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**401 Water Quality Certification
U.S. Army Corps of Engineers Section 404
Joint Permit Application Checklist**

Revised January 2024

Purpose: The purpose of this checklist is to ensure that applications for 401 Water Quality Certification (WQC) and/or Section 10/404 General Permit or Individual Permit authorizations are complete and contain the information and data that is necessary for the U.S. Army Corps of Engineers (USACE) and the Massachusetts Department of Environmental Protection (MassDEP) to process the applications in an efficient manner. This checklist also enables Massachusetts Department of Transportation Highway Division (MassDOT) staff to efficiently review the quality and completeness of applications prepared on its behalf by its consultants before the applications are filed.

Instructions: This checklist should be completed by MassDOT's consultant(s) and should be included with the draft permit application(s) submitted to MassDOT for review and comment prior to filing with the USACE and MassDEP. While MassDEP has transitioned to electronic filings via the ePLACE Portal, the USACE still requires a PDF submittal of the permit application. The information contained in this checklist is intended to address both submittal processes. MassDOT and its dedicated reviewers at the MassDEP and the USACE have found it more efficient to work off one combined permit application, instead of two separate applications. A final copy of the combined permit application, and copies of each permit, will be required for the construction contract.

NOTE: If a checklist item is not addressed or otherwise determined to be not applicable by the consultant based on project specific considerations, a brief written summary explaining why shall be provided below.

CONSULTANT CHECKLIST

APPLICATION FORMS

MassDEP has transitioned to electronic filings via the ePLACE Portal. Provide a copy of the complete online form for review to MassDOT before submittal through the ePLACE Portal. Additional information and instructions on electronic filing can be found on [MassDEP's website](#). Convert the application from the ePlace Portal to a PDF and include it with your MassDOT draft application submittal.

Current USACE application form (ENG Form 4345) can be downloaded online from the [USACE New England District website](#). This form needs to be included with all Pre-Construction Notification (PCN) filings with the USACE under the Massachusetts General Permits (MA GPs).

Identify the type of permit application associated with this checklist:

- ☐ WW07, 08, 09 Water Quality Certification Dredging Projects
- ☐ WW10 Major Water Quality Certification
- ☐ WW11 Minor Water Quality Certification
- ☐ USACE MA GPs Pre-Construction Notification (PCN)
- ☐ USACE Individual Permit (IP)

If MassDOT is the applicant, the applicant on the forms should be listed as the appropriate MassDOT Wetlands Coordinator:

- For bridge projects, list the applicant as:
Courtney Walker
Massachusetts Department of Transportation – Highway Division
10 Park Plaza, Room 7360, Boston, MA 02116
courtney.l.walker@dot.state.ma.us; 857-262-0757
- For linear/roadway projects, list the applicant as:
Erica Larner
Massachusetts Department of Transportation – Highway Division
10 Park Plaza, Room 7360, Boston, MA 02116
erica.n.larner@dot.state.ma.us; 857-268-1729

COVER LETTER

- ☐ Include a concise summary of the proposed project.
- ☐ Identify the applicable USACE MA GPs that apply to the proposed work.
- ☐ Identify the project proponent (applicant and agent) and the primary point of contact.
- ☐ For municipality designed projects supported and funded by MassDOT and/or Federal Highway Administration (FHWA), MassDOT shall be listed as the co-applicant on the cover letter, along with the municipality.
- ☐ A prefilming meeting request must be submitted to the certifying authority at least 30 days prior to submitting the certification request. The MassDOT Wetlands Unit Reviewer will schedule the prefilming meeting request. Include the date of the request in the cover letter.
- ☐ If the project is being permitted through the MassDOT Bridge Exemption, include the following statement: *"This project is being filed under the MassDOT bridge exemption as specified in the 2014 Transportation Bond Bill. The bridge replacement design is substantially the functional equivalent of, and in similar alignment to, the existing bridge."*
- ☐ Include the following statement: *"The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief."*
- ☐ Include the following statement: *"The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time."*
- ☐ For the letter closing, insert the appropriate Wetlands Coordinator. The Wetlands Coordinator will sign prior to the MassDOT environmental project reviewer's application submittal to the respective agencies.
- ☐ Carbon copy (CC) the local conservation commission and any relevant parties.

NOTE: For MassDOT applicant projects, submit a Word document of the cover letter. The MassDOT Wetlands Coordinator will finalize the cover letter and sign.

APPLICATION NARRATIVE

The application narrative should include the following information:

1. Introduction

- ☐ Describe the proposed project and include a clear and concise purpose and need statement.

☐ List wetlands and other Waters of the U.S. (WOTUS) proposed to be altered and whether proposed impacts are permanent or temporary. Note that Corps terminology (i.e., WOTUS and Vegetated Wetland) should be used throughout the application to describe wetland resource areas and impacts.

☐ Summarize the proposed mitigation measures.

☐ List other permits and regulatory review processes (e.g., Section 401 Water Quality Certification, Chapter 91, Massachusetts Environmental Protection Act, Massachusetts Endangered Species Act (MESA), Section 404 Authorization, Massachusetts Wetlands Protection Act, etc.) required to construct the project.

2. Existing Conditions

☐ Describe existing site conditions, including bridges and their approaches, utilities, wetland resource areas and other environmental constraints.

☐ If required by the USACE (generally required if > 200 linear feet of permanent impact to Bank), include a qualitative evaluation of the condition of aquatic ecosystems associated with wadable streams impacted by the proposed project, in accordance with the USACE's [Stream Visual Assessment Protocol Version 2](#).

☐ If a Wetlands Functions and Values Assessment was performed, provide a summary of the results.

☐ Identify whether any work is a) in the designated main stem of, within 0.25 miles up or downstream of the designated main stem of, or in tributaries within 0.25 miles of the designated main stem of a National Wild and Scenic River; b) in "bordering and contiguous wetlands" that are adjacent to the designated main stem of a National Wild and Scenic River; c) or that has the potential to alter flows within a river within the National Wild and Scenic River System including rivers officially designated by Congress as study rivers for possible inclusion while such rivers are in official study status.

☐ Identify any federal lands including National Wildlife Refuges, National Forests, National Marine Sanctuaries, National Parks, or any other areas administered by the National Park Service, U.S. Fish and Wildlife Service, or U.S. Forest Service, and USACE project lands and easements.

☐ Provide span length of existing bridges/culverts, and a representative channel bankfull width generated by reviewing bankfull regional curves from [StreamStats](#), and by taking field measurements from a reference reach (see [River and Floodplain Cross Section Assessment guidance](#) from the [MassDOT Rivers & Roads Training Program](#)).

☐ If the proposed project involves >100 cubic yards (CY) of dredging, attach a copy of the sediment sampling plan approved by MassDEP and the results of the laboratory analysis.

3. Proposed Conditions

☐ Describe the proposed project, including final site conditions, and if any tree clearing will be required.

☐ Provide span length of proposed bridges/culverts, if applicable.

☐ Describe anticipated dewatering measures, construction access, and construction methods or sequencing which will likely be necessary to complete the proposed work. If applicable, describe the proposed approach to ensure high flows of water can be passed through the work area and that provisions have been made for safe navigation.

☐ Describe what equipment is anticipated to be used during construction and to access the work zone (e.g., is a temporary access way or road required during construction).

☐ Describe where staging and laydown is anticipated to occur.

☐ Identify proposed stockpile locations on the site plans, if applicable, and describe stockpile management techniques (e.g., sediment controls, stabilization measures, access, etc.).

☐ If dewatering will be necessary, generally describe the Best Management Practices (BMPs) that may be employed by the site contractor and that the means and methods would be determined by the site contractor at the time of construction based on site specific conditions.

☐ Describe temporary cofferdams if they will be required. Note that dewatering is considered temporary impact to WOTUS.

☐ Describe the location and nature of any potential discharge that may result from the proposed project.

4. Wetland Impacts

☐ Describe the proposed activities in jurisdictional areas. Include a table that quantifies and summarizes the impacts to WOTUS. Differentiate between temporary and permanent fill and secondary impacts. Confirm that the impact estimates identified in the narrative are consistent with the impact estimates identified on the permit drawings and application form(s). If piers or abutments are being removed below ordinary high water (OHW), propose streambed restoration and state the net gain of WOTUS.

- ☐ Identify impact avoidance and minimization measures to resource areas (i.e., use of steeper slopes, retaining, walls, narrower roadway, relocation of project features, etc.), including the area and volume of dredging if applicable.
- ☐ If work is proposed in a Federal Emergency Management Agency (FEMA) designated floodway, describe the potential effects from the proposed project. Indicate whether the project will result in any increase in the base flood profile or alter the existing regulatory floodway.

5. Mitigation

- ☐ Describe vegetation management if it will be required (e.g., re-vegetation, invasive plant control, wetland mitigation, wetland restoration, stormwater BMP re-vegetation, compost and seeding over modified rockfill, etc.).
- ☐ Temporary impacts to Vegetated Wetland must be restored upon completion of construction. Permanent Vegetated Wetland impacts must be replicated at least a 1:1 ratio adjacent to the impacted area, elsewhere at the project site.
 - ☐ If applicable, describe wetland replacement area location, size of replacement areas, planned wetland cover type, and general construction information. Include proposed planting quantities, species, size, and spacing.
 - ☐ Include any mitigation alternatives that were evaluated including site selection accompanied by supporting graphics and locus maps.
- ☐ Describe the proposed erosion and sedimentation controls to be implemented during construction, including proposed cofferdams, turbidity curtains, and/or sedimentation and erosion control measures. Note that MassDOT typically uses compost filter tubes as the preferred BMP (depending on the steepness of the slope, this might be supplemented with silt fence).
- ☐ List any other proposed mitigation measures such as in situ restoration, removal of fill, trash and debris, invasive species management, etc., as applicable.

6. Stormwater

- ☐ Summarize existing and proposed stormwater management and compliance with the MassDEP Stormwater Standards.
- ☐ Provide an alternatives analysis of stormwater control measures and low impact development techniques evaluated, including the location and type of measures and techniques evaluated, and the reason for their acceptance or rejection.

☐ For redevelopment projects, describe how the project improves existing conditions beyond meeting the Standards to the maximum extent practicable.

☐ For bridge repair or replacement projects, the MassDOT Stormwater Management Memo for Bridges should be included as an attachment to the permit application. The template can be found on the [MassDOT Stormwater Management Unit](#) webpage. Note that coldwater fisheries constitute critical areas for the purposes of stormwater standards.

☐ For linear projects, the MassDOT Stormwater Management Report should be included as an attachment to the permit application. The template can be found on the [MassDOT Stormwater Management Unit](#) webpage.

7. Alternatives Analysis

☐ Provide an alternatives analysis (Section 404(b)(1) Guidelines) demonstrating that impacts to WOTUS have been avoided and minimized to the extent practicable. For each alternative evaluated, describe and quantify how resource area impacts would be affected. A no-build alternative should be included to establish baseline conditions.

8. Fisheries and Wildlife

☐ Include a qualitative and quantitative analysis demonstrating compliance with the Massachusetts Stream Crossing Standards¹ and potential effects on aquatic organisms, if applicable.

☐ Describe state and/or federal “listed species or habitat” or Natural Heritage and Endangered Species Program (NHESP) mapped habitat present in the project area and any Massachusetts Division of Marine Fisheries (DMF), National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS) coordination. Describe potential effects to state and federal-listed species. (See Environmental Review Checklist screening results, or, review these relevant links: [NHESP Priority Habitats of Rare Species](#); [NMFS Section 7 Mapper](#); [USFWS Information for Planning & Consultation](#); [DMF Diadromous Fish Datalayer](#))

☐ To request a species list for projects located within NHESP Estimated and/or Priority Habitat or for more information regarding MESA review, contact David Paulson (david.j.paulson@dot.state.ma.us) or Julia Hooageboom (julia.a.hooageboom@dot.state.ma.us) from the MassDOT Wildlife & Endangered Species Unit. Note that MassDOT is not required to pay a separate MESA filing fee to NHESP as part of this review.

¹ See <https://www.nae.usace.army.mil/Missions/Regulatory/Stream-and-River-Continuity/>

- ☐ Identify and describe potential impacts to Essential Fish Habitat (EFH), if applicable (see [EFH Mapper](#)).
- ☐ Indicate if the project is located within an Outstanding Resource Water, Area of Critical Environmental Concern, or coldwater fishery.

ATTACHMENTS

Figures²

- ☐ US Geological Survey (USGS) Locus
- ☐ Aerial Locus
- ☐ Soil Survey
- ☐ FEMA Flood Insurance Rate Map (FIRM)
- ☐ NHESP Estimated and Priority Habitats
- ☐ Potential and Certified Vernal Pools
- ☐ Outstanding Resource Waters, Areas of Critical Environmental Concern, and coldwater fisheries

Permit Drawings

- ☐ 11 x 17" (formatted to scale as PDF)
- ☐ Use Corps terminology (i.e., WOTUS and Vegetated Wetlands)
- ☐ Sequentially numbered sheets to scale with a scale bar
- ☐ Dated (on each page of drawing set)
- ☐ Locus inset
- ☐ Plan view(s) including horizontal state plane coordinates in U.S. survey feet based on NAD83.
- ☐ Project limits with existing and proposed conditions.
- ☐ Locations of proposed cofferdams, if applicable.

² Except for the USGS and Aerial Locus Maps, some of these GIS data layers may be combined on a single map if the information is clear and easily understood by the reader.

- ☐ Location of proposed sediment and erosion controls. Sediment and erosion controls should be placed at the downgradient limits of work adjacent to wetland resource areas.
- ☐ Show OHW according to USACE guidance for all waterways.
- ☐ In coastal waters mean high water (MHW) and mean low water (MLW) must be shown. Show the high tide line (HTL) elevation when fill is involved.
- ☐ Shade and label the temporary and permanent impacts to jurisdictional areas and special aquatic sites. Confirm that the impact estimates (temporary and permanent) identified on the permit drawings match those provided in the narrative and application form.
- ☐ Typical cross-section views of all wetland and waterway fill areas and wetland replication areas required by the USACE, using vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. Do not use a local datum.
- ☐ Limits of any Federal Navigation Project in the vicinity of the project area and horizontal state plane coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project.
- ☐ A profile and longitudinal section for the existing and proposed bridge is needed with OHW (or HTL, MHW & MLW), and the 10, 50, 100-year flood elevation shown. Show datum and low cord elevation (existing vs. proposed) over the waterbody. On Longitudinal Section, show existing vs. proposed span length, and include note for average channel bankfull width of reference reach.
- ☐ If a wetland replication area is required, provide a planting plan with proposed grades, cross section plan, and construction methodology/specifications (see [MassDOT Landscape Design and Roadside Maintenance](#) for guidance).
- ☐ If riprap is proposed, include a note Riprap (M2.02.2) specifications on plans.

Agency Correspondence

- ☐ Attach relevant agency correspondence:
 - ☐ Section 106 and/or historic resource correspondence from State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officers (THPOs) and Board of Underwater Archeological Research (BUAR), and others if applicable.
 - ☐ Section 7 and/or fisheries & wildlife correspondence from USFWS, DMF, NMFS, and NHESP
 - ☐ If relevant, National Park Service, Massachusetts Office of Coastal Zone Management, US Environmental Protection Agency, MassDEP, and others

Note: MassDOT will provide Section 7 and Section 106 documentation for inclusion in the application. Section 401/404 permits can be submitted to MassDOT for review even if the Section 106 coordination is still ongoing.

Site Photographs

- ☐ General project area.
- ☐ Wetland/waterways to be impacted.
- ☐ Photos from the bridge facing upstream and downstream, as well as each quadrant and impact area at abutment/pier locations. Include captions.
- ☐ Proposed mitigation sites.

Wetland Delineation Information

- ☐ Include USACE wetland boundary determination data forms.
- ☐ If not otherwise described in detail in the existing conditions section of the application narrative, attach a separate wetland delineation memo or report.

Relevant Specifications

- ☐ Include copies of specifications relevant to the permit application. Applicable specifications may include Wetland Replication, Wetland Restoration, Wetland Scientist, Wetland Monitoring, Control of Water, Streambed Restoration, Invasive Species Control, and related work. For projects in rare species habitat, include relevant specifications such as a Turtle Protection Plan.

MASSDOT WETLANDS UNIT REVIEWER CHECKLIST

Legal Advertisement and Environmental Monitor

- ☐ Contact municipal clerk to determine the appropriate local newspaper for the legal ad.
- ☐ Contact newspaper to place legal ad (use public notice in application) for publication.
- ☐ Provide Irene Petsalis with information for project and newspaper legal ad (fill out legal ad placement form).
- ☐ Look up the next Environmental Monitor publication date and email the public notice to the Massachusetts Environmental Policy Act Office for online publication. A notice in the Environmental Monitor is required for projects permitted under the MassDOT Bridge Exemption.

Final Review

- ☐ Review draft application and consultant portion of checklist to make sure all relevant items are included in the application.
- ☐ If the application is ready to file, write "READY TO FILE" on title page. If there are significant revisions needed by the consultant, write "ANOTHER DRAFT" on title page indicating that MassDOT wants to see the revised application.
- ☐ If the application is ready to file, get MassDOT Wetlands Coordinator signature on the application forms.

Notification and Distribution List

- ☐ A courtesy copy of the 401 WQC shall be sent to the Conservation Commission(s) in the city(s) or town(s) where the work will occur.
- ☐ MassDOT Environmental Reviewer files the PCN with the USACE liaison via email (send a PDF).
- ☐ The consultant files the 401 WQC via the ePlace Portal. A PDF of the 401 WQC application shall also be sent to the MassDEP liaison by email.
- ☐ Update Wetlands Unit spreadsheet and Project Info.

APPROVALS

Design engineer / consultant confirming completeness of checklist & application:

Signature _____

Name _____

Date _____

MassDOT Wetlands Unit Reviewer confirming completeness of checklist & application:

Signature _____

Name _____

Date _____

☐ **APPROVED BY MASSDOT FOR FILING**