

404 Permit Checklist

About the Checklist

This checklist is provided as a guide for submittal of a Pre-Construction Notice (PCN) for a Nationwide Permit (NWP), Regional Permit (RP), or an Individual Permit (IP) application, as required by Section 404 of the Clean Water Act and its associated regulations. These checklists have been developed with assistance from the Water Resources Section of the Iowa Department of Transportation (Iowa DOT), the Rock Island District of the U.S. Army Corps of Engineers (Corps), and the Iowa Department of Natural Resources (Iowa DNR). Following this checklist typically results in a complete submittal under normal circumstances. Nevertheless, actual PCN or IP applications should be developed at the applicant's discretion and coordinated directly with the Corps and other regulatory agencies as appropriate (i.e. Iowa DNR Flood Plains, Sovereign Lands, NPDES, etc).

Note: For projects with a permanent loss of WUS of less than 0.10 acres, and no impacts to a wetland or other special aquatic site, a PCN is not needed. In the absence of a permit that has been issued by the Corps, the [Fact Sheet No. 8\(IA\)](#) can serve as documentation of Section 404 compliance and should be kept in the project inspection files at all times during construction. In general, a [Joint Application Form](#) does not need to be submitted to the Iowa DNR, if a PCN is not needed. However, a [Joint Application Form](#) must still be submitted to the Iowa DNR when the project is impacting an [Outstanding Iowa Waters](#), or if a Floodplain or Sovereign Lands permit is needed. Refer to [I.M. 4.150](#), Iowa DNR Floodplain Permits and Regulations or [I.M. 3.500](#), Bridge or Culvert Plans, for more information.

Instructions

The type of information required as part of the PCN or IP application depends primarily on the type of permit used and the anticipated loss of waters of the United States (WUS). Therefore, in order to simplify the submittal preparation, this checklist is divided into three parts. A "loss of WUS" includes adverse affects by filling, flooding, excavation, or drainage that is a result of the regulated activity.

Part 1: For projects with a loss of WUS of 0.10 acres or more, or if a wetland or other special aquatic site is being impacted, submit a [Joint Application Form](#) to the Corps that includes the following:

- A cover letter including information not already in the Joint Application Form, such as:
 1. Applicant information
 - a. Agency name
 - b. Name of contact person
 - c. Mailing address
 - d. Telephone number
 - e. E-mail address
 2. Project information
 - a. Project number(s)
 - b. Location map
 - 8.5 x 11 County map or Quad map
 - Show beginning and end of project
 - Show any borrow areas
 - c. Target letting or anticipated construction dates
 - d. A description of the type and purpose of the project
 - e. A description of the existing land use (agricultural lands, woodlands, etc.)
 - f. If the project is located in a Federal Emergency Management Administration (FEMA) mapped floodway, include documentation that discharges comply with FEMA or FEMA approved local floodplain construction requirements.
 - g. Types of project funding sources (Federal, State, or local)
 - h. Identify if any threatened or endangered species are present, and include the Determination of Effect (DOE) Form (For assistance, see [I.M. 4.110](#), Threatened and Endangered Species.)
 - i. Identify impacts, if any, to historical resources. Include copies of correspondence such as archaeological surveys and State Historic Preservation Officer (SHPO) clearances.
 - j. Note any other agencies that will be reviewing the project for permits or clearances.
 - i Iowa DNR (Floodplain Permits, Sovereign Lands, NPDES Permits)
 - ii FEMA flood insurance

- k. State if the contractor will be allowed to construct a temporary stream crossing, temporary stream access, or any other type of temporary structure or fill in WUS.
 - l. Note if the project will be reimbursed with Federal funds or not. For Federal-aid projects, also include the following:
 - i. Note if FHWA Environmental Concurrence has been obtained as a Categorical Exclusion (CE).
 - ii. If the project has been cleared as a CE:
 - Provide a copy of the FHWA Environmental Concurrence memo from the Iowa DOT Location and Environment Bureau.
 - Indicate which work activity, as specified in the [Corps' Regulatory Guidance Letter \(RGL\) No. 05-07](#), applies to the project.
- Preliminary project plans that include:
1. Typical cross sections
 2. Main line and side roads cross-sections at stream crossings and wetlands locations only
 3. All borrow locations
 4. Bridge and culvert plans, including Type, Size and Location (TS&L) information
 5. WUS shown on the plan sheets. Include soils maps showing all soil types and highlight hydric soils. (Required only at crossing locations, not the entire project.)
- Wetland determinations and delineations that include:
1. A description of the techniques used, a summary of the locations and impacts to WUS, including impacts related to channel work (e.g., lost channel length and how it was figured, fate of the old channel).
 2. For corridor projects impacting several locations, a table that summarizes impacts to WUS and proposed mitigation, including:
 - a. Acreage for wetlands and ponds, linear feet for channels
 - b. Cowardin (U. S. Fish and Wildlife classification system) and/or Hydro Geomorphic Method (HGM) classifications
 - c. Project stationing to show locations
 - d. Universal Transverse Mercator (UTM) coordinates for each crossing, if available

Part 2: For projects with a loss of WUS between 0.10 and 0.50 acres, submit a PCN to the Corps that includes all the information noted for Part 1 above, plus the following:

- Site-specific WUS information that includes:
1. A depiction of the WUS impacted by the project (direct & indirect) on aerial photography at crossings and / or borrow locations.
 2. Delineation and determination forms (see examples provided in [Midwest Regional Supplement to the 1987 Corps of Engineers Wetland Delineation Manual](#))
 3. Please note:
 - a. Provide a description of how the boundary was identified.
 - b. One form for center of wetland is not useful.
 - c. Some non-wetland samples may be required to justify the boundary identified for the WUS.
- A mitigation concept that includes:
1. Mitigation goals, including a no net loss statement (statement that project will not result in a net loss of water quality resources)
 2. A mitigation site search summary (note the cities, county conservation boards, Natural Resources Conservation Service (NRCS), or other agencies contacted).
 3. Information related to: mitigation site location; site specific objective; existing conditions relating to soils, hydrology, and vegetation; proposed manipulation of soils, hydrology, vegetation, landscape, and water control structures (preliminary design).
 4. Delineations of existing conditions (certified determination from NRCS on agricultural land)
 5. Management plans, acquisition plan, site ownership, agreements, excess, disposal
 6. Plat/Legal description for filing deed restriction (will be required when site is approved)
 7. Monitoring proposal
 - a. Mitigation monitoring protocol
 - b. Variations
 - c. Timing, intervals

8. Design plans of proposed mitigation sites, if available. Include mitigation area or locations of each site showing: proposed grading, seeding, and planting; expected limits of mitigation wetlands; and property lines.

Part 3: For projects with a loss of WUS greater than 0.5 acres, submit a [Joint Application Form](#) to the Corps that includes all of the information for Parts 1 and 2 above, plus the following:

- A [Joint Application Form](#), completed as per the [cover letter and instructions](#) provided by the Corps. The Joint Application Form has been developed by the Corps and the Iowa DNR to obtain approval for both the Section 404 and Section 401 individual permits, as well as Iowa DNR Sovereign Lands and Flood Plain permits.
- Alternatives analysis and documentation, including:
 1. Descriptions of the other alignment or design alternatives considered, including the “do-nothing” alternative.
 2. Reasons why the preferred alternative was selected.
- Avoidance and minimization documentation, for both temporary and permanent impacts, including:
 1. Provide information on alternate alignments considered from files and environmental documents.
 2. Discuss special precautions related to minimization (adverse impacts to water quality, flooding, or erosion upstream and downstream from site).

Submittals

For projects that require a PCN (Parts 1 or 2), submit 1 copy of the information listed to the Corps (see Contact Information section in [I.M. 4.130](#)). For projects that require an IP (Part 3), submit copies as indicated in the Joint Application form cover letter and instructions.