WETLAND INFORMATION TO ENVIRONMENTAL CHECKLIST

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. 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, 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.*

Nonreporting 404 Permit

- If planning to submit information for the use of a nonreporting Nationwide 404 permit, information listed below is not needed. Submit only the signed checklist and the PS&E plan set so verification can be completed that documents the nonreporting permit still applies to the project.

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 Yars 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
- 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, 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, causeways, temporary bypass, and slope flattening detail).

Part B – For 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 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.

Minimum Culvert Width: *Regional Condition 2 requires the culvert width to be no less than the bank to bank width. See Regional Condition 2 below:*

Minimum Culvert Width:

For all NWPs in jurisdictional streams, the culvert opening width of a stream crossing shall not be less than the mean bank to bank width as measured from the Ordinary High Water Mark in the affected stream reach. In stable stream channels, the Ordinary High Water Mark is often found at the point where over-bank flow begins during a flood event. In incised stream channels that do not frequently access a floodplain or upper terrace, the Ordinary High Water Mark is generally located within the entrenched channel. The Ordinary High Water Mark may be identified by observing indicators such as a distinct change in slope, a change in vegetation characteristics, or a change in sediment characteristics, see 33 CFR 328.3(e).

Culvert Sinking: *Regional Condition 3. Culvert Countersinking Depth requires pipes and box culverts to be sunk depending on the drainage area. See Regional Condition 3 below.*

Culvert Countersink Depth:

For all NWPs in jurisdictional streams and a stable stream bed, culvert stream crossings shall be installed with the culvert invert set below the natural stream channel flow line 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.

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	1/2 ft
Pipe diameter <8.0 ft	>640 acres	1.0 ft
Pipe diameter > 8.0 ft	All drainage sizes	20% of pipe diameter
Box culvert	All drainage sizes	1.0 ft

a. The stream flow line shall be defined as the longitudinal average of the low flow stream channel.

b. The slope of the culvert should be parallel to the slope of the stream flow line.

c. The culvert invert depression depth shall be measured at the culvert inlet for culverts installed at a slope less than the slope of the stream flow line.

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

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 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 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

- Guidance referenced 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.
- Impacts per single and complete crossing concept not applied. Plan for cumulative impact per resource, not total project impact, when determining mitigation.
- 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.
- The milestone due dates of when final wetland/permit information is to be submitted are not adhered to.
- QC/QA is not conducted prior to the submittal. Consultants may be asked provide QC/QA documentation—i.e. internal review redlines or correspondence—prior to Department approval of final submittals.

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.

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