

**APPENDIX D**  
**USACE SECTION 404(B)(1) GUIDELINE EVALUATION**



**Evaluation of compliance with 404(b)(1) Guidelines (Restrictions on Discharge, 40 CFR 230.10):** (A check in a block denoted by an asterisk indicates that the proposal does not comply with the guidelines.)

● **Alternatives test.**

Based on the discussions in Section 4, 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 United States" or at other locations within these waters? [Yes(\*)\_\_ No x]

Based on the discussions in Section 4, if the project is in a special aquatic site and is not water-dependent, has applicant clearly demonstrated that there are no practicable alternative sites available? [Yes x No(\*)\_\_]

● **Special restrictions.** Will the discharge:

violate state water quality standards? [Yes(\*)\_\_ No x]

violate toxic effluent standards (under Section 307 of the Act)? [Yes(\*)\_\_ No x]

jeopardize endangered or threatened species or their critical habitat? [Yes(\*)\_\_ No x]

violate standards set by the Department of Commerce to protect marine sanctuaries? [Yes(\*)\_\_ No x]

Evaluation of the physical/chemical and biological characteristics and anticipated changes indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s). [Yes x No \_\_]

(x) based on available information, the material is not a carrier of contaminants

( ) the levels of contaminants are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas

( ) acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site

● **Other restrictions.** 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 special aquatic sites? [Yes(\*)\_\_ No x]

life stages of aquatic life and other wildlife? [Yes(\*)\_\_ No x]

diversity, productivity, and stability of the aquatic ecosystem, such as loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water, or reduce wave energy? [Yes(\*)\_\_ No x]

recreational, aesthetic and economic values? [Yes(\*)\_\_ No x]

● **Actions to minimize potential adverse impacts (mitigation).** Will all appropriate and practicable steps (40 CFR 230.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? [Yes x No(\*)\_\_ ]