

Nationwide Permits Guidance (Unofficial)

This document provides unofficial guidance for projects that may be authorized under Nationwide Permits. The U.S. Army Corps of Engineers reserves the right to make the final determination on permit requirements.

1) Special Aquatic Sites

- a. Special Aquatic Sites include wetlands, sanctuaries and refuges, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes. Wetlands and riffle and pool complexes tend to be the most common special aquatic sites with Iowa DOT projects.
- b. Wetlands
 - Wetlands that are situated below a stream's ordinary high water mark (OHWM) are considered part of the stream bed. Stream bed is defined as the substrate of the stream channel between the OHWMs.
 - Wetlands contiguous to the stream bed but situated above/outside of the stream's OHWM are considered special aquatic sites (in accordance with 40 CFR § 230, Subpart E), but are not to be considered part of the stream bed.
 - Wetlands situated on recently sloughed streambanks. If the sloughed streambank/wetland is situated below the OHWM, it will be considered streambed, whereas if it is situated above the OHWM it will be considered a special aquatic site.
- c. Pool and riffle complexes
 - Riffles are characterized by rapid movement of water over a coarse substrate whereas pools are deeper areas that tend to have slower flow velocity, a smooth surface, and finer substrate.
 - Natural riffle and pool complexes should be treated as a special aquatic site whereas man-made complexes (i.e., riffles constructed of broken concrete) will not.
- d. Pre-Construction Notification
 - See pre-construction notification requirements for the respective Nationwide Permits below.

2) Section 401 Water Quality Certification

- All projects needing an Individual Section 401 Water Quality Certification from the Iowa DNR will require pre-construction notification to the Corps, even if the work would otherwise qualify for a non-reporting Nationwide Permit.
- Example: projects that impact an Outstanding Iowa Waters (OIW) will require an Individual Section 401 Certification, and therefore, pre-construction notification to the Corps.
 - For a list of OIWs, see [Iowa DNR's Antidegradation webpage](#)

3) Nationwide Permit #3 – Maintenance

- a. Bridge-for-bridge replacement projects that maintain a comparable footprint, even if the project(s) include bank revetment, qualify for a non-reporting Nationwide Permit #3.
- b. Culvert-for-culvert replacement projects that maintain a comparable horizontal footprint qualify for a non-reporting Nationwide Permit #3.
 - Note that the length of the new culvert can be longer than the length of the old structure; however, the difference in structure lengths must be reasonable and the resulting stream impacts must be minimal for the project to qualify for Nationwide Permit #3.
 - If the length of the new culvert is significantly longer than the length of the old structure, the project will not qualify for Nationwide Permit #3, and instead, must be authorized under Nationwide Permit #14 (see Nationwide Permit #14 requirements below).
 - It is recommended that if you are in doubt whether the project qualifies for Nationwide Permit #3 or Nationwide Permit #14, or if pre-construction notification is required, contact the Corps prior to drafting and/or submitting your pre-construction notification.

- c. Repair/stabilization of scour hole and/or bank erosion qualifies for a non-reporting Nationwide Permit #3 provided that the extent of fill is limited to the minimum necessary for the repair/stabilization and material was present prior to erosion.
- d. The removal of woody debris or accumulated sediments in the immediate vicinity of an existing structure qualifies for a non-reporting Nationwide Permit #3.
 - Pre-Construction Notification is required for the removal of woody debris and accumulated sediments outside of the immediate vicinity of the existing structures(s).
 - Debris removal can be conducted from the top of the existing structure or from a temporary structure/fill within the waterway.
 - All materials (i.e., woody debris, accumulated sediments) removed from the immediate vicinity of a structure must be disposed of and retained in an area that has no waters of the United States.

4) Nationwide Permit #14 – Linear Transportation Projects

- a. Culvert-for-bridge replacement projects do not qualify for Nationwide Permit #3 and must be authorized under Nationwide Permit #14, or another permit mechanism (i.e., Nationwide Permit #23, Regional Permit #7, or Individual Permit).
- b. Culvert-for-culvert replacement projects where the horizontal alignment of the new culvert will be different than the existing structure qualify for Nationwide Permit #14.
 - Example 1: Construction of a new box culvert where the flow line of the new structure is shifted approximately 15 feet away from the existing box culvert (old structure will be removed or plugged and abandoned upon completion of the new structure). Constructing the new culvert adjacent to the existing culvert allows the contractor to maintain stream flow in the old structure while construction of the new structure is on-going.
 - Note: the removal or plugging of the old structure should be considered a stream bed impact/loss for impact assessment purposes. Pre-construction notification may be required if impacts meet either of the conditions listed in (e) below. Likewise, compensatory mitigation may be required if impacts exceed the thresholds listed in (g) below.
 - Note: compensatory mitigation for the segment of stream that is contained within the old structure will not be required, as this segment of stream had previously been impacted in the past, and therefore, the removal/plugging of the old structure does not result in a new impact.
- c. Culvert-for-culvert replacement projects where the length of the new culvert is significantly longer than the length of the old structure (even if the horizontal alignment of the new culvert is the same as the old structure) qualify for Nationwide Permit #14. Pre-construction notification may be required if impacts meet either of the conditions listed in (e) below. Likewise, compensatory mitigation may be required if impacts exceed the thresholds listed in (g) below.
- d. Culvert extensions qualify for authorization under Nationwide Permit #14 regardless of the type/length of culvert extension or project.
 - Example 1: Construction of a 100-foot long RCB culvert extension to carry new (widened) roadway over a stream. This type of work is an expansion of an existing roadway, and therefore, fits under Nationwide Permit #14, or another permit mechanism.
 - Example 2: Installation of a 25-foot long pipe culvert extension to extend the existing culvert outside of the clear zone. This type of culvert extension is not considered “maintenance”; therefore, this work must be authorized under Nationwide Permit #14 instead of Nationwide Permit #3. Pre-construction notification may be required if impacts meet either of the conditions listed in (e) below. Likewise, compensatory mitigation may be required if impacts exceed the thresholds listed in (g) below.
- e. Pre-Construction Notification to the Corps is required if: (1) the loss of waters of the U.S. exceeds 0.1 acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands.

- f. Projects qualify for a non-reporting Nationwide Permit #14 if there is **no** discharge of dredged or fill material in a special aquatic site (i.e., wetlands situated above the OHWM) and stream impacts are less than 0.1 acre.
- g. Compensatory Mitigation:
- Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 0.1-acre **and** require pre-construction notification.
 - Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 0.03-acre **and** require pre-construction notification.
 - Work that will trigger the need for stream mitigation includes culvert construction, channel fill, and channel realignment. The installation of revetment along streambanks and the construction of bridge piers will not be considered stream loss.
 - Stream mitigation requirements will be determined using Iowa Stream Mitigation Method (ISMM) calculations (debits and credits).
 - Note that, under a non-reporting NWP #14, stream impacts may exceed 0.03 acre without having to provide stream mitigation **if** the impacts are less than 0.1 acre and there will be no impact to a special aquatic site, including wetlands.
 - Pre-construction notification **and** compensatory mitigation for both wetlands and streams will be required once cumulative impacts exceed 0.1-acre, even if the individual impact thresholds listed above (i.e., 0.1-acre wetland and 0.03-acre stream) are not exceeded.
 - Example 1: Wetland and stream mitigation is required for a culvert extension project that has 0.12 acre of wetland impact and 0.01 acre of stream impact.
 - Example 2: Stream and wetland mitigation is required for a culvert-for-bridge project that has 0.07 acre of stream impact and 0.05 acre of wetland impact.
 - Projects with stream impacts that exceed 0.03 acre and impact any special aquatic site (i.e., wetlands situated above the OHWM) will require both stream and wetland mitigation, even if the cumulative impacts do not exceed 0.1 acre. Rock Island District Corps has indicated that the need for stream mitigation triggers the need for wetland mitigation, even if cumulative stream and wetland impacts are less than 0.1 acre.
 - Example 1: Stream and wetland mitigation will be required for a culvert-for-bridge project that has 0.045 acre of stream impact and 0.041 acre of wetland impact.
- h. A corridor project can be authorized under Nationwide Permit #14 if cumulative impacts to waters of the U.S. (i.e., stream + wetland) at each crossing do not exceed 0.5 acre. A linear transportation project can cross a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, and each crossing is considered to be a single and complete project for purposes of NWP #14 authorization.

5) Nationwide Permit #6 – Survey Activities

- a. All survey activities (i.e., soil borings) that occur within a waters of the United States qualify for a non-reporting Nationwide Permit #6.

6) Nationwide Permit #13 – Bank Stabilization

- a. Bank stabilization cannot exceed 500 feet in length along the bank without a written waiver from the Corps.
- b. Rock Island District does not require stream mitigation for bank stabilization/revetment along the streambank.
- c. Pre-Construction Notification to the Corps is required if: (1) there is a discharge of dredged or fill material into a special aquatic site (i.e., wetlands situated above the OHWM); (2) the bank stabilization activity is in excess of 500 feet in length; or (3) will involve the discharge of dredged or fill material of greater than an average of one cubic yard per running foot as measured along the length of the treated bank.

7) Nationwide Permit #23 – Approved Categorical Exclusions

- a. Activities approved for authorization under Nationwide Permit #23 are found in *Corps Regulatory Guidance Letter 05-07*.
- b. Pre-Construction Notification: Iowa DOT project managers should expect that all projects that qualify for Nationwide Permit #23 will require pre-construction notification to the Corps. Iowa DOT project managers should include a copy of the project-specific Categorical Exclusion in their application package to assist the Corps' project manager with their review.
- c. Mitigation:
 - Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre **and** require pre-construction notification.
 - Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 0.03-acre **and** require pre-construction notification.