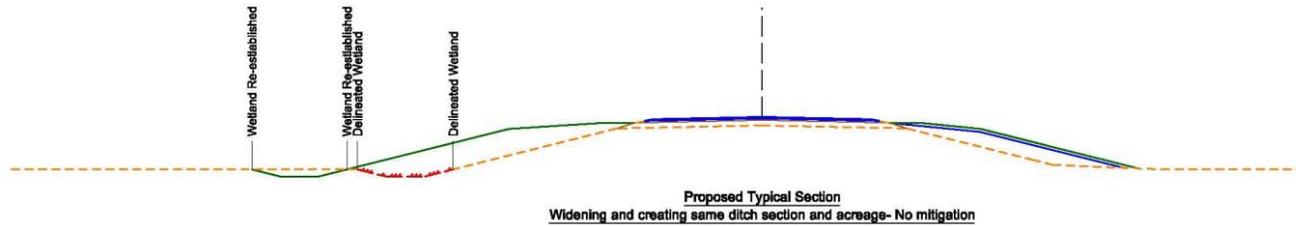
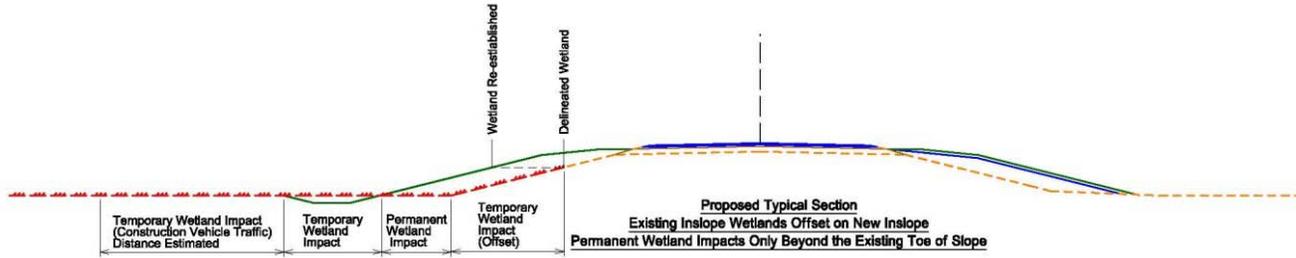
Based on the Limits of Construction and delineated wetlands referenced into one drawing

## Mitigation

- Mitigation required for permanent jurisdictional impacts > 0.10 acre
- Mitigation required for all natural EO I 1990 wetlands

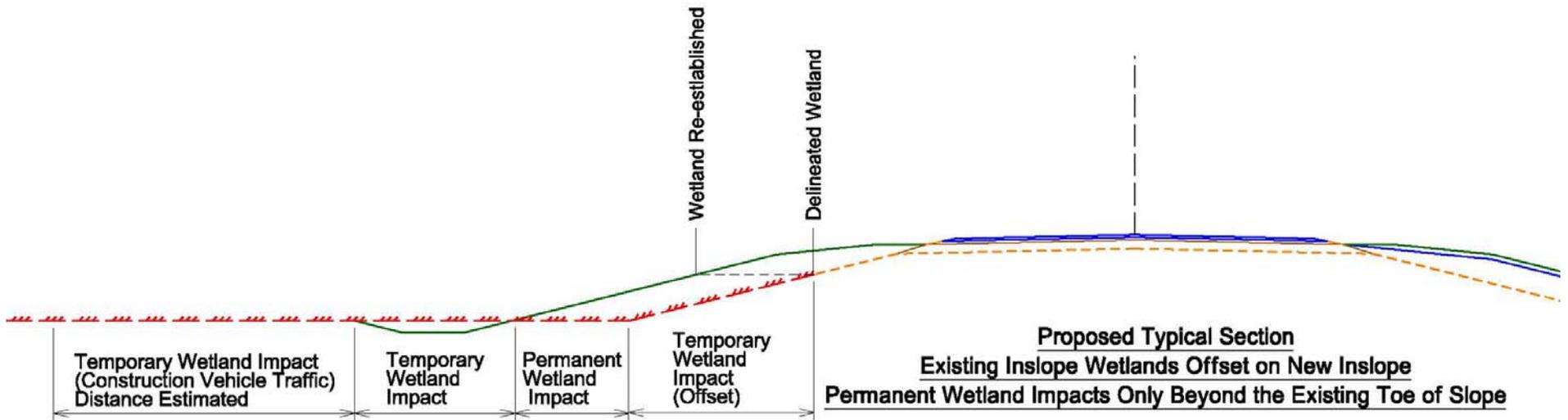
# Impact Typical Sections

## Wetlands Example Typical Sections

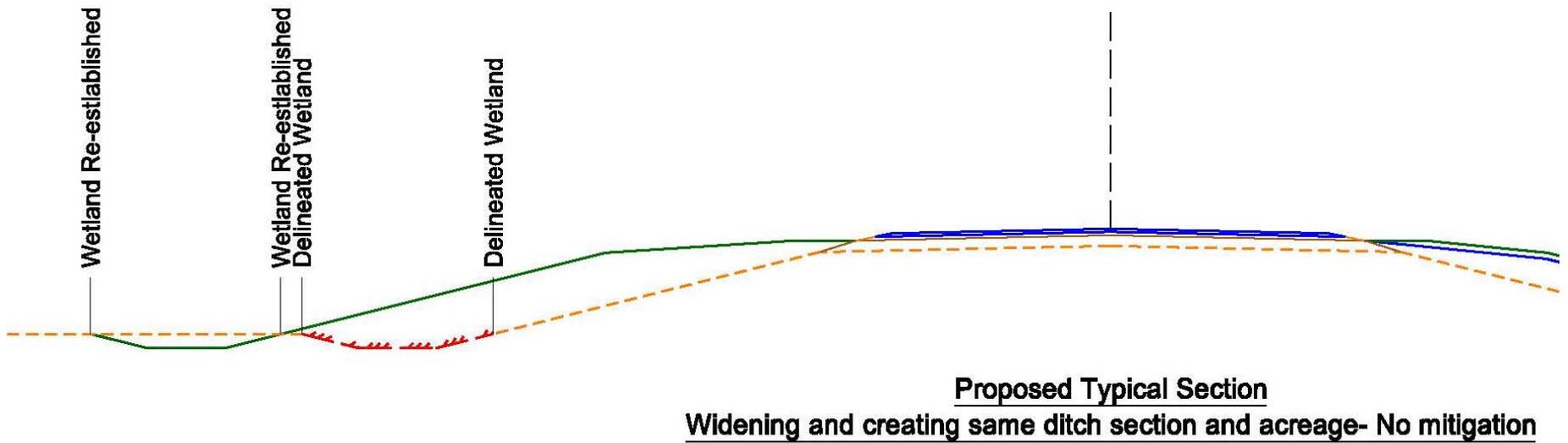


\* Note: Existing riprap should not be within a delineated wetland. The existing riprap limits are not always known at the time of the wetland delineation. The designer may need to adjust the delineated wetland to the end of the riprap so the riprap area is not within the delineated wetland. Please contact the Environmental Section before doing so.

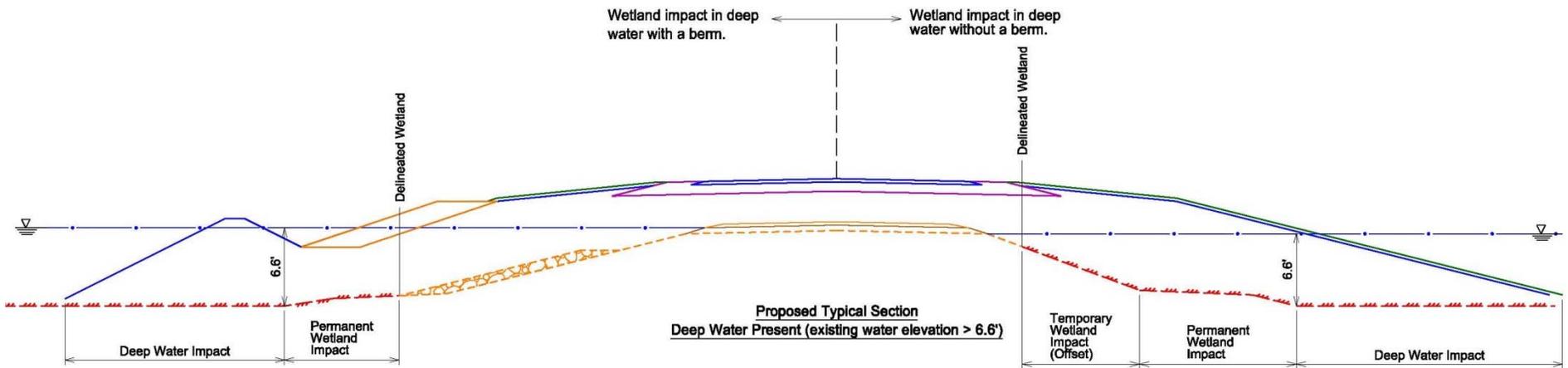
# Impact Typical Sections



# Impact Typical Sections

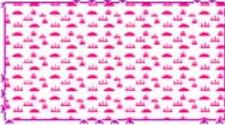
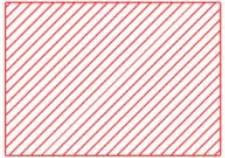
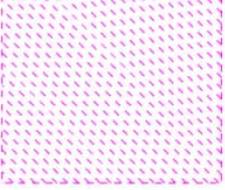
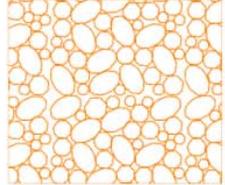


# Impact Typical Sections



\* Note: Existing riprap should not be within a delineated wetland. The existing riprap limits are not always known at the time of the wetland delineation. The designer may need to adjust the delineated wetland to the end of the riprap so the riprap area is not within the delineated wetland. Please contact the Environmental Section before doing so.

# Standard Line Styles and Hatching

	Existing Right of Way		
	Edge of Water Line		
	Other Water		
	Wetland Delineated		Wetland Mitigation
	Wetland Creation		
	Deep Water		Permanent Wetland Impact
	Deep Water		
	Other Water Permanent Impact		Temporary Wetland Impact
	Other Water Temporary Impact		Riprap

Wetland Impact Table															
Wetland Number	Location	Cowardin Class.	Wetland Type	Wetland Size (acres)	Wetland Feature	USACE Jurisdictional Wetlands*	Wetland Impacts (acres)		USFWS Easement Impacts		Wetland Mitigation			Onsite Mitigation Acres	
							Temp	Perm	Temp.	Perm.	Mitigation Required				Acreage; Wetland#; Ratio
											EO 11990	USACE	USFWS		
1	Sec.19, T146N, R95W	PEMCx	Ditch	5.00	Artificial	Yes	1.00	0.60			N	Y	N	Onsite 0.5 at WL1(1:1); 0.1 at WL3 (1:1)	0.50
2	Sec. 6, T146N, R95W	PEMA	Basin	2.00	Natural	Yes	0.50	0.02	0.03	0.3	Y	N	Y	USFWS Easement Bank name 0.30(1:1); 11990 NDDOT Mitigation Bank Name 0.02 (1:1)	
<b>Totals</b>				<b>7.00</b>			<b>1.50</b>	<b>0.62</b>	<b>0.03</b>	<b>0.30</b>					<b>0.50</b>

\* A wetland Jurisdictional Determination was issued by the USACE on x/xx/xxxx; NWO-xxxx-xxxx-BIS.

\*\*All impacts to natural wetlands (natural/jurisdictional and natural/non-jurisdictional), regardless of size, as well as impacts greater than 0.10 acre to artificial/jurisdictional wetlands require mitigation.

\*\*\*All artificial/non-jurisdictional, deep water (impacts greater than 6.6 feet), Other Waters less than 300 linear feet (determined by the USACE on a case by case), Preamble Wetlands, and temporary impacts do not require mitigation.

Other Waters Impact Table															
Other Waters											Other Water Mitigation				
Number	Location	Type	Size		Feature	USACE Jurisdictional*	Impacts to Other Waters				Mitigation Required			Location	Method
			Acres	Linear Feet			Acres		Linear Feet		EO 11990	USACE	USFWS		
							Temp	Perm	Temp	Perm					
OW10	Sec.19, T146N, R95W	Named Stream	1.50	150	Natural	Yes	0.07	0.22	60.00	420.00	Y	Y	N	on site	Box culvert low ered 1'
OW11	Sec.30, T146N, R95W	Tributary	0.20	42	Natural	Yes	0.00	0.00	0.00	0.00	N	N	N	NA	NA
<b>Totals</b>			<b>1.70</b>	<b>192</b>			<b>0.07</b>	<b>0.22</b>	<b>60.00</b>	<b>420.00</b>					

\* A wetland Jurisdictional Determination was issued by the USACE on x/xx/xxxx; NWO-xxxx-xxxx-BIS.

Summary Impact Table			
Total Permanent Impact Summary		Temporary Impacts and additional informaton	
Wetland Type	Total (Acres)	Wetland Type	Total (Acres/Lf)
Natural/JD	0.02	Temporary JD	150
Natural/Non-JD	0.00	Non-JD Temporary	110
Artificial/JD	0.60	Permanent JD > 0.10	0.60
Artificial / Non-JD	0.00	Permanent OW	0.45 ac/825 ft.
<b>Total</b>	<b>0.62</b>	Temporary OW	0.25/632

# Example Impact Table

# Mitigation

- Regional Service Areas (RSA)
- Combination of drainage areas
- 6 RSA's



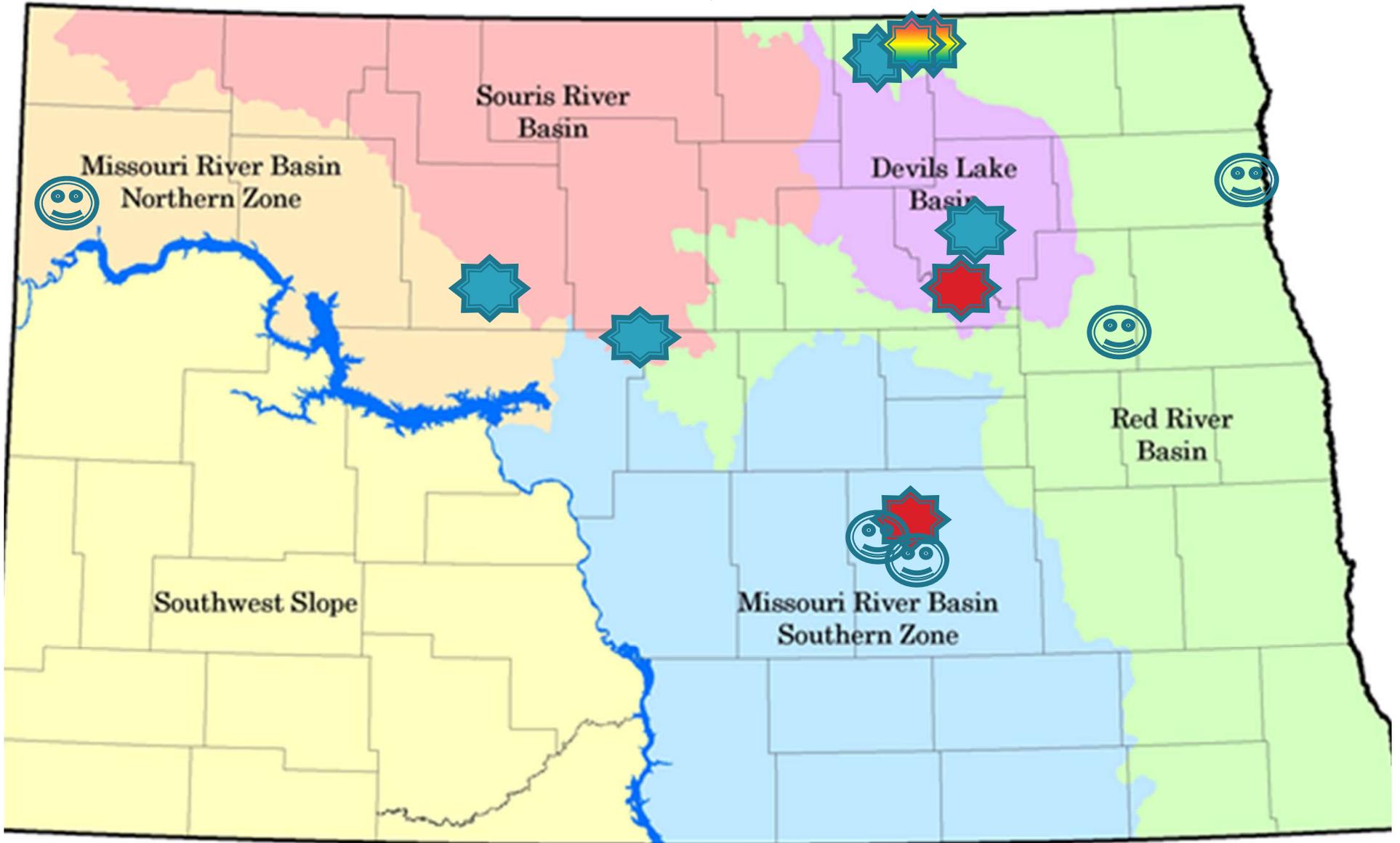
# North Dakota Resource Service Areas

 USFWS/11990

 11990

 USACE/11990

 Planning



# Mitigation (typical methods)

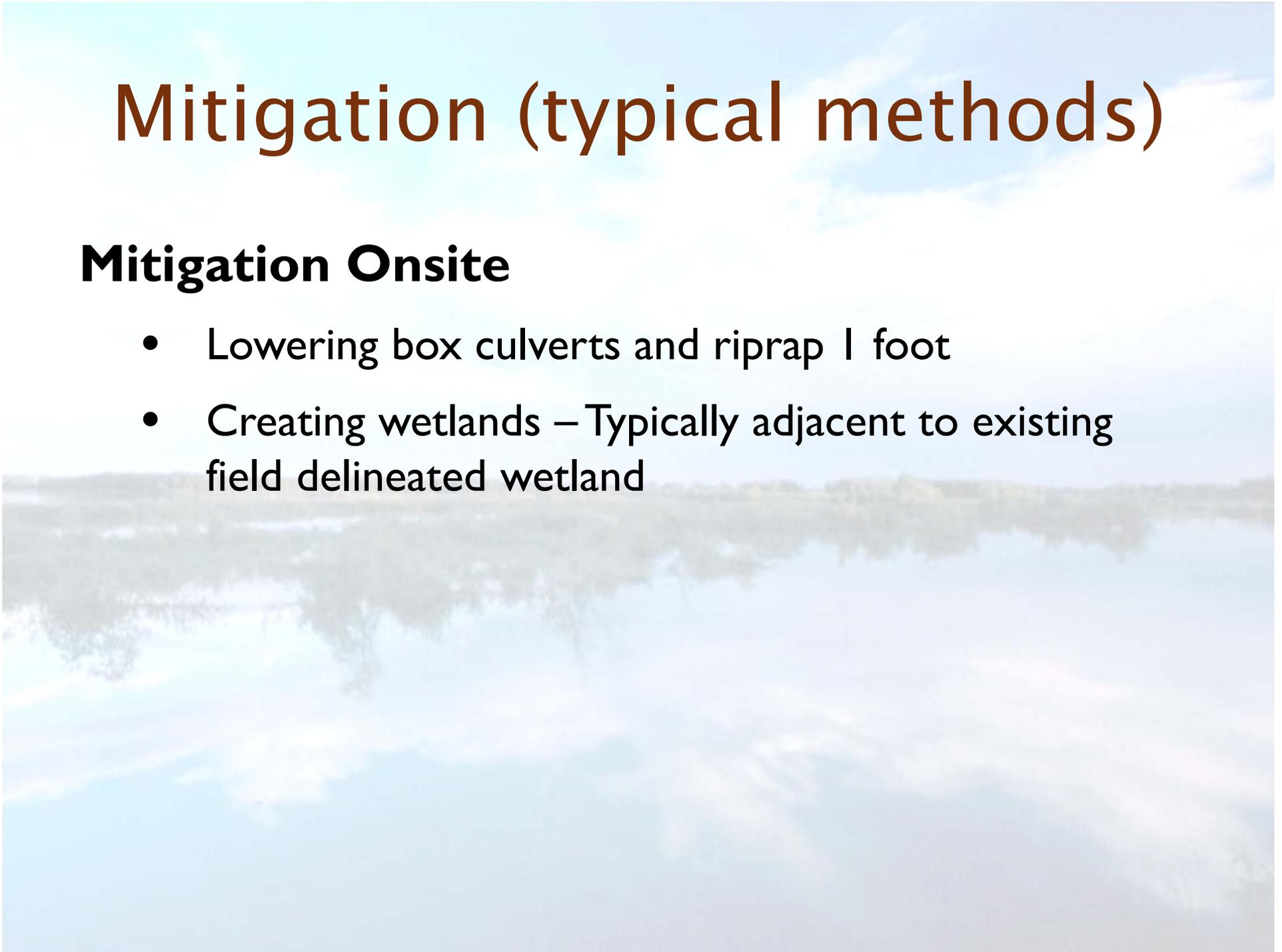
## Mitigation Banks

- **Jurisdictional Impacts** - Mitigation can be done at a USACE Bank if the impact is within the same Regional Service Area (RSA) as the bank
- **EO 11990 Impacts** – Mitigation can be done at a 11990 Bank outside the Regional Service Area (RSA)

# Mitigation (typical methods)

## Mitigation Onsite

- Lowering box culverts and riprap 1 foot
- Creating wetlands – Typically adjacent to existing field delineated wetland



# Mitigation Package

- **12 Components**
  - 12 components provide documentation to the USACE that the proposed onsite mitigation is constructed in an upland (not already wetland), will have the hydrology to function as a wetland when constructed, and is protected and remain wetland in perpetuity.
- **NRCS Soils Map**
- **Aerial Map**
  - Shows mitigation location, adjacent field delineated wetland, legal description, and latitude and longitude.
- **Preconstruction Photos**
- **Mitigation Shape Files**

# Jurisdictional Artificial Ditch Mitigation Guidance

These are "**GUIDELINES ONLY**" for USACE Jurisdictional artificial ditch wetland impacts requiring mitigation and are subject to case by case determination. Depending on future projects, the Corps may require changes to the guideline as we explore the outcomes.

In cases where both jurisdictional natural and jurisdictional artificial (ditch) wetlands require mitigation by the USACE, only abutting artificial ditch wetland impacts need to be detailed in the I 2 component mitigation plan. For non-abutting ditch wetlands meeting the criteria below only reference the Guidelines for Artificial Ditch Mitigation with the acreage and no further detail is required. Abutting refers to a direct *wetland* connection to jurisdictional water. A direct connection includes culverts.

# Jurisdictional Artificial Ditch Mitigation Guidance

1. Ditch mitigation by "shifting" the new ditch closer to the ROW line or mitigating at the same wetland impacted.
  - In Kind 1:1 ratio.
  - 12 component compensatory wetland mitigation plan **not** required.
  - Monitoring **not** required.
  
2. Ditch mitigation inside project limits - 0.1 to 0.24 acre
  - In kind 1:1 ratio.
  - 12 component compensatory wetland mitigation plan is **not** required.
  - Monitoring is **not** required.

# Jurisdictional Artificial Ditch Mitigation Guidance

## 3. Ditch mitigation outside project limits - 0.1 to 0.24 acre

- In kind 1:1 ratio if not a significant distance from wetland impact.
  - If significant distance (determined case-by-case):
    - A higher ratio may be applied. If not significant distance #2 above applies.
    - 12 component compensatory wetland mitigation plan is **required**.
    - Monitoring is **required**.
- Mitigation outside the RSA in extreme cases may be applicable.
  - This would require a thorough explanation from NDDOT. The explanation shall discuss the mitigation issues associated with the RSA where the project is located and the reason for requesting permission for mitigation outside of the RSA.

# Jurisdictional Artificial Ditch Mitigation Guidance

## 4. Ditch mitigation greater than or equal to 0.25 acre

- In kind 1:1 ratio if not a significant distance outside the project limits.
- If significant distance (determined case-by-case) a higher ratio may be applied.
- 12 component compensatory wetland mitigation plan is **required**.
- Monitoring is **required**.
- Mitigation outside the RSA in extreme cases may be applicable.
  - This would require a thorough explanation from NDDOT. The explanation shall discuss the mitigation issues associated with the RSA where the project is located and the reason for requesting permission for mitigation outside of the RSA.

# Mitigation Ratios

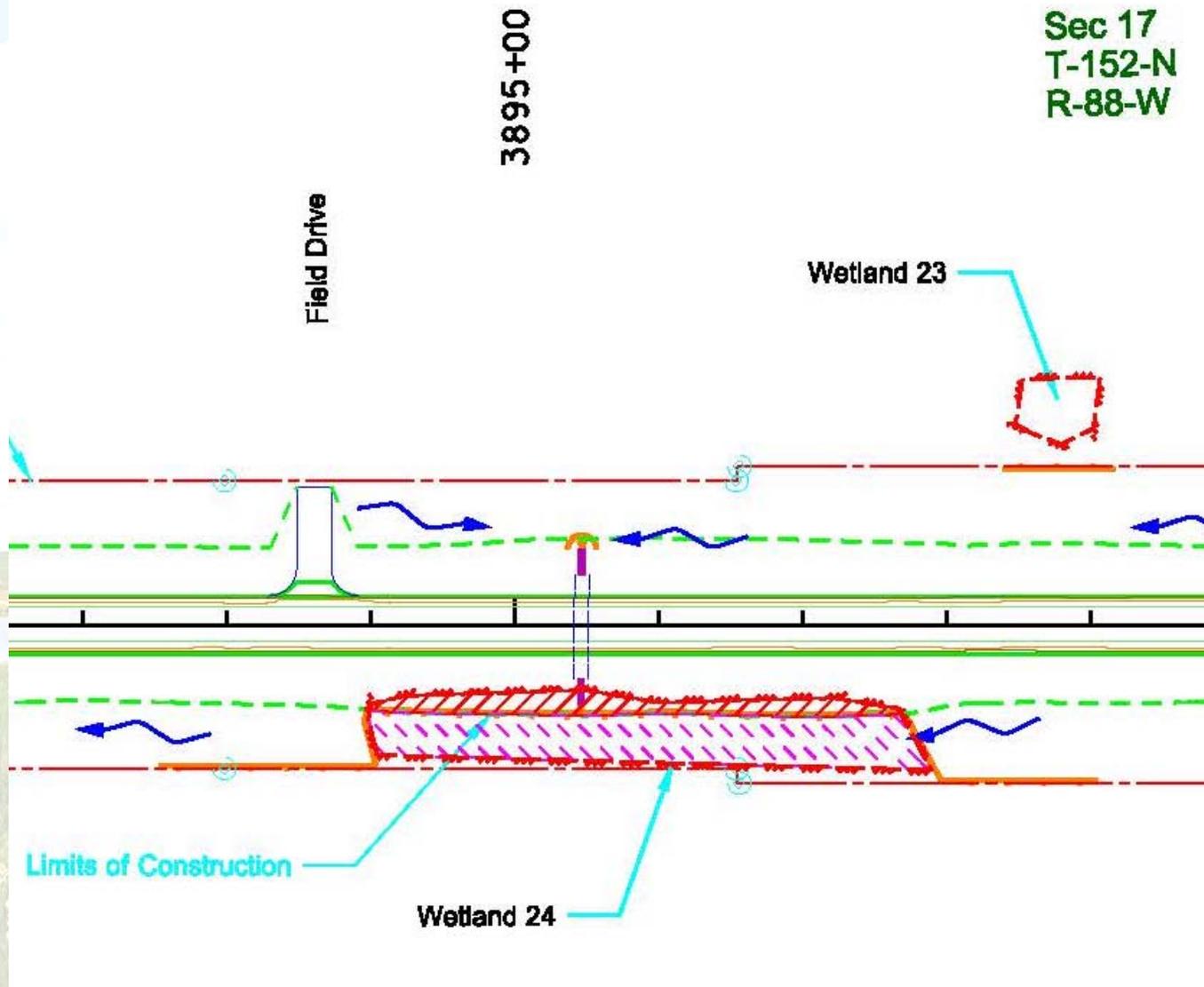
## Most Cases

- **1:1** Onsite at the same wetland impacted
- **2:1** Onsite not at the wetland impacted  
(natural wetland)
- **1:1** Onsite not at the wetland impacted  
(artificial JD wetland)
- **1:1** Mitigation at a Bank

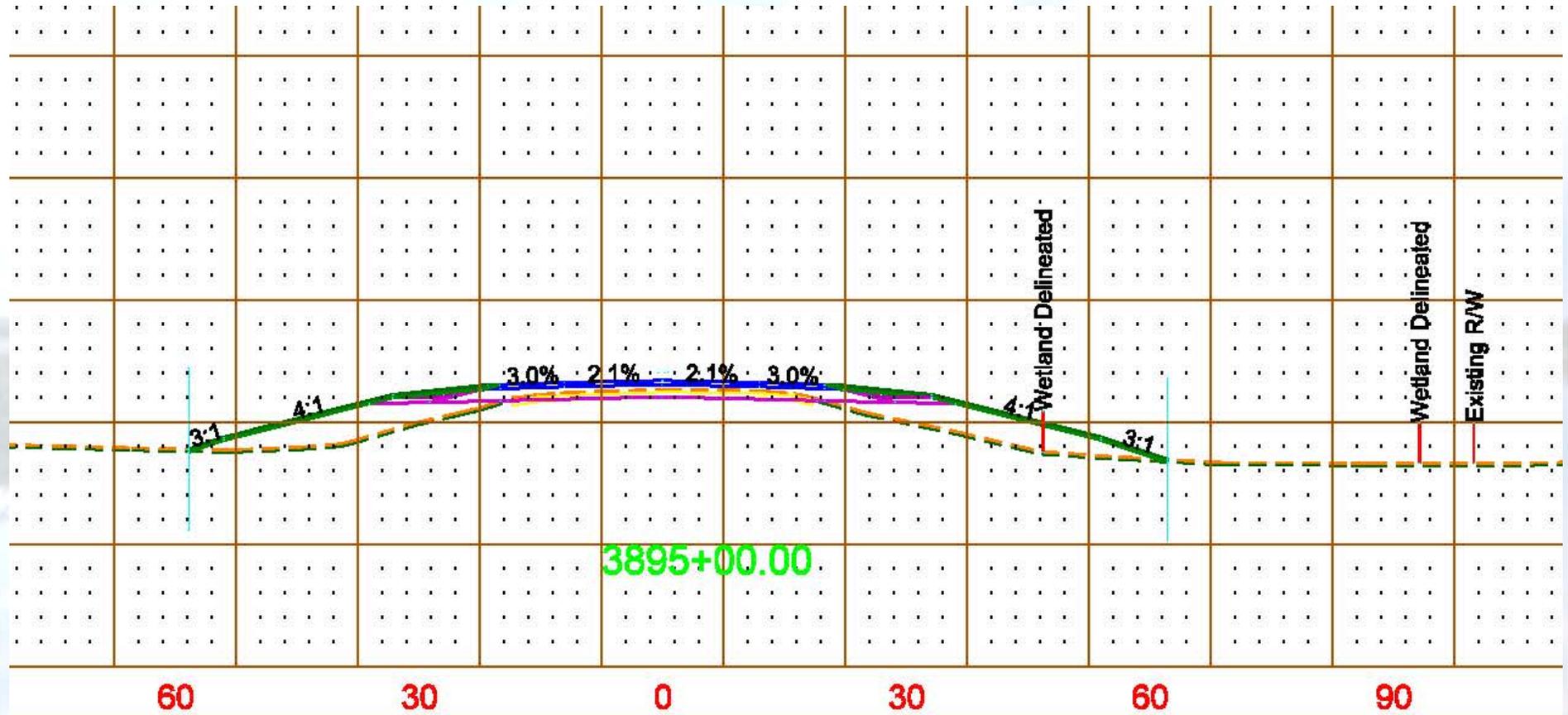
# Section 75 – Plan Sheets

- Directly tie the permit to the plans.
  - If the plans change, we know we need to verify the permit is still valid.
- Location of all wetland impacts and authorized wetland impact footprint.
- Location of onsite mitigation detail.
- Information required listed on the 404 Permit Application Checklist

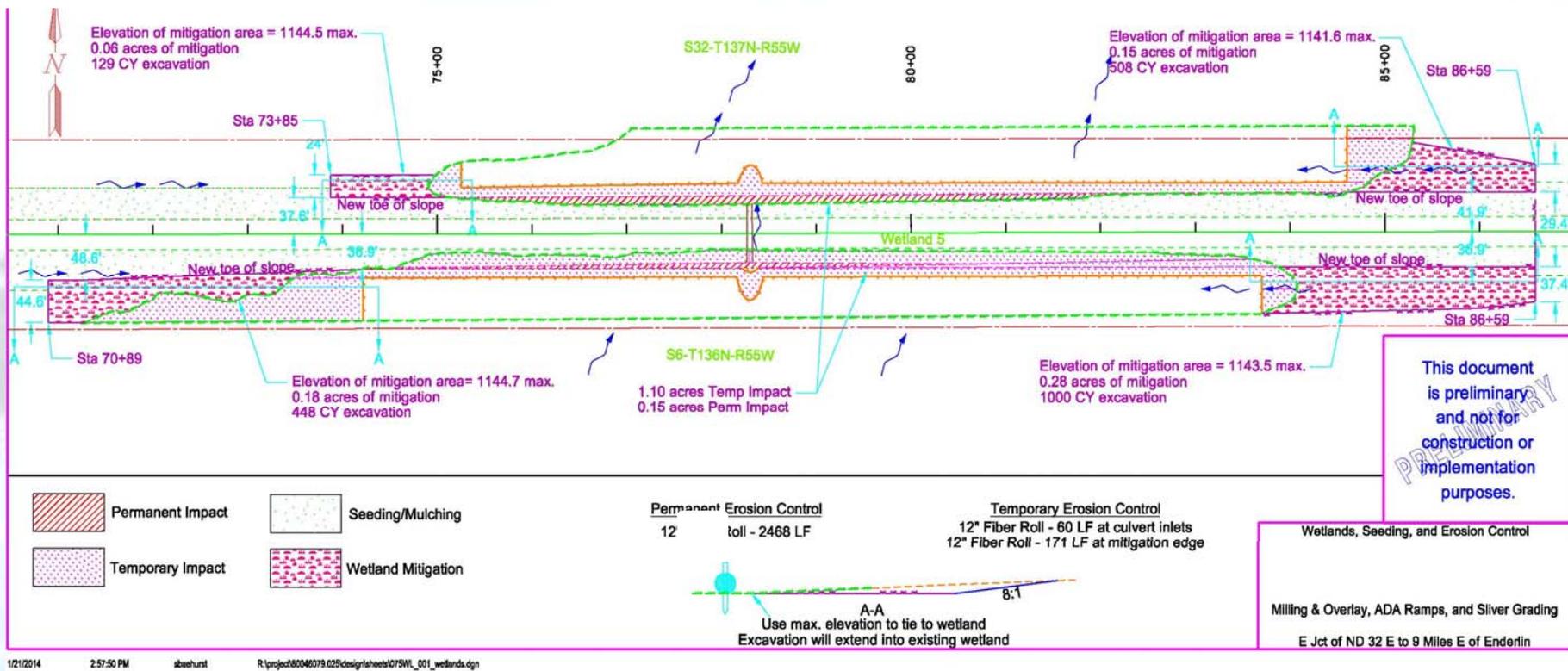
# Wetland Impact Determination



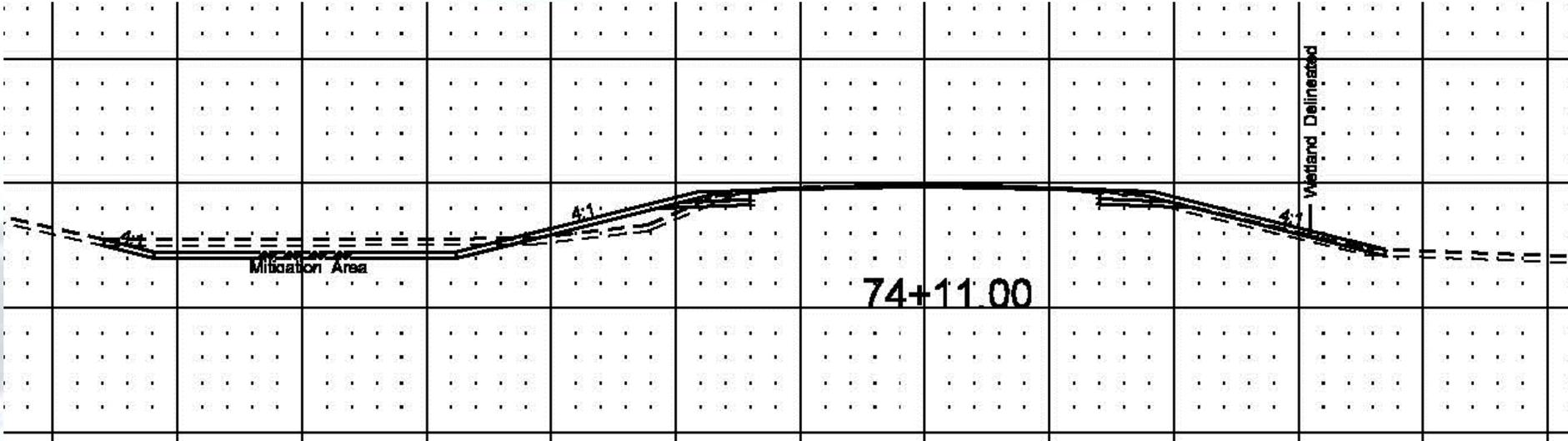
# Wetland Impact Determination



# Onsite Mitigation Design



# Onsite Mitigation Design



# Common Comments/Issues on Application Submittals

1. Information is **not on time** – goal: permit in hand by the PS&E date
2. 12 Components are not clearly identifying that the creation is being completed in an existing upland and not already a wetland.
3. Not enough detail in the Activity column of the permit NDDOT/USACE application form
4. Impact acreage not added correctly
5. Mitigation areas in plans are not clear enough for construction in the field
6. Mitigation areas are not excavated deep enough.
7. Wetland delineation not far enough in temporary easement areas outside of the right of way.

A scenic landscape featuring a calm lake in the middle ground, surrounded by tall reeds in the foreground. The sky is filled with large, dramatic clouds, with a bright light source breaking through on the left side. The overall tone is serene and natural.

# Questions?

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