

Additional Information on Environmental Considerations, Permits, & Clearances

Types of Permits:

The following provides a summary of each type of permit, a description of the purpose of the permit, the regulatory agency responsible for the permit, and the Iowa Department of Transportation's office responsible for obtaining the permit for Iowa DOT administered projects. For projects administered by a local agency, the local agency is responsible for obtaining the permit. In general, permits and clearances pertain to essential work within highway rights-of-way.

404 permit (nationwide, regional, and individual): A permit to authorize placement of fill materials into waters of the United States, as required by the Clean Water Act. Nationwide, regional, and individual 404 permits are defined in chapter 10 of the Iowa DOT's Construction Manual. The regulatory agencies for 404 permits are the U.S. Army Corps of Engineers and the Iowa Department of Natural Resources. The Iowa DOT's Office of Location and Environment is responsible for obtaining the permit for Iowa DOT administered projects.

401 certification: This certification is incorporated with 404 permits. The purpose is to certify that a proposed project will not harm the state's water quality. The regulatory agency is the Iowa DNR. The Iowa DOT's Office of Location and Environment is responsible for obtaining this certification for Iowa DOT administered projects.

408 permission: Section 408 provides the U.S. Army Corps of Engineers the authority to grant permission for an entity to alter a Corps Civil Works project (i.e. levee, flood-risk reduction project) if the entity's activity does not impair the usefulness of the project, and is not injurious to the public interest. Current Corps policy for Section 408 permission is EC 1165-2-216 and interim guidance.

NOTE: If you are working on a project that may impact a navigable river (i.e., Mississippi, Missouri, or Des Moines), a federal flood-risk reduction project, or real estate interests of the Corps, Section 408 permission may be required.

A funding agreement (i.e. Section 1156 agreement) between the Corps and the requester may be executed to expedite the evaluation of Section 408 requests.

The regulatory agency is the U.S. Army Corps of Engineers. For alterations to Corps Civil Works projects that are locally operated and maintained by a non-federal sponsor, Section 408 requests must come from or have written endorsement from the local sponsor.

The Corps cannot issue a 404 permit until after they have granted Section 408 permission.

The Iowa DOT's Office of Bridges and Structures is responsible for obtaining this permission for Iowa DOT administered projects.

Flood plain permits: Iowa DNR flood plain development permits are required for bridge projects over streams that drain over 100 square miles in a rural area or for projects where the stream drains over 2 square miles in an urban area. A flood plain permit is required to ensure the Iowa DNR's backwater and

freeboard criteria are met for the design of the structure. The regulatory agency is the Iowa DNR via the Federal Emergency Management Agency. The Iowa DOT's Office of Bridges and Structures' preliminary bridge section is responsible for obtaining the permit for Iowa DOT administered projects.

Sovereign lands permits: Iowa DNR's sovereign lands construction permits are required on Iowa DNR controlled lands, including bridge projects over "meandered sovereign rivers." The Iowa DNR claims ownership of the streambed and banks of 10 major rivers in Iowa, including the Mississippi and Missouri rivers. The Iowa DNR will review available information and issue a permit if the public's interest is maintained for these lands and waters. Lists and maps of Iowa's sovereign rivers and lakes are available at the Iowa DNR [Sovereign Lands Construction Permits webpage](#). The regulatory agency is the Iowa DNR. The Iowa DOT's Office of Bridges and Structures' preliminary bridge section is responsible for obtaining the permit for Iowa DOT administered projects.

Stormwater permits: There are two categories of stormwater permits that are explained in the following section – **General Permit #2** and **General Permit #3**.

NOTE: If a site is in an Outstanding Iowa Waters (OIW) watershed, the project cannot obtain coverage under a general permit. Rather, an individual permit is obtained from the Iowa DNR. A map of OIW watersheds is attached and a map of OIWs is available via the [Iowa DNR's water quality antidegradation webpage](#). Additionally, Design Note 281-2 should be included in the plans when the project is covered by an individual storm water permit.

General Permit #2

What is it? Projects that disturb greater than 1 acre require coverage under Iowa DNR's National Pollutant Discharge Elimination System General Permit #2 for stormwater discharges associated with construction activities.

How is it obtained? The contracting authority will obtain permit coverage by submitting a Notice of Intent (NOI) to the Iowa DNR. The prime contractor is required to complete a co-permittee certification statement (form 830215) and return with the signed contract. The prime contractor is also required to obtain co-permittee certification statements from affected subcontractors.

For contractor furnished borrow or waste sites that disturb greater than 1 acre, the prime contractor is responsible to obtain permit coverage.

What are the requirements? Refer to Pollution Prevention Plan in the plans. Refer to Section 2602 in the Standard Specifications.

The regulatory agency is the Iowa DNR. The Iowa DOT's Office of Construction & Materials is responsible for obtaining the permit for Iowa DOT administered projects.

General Permit #3

What is it? The Iowa DNR's National Pollutant Discharge Elimination System General Permit #3 is the stormwater discharge permit required for asphalt plants, concrete batch plants, quarries, sand and gravel pits, and rock crushers. This permit applies to portable and stationary plants. There are no acreage requirements that apply to plant sites.

How is it obtained? The contractor will be responsible to obtain stormwater permits for their activities on or off of the project by submitting a Notice of Intent (NOI) to the Iowa DNR. For example: If a

contractor sets a portable plant “on” or “off” Iowa DOT right-of-way, the contractor is responsible for obtaining coverage for the site under General Permit #3.

What are the requirements? Refer to General Permit #3 on the Iowa DNR’s website. The regulatory agency is the Iowa DNR.

Coast Guard permits: A U.S. Coast Guard permit is required for any bridge replacement projects over the Mississippi and Missouri rivers. The permit is required to ensure the project will not significantly impact navigation on the river. The Coast Guard also issues permits for other activities that could affect navigation, such as dredging, mooring cells, and dolphins. The regulatory agency is the Coast Guard. The Iowa DOT’s Office of Bridges and Structures’ preliminary bridge section is responsible for obtaining the permit for Iowa DOT administered projects.

Other Environmental Considerations:

Threatened and endangered species: Construction of transportation projects cannot harm threatened or endangered species. Example species include but are not limited to Indiana bats and Topeka shiners. Information regarding Indiana bats, a map of their habitat locations, and related requirements is available at the [U.S. Fish and Wildlife Service endangered species webpage](#). A map of watersheds where Topeka shiner best management practices can be expected in Iowa is attached. Additional information on Topeka shiner is also available via the U.S. Fish and Wildlife Service endangered species webpage. The regulatory agencies are the Federal Highway Administration, U.S. Fish and Wildlife Service, and the Iowa DNR. The Iowa DOT’s Office of Location and Environment is responsible for obtaining this clearance for Iowa DOT administered projects.

Section 106 of the National Historic Preservation Act: Construction projects cannot impact archeological or historical resources without review and concurrence by regulatory agencies. The regulatory agencies are the Federal Highway Administration, the Iowa State Historic Preservation Officer, and the Office of the State Archaeologist. The Iowa DOT’s Office of Location and Environment is responsible for obtaining this clearance for Iowa DOT administered projects with federal funding.

NEPA (National Environmental Policy Act): The Act established a process for environmental review of proposed transportation projects. NEPA requires approval from the Federal Highway Administration. NEPA documents may contain construction-related requirements. The regulatory agency is the Federal Highway Administration. The Iowa DOT’s Office of Location and Environment is responsible for obtaining this clearance for Iowa DOT administered projects with federal funding.

Migratory Birds Treaty Act: Construction of transportation projects cannot harm migratory birds, including active nests of migratory birds. The regulatory agency is U.S. Fish and Wildlife Service. Contractors are responsible to ensure their actions do not harm migratory birds, including their active nests, once the project is under contract.

Standard Plan Notes, General Specifications, Developmental Specifications, Standard Road Plans, and Road Design Details.

The following are Iowa DOT documents commonly associated with permits and environmental requirements.

Standard Notes for Plans:

232-3C (Native Grass Seeding): Specifies that “following the completion of work in a disturbed area, place seed and mulch on the disturbed area lying 8 feet or more beyond the shoulder” with a native seed mix that includes big bluestem, Indian grass, little bluestem, partridge pea, sideoats grama, Canada wild rye, switchgrass, and oats.

281-1 (Section 404 Permit and Conditions): Construct this project according to the requirements of Corps _____, permit no. _____. A copy of this permit is available from the Iowa DOT website (<http://www.envpermits.iowadot.gov/>). The U.S. Army Corps of Engineers reserves the right to visit the site without prior notice.

282-1 (Restricted Stream Access): A low-water crossing for the contractor’s convenience is not allowed on this project. Streambank disturbance and access to “name of creek, stream, or river” is not allowed unless specifically designated in the plans. No other access will be allowed.

NOTE: The project designer will review methods of access for constructability and address in the plans as needed.

282-2 (Dredging): Dredging to obtain materials from the stream is not allowed on this project due to *fill in environmental/water quality/etc. constraints*.

NOTE: When this plan standard note is used and dredging is not allowed, the reason(s) dredging is not allowed will be stated within the asterisks.

General Specifications:

1107.18 (Environmental Protection): Includes specifications on protection of water quality and wetlands, threatened and endangered species, active nests of migratory birds, cultural resources, regulated materials, noise, and Loess Hills protection.

1107.18, A (Protection of Water Quality and Wetlands): Companion to Standard Note 281-1, specifies that the contractor shall comply with the requirements of the Clean Water Act (33 U.S.C. 1344 and 33 CFR 323) and Executive Order 11990, and provides a list of Section 404/401 Permit General Conditions.

1107.18, B (Threatened and Endangered Species): Specifies limits to activities concerning threatened and endangered species, threatened and endangered bats, and working in Topeka Shiner watersheds, and mussel/shellfish beds. Several special conditions are included that shall be implemented when critical habitat for Topeka shiner is identified within the contract documents. These special conditions supplant the previously used plan note 281-6 concerning Topeka shiner BMPs.

1107.18, C (Active Nests of Migratory Birds): States to protect migratory birds, the Contractor shall not conduct construction activities where active nests are present. Active nests are likely to be present between the dates of April 1 and July 15, inclusive or until the birds have fledged and left the nest. Active nests are nests containing eggs or young of migratory birds. Additionally, prior to the date the contract is fully executed, the Contracting Authority will be responsible to remove non-active, existing migratory bird nests and monitor to prevent the establishment of active nests.

1107.18, D (Cultural Resources): Specifies requirements of Section 106 of the National Historic Preservation Act and provides references to additional specifications.

1107.18, E (Regulated Materials): Includes specification references to asbestos, underground tanks and remediation of petroleum contaminated soil, and the salvage, removal, and disposal of buildings from the project site.

1107.18, F (Noise): Includes specification reference to machinery noise.

1107.18, G (Loess Hills Protection): Includes definitions for Loess Hills, Special Landscape Areas, and Glenwood Locality along with limitations on borrow and disposal sites within these areas.

1106.07 (Contractor Furnished Borrow and Waste Areas): Specifies that contractor shall obtain necessary clearances and permits, and that it is contractor's responsibility to ensure the areas selected for waste or disposal of excess material (excavated material or broken concrete), or furnished borrow have been reviewed for impacts to the following.

- Culturally sensitive sites or graves
- Wetlands or "Waters of the U.S.", including streambanks below the "ordinary high-water mark," without an approved Corps' of Engineers Section 404 permit
- Threatened or endangered species
- Flood plains
- Regulated Materials
- Sovereign lands
- Stormwater discharge

2102.03, J (Archaeological Salvage): Specifies that contractor shall temporarily discontinue operations at sites whenever remains of prehistoric people's dwelling sites, burial sites, or artifacts of historical or archaeological significance are encountered. The engineer, in conjunction with proper archaeological authorities of the State of Iowa, will promptly examine the exposure and determine the disposition.

2418 (Temporary Stream Diversion): Companion to Standard Road Plan EW-402, provides information on the construction, maintenance, and removal of temporary stream diversion measures. Temporary stream diversion involves diverting flow of a perennial stream around the construction site by use of a diversion channel, pipe, or hose. Temporary stream diversion applies to projects involving installation of reinforced box culverts 6 feet by 6 feet (1800 mm by 1800 mm) or larger, precast box culverts 6 feet by 6 feet (1800 mm by 1800 mm) or larger, or arch pipe culverts 102 inches by 62 inches (2590 mm by 1575 mm) or larger.

2547 (Temporary Stream Access): Companion to Standard Road Plan EW-401. This provides information on the construction, use, maintenance, and removal of temporary structures used to provide construction access across, along, or into waters of the United States. This is authorized by 404/401 permits.

2538.03 (Salvage, Removal, and Disposal): Specifies that removal of buildings and materials must be done in accordance with federal, state, and local regulations, and requires all demolition materials that are not being recycled or salvaged must be taken directly to a landfill approved by the Iowa DNR (or

equivalent environmental department in a surrounding state) to accept construction and demolition wastes.

Developmental Specifications:

DS-15019 (Floating Silt Curtain): Developmental Specification for installation of floating silt curtain (hanging) for sediment control in water. Typically, floating silt curtain (containment) is a bid item when specified by the Iowa DOT's Office of Location and Environment.

Standard Road Plans:

EW-401 (Temporary Stream Crossing, Causeway, or Equipment Pad): Detail sheet for temporary stream crossing, causeway, or equipment pad.

EW-402 (Temporary Stream Diversion): Detail for temporary stream diversion types.

EC-201 (Silt Fence): Detail sheet for installation of silt fence for erosion control.

EC-202 (Floating Silt Curtain): Detail sheet for installation of floating silt curtain for erosion control in water.

Road Design Details:

510-3 (Supplemental Details of Field Fence Construction – Small Animal Barrier): Detail sheet for small animal barrier fence.

510-5 (Small Animal Barrier for Gated Entrance): Detail sheet for small animal barrier fence mounted on an entrance gate.

Maps and Lists Available at the Iowa DNR Website:

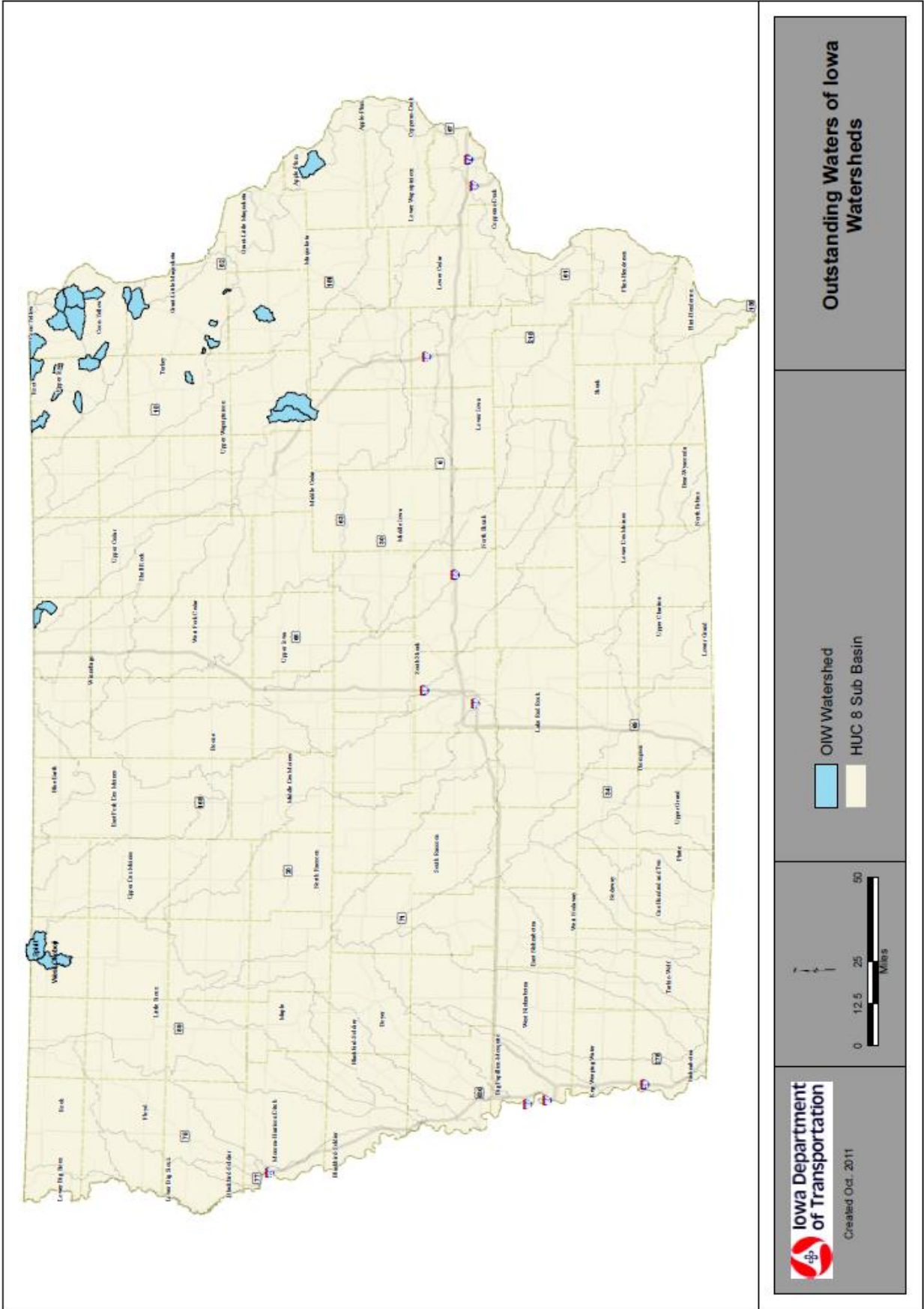
[List of Meandered Sovereign Lakes, by County](#)

[List of Meandered Sovereign Rivers](#)

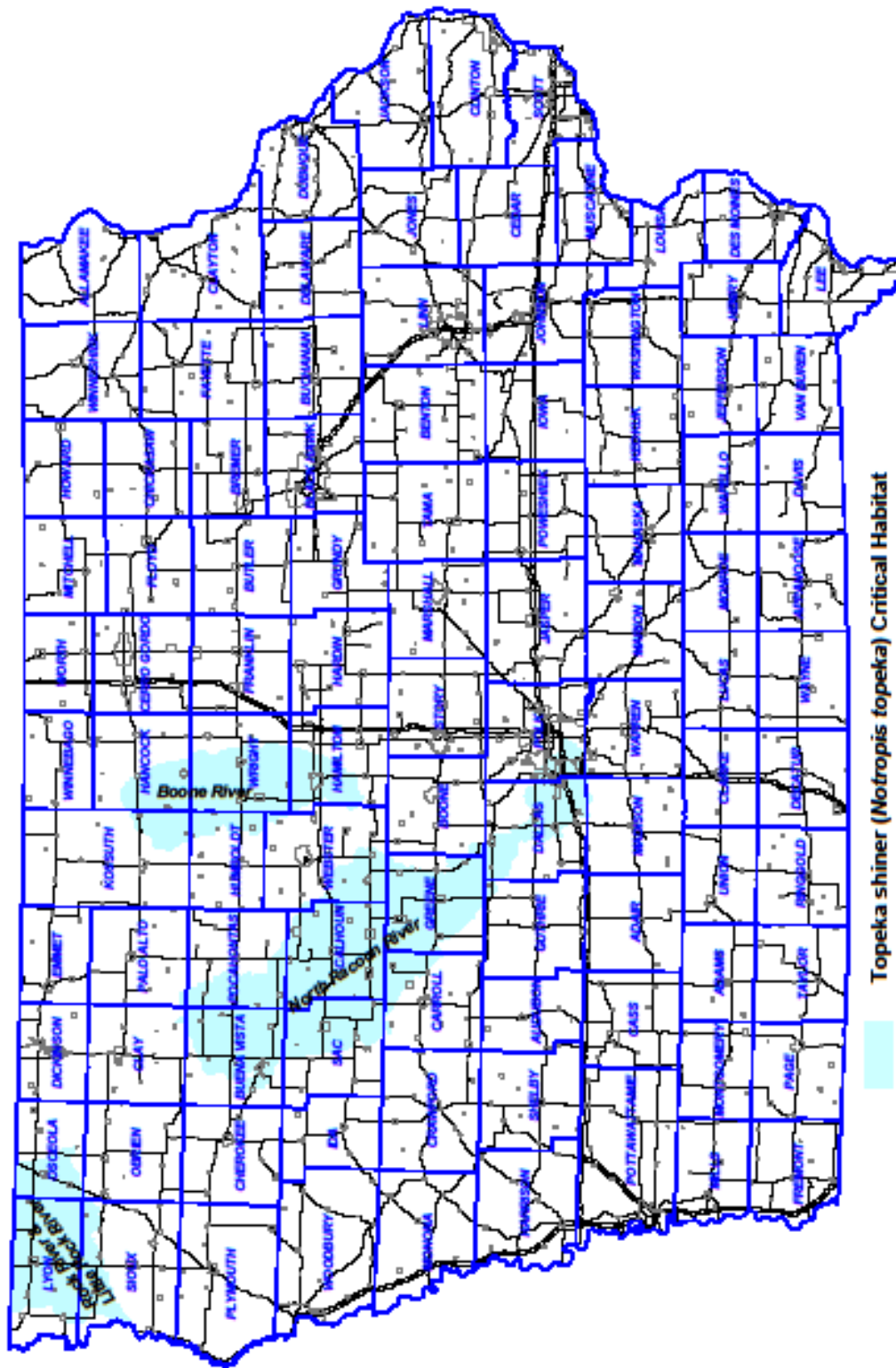
[Map of Meandered Rivers](#)

[Map of Outstanding Iowa Waters](#)

[Maps of Specific Outstanding Iowa Waters](#)



Watersheds Where Topeka Shiner Best Management Practices Can Be Expected



Topeka shiner (*Notropis topeka*) Critical Habitat

404 permits in these watersheds can be expected to contain BMPs.

Key Points: *No activity in the channel from May 15th – July 31st*

Close attention to erosion control, pollutant runoff.