

INSTRUCTIONS FOR COMPLETING A SECTION 404 PERMIT APPLICATION

Date: Date Application submitted
Project No: Federal Aid Project or other number assigned
J/P: Job Piece No.
Facility: State Highway, County Road, County Bridge, Route No., etc.
County: County name
Description: Briefly describe type of work and extent
Let Date: Construction let date
Division: ODOT Division
Programmed Construction Project Cost: The listed cost for the construction project

Sta or Str No.:
Structure name and station from plans.

Location:
Latitude and longitude in decimal degrees. Under Legal, list the Township, Range, and Section.

Waterbody:
Name of river, creek, channel, etc. If the creek is unnamed, give the name of the downstream receiving water in the notes. Also state whether the waterbody is a Designated **Critical Resource Water (CRW)**. The CRW list can be found at:
<http://www.swt.usace.army.mil/portals/41/docs/missions/regulatory/wqc/crw.pdf>

Type:

- BP** Bank Protection. List the total length of the project in the notes.
- CC** Channel Change. Any altering, moving, or changing the physical location of the stream or channel which will require fill or excavation within the existing channel.
- Chan** Channel Work. Any work in an existing channel which does not alter its physical location and is not associated with construction of a facility or structure.
- RCB** Reinforced Concrete Box. Any fill and/or excavation in the existing channel due to replacing, lengthening, etc., of the box structure. The lengthened portion of the box and apron is considered fill.
- SB** Span Bridge. Includes abutments, piers, and work done in the channel while constructing the bridge.
- Wet** Wetlands. Any permanent fill in jurisdictional wetlands. Wetland information is only to be added by either ODOT (State Projects) or the Consultant (County Projects Only)

Misc Miscellaneous. Anything not covered by another type. Include description in the notes.

Description of Structure:

Existing Describe existing structure, size, and condition (such as degradation of the structure, missing apron, scour, etc.).
New Describe proposed structure. If type is bank protection, give length in notes.

Calculations:

Area in acres.

- Provide quantities for area of fill.
- Designate whether area of fill is within the existing channel or in a completely new channel.
- **Only provide excavation acreage if construction will widen the existing channel and provide this as a separate quantity in the notes section below.**
- Do not cancel out area of fill with area of excavation. *Excavation must be treated as a separate quantity from fill.*
- Fill and excavation areas should be calculated below the ordinary high water mark (OHWM) for channels.
- Include in the notes the OHWM elevation used.
- OHWM elevation can be obtained from the General Plan and Elevation plan sheets as the lowest bank or OHWM can be obtained from the ODOT biologist. The Q2 elevation may give a more conservative OHWM elevation when a biologist elevation or profile elevation is not available.
- Temporary fills do not need to be included in the quantities if the area will be returning to its original state after project completion.
- If wetlands are identified in the NEPA document/delineation report, ODOT (State Projects) or Consultant (County Projects Only) will add this information or may give you these acreages to add to the form.

Cubic Yards of Fill

- **This calculation is only required if fill is over 0.1 acres per structure/crossing**
- Provide cubic yards of fill in this space

Linear Feet of Impacts

- Provide the linear feet of the impact along the stream from the start of the impact to the end of the impact.
- This number should be calculated along the flowline of the stream/drainage.

Notes:

- State whether impact is fill or excavation
- State type of fill (rip rap, drilled shafts, dirt, etc.)
- State Ordinary High Water Mark (OHWM) elevation.
- Note any other important information pertaining to the calculations and impacts.

Avoidance and Minimization Statement:

Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. This statement is necessary to obtain the 404 permit. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts. Some things you may consider:

- Structure designed with the minimum dimensions necessary to maintain hydrology- i.e. are we placing the minimum amount of fill possible within the stream while still maintaining public safety on the roadway
- Include any steps were taken during the design process to avoid areas such as wetlands or to avoid a channel change, etc.
- May also include considerations of alternatives to avoid impacts but that were not feasible due to safety standards
- Be mindful when stating compensatory mitigation should not be required- provide proper justification

HELPFUL INFORMATION

- If the loss of waters is within a Critical Resource Water, Pre-construction Notification (PCN) **IS** required.
- If the loss of waters is less than 0.1 acres, a PCN is not required.
- If the loss of waters is between 0.1 acres and 0.5 acres a PCN is required and mitigation may be required.
- If the loss of waters is greater than 0.5 acres, an Individual Permit is required and mitigation is required.
- There is no threshold for loss of wetlands- it is upon the discretion of the Corps to decide if/when mitigation will be required for the loss of wetlands.
- Loss of waters of the United States are Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of a regulated activity...it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services...Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States.

Please keep in mind this is ONLY for your information. The 404 permit coordinator will make the 404 permit determination including wetland impacts, etc.

For questions or more information please contact:

Samantha Tepper
404 Permit Coordinator
Environmental Programs Division
405-522-6547
stepper@odot.org