



404 Permit Applications

Local Highway Technical Assistance Council

July 2025

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LHTAC Environmental Engineer



US Army Corps of Engineers 404 Permit

Required for "Work" below the Ordinary High-Water Mark (OHWM) or within wetlands (placement of dirt, rock, concrete, riprap, culverts etc). Otherwise referred to as Waters of the US (WOTUS).

<https://www.nww.usace.army.mil/Portals/28/docs/regulatory/JtApplication/Jt.Application.pdf>



US Army Corps of Engineers 404 Permit

The Ordinary High Water Mark (OHWM)

33 CFR 328.3(c)(4), "...[a] clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."



US Army Corps of Engineers 404 Permit

Application for:

- US Army Corps of Engineers (USACE) 404 permit
- Idaho Department of Water Resources (IDWR) Stream Alteration Permit
- Idaho Department of Lands (IDL) Encroachment Permit
- Idaho Department of Environmental Quality (DEQ) Individual 401 Water Quality Certification

Same permit application but require separate submittals to each agency.

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authority: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 36), Idaho Code and Lake Protection Act (Section 50, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Omission of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including sturdy maps, plan-view and section-view drawings must be submitted on 5-12 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY													
USACE	Date Received	<input type="checkbox"/> Incomplete Application Returned	Date Returned										
NWWS													
Idaho Department of Water Resources	Date Received	<input type="checkbox"/> Fee Received	Receipt No.										
No.		DATE:											
Idaho Department of Lands	Date Received	<input type="checkbox"/> Fee Received	Receipt No.										
No.		DATE:											
INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED													
1. CONTACT INFORMATION - APPLICANT Required			2. CONTACT INFORMATION - AGENT:										
Name			Name										
Company			Company										
Mailing Address			Mailing Address										
City		State	Zip Code	City		State	Zip Code						
Phone Number <small>(area no. and)</small>		E-mail		Phone Number <small>(area no. and)</small>		E-mail							
3. PROJECT NAME or TITLE:				4. PROJECT STREET ADDRESS:									
5. PROJECT COUNTY:		6. PROJECT CITY:		7. PROJECT ZIP CODE:		8. NEAREST HIGHWAY/WATERBODY:							
9. TAX PARCEL ID#		10. LATITUDE LONGITUDE		11a. 1/4		11b. 1/4		11c. SECTION:		11d. TOWNSHIP		11e. RANGE:	
12a. ESTIMATED START DATE:		12b. ESTIMATED END DATE:		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRAIL, RESERVATION BOUNDARIES? <input type="checkbox"/> NO <input type="checkbox"/> YES <small>Tol#</small>									
13b. IS PROJECT LOCATED IN LISTED O&A AREA? <input type="checkbox"/> NO <input type="checkbox"/> YES				13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input type="checkbox"/> NO <input type="checkbox"/> YES									
14. DIRECTIONS TO PROJECT SITE: Include sturdy map with legible crossroads, street numbers, names, landmarks.													
15. PURPOSE and NEED: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Other													
Describe the reason or purpose of your project, include a brief description of the overall project. Continue to Block 15 to detail each work activity and overall project.													

Page 1 of 4

US Army Corps of Engineers 404 Permit

Reporting = Application
Non-Reporting = No Application

404 Nation Wide Permit
"REPORTING" Triggers

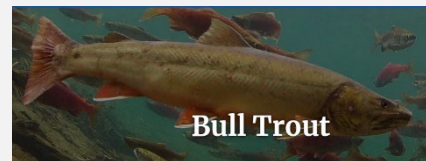
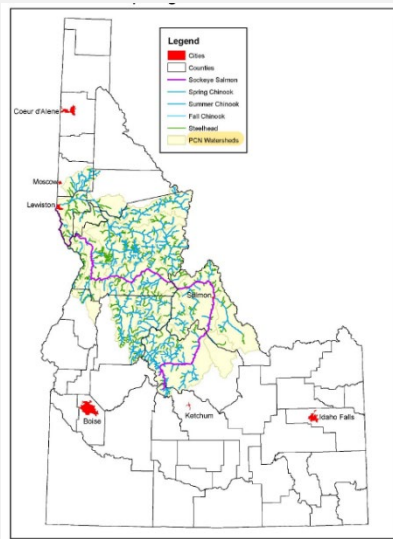
Within EFH

ESA
NLAA LAA
Critical Habitat

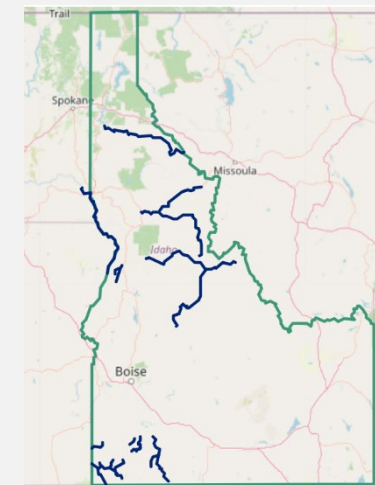
Wetland Impacts

106 Impacts
(historic)

Wild and Scenic
Rivers



NWP 3 >0.1 acres
NWP 14 = any impacts



Permit Application

Box 1: “Applicant” is the “Local Sponsor”.

INCOMPLETE APPLICATIONS	
1. CONTACT INFORMATION - APPLICANT Required:	
Name:	<input type="text"/>
Company:	<input type="text"/>
Mailing Address:	<input type="text"/>

BLOCK 1 – Contact Information, Applicant: Provide all contact information of the responsible party or parties. Include name, company, mailing address, city, state, zip code, day-time telephone number, and e-mail address. If the responsible party is a company, corporation, agency, other organization, etc. indicate the responsible officer/title. If more than one party is associated with the application, attach an additional 8-½”x 11” sheet with the necessary information. The applicant’s signature is required in Block 30 *Signature of Applicant*.

Permit Application

Box 2: “Agent” is the person who can answer questions on the application.

	DATE: _____	_____
DNS MAY NOT BE PROCESSED		
	2. CONTACT INFORMATION - AGENT:	
	Name: _____	

BLOCK 2 – Contact Information, Agent: Provide all contact information of the agent representing the primary party or parties provided in Block 2. Include name, company, mailing address, city, state, zip code, day-time telephone number, and e-mail address. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. An agent is not required unless the applicant wishes to designate someone to represent him/her during the permit process. The agent’s signature is required in Block 31 *Certification of Agent*.

Permit Application

Box 3: Always include the project key number with the application.

Phone NUMBER (include area code):	E-mail:	Prion
3. PROJECT NAME or TITLE:		4. PI
5. PROJECT COUNTY:	6. PROJECT CITY:	7. PR

Boxes 4-11, 13-16, self explanatory, seldom issues.

Box 12: This is the date for the whole project, not just the 404 permitted work.

12a. ESTIMATED START DATE:	12b. ESTIMATED END DATE:	13:

Permit Application

Box 16: Describe the actions “fat”, describe worst case scenario, and round up on quantities.

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

BLOCK 16 – Detailed Description of Each Activity: Provide a detailed breakdown of EACH specific activity involved in the overall project. Provide dimensions – length, width, height, depth, area, acres, linear feet, etc. – of all proposed structures (e.g.: dikes, culvert, road, cofferdam, etc.). Written descriptions and illustrations are a crucial part of this application. Please identify the following:

- All quantities and types of materials to be used
- Indicate whether discharge of dredge or fill material is involved or not; provide correct dimensions
- Identify any structure to be constructed on a fill, piles, or float supported platform

Permit Application

Box 16: Example from instructions, may use categorical exclusion project description.

EXAMPLE Overall project description: *Construct a road crossing of Two Pines Creek, using a 40"long x 48" diameter arch culvert pipe and the discharge of approximately 20 yds³ of three quarter minus gravel, to facilitate the construction of a three acre housing development, located 250 feet from the high water mark of Two Pines Creek.*

Each activity should include a complete narrative of the proposed project work and activities. Include a description of current site conditions and how the site will be modified by the proposed project, all structures and fill materials to be installed, area of excavation or dredging, volumes of material to be removed, uses and disposal location of dredged material, work methods and type of equipment to be used and pollution control method (erosion, sediment, turbidity, etc). If applicable, include phasing or construction sequencing of activities.

EXAMPLE: Breakdown of project activities, phases, sequencing: *Install a 48-inch diameter X 40-foot arch culvert pipe into Two Pines Creek, associated with a road crossing. The base footprint dimensions of the road crossing will be 38-foot wide x 30-foot long.* (Continued on page 5)

Permit Application

Box 16: Do NOT get specific with construction methodology, but do include general information like cofferdams, shoo-flies etc.

The driving surface of the roadway will consist of two, 12-foot driving lanes with 3-foot shoulders.

All work will be performed using a backhoe and front end loader, working from the top-of-bank of Two Pines Creek and/or the top-of-fill. No equipment will operate in the open channel, minimizing impacts to the extent possible within the project area.

Impacts associated with the road crossing include 900 square foot of open channel and 60 square foot of emergent wetlands.

Install a temporary 5-foot wide X 40-foot Jersey barrier/visqueen cofferdam to minimize sediment transport during the installation of the 48-inch diameter X 30-foot arch culvert pipe into Two Pines Creek.

Super sack coffer dam, jersey barrier with visqueen, clean gravel fill etc. or other similar method with some general quantities and typical materials (estimate large)

Permit Application

Box 16: Example Shoo-fly



Permit Application

Box 16: Example Cofferdams



Permit Application

Box 17: Describe positive impacts, gaining WOTUS capacity, moving abutments up and out of the water.

BLOCK 17 – Alternatives Analysis to Avoid, Minimize, Compensate for Impacts: The Corps of Engineers is responsible to ensure that any environmental impact to the aquatic resources from your proposed project is avoided, minimized, and if needed compensated for, as much as possible. In some cases, the Corps may require compensatory mitigation to offset the losses of aquatic resources (33 CFR 325, 332: Final Mitigation Rule, April 2008).

Compensatory Mitigation is the restoration, establishment, enhancement or preservation of aquatic resources for the purpose of offsetting losses of aquatic resources resulting from activities authorized by a Corps of Engineers' permit. Compensatory mitigation requires a mitigation plan and must be reviewed and concurrence received from the Corps, prior to an issuance of a DA permit.

Minimal Impacts - If your project involves a *minimal impact to aquatic resources*, provide a brief summary and explanation describing how on-site measures are being or will be taken to avoid and minimize activity impacts to the waterway/waterbody. **Examples** of avoiding and minimizing on-site activity impacts may include revising work activities or sequencing, conducting work from atop the bank, work done during low water, use of rubber tired equipment, silt curtains, silt fences, straw waddles, etc.

More Than Minimal Impacts - If your project involves *more than minimal impacts to aquatic resources*, provide a detailed description and explanation describing which/where off-site alternatives were considered for your project. These alternatives must be a realistic alternative to site location, design(s), construction methods, etc. Each alternative discussed must have an explanation of why it was or was not chosen. A vicinity map of each alternative site must also be included and labeled accordingly (on 8-1/2" x 11" white paper).

Permit Application

Box 18: USACE compensatory mitigation, typically for impacts above 0.10 acres of wetland and stream impacts above 0.03 acres.

Federal Highway Administration (FHWA), Executive Order 11990 “no net loss of wetlands”, mitigation for ANY impacts.

Contact LHTAC or the ITD district as soon as possible if USACE mitigation threshold is met.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

Permit Application

Box 18: USACE Instructions

BLOCK 18 – Proposed Mitigation Statement or Plan: A mitigation plan for your proposed project may be required if impacts to the aquatic resource are more than minimal (see Block 17 for further details). If you believe your project does not require a compensatory mitigation plan, provide a statement of how measures are being taken to avoid and minimize activity impacts to the waterway or waterbody, including wetlands. Also include your reasoning of why a mitigation plan is not required.

If your proposed project does require a mitigation plan, attach a copy of the plan labeled Block 18. The plan must be on white paper no larger than standard 8-1/2" x 11", white paper and of good reproducible quality. While a detailed mitigation plan may be required as part of the permit process, it is NOT required for a complete application.

Permit Application

Boxes 19 and 20:

<p>19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:</p> <p>Dirt or Topsoil: <input type="text"/> cubic yards</p> <p>Dredged Material: <input type="text"/> cubic yards</p> <p>Clean Sand: <input type="text"/> cubic yards</p> <p>Clay: <input type="text"/> cubic yards</p> <p>Gravel, Rock, or Stone: <input type="text"/> cubic yards</p> <p>Concrete: <input type="text"/> cubic yards</p> <p>Other (describe: <input type="text"/> : <input type="text"/> cubic yards</p> <p>Other (describe: <input type="text"/> : <input type="text"/> cubic yards</p> <p>TOTAL: <input type="text"/> cubic yards</p>	<p>20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:</p> <p>Filling: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Backfill & Bedding: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Land Clearing: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Dredging: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Flooding: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Excavation: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Draining: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Other: <input type="text"/> : <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>TOTALS: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p>
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NWW Form 1145-1/IDWR 3804-B

Page 2 of 4

Frequently boxes 19 and 20 are not completed correctly. These are the critical boxes for regulatory information.

Permit Application

Boxes 19 and 20 USACE Instructions

BLOCK 19 – Type & Quantity of Materials: Identify and list each type and quantity of material that your project proposes to discharge. Any material discharged into waters of the U.S. below the Ordinary High Water Mark and/or in wetlands must be identified.

Calculation for Cubic Yards (yd³): LENGTH (ft) multiplied by WIDTH (ft) multiplied by DEPTH (ft); divide by 27

BLOCK 20 – Type & Amount of Impacts to Waters of the U.S., including Wetlands: Identify and list quantity amounts of each type of impact to waters of the U.S., including wetlands. Include quantity amounts in acres, square feet, and cubic yards. To help determine quantity amounts, see calculations below.

Calculation for Square Feet (ft²): LENGTH (ft) multiplied by WIDTH (ft)

Calculation for Acres: LENGTH (ft) multiplied by WIDTH (ft); divided by 43,560

Calculation for Cubic Yards (yd³): LENGTH (ft) multiplied by WIDTH (ft) multiplied by DEPTH (ft); divide by 27

ROUND UP FOR IMPACTS TO THE NEAREST 10 CUBIC YARDS.

Permit Application

Boxes 19 and 20

<p>19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:</p> <p>Dirt or Topsoil: <input type="text"/> cubic yards</p> <p>Dredged Material: <input type="text"/> cubic yards</p> <p>Clean Sand: <input type="text"/> cubic yards</p> <p>Clay: <input type="text"/> cubic yards</p> <p>Gravel, Rock, or Stone: <input type="text"/> cubic yards</p> <p>Concrete: <input type="text"/> cubic yards</p> <p>Other (describe): <input type="text"/> : <input type="text"/> cubic yards</p> <p>Other (describe): <input type="text"/> : <input type="text"/> cubic yards</p> <p>TOTAL: <input type="text"/> cubic yards</p>	<p>20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:</p> <p>Filling: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Backfill & Bedding: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Land Clearing: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Dredging: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Flooding: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Excavation: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Draining: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>Other: <input type="text"/> : <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p> <p>TOTALS: <input type="text"/> acres <input type="text"/> sq ft. <input type="text"/> cubic yards</p>
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NWW Form 1145-1/IDWR 3804-B Page 2 of 4

The total from box 19 should be placed in the filling of box 20. Box 20 make sure to include square feet, the “foot print” is important

Permit Application

Boxes 19 and 20

<p>19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:</p> <p>Dirt or Topsoil: _____ cubic yards</p> <p>Dredged Material: _____ cubic yards</p> <p>Clean Sand: _____ cubic yards</p> <p>Clay: _____ cubic yards</p> <p>Gravel, Rock, or Stone: _____ cubic yards</p> <p>Concrete: _____ cubic yards</p> <p>Other (describe): _____ : _____ cubic yards</p> <p>Other (describe): _____ : _____ cubic yards</p> <p>TOTAL: _____ cubic yards</p>	<p>20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:</p> <p>Filling: _____ acres _____ sq ft. _____ cubic yards</p> <p>Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards</p> <p>Land Clearing: _____ acres _____ sq ft. _____ cubic yards</p> <p>Dredging: _____ acres _____ sq ft. _____ cubic yards</p> <p>Flooding: _____ acres _____ sq ft. _____ cubic yards</p> <p>Excavation: _____ acres _____ sq ft. _____ cubic yards</p> <p>Draining: _____ acres _____ sq ft. _____ cubic yards</p> <p>Other: _____ : _____ acres _____ sq ft. _____ cubic yards</p> <p>TOTALS: _____ acres _____ sq ft. _____ cubic yards</p>
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NWW Form 1145-1/IDWR 3804-B

Page 2 of 4

The totals in box 20 may show much larger “footprint” impact than what there actually is. This is why the drawings are important. Some areas will be counted multiple times. The total actual footprint can be listed in box 18.

Permit Application

Boxes 19 and 20 example

19, TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:		20, TYPE and QUANTITY of impacts to waters of the United States, including wetlands:	
Dirt or Topsoil:	_____ cubic yards	Filling:	_____ acres _____ sq ft, _____ cubic yards
Dredged Material:	_____ cubic yards	Backfill & Bedding:	0.06 acres 2640 sq ft → 215 cubic yards
Clean Sand:	_____ cubic yards	Land Clearing:	_____ acres _____ sq ft _____ cubic yards
Clay:	_____ cubic yards	Dredging:	_____ acres _____ sq ft _____ cubic yards
Gravel, Rock, or Stone:	125 cubic yards	Flooding:	_____ acres _____ sq ft _____ cubic yards
Concrete:	_____ cubic yards	Excavation:	0.06 acres 2590 sq ft → 330 cubic yards
Other (describe):	RETAINING WALLS : 85 cubic yards	Draining:	_____ acres _____ sq ft _____ cubic yards
Other (describe):	RIPRAP : 90 cubic yards	Other:	RETAINING WALLS : 0.02 acres 900 sq ft → 85 cubic yards
TOTAL:	300 cubic yards	TOTALS:	0.14 acres 6130 sq ft → 630 cubic yards

Net excavation
30 cubic yards

Permit Application

Boxes 27 and 28: also very important for regulatory permitting.

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
TOTAL STREAM IMPACTS (Linear Feet):				

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
TOTAL WETLAND IMPACTS (Square Feet):				

Permit Application

Boxes 27 and 28 example

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.				
27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.				
Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
Remove existing bridge	Silver Creek	Perennial	Removal of existing bridge structure.	30
New bridge and riprap	Silver Creek	Perennial	Place riprap on channel slope.	40
Pathway	Silver Creek	Perennial	Installation of new pathway from road down to Silver Cr.	10
TOTAL STREAM IMPACTS (Linear Feet):				80
28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.				
Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length acres , square ft linear ft
New bridge and riprap	Emergent and Scrub/Shrub	0 to 100	Install new bridge and riprap over channel slopes	865
Road and Retaining Walls	Emergent and Scrub/Shrub	0 to 100	Installation of roadway and retaining walls for bridge approach	2360
Pathway	Emergent and Scrub/Shrub	0 to 100	Installation of new pathway from road down to Silver Cr.	315
TOTAL WETLAND IMPACTS (Square Feet):				3540

Permit Application

Box 27

Block 27 – Impacts to Water: Detail each individual activity that will cause impact to the waterbody (e.g., stream, shoreline, tributary) by providing:

- The name of the waterbody
- If the waterbody is a seasonal or perennial waterbody
- Provide the length of impact to the riverbank, stream bank, lake, shoreline, etc. of the individual activity
- Describe the type of activity being proposed that will have an impact on the waterbody
- Provide the length of impact to the riverbank, stream bank, lake, shoreline, etc. of the individual activity

NOTE: *Perennial is defined as flowing year-round; Intermittent (seasonal) is defined as flowing less than 12 months*

Each type of impact to the stream, shoreline, and/or water body must be individually listed. Provide the **TOTAL OF ALL IMPACTS**, in linear feet. **Impacts may include fill, backfill/bedding, land clearing, dredge (excavate/drain), coffer dams, riprap, dock/pier, etc.**

Calculation for Square Feet (ft²): LENGTH in feet, multiplied by WIDTH in feet

Calculation for Acres: LENGTH in feet, multiplied by WIDTH in feet; divided by 43,560

EXAMPLE:

Activity	Name of Waterbody	Season or Perennial	Description of Impact	Impact Length
Construct Road	Two Pines Creek	Perennial	Road base 30' x 38'	70 feet
Construct Shoulder	Two Pines Creek	Perennial	3' shoulders, each side	6 feet
Temporary Cofferdam	Two Pines Creek	Perennial	Install 40' x 5' temporary visqueen cofferdam	40 feet
TOTAL STREAM IMPACTS (Linear Feet):				116 feet

Impact length will include all impacts, however for thresholds it is centerline of river impacts, each side of the bank does not count individually.

Permit Application

Box 28

Block 28 – Impacts to Wetlands: Detail each individual activity that will cause impact to the wetland(s) by using the following examples:

- Wetland Type -
 - Emergent wetlands: may contain horsetail, reed grass (Reed Canary Grass), wire grass (Baltic Rush), bulrush (Bulrush), poison hemlock, etc.
 - Scrub/Shrub wetlands: may contain coyote/sandbar willow (Narrow Leaf Willow), dogwood (Red Twig Dogwood), Alder, etc.
 - Forested wetlands: may contain cottonwood, silver maple, river birch, red alder (red maple, green ash)
- Distance to nearest waterbody, in linear feet
- Purpose of each individual impact
- Area that proposed activity or project will impact, in acres or square feet
- Provide the total impacts, in acres or square feet

Calculation for Square Feet (ft²): LENGTH in feet, multiplied by WIDTH in feet

Each type of impact to the wetland must be individually listed, including mechanized fixed blade and clearing, fill and dredge material discharged, flood, drainage, etc. Spacing for four separate impacts has been provided. Additional impacts must be listed on an attached 8-½" x 11" sheet(s) with the necessary information labeled Block 28.

EXAMPLE:

Activity	Wetland Type	Distance to Waterbody	Description of Activity and Dimensions	Impact Length (L x W)
Construct Crossing	Emergent	2 feet	Road Crossing 30' x 38'	60 ft ²
TOTAL WELAND IMPACT(S) in Square Feet:				60 ft ²

Threshold for mitigation is typically 0.10 acres (4,356 square feet)

Creek versus Canal

Creeks/Rivers

- Require an Aquatic Resource Delineation Report (Wetland Ecosystem Services Protocol - WESP Idaho or Montana Wetland Assessment Method).

Canals (not regulated by IDWR)

- May potentially use an Aquatic Resource Inventory Report (impacts well below thresholds).
- Assume wetlands for vegetative fringe, assume larger than observed.



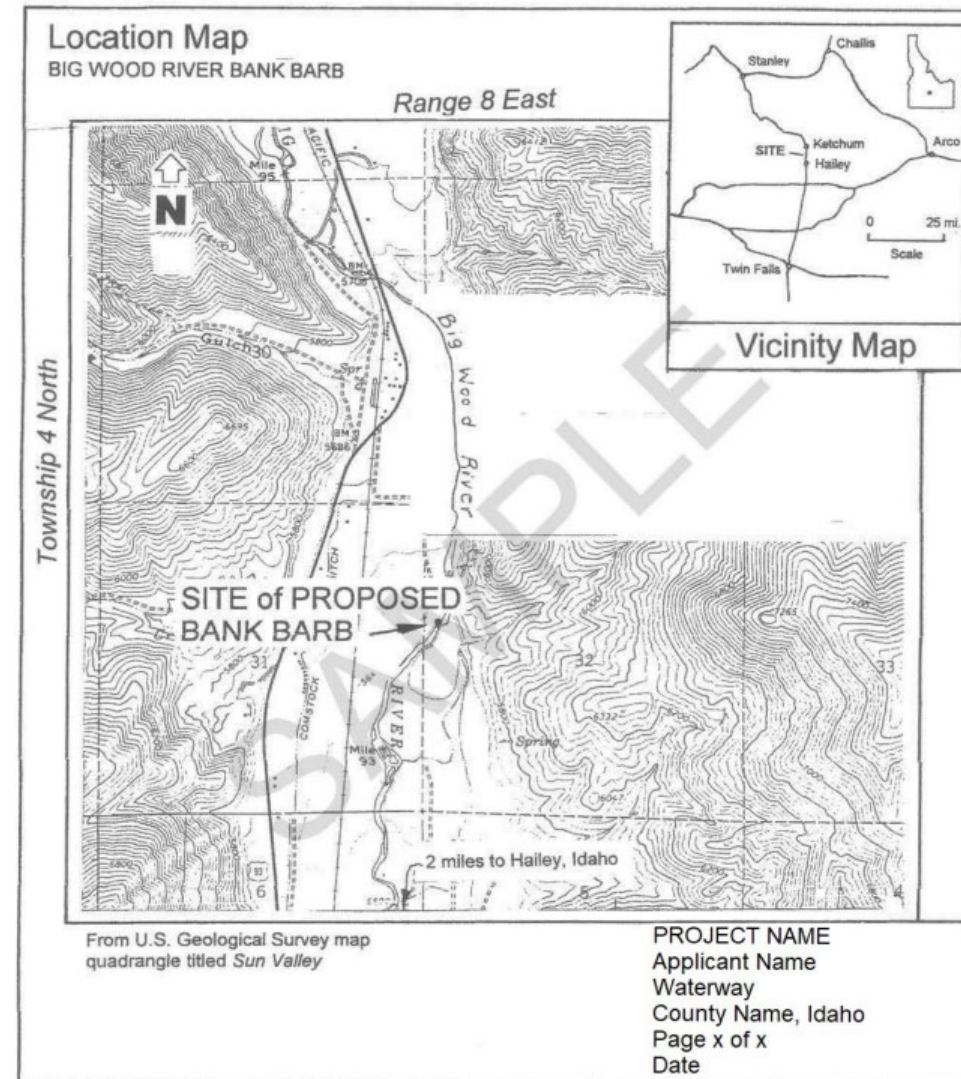
Required Figures: Vicinity Map

Title Block (on EVERY sheet):

- Project Name
- Name of Waterbody
- County
- Name of Applicant
- Date
- Sheet and total (e.g. 1 of 4)

River mile if known

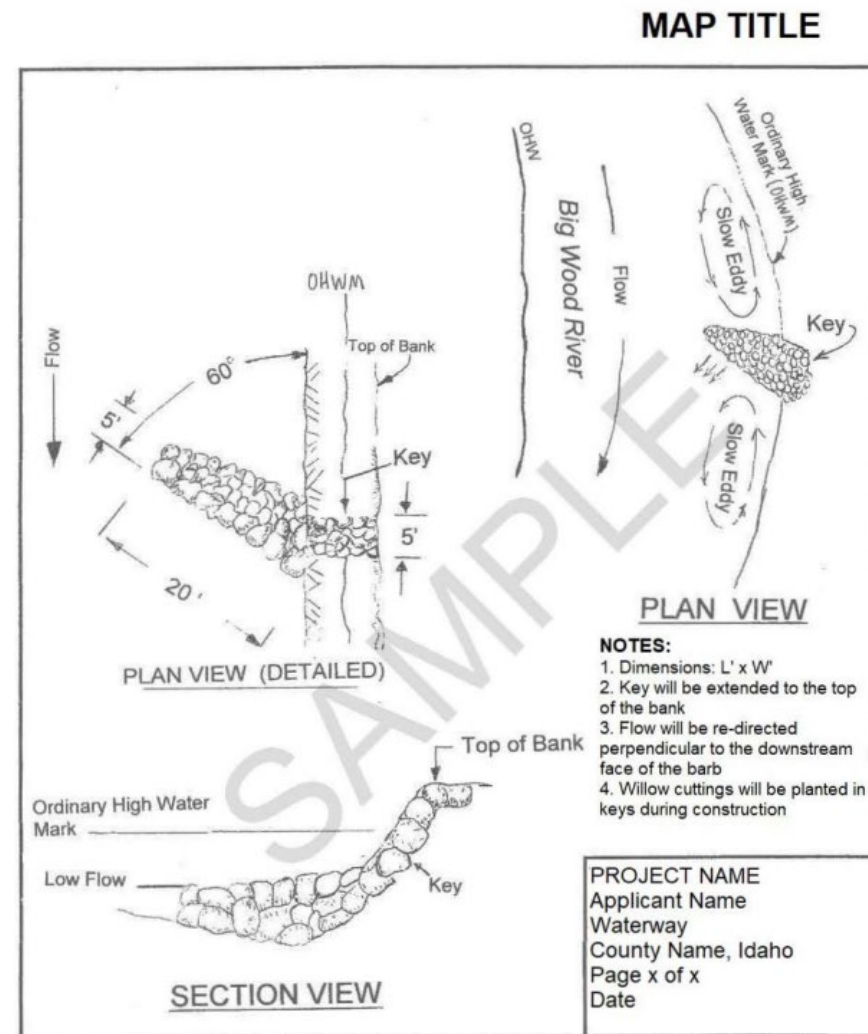
North Arrow



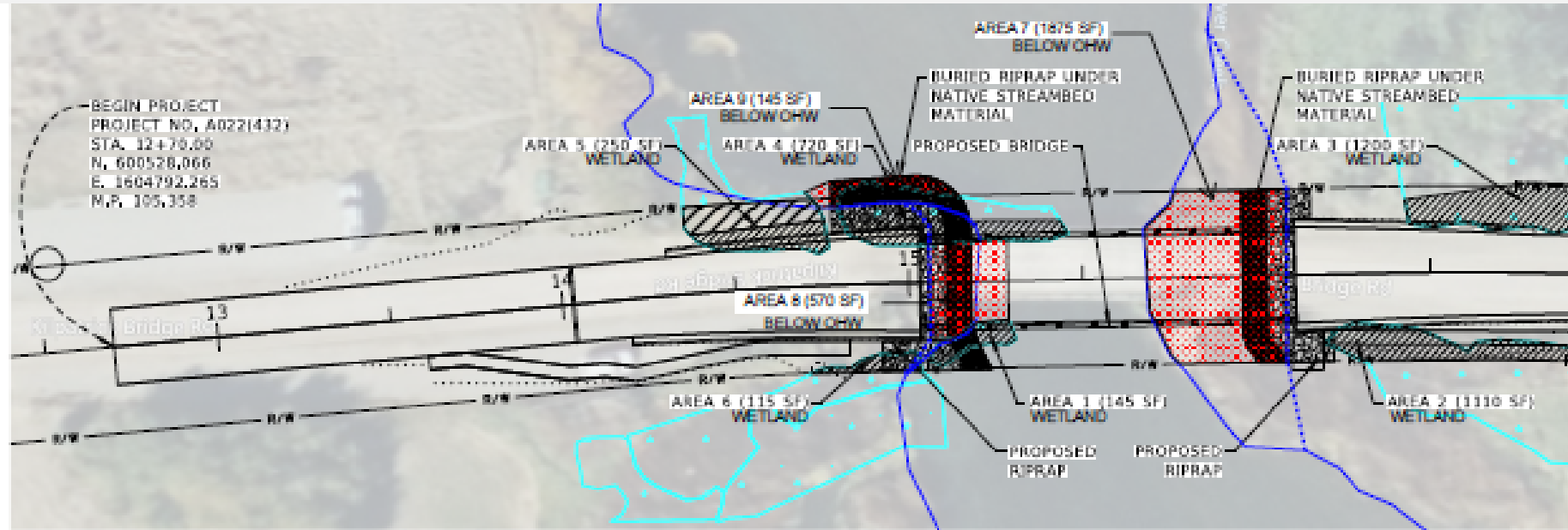
Required Figures: Plan View Drawing

Important items to include:

- Impacts (square feet), (e.g. shoo-flies, coffer dams, crane pads)
- Waterbodies
- OHWM
- Wetlands, including type (PEM PSS PFO)
- Total project footprint
- Riprap
- BMPs and locations

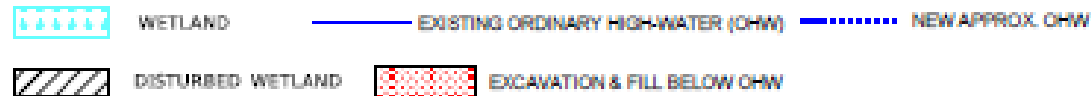


Required Figures: Plan View Drawing Example



Information from the tables should match the information on the drawings

LEGEND



DISTURBED WETLAND AREA

AREA 1 = 145 SF
 AREA 2 = 1110 SF
 AREA 3 = 1200 SF
 AREA 4 = 720 SF
 AREA 5 = 250 SF
 AREA 6 = 115 SF
 TOTAL = 3540 SF

EXCAVATION & FILL AREA BELOW OHW

AREA 7 = 1875 SF
 AREA 8 = 570 SF
 AREA 9 = 145 SF
 TOTAL = 2590 SF

*75% OF AREA IS EXCAVATION AND 25% IS FILL

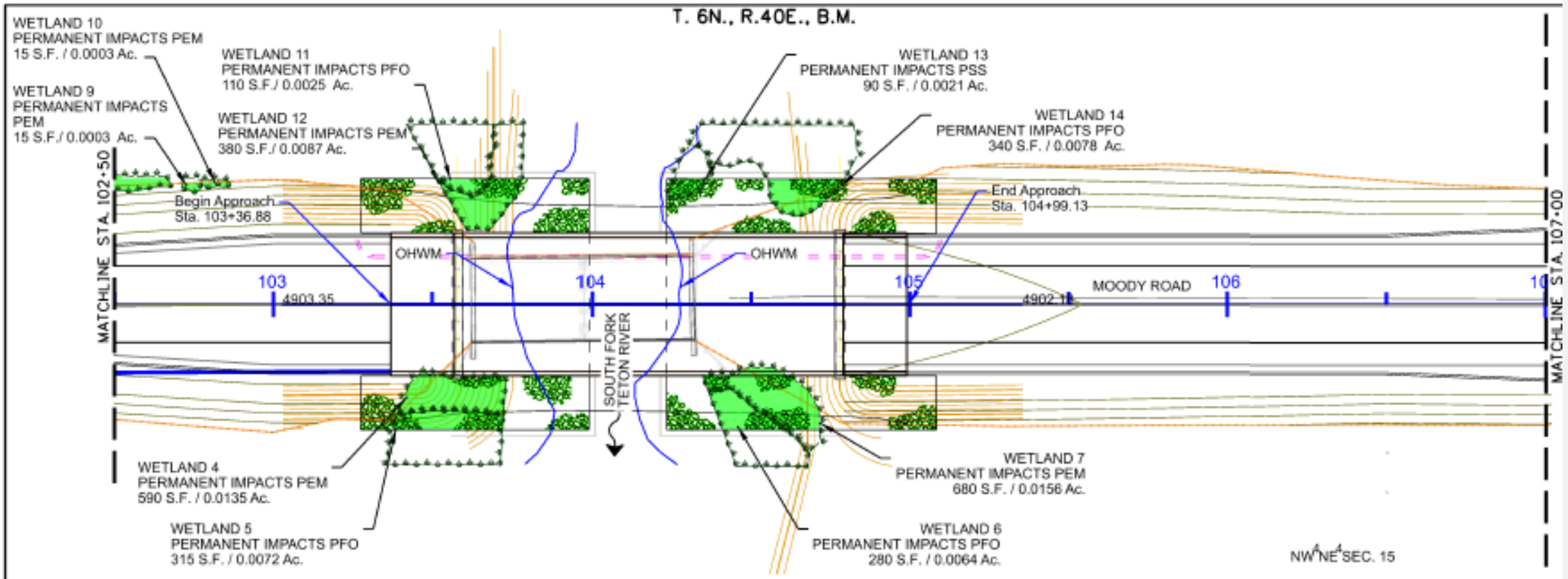
EXCAVATION:

300 CY BRIDGE + 30 CY RETAINING WALLS = 330 CY

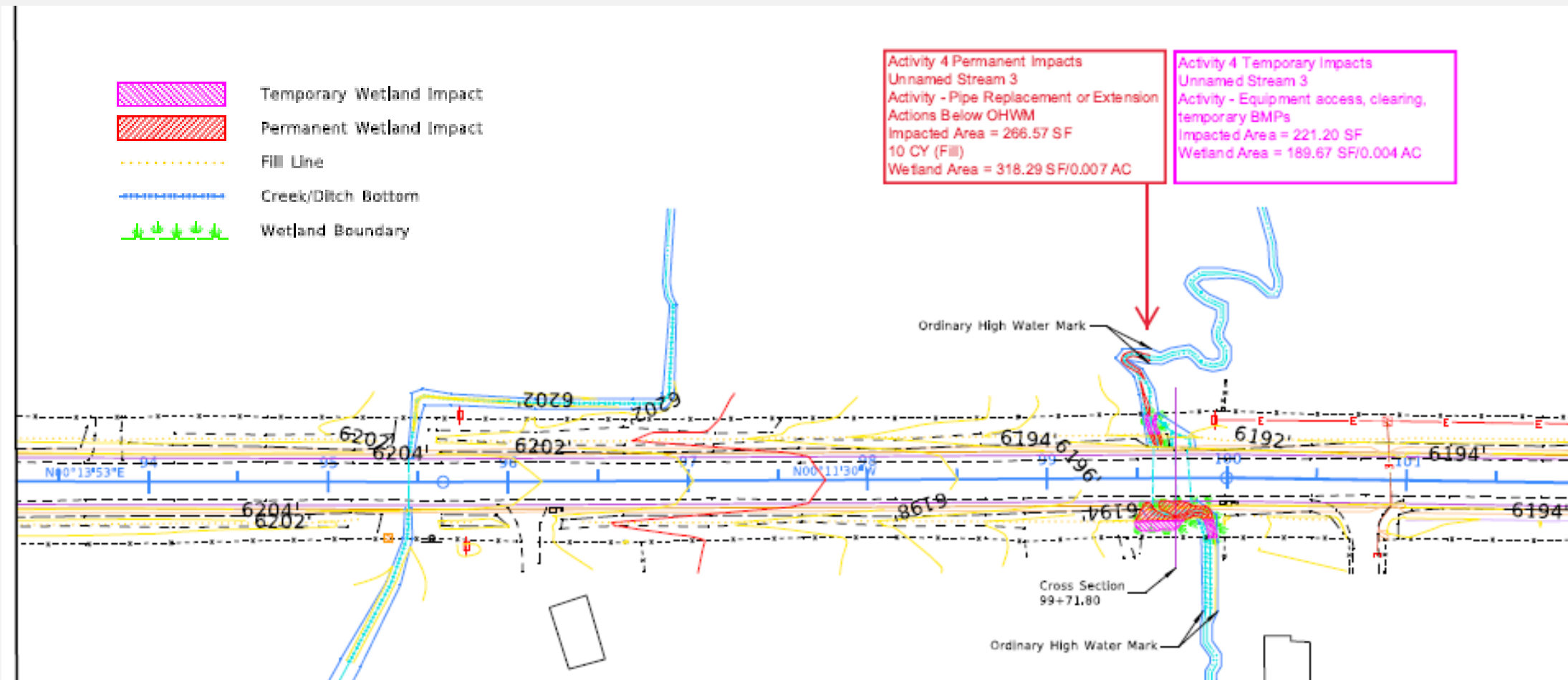
FILL:

90 CY RIPRAP + 85 CY RETAINING WALLS + 125 CY BACKFILL & BEDDING = 300 CY

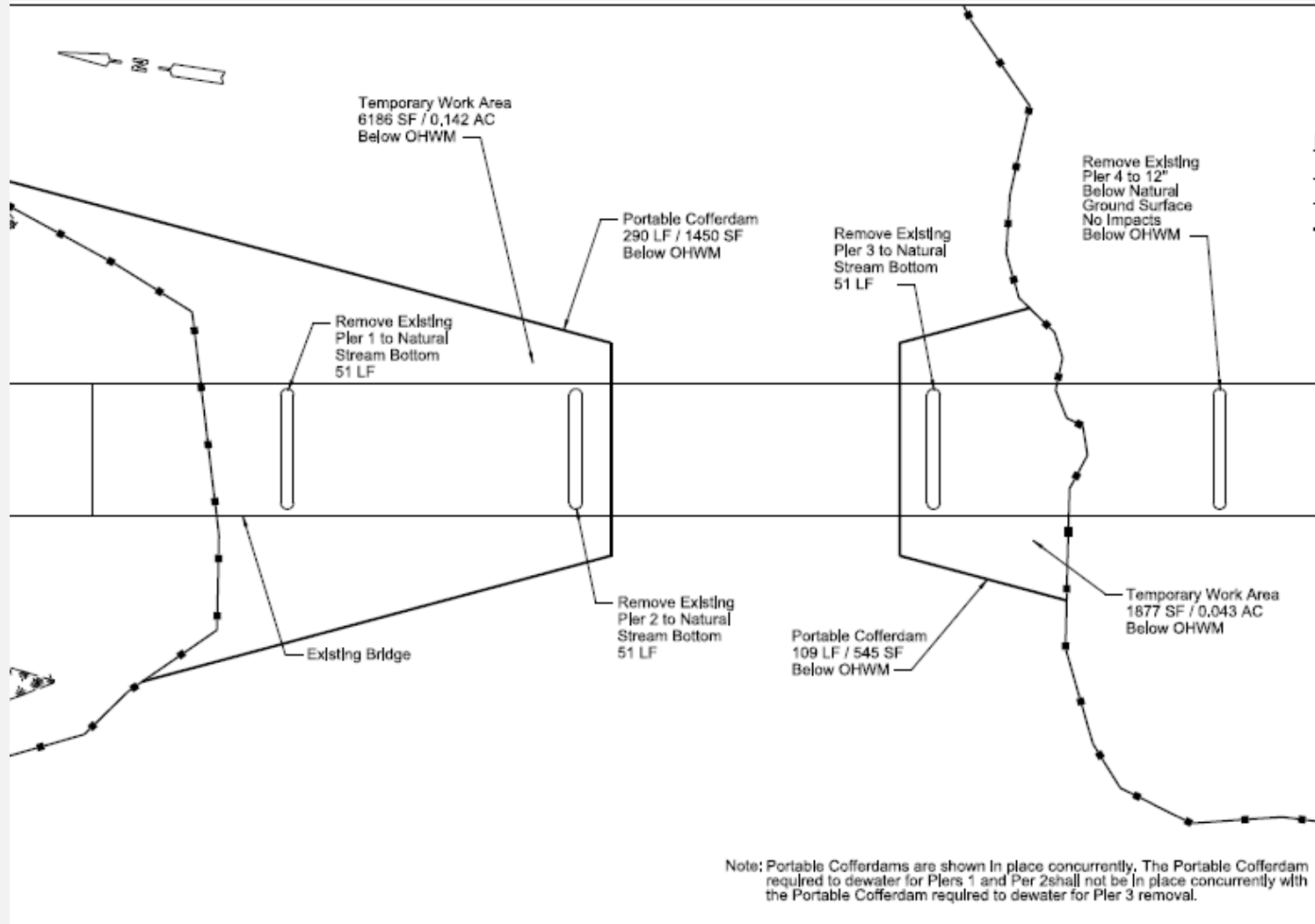
Required Figures: Plan View Drawing Example



Required Figures: Plan View Drawing Example

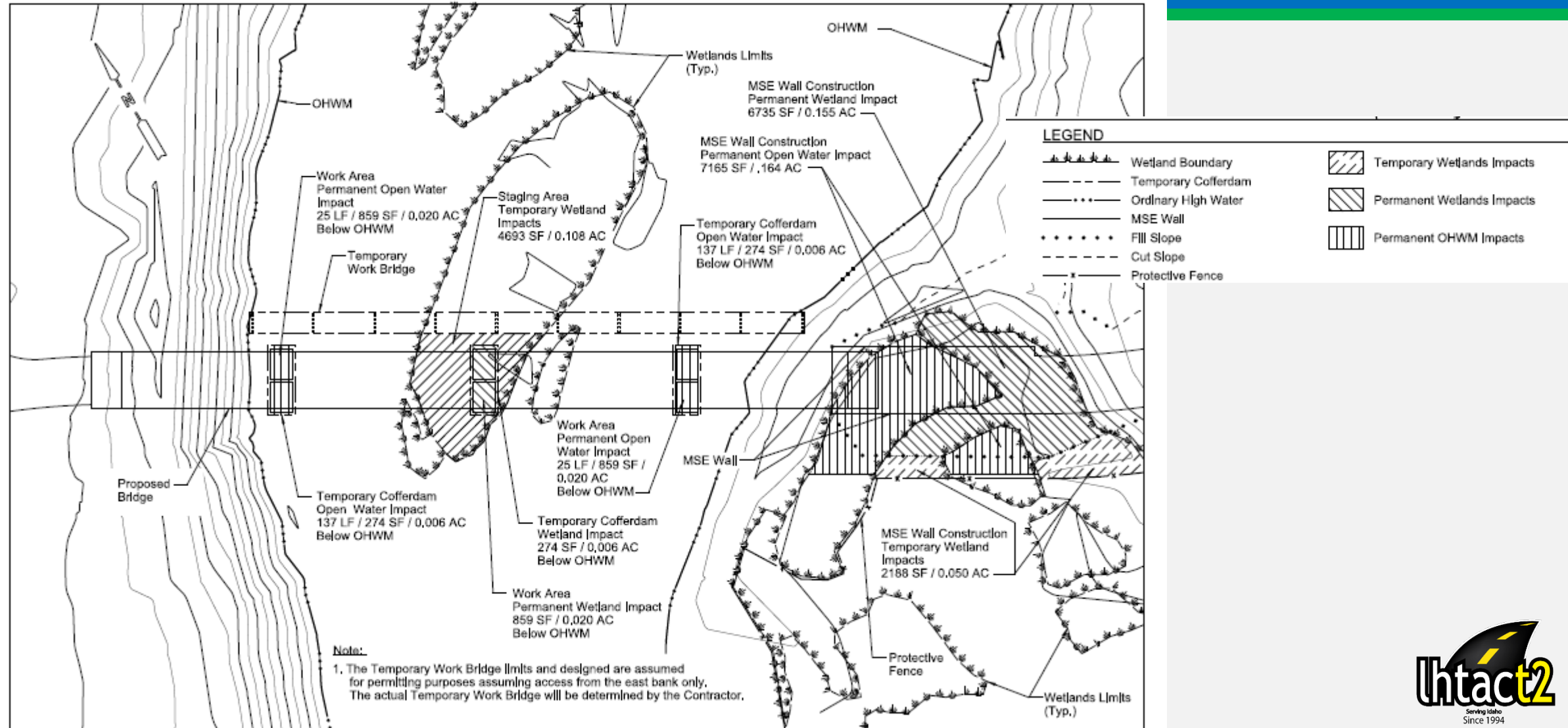


Required Figures: Plan View Drawing Example



May break up into more than one plan sheet.

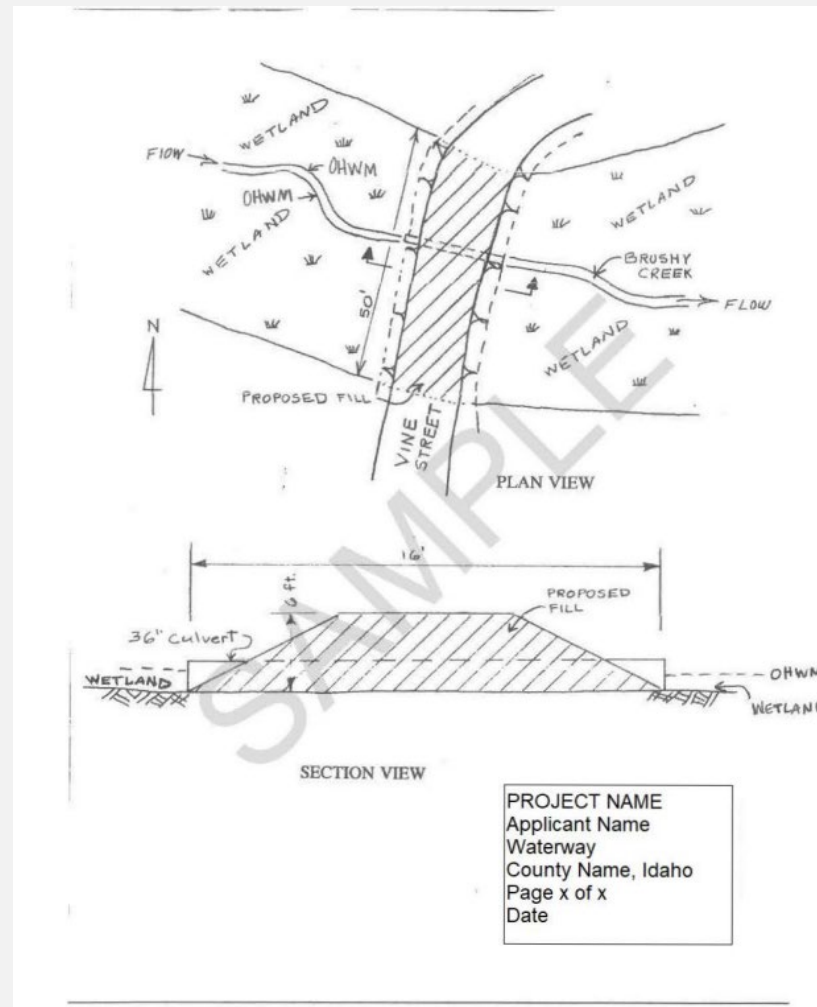
Required Figures: Plan View Drawing Example



Required Figures: Cross Sectional Drawing

Important items to include:

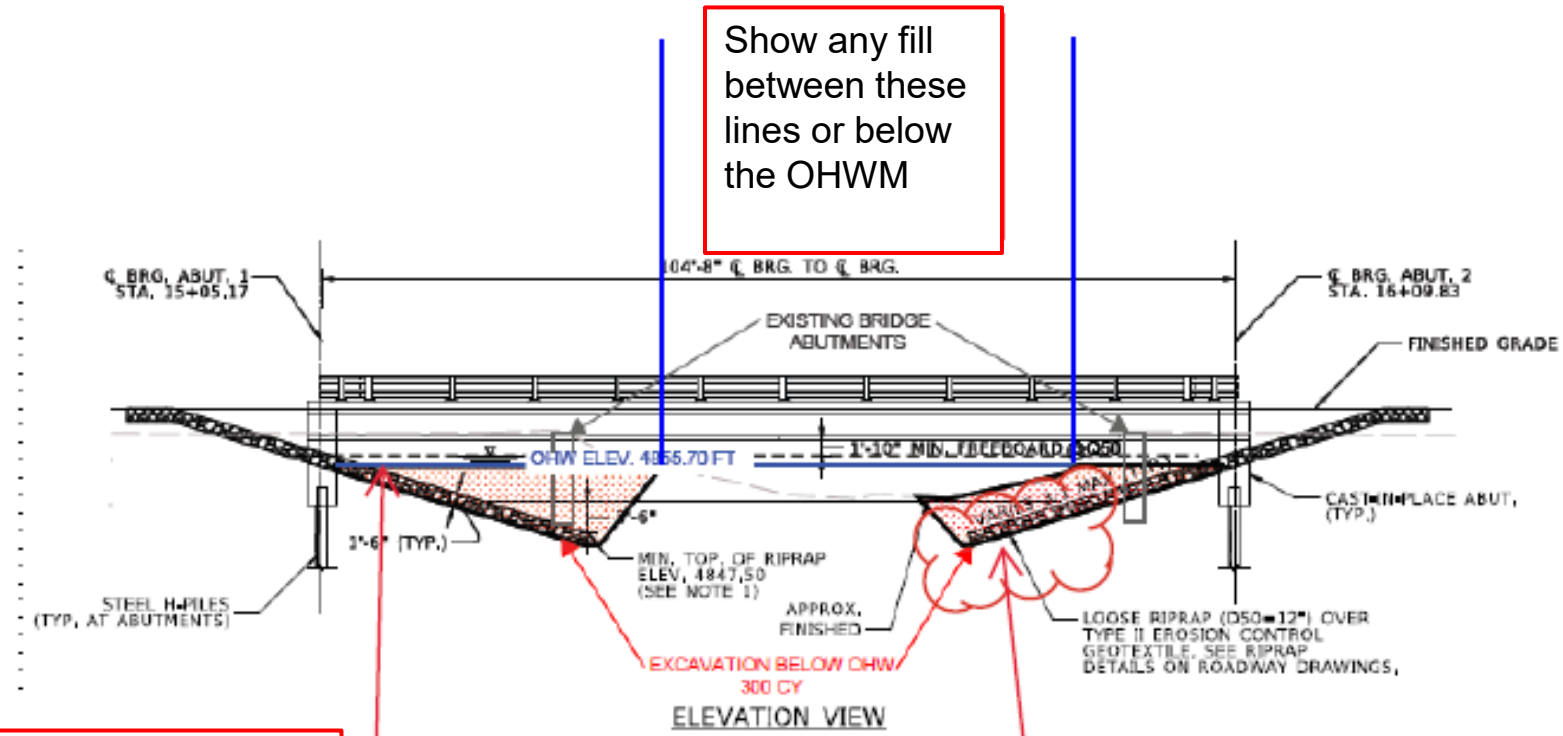
- Impacts (square feet)
- Waterbodies
- OHWM
- Wetlands, including type (PEM PSS PFO)
- Project footprint
- Riprap
- BMPs and locations



Cross Section of the Waterbody, not the road

- Show existing in light gray
- Show proposed areas dark lines
- Show excavated areas

Required Figures: Cross Sectional Drawing Example

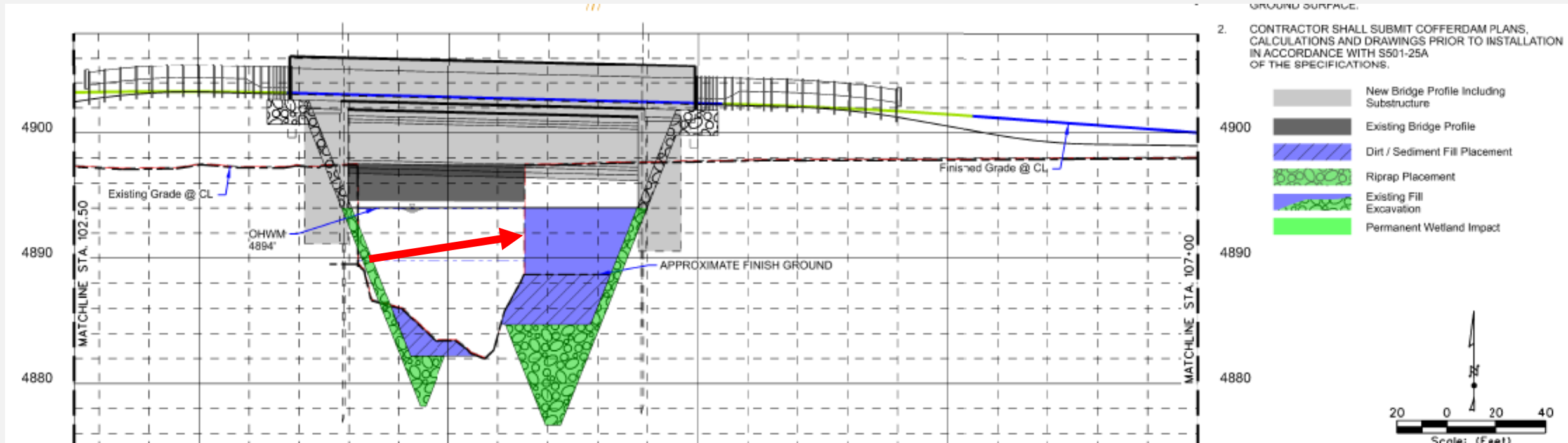


Show any fill between these lines or below the OWHM

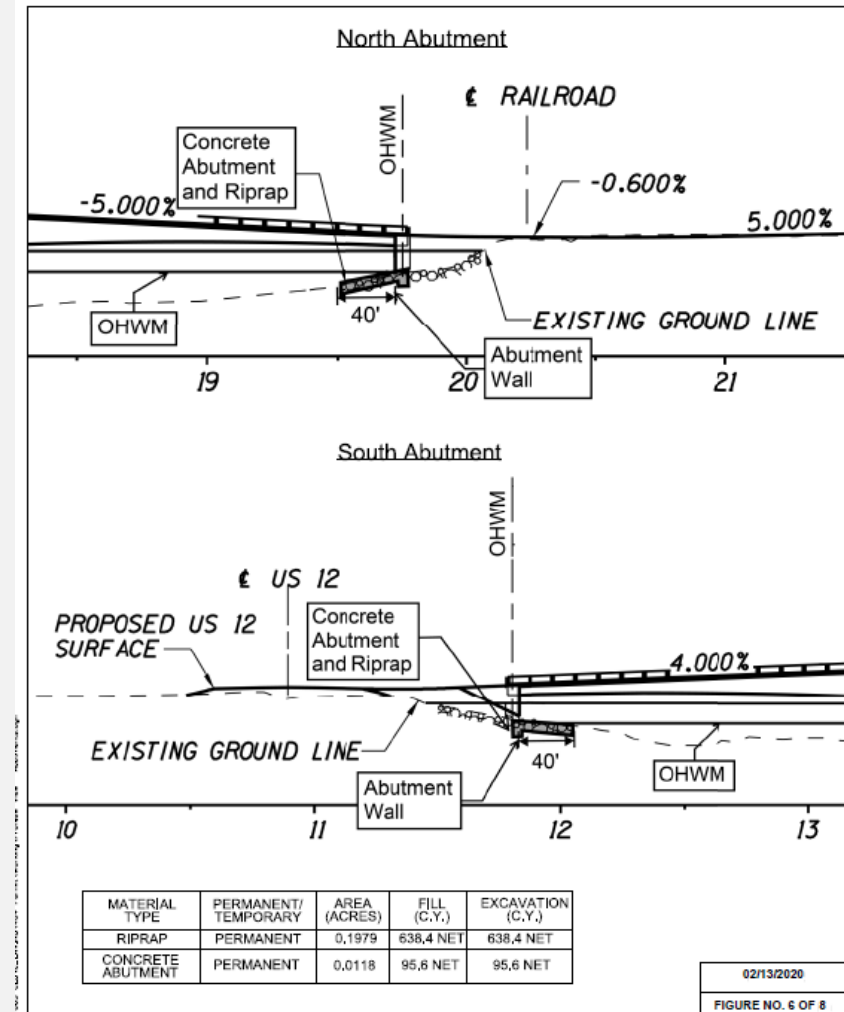
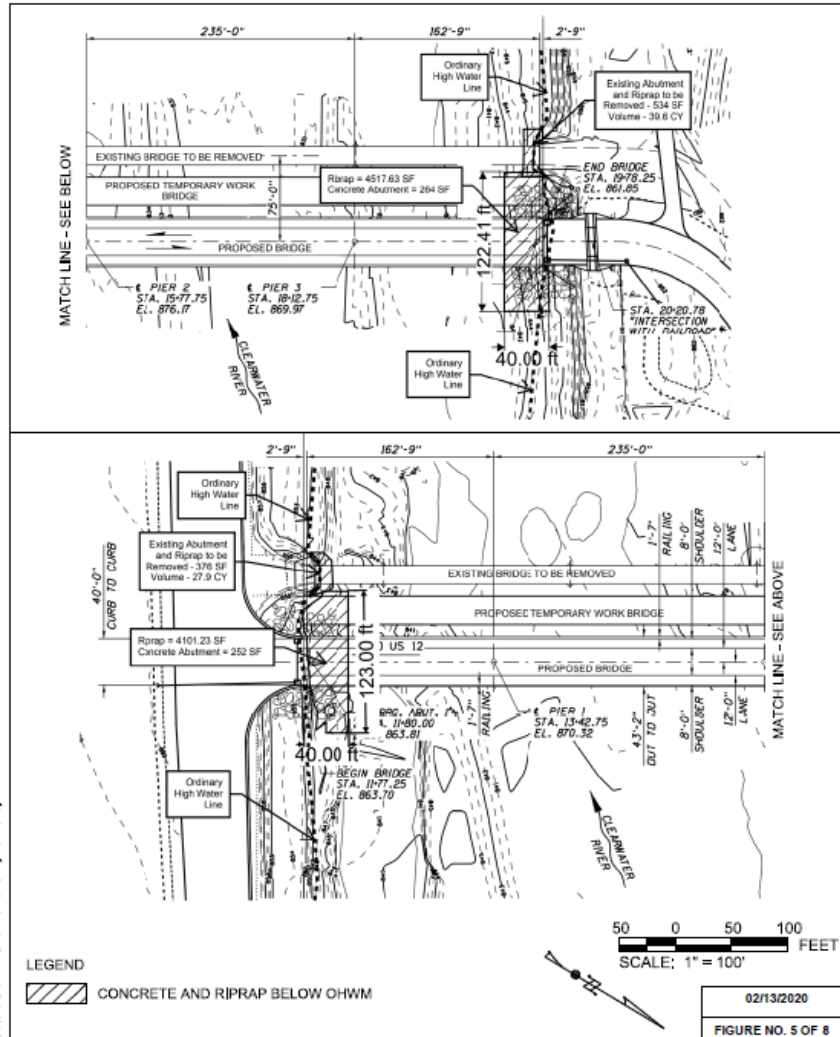
Show where OWHM meets proposed ground, any excavation below this line

Riprap fill

Required Figures: Cross Sectional Drawing Example



Required Figures: Cross Sectional Drawing Example



Idaho DEQ 401 Water Quality Certification

<https://www.deq.idaho.gov/permits/water-quality-permits-certifications/water-quality-certifications/>

General and individual 401 Water Quality Certifications

“Section 401 of the federal Clean Water Act requires state certification for any permit or license issued by a federal agency for an activity that may result in a discharge into the waters of the United States (WOTUS). Water quality certifications ensure projects comply with state water quality standards and any other water quality requirements under state law.”

Idaho DEQ 401 Water Quality Certification

A 401 Water Quality Certification is issued by the Idaho Department of Environmental Quality for each 404 (EPA for projects on reservations).

Does a project need a
General 401 certification
or
Individual 401 Certification?

Nationwide Permit		Reason for Denial or Partial Denial
3	Maintenance	<ul style="list-style-type: none">• Removal of sediment limited to 200 feet from structure• Activities authorized in paragraph (b)
13	Bank Stabilization	<ul style="list-style-type: none">• Activities involving discharge into a special aquatic site• Activities in excess of 500 linear feet• Activities that involve discharge of greater than one cubic yard per running foot measured along the length of the treated bank below the OHWM
14	Linear Transportation Projects	<ul style="list-style-type: none">• Activities resulting in the loss of WOTUS in excess of 1/10 acres• Activities involving discharge into a special aquatic site
18	Minor Discharge	<ul style="list-style-type: none">• Less than 10 cubic yards of dredge or fill• Activities involving discharge into a special aquatic site
42	Recreational Facilities	<ul style="list-style-type: none">• Activities in excess of 300 linear feet of streambed• Activities resulting in the loss in excess of ½ acres if jurisdictional wetlands

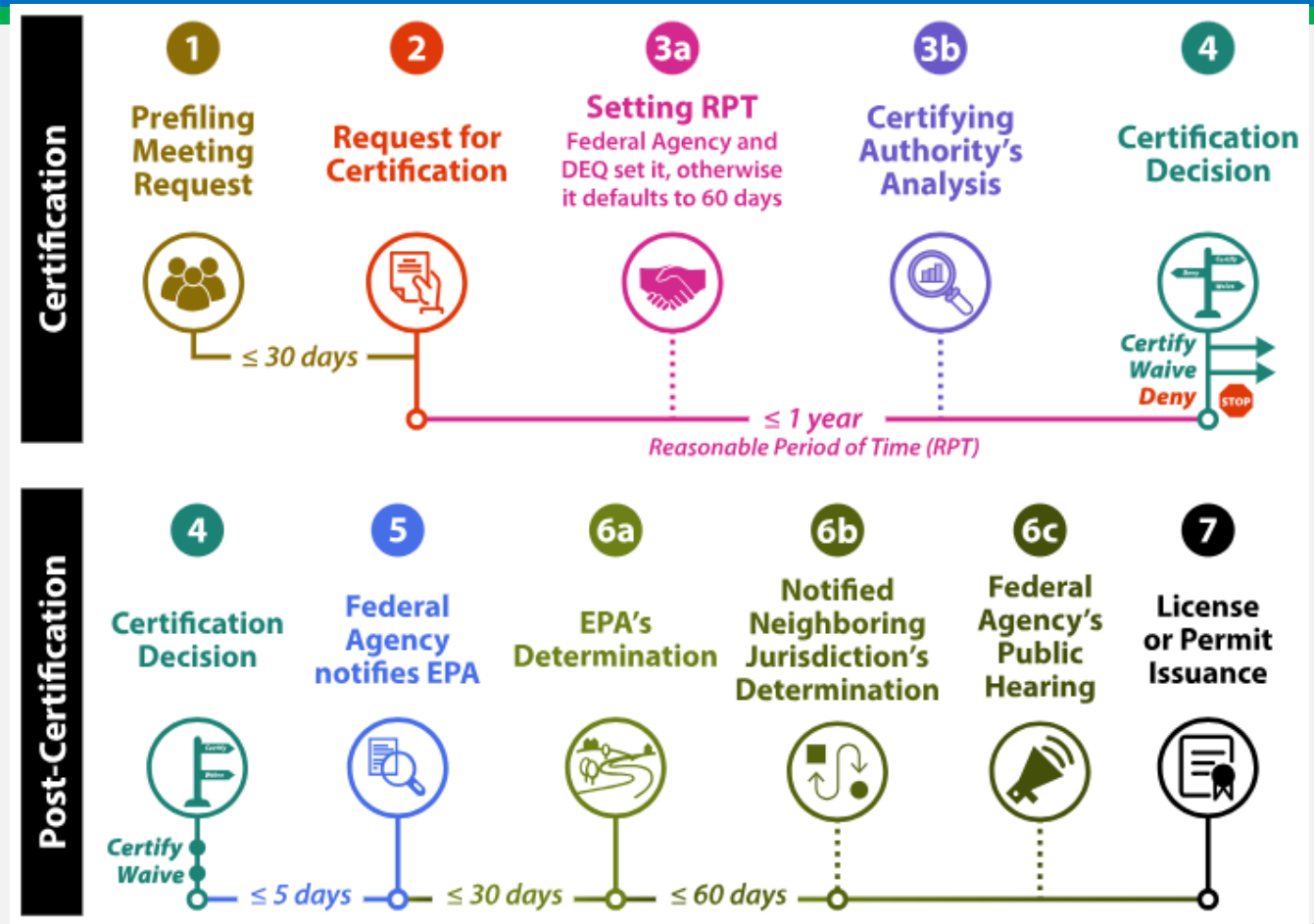
Different requirements when on Reservations, the EPA is then the 401 certification authority and have different thresholds.



Idaho DEQ 401 Water Quality Certification

For an Individual 401 Water Quality Certification:

1. Submit a Prefiling Meeting Request.
2. At least 30 days after submitting the Prefiling Meeting Request, submit a Water Quality Certification Request.



certificationrequests@deq.idaho.gov

Review Commensurate with the Impacts (Risk Factors)

1. More than 0.5 acres of wetland impact, typically require an Individual 404 Permit.
2. Impacts to Threatened or Endangered species or Critical Habitat.
3. Impacts to Section 106 resources.
4. Mitigation required (wetlands or streams).
5. Work in a sensitive area (e.g. special aquatic sites, conservation, refuge etc).



US Army Corps of Engineers 404 Permit

Permitting Questions?

US Army Corps of Engineers Links

<https://www.nww.usace.army.mil/Portals/28/docs/regulatory/JtApplication/Jt.Application.pdf>

[InstructionGuide-3.pdf](#)

<https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Mitigation/>

<https://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/486085/ordinary-high-water-mark-ohwm-research-development-and-training/>



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Advocate | Support | Train

