

Appendix A

404(b)(1) Guideline Checklist

404(B)(1) GUIDELINES CHECKLIST

THE FOLLOWING QUESTIONS WILL BE ADDRESSED IN THE USACE DECISION DOCUMENT WHICH WILL BE COMPLETED AFTER THE PUBLIC NOTICE PERIOD OF THE PERMITTING ACTION.

ALTERNATIVES TEST (40 CFR 230.10(A)).

Based on the Alternatives discussion are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into “waters of the U.S.” or at other locations within these waters?

Based on the Alternative discussion, if the project is in a special aquatic site and is not water dependent, has the applicant clearly demonstrated that there are no practicable alternative sites available?

Special Restrictions (40 CFR 230.10(b)). Will the discharge:

Violate state water quality standards?

Violate toxic effluent standards [under Section 307] of the Clean Water Act?

Jeopardize endangered or threatened species or their critical habitat?

Violate standards set by the Department of Commerce to protect marine sanctuaries?

Other restrictions (40 CFR 230.10(c)): Will the discharge contribute to significant degradation of “waters of the U.S.” through adverse impacts to:

Human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife and/or special aquatic sites?

Life stages of aquatic life and/or wildlife?

Diversity, productivity, and stability of the aquatic life and other wildlife? Or wildlife habitat or loss of the capacity of wetlands to assimilate nutrients, purify water or reduce wave energy?

Recreational, aesthetic, and/or economic values?

Actions to minimize potential adverse impacts [mitigation](40 CFR 230.10(d)). Will all appropriate and practicable steps [40 CFR 230.70-77] be taken to minimize adverse impacts of the discharge on the aquatic ecosystem?