



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
WATER PROTECTION PROGRAM

**CHECKLIST FOR CLEAN WATER ACT (CWA)  
SECTION 401 WATER QUALITY CERTIFICATION (WQC)**

PROJECT TRACKING	
USACE #	PROJECT NAME
<b>A. APPLIES ONLY TO INDIVIDUAL PERMIT (IP) WQC REQUESTS</b>	
<input type="checkbox"/> <b>1. Alternatives Analysis (if not submitted to the U.S. Army Corps of Engineers)</b>	
<input type="checkbox"/> No impact alternative <input type="checkbox"/> Location/design alternative <input type="checkbox"/> Preferred alternative/reasons	
<input type="checkbox"/> <b>2. Unavoidable Aquatic Resource Impacts</b>	
<input type="checkbox"/> USACE determination (PJD/AJD) if available <input type="checkbox"/> Type of aquatic resource impacts <input type="checkbox"/> Size of aquatic resource impacts (acre(s) and linear feet for streams/acre(s) for wetlands) <input type="checkbox"/> Missouri Stream Mitigation Method (MSMM) Impact Worksheets <input type="checkbox"/> Missouri Wetland Mitigation Method (MWMM) Impact Worksheets	
<input type="checkbox"/> <b>3. Proposed Mitigation</b>	
<input type="checkbox"/> MSMM Credits Required <input type="checkbox"/> MWMM Credits Required OR Wetland acres/ratios	If Applicable: <input type="checkbox"/> Mitigation Bank or In-Lieu Fee Provider <input type="checkbox"/> Permittee Responsible Mitigation Plan
<b>B. APPLIES ONLY TO NATIONWIDE PERMIT (NWP) WQC REQUESTS</b>	
<input type="checkbox"/> <b>1. USACE NWP Verification Letter</b>	
<input type="checkbox"/> <b>2. Unavoidable Aquatic Resource Impacts</b>	
<input type="checkbox"/> USACE determination (PJD/AJD) if available <input type="checkbox"/> Type of aquatic resource impacts <input type="checkbox"/> Size of aquatic resource impacts (acre(s) and linear feet for streams) <input type="checkbox"/> Missouri Stream Mitigation Method (MSMM) Impact Worksheets	
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<input type="checkbox"/> MSMM Credits Required	If Applicable: <input type="checkbox"/> Mitigation Bank or In-Lieu Fee Provider <input type="checkbox"/> Permittee Responsible Mitigation Plan
<input type="checkbox"/> <b>4. Alternatives Analysis (if project is on an Outstanding National or State Resources water)</b>	
<input type="checkbox"/> No impact alternative <input type="checkbox"/> Location/design alternative <input type="checkbox"/> Preferred alternative/reasons	

<b>C. APPLIES TO BOTH NWP AND IP WQC REQUESTS</b>											
<input type="checkbox"/>	<b>1. Date WQC was Requested</b>										
<input type="checkbox"/>	<b>2. Project Proponent</b>										
<input type="checkbox"/>	<table border="0"> <tr> <td><input type="checkbox"/> Individual (First/Last name)</td> <td><input type="checkbox"/> Phone</td> </tr> <tr> <td><input type="checkbox"/> Corporate Name</td> <td><input type="checkbox"/> Email</td> </tr> <tr> <td><input type="checkbox"/> Address, City, State, County</td> <td></td> </tr> </table>	<input type="checkbox"/> Individual (First/Last name)	<input type="checkbox"/> Phone	<input type="checkbox"/> Corporate Name	<input type="checkbox"/> Email	<input type="checkbox"/> Address, City, State, County					
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<input type="checkbox"/>	<b>3. Authorized Agent (if applicable)</b>										
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<input type="checkbox"/>	<b>4. USACE Application</b>										
<input type="checkbox"/>	<input type="checkbox"/> Site Photos										
<input type="checkbox"/>	<b>5. Project Description</b>										
<input type="checkbox"/>	<table border="0"> <tr> <td><input type="checkbox"/> Purpose/Need</td> <td>Optional:</td> </tr> <tr> <td><input type="checkbox"/> Project Drawings/Specifications (or equivalent)</td> <td><input type="checkbox"/> Project Dimensions</td> </tr> <tr> <td><input type="checkbox"/> Any work completed before request</td> <td><input type="checkbox"/> Proposed volume of fill</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Proposed source of fill</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Adjacent landowners names/addresses</td> </tr> </table>	<input type="checkbox"/> Purpose/Need	Optional:	<input type="checkbox"/> Project Drawings/Specifications (or equivalent)	<input type="checkbox"/> Project Dimensions	<input type="checkbox"/> Any work completed before request	<input type="checkbox"/> Proposed volume of fill		<input type="checkbox"/> Proposed source of fill		<input type="checkbox"/> Adjacent landowners names/addresses
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	<input type="checkbox"/> Adjacent landowners names/addresses										
<input type="checkbox"/>	<b>6. Range/Extent/Map of Project</b>										
	<p>Must Provide at Least One:</p> <input type="checkbox"/> Shape Files <input type="checkbox"/> KML Files <input type="checkbox"/> Geographic Coordinates <input type="checkbox"/> Legal Description <input type="checkbox"/> Electronic Images <input type="checkbox"/> Hard Copies										
<input type="checkbox"/>	<b>7. Public Notice/PCN Comments and Response to Comments</b>										

## INSTRUCTIONS - CWA Section 401 WQC Checklist

This checklist complies with the revised CWA Section 401 Certification Rule, 40 CFR 121. CWA section 401 is a direct grant of authority to States to review for compliance with appropriate federal and state water quality requirements any discharge into a water of the United States that may result from a proposed activity that requires a federal license or permit.

This checklist is intended to help a project proponent provide the necessary information to the Department for a CWA Section 401 WQC decision. The checklist is divided into three sections defining what information is required to request WQC specifically for IPs, specifically for NWP, and information required for both. Each section has a numbered list of items related to that section. Some of the items have multiple components.

Section A applies only to WQC requests for IPs. Section B applies only to WQC requests for NWP. Section C applies to WQC requests for both NWP and IPs; all WQC requests must supply this information. A request for WQC for an IP must meet the requirements for Section A and C. A request for WQC for a NWP must meet the requirements for Section B and C.

All items and their components in the 401 checklist are required unless otherwise stated. 'If applicable' indicates that it should be provided if it exists. 'Optional' indicates that it doesn't need to be provided but may provide more information to expedite review and provide a more tailored WQC.

Failure to supply required components could result in a denial of WQC due to insufficient information to ensure compliance with 401 Certification Rule compliant water quality requirements.

### A. Applies Only to Individual Permit (IP) WQC Requests

Items in Section A must be provided for a request for WQC for IPs. It does not need to be provided if the WQC request is for a NWP. Section A information must be provided with Section C information.

#### 1. Alternatives Analysis

Provide all three components of the alternatives analysis; a no impact alternative, a location/design alternative, and a preferred alternative/reasons. An alternatives analysis must be provided to comply with the Missouri Water Quality Standards antidegradation requirements [10 CSR 20-7.031(3)(B)]. Definitions for each type of alternative is as follows:

No impact alternative: To establish purpose and need for the proposed project, provide an alternative requiring no aquatic resource impacts and explain why avoidance or additional minimization of such impacts is not practicable.

Location/design alternative: Provide an alternative project location or design that could be used to avoid and/or minimize aquatic resource impacts.

Preferred alternative/reasons: Provide the preferred alternative and why the selected alternative is the most practicable alternative with the lowest amount of aquatic resource impacts.

#### 2. Unavoidable Aquatic Resource Impacts

Provide all applicable documentation for unavoidable aquatic resource impacts to streams and wetlands. If there is a USACE Pre-Jurisdictional Determination (PJD) or Approved Jurisdictional Determination (AJD), it must be provided. Additionally, provide the type and size of the aquatic resource impacts. Information should include whether streams are perennial and/or intermittent and whether wetlands are forested, scrub-shrub, and/or emergent. Acre(s) are required for stream impact descriptions, and a measurement of linear feet is required for compensatory stream mitigation calculations. Acre(s) are required for both wetland impact descriptions and compensatory wetland mitigation calculations. If there are stream impacts, MSMM impact worksheets must be provided. If there are wetland impacts, the MWMM impact worksheets or proposed wetland mitigation ratio must be provided. For more information regarding aquatic resource mitigation methods, review to the MSMM and the MWMM.

The MSMM can be found here:

<https://www.mvs.usace.army.mil/Portals/54/docs/regulatory/mitigation/Amended%20Missouri%20Stream%20Mitigation%20Method%20April%202013.pdf>

The MWMM can be found here: <https://www.mvs.usace.army.mil/Portals/54/docs/regulatory/mitigation/MWMMfinal.pdf>

#### 3. Proposed Mitigation

For stream impacts, provide the number of MSMM credits required. For wetland impacts, provide either the MWMM credits required or the wetland acres with proposed wetland mitigation ratios for each wetland type. If purchasing compensatory mitigation credits, provide the name and location of the mitigation bank or in-lieu fee provider from which the compensatory stream or wetland mitigation will be purchased. For permittee responsible mitigation, provide a complete permittee responsible mitigation plan that complies with the 2008 Mitigation Rule (33 CFR § 332).

## **B. Applies Only to Nationwide Permit (NWP) WQC Requests**

Items in Section B must be provided for an individual WQC request for NWPs, including NWPs that contain waivers for aquatic resource size, volume of fill, and/or regional conditions. Section B does not need to be provided if the WQC request is for an IP. Section B information must be provided with Section C information.

### **1. USACE NWP Verification Letter**

Provide the NWP verification letter. The letter typically provides the project description, location, special USACE conditions, and the need for WQC.

### **2. Unavoidable Aquatic Resource Impacts**

Provide all applicable documentation for unavoidable aquatic resource impacts to streams and wetlands. If there is a USACE Pre-Jurisdictional Determination (PJD) and/or Approved Jurisdictional Determination (AJD), it must be provided. Additionally, provide type and size for stream and wetland resources. Information should include whether streams are perennial and/or intermittent. Acre(s) are required for stream impact descriptions, and linear feet are required for compensatory stream mitigation calculations. For stream impacts, MSMM impact worksheets must be provided. For more information, review the MSMM.

The MSMM can be found here:

<https://www.mvs.usace.army.mil/Portals/54/docs/regulatory/mitigation/Amended%20Missouri%20Stream%20Mitigation%20Method%20April%202013.pdf>

For NWPs with wetland impacts, compensatory wetland mitigation information is not required. Pursuant to Chapter 644.037, RSMo, the Missouri Department of Natural Resources shall certify without conditions NWPs as they apply to impacts on wetlands in Missouri.

### **3. Proposed Mitigation**

For stream impacts, provide the number of MSMM credits required. Additionally, provide the mitigation bank or in-lieu fee provider and location from which the stream mitigation credits will be purchased or the permittee responsible mitigation plan.

As noted above, pursuant to Chapter 644.037, RSMo, the Missouri Department of Natural Resources shall certify without conditions NWPs as they apply to impacts on wetlands in Missouri. Wetland impacts authorized under NWPs does not require mitigation.

### **4. Alternatives Analysis**

Provide if project occurs on an Outstanding National or State Resource water.

Provide all three components of the alternatives analysis; a no impact alternative, a location/design alternative, and a preferred alternative/reasons. An alternatives analysis must be provided to comply with the Missouri Water Quality Standards antidegradation requirements [10 CSR 20-7.031(3)(B)]. Definitions for each type of alternative is as follows:

No impact alternative: To establish purpose and need for the proposed project, provide an alternative requiring no aquatic resource impacts and explain why avoidance or additional minimization of such impacts is not practicable.

Location/design alternative: Provide an alternative project location or design that could be used to avoid and/or minimize aquatic resource impacts.

Preferred alternative/reasons: Provide the preferred alternative and why the selected alternative is the most practicable alternative with the lowest amount of aquatic resource impacts.

## **C. Applies to Both NWP And IP WQC Requests**

Items in Section C must be provided for all requests for WQC. It must always be provided with either Section A for IPs or Section B for NWPs.

### **1. WQC Request Date**

Provide the date the project proponent requested WQC from the Department. This is the official start date for the Department's regulatory timeframe to issue WQC with conditions, issue WQC without conditions, waive the WQC, or deny WQC. The Department may also choose to not act, waiving our opportunity to provide conditions. The Department may request an extension to act on the request for WQC as long as the extension does not exceed one year from the initial request for WQC.

## 2. Project Proponent

Provide the name and address of the project proponent. Individuals should provide the first and last name. Addresses should list the address, city, state, and county. A corporate name should be provided if applicable but a representative must still be entered as an individual.

Provide the phone number and email address of the project proponent. This information will facilitate communication, making a more efficient WQC process.

## 3. Authorized Agent (if applicable)

Only submit this information if there is an authorized agent for the project proponent.

Provide the name and address of the authorized agent. Individuals should provide the first and last name. Addresses should list the address, city, state, and county. A corporate name should be provided if applicable, but a representative must still be entered as an individual.

Provide the phone number and email of the authorized agent. This information will facilitate communication, making a more efficient WQC process.

## 4. USACE Application Form

Provide the application form that was submitted to the USACE, including any photos.

## 5. Project Description

The project description must include the purpose/need, drawings/specifications or an equivalent, and if there was any work completed before the request for WQC was made.

## 6. Range/Extent/Map of Project

A map of the project, including the range/extent, must be provided. At least one of the following options must be provided: Shape files, KML files, geographic coordinates, legal description, electronic images, or hard copies.

## 7. Public Notice (PN)/Pre-Construction Notification (PCN) Comments and Responses to Comments

**Public Notice:** Provide any Public Notice comments received regarding the project by commenters other than the Department. This could include, but is not limited to, comments from other government agencies, non-government organizations, and concerned citizens.

**PCN Comments:** Provide any Pre-Construction Notification (PCN) comments received by commenters other than the Department. This could include, but is not limited to, comments from other government agencies, non-government organizations, and concerned citizens.

**Response to Comments:** Provide the project proponent's response to comments received from the Public Notice or Pre-Construction Notification (PCN).

This completed checklist and required information should be provided by email or mail (email preferred) to:

Email: [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov)

Mail: Missouri Department of Natural Resources,  
Water Protection Program  
Operating Permits Section  
P.O. BOX 176  
Jefferson City, MO 65102-0176.

Any questions concerning this form, please contact the Department of Natural Resources, Water Protection Program, Operating Permits Section at 573-522-4502 or by email at [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov).